



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-377, Fiscal Year 2015 Budget Support Emergency Act of 2014
- DC Council schedules a public oversight hearing on the Board of Elections' preparedness for the November 4th, 2014 General Election
- Department of Human Resources updates regulations for excepted service employees
- Office of Administrative Hearings proposes procedures for adjudicating alleged violations by taxicab operators and companies
- Department of Behavioral Health sets a moratorium on the issuance of new mental health community residence facilities licenses
- Office of the State Superintendent of Education announces funding for the Healthy Schools Act Evaluation Grant

DISTRICT OF COLUMBIA REGISTER

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AN ACT

D.C. ACT 20-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 16, 2014

To adjust, on a temporary basis, certain allocations requested in the Fiscal Year 2014 Budget Request Act pursuant to the Omnibus Appropriations Act, 2009.

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

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2014 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

\$87,399,000 (of which \$31,264,000 shall be added to local funds (including \$4,054,000 in dedicated tax funds) and \$56,135,000 added to other funds), to be allocated as follows:

Government Direction and Support

The appropriation for Government Direction and Support is increased by \$2,200,000 (including \$200,000 in local funds and \$2,000,000 in other funds); to be allocated as follows:

(1) Office of the Chief Financial Officer. - \$2,000,000 (including \$2,000,000 added to be available in other funds); and

(2) Council of the District of Columbia. - \$200,000 is added to be available from local funds; provided, that these funds shall be used to procure an independent contractor to analyze the economic impact of the Mayor’s proposed District of Columbia Soccer Stadium Development Act of 2014, as introduced on May 23, 2014 (D.C. Bill 20-805).

Economic Development and Regulation

The appropriation for Economic Development and Regulation is increased by \$36,381,000 (including \$35,381,000 in local funds and \$1,000,000 in other funds); to be allocated as follows:

(1) Office of Planning. - \$686,000 is added to be available from local funds;

(2) Office of Motion Picture and Television Development. – (\$4,271,000) is removed from local funds;

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(3) Department of Insurance, Securities, and Banking. - \$1,000,000 (including \$1,000,000 added to be available in other funds); and

(4) Housing Production Trust Fund Subsidy. - \$38,966,000 is added to be available from local funds.

Public Safety and Justice

The appropriation for Public Safety and Justice is increased by \$1,230,000 (including \$1,230,000 in other funds); to be allocated as follows:

(1) Metropolitan Police Department. - \$200,000 (including \$200,000 in other funds); and

(3) Department of Corrections. - \$1,030,000 (including \$1,030,000 added to be available in other funds).

Public Education

The appropriation for Public Education is decreased by (\$3,704,000) (including (\$6,548,000) in local funds and \$2,844,000 in other funds); to be allocated as follows:

(1) District of Columbia Public Schools. - \$2,844,000 (including \$2,844,000 added to be available in other funds);

(2) District of Columbia Public Charter Schools. - (\$10,000,000) is removed from local funds;

(3) Office of the State Superintendent of Education. - \$2,452,000 is added to be available from local funds; and

(4) District of Columbia Public Library. - \$1,000,000 is added to be available from local funds.

Human Support Services

The appropriation for Human Support Services is increased by \$1,905,000 (including \$1,905,000 added to be available in other funds); to be allocated as follows:

(1) Department of Parks and Recreation. - \$1,905,000 (including \$1,905,000 added to be available in other funds).

Public Works

The appropriation for Public Works is increased by \$25,962,000 (including \$17,772,000 in local funds (including \$12,047,000 in dedicated tax funds) and \$8,190,000 in other funds); to be allocated as follows:

(1) Department of Public Works. - \$3,725,000 is added to be available from local funds;

(2) District Department of Transportation. - \$9,708,000 (including \$2,000,000 in local funds and \$7,708,000 added to be available in other funds); and

(3) Washington Metropolitan Area Transit Authority. - \$12,529,000 (including \$12,047,000 in local funds (including \$12,047,000 in dedicated tax funds) and \$482,000 added

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to be available from other funds).

Financing and Other

The appropriation for Financing and Other is decreased by (\$15,541,000) (including (\$15,541,000) in local funds (including (\$7,993,000) in dedicated tax funds); to be allocated as follows:

- (1) Workforce Investments. - \$12,535,000 is added to be available from local funds;
- (2) District Retiree Health Contribution. – (\$20,708,000) is removed from local funds;
- (3) Convention Center Transfer Dedicated Taxes. – (\$7,993,000) is removed from in local funds (including (\$7,993,000) in dedicated tax funds);
- (4) Debt Service. – (\$8,718,000) is removed from local funds;
- (5) Emergency and Contingency Reserve Funds. - \$10,343,000 is added to be available in local funds; and
- (6) Non-Departmental. – (\$1,000,000) is removed from local funds.

Enterprise and Other

The appropriation for Enterprise and Other is increased by \$38,966,000 in other funds; to be allocated as follows:

- (1) Housing Production Trust Fund. - \$38,966,000 is added to be available from other funds; provided, that \$8,739,000 shall be used to provide affordable housing for very low-income persons with serious and persistent mental or emotional illness, or those at risk of developing such illness .

Sec. 3. \$51,821,000 is swept from available fund balance and utilized in accordance with Title IX, Subtitle B of the Fiscal Year 2015 Budget Support Act of 2014, passed on 1st reading on May 28, 2014 (Engrossed version of Bill 20-750).

Sec. 4. (a) The Chief Financial Officer shall rescind the follow amounts of Paygo or Local Transportation Fund allotment and budget authority, totaling \$13,988,768.38, from the following capital projects in Fiscal Year 2014:

RM0	HX403C	HOUSING INITIATIVES - DBH	9,327,178.83
AM0	RG001C	GENERAL IMPROVEMENTS	176,151.43
EB0	EB402C	PENNSYLVANIA AVENUE SE PROPERTIES	645,161.12
BD0	PLN37C	DISTRICT PUBLIC PLANS & STUDIES	1,671,474.00
BX0	AH7GPC	ARTS & HUMANITIES GRANTS & PROJECTS	2,168,803.00

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(b) Of the amount rescinded in subsection (a) of this subsection, the Chief Financial Officer shall:

(1) Recognize \$5,250,000 as Fiscal Year 2015 local funds revenue to be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014, passed on 1st and final reading on May 28, 2014 (Enrolled version of Bill 20-750); and

(2) Recognize \$8,738,768 as Fiscal Year 2014 local funds revenue and deposit the amount in the Housing Production Trust Fund for use as provided by section 2.

Sec. 5. Remaining Fiscal Year 2014 unexpended revenue of \$108,228,647 shall be carried over into Fiscal Year 2015 as fund balance. This revenue shall be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014 passed on 1st and final reading on May 28, 2014 (Enrolled version of Bill 20-750).


Sec. 6. 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. 7. Effective date.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 11, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2014

To enact and amend, on an emergency basis, provisions of law necessary to support the Fiscal Year 2015 budget.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Budget Support Emergency Act of 2014".

TITLE I. GOVERNMENT DIRECTION AND SUPPORT
SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION

Sec. 1001. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Emergency Act of 2014".

Sec. 1002. Bonus and special pay limitations.

(a) For Fiscal Year 2015, no funds may be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;
- (5) Employee awards pursuant to section 1901 of the District of Columbia

Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01);

- (6) Safe driving awards;
- (7) Gainsharing incentives in the Department of Public Works;
- (8) Suggestion or invention awards;

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(9) Quality Steps;

(10) Salary incentives negotiated through collective bargaining; or

(11) Any other award or bonus required by an existing contract or collective bargaining agreement that was entered into before the effective date of this subtitle.

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

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in Fiscal Year 2015 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students.

(d) Notwithstanding this subtitle or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO, for the period from October 1, 2013, through September 30, 2017.

SUBTITLE B. ELECTED ATTORNEY GENERAL IMPLEMENTATION AND LEGAL SERVICE ESTABLISHMENT TECHNICAL AMENDMENT

Sec. 1011. Short title.

This subtitle may be cited as the "Elected Attorney General Implementation and Legal Service Establishment Technical Emergency Amendment Act of 2014".

Sec. 1012. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 862(5) (D.C. Official Code § 1-608.62(5)) is amended by striking the year "2014" and inserting the year "2018" in its place.

(b) Section 863 (D.C. Official Code § 1-608.63) is amended by striking the year "2014" and inserting the year "2018" in its place.

(c) Section 864 (D.C. Official Code § 1-608.64) is amended by striking the year "2014" wherever it appears and inserting the year "2018" in its place.

Sec. 1013. Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-60; 60 DCR 15487), is amended by striking the year "2014" and inserting the year "2018" in its place.

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Sec. 1014. (a) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), as amended by section 1012, is amended as follows:

(1) Section 862(5) (D.C. Official Code § 1-608.62(5)) is amended by striking the year "2018" and inserting the year "2014" in its place.

(2) Section 863 (D.C. Official Code § 1-608.63) is amended by striking the year "2018" and inserting the year "2014" in its place.

(3) Section 864 (D.C. Official Code § 1-608.64) is amended by striking the year "2018" wherever it appears and inserting the year "2014" in its place.

(b) Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-60; 60 DCR 15487), as amended by section 1013, is amended by striking the year "2018" and inserting the year "2014" in its place.

(c) This section 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.

SUBTITLE C. PUBLIC SECTOR WORKERS' COMPENSATION BUDGET SAVINGS

Sec. 1021. Short title.

This subtitle may be cited as the "Public Sector Workers' Compensation Budget Savings Emergency Amendment Act of 2014".

Sec. 1022. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new section designation after "SEC. 2306a. PERIOD OF DISABILITY PAYMENTS" to read as follows:

"SEC. 2306b. REPORT OF EARNINGS".

(b) Title XXIII is amended as follows:

(1) Section 2306(b) (D.C. Official Code § 1-623.06(b)) is repealed.

(2) A new section 2306b is added to read as follows:

"Sec. 2306b. Report of earnings.

"(a) The Mayor shall require each employee receiving benefits under this subtitle to report his or her earnings from employment or self-employment by affidavit, including by providing copies of tax returns and authorizing the Mayor to obtain copies of tax documents, within 30 days of a written request for a report of earnings.

"(b) An employee shall forfeit his or her right to workers' compensation with respect to any period for which the report of earnings was required if the employee:

"(1) Fails to file a complete report of earnings within 30 days of a written request for a report of earnings; or

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"(2) Knowingly omits or understates any part of his or her earnings.

"(c) Workers' compensation forfeited under this section, if already paid, may be recovered by a deduction from future workers' compensation payments owed to the employee or otherwise recovered under section 2329.

"(d) The Mayor shall notify any employee receiving workers' compensation benefits, on forms prescribed by the Mayor, of that employee's affirmative duty to report earnings and shall specifically notify the employee that a failure to report earnings may subject him or her to termination from the program and civil or criminal liability. The notice by the Mayor may be satisfied by printing the notice on the employee payee statement portion of the indemnity check sent to the employee.

"(e) For the purposes of this section, the term "earnings" includes any cash, wages, or salary received from self-employment or from any other employment aside from the employment in which the worker was injured. The term "earnings" also includes commissions, bonuses, and the cash value of all payments and benefits received in any form other than cash. Commissions and bonuses earned before disability but received during the time the employee is receiving workers' compensation benefits do not constitute earnings that must be reported."

(3) Section 2307 (D.C. Official Code § 1-623.07) is amended as follows:

(A) Subsection (a)(3) is amended to read as follows:

"(3) In addition to compensation for temporary total or temporary partial disability; provided, that:

"(A) A claimant who has received compensation for temporary total or temporary partial disability under this title shall be eligible for compensation payable under this section only after compensation for the temporary total or temporary partial disability has ceased;

"(B) A claimant shall not receive any further compensation for a single injury for temporary total or temporary partial disability after receiving compensation for the injury under this section; and

"(C) A claimant shall not be entitled to receive multiple awards of compensation under this section for the same permanent disability, but shall only be entitled to receive one award of compensation payable under this section per permanent disability."

(B) Subsection (b) is repealed.

(4) Section 2333(b)(1)(A) (D.C. Official Code § 1-623.33(b)(1)(A)) is amended by striking the phrase "before reaching age 60".

SUBTITLE D. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES

Sec. 1031. Short title.

This subtitle may be cited as the "Technology Services Support Emergency Amendment Act of 2014".

Sec. 1032. Section 1003(a) of the Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1432(a)) is amended as follows:

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- (a) Strike the phrase "health care or education".
- (b) Strike the phrase "and any open-access" and insert the phrase "any open-access" in its place.
- (c) Strike the phrase "neighborhoods in the District of Columbia" and insert the phrase "neighborhoods in the District, and entities designated by the Mayor as necessary to support economic development initiatives of the District government" in its place.

SUBTITLE E. CAPITAL POLICY AND RESERVE ACCOUNT

Sec. 1041. Short title.

This subtitle may be cited as the "Capital Policy and Reserve Account Emergency Amendment Act of 2014".

Sec. 1042. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

- (a) Subsection (f) is amended as follows:
 - (1) Paragraph (2) is amended to read as follows:
 - "(2) Beginning with the Fiscal Year 2017 budget, and for each subsequent year, the annual proposed budget and financial plan submitted to the Council and the approved budget and financial plan submitted to the Congress of the United States shall include a Pay-as-you-go Capital Account."
 - (2) Paragraph (3) is amended by striking the phrase "May, 2015" and inserting the phrase "in May of the previous year" in its place.
 - (b) Subsection (j-1)(2) is amended to read as follows:
 - "(2) The Fiscal Stabilization Reserve Account may be used by the Mayor for the following purposes:
 - "(A) Those purposes permitted for use of the Contingency Reserve Fund, specified in § 1-204.50a(b)(4), as certified by the Chief Financial Officer, with approval of the Council by act; and
 - "(B) Funding for locally approved expenditures during a lapse in regular appropriations; provided, that any amounts used must be replenished immediately at the conclusion of the lapse."
 - (c) Subsection (j-2) is amended as follows:
 - (1) Paragraph (2) is amended to read as follows:
 - "(2) The Cash Flow Reserve Account may be used by the Chief Financial Officer to cover the following:
 - "(A) Cash-flow needs; provided, that any amounts used must be replenished to the Cash Flow Reserve Account in the same fiscal year; and
 - "(B) Funding for locally approved expenditures during a lapse in regular appropriations; provided, that any amounts used must be replenished immediately at the conclusion of the lapse."
 - (2) A new paragraph (4) is added to read as follows:

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"(4) If at the close of fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes:

- "(A) 50% shall be deposited in the Housing Production Trust Fund; and
- "(B) 50% shall be reserved for Pay-as-you-go capital projects."

Sec. 1043. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-308.04. Replacement schedule for capital assets."

(b) A new section 47-308.04 is added to read as follows:

"§ 47-308.04. Replacement schedule for capital assets.

"The Chief Financial Officer of the District of Columbia shall develop a 15-year replacement schedule for the capital assets of the District government. The schedule shall be prepared in a form that reflects both the adopted capital improvements plan and a replacement schedule for District capital assets. The Chief Financial Officer shall report to the Council and the Mayor on the replacement schedule on an annual basis, with the initial report due on October 1, 2015. All agencies shall cooperate with any requests made by the Chief Financial Officer related to this section."

(c) Section 47-335.01 is amended by striking the word "borrowings." and inserting the phrase "borrowings. In determining the amounts to be financed, the Mayor shall consult with the Chief Financial Officer to determine if any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements are available to reduce the amount of borrowing for the next bond issuance." in its place.

(d) Section 47-362 is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding § 47-363, any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements:

"(1) May not be reprogrammed, unless the Council approves the reprogramming request by resolution; and

"(2) At the end of a fiscal year, any excess shall be transferred to the Capital Fund as Paygo."

SUBTITLE F. GOVERNMENT FAMILY LEAVE PROGRAM

Sec. 1051. Short title.

This subtitle may be cited as the "Government Family Leave Program Emergency Amendment Act of 2014".

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Sec. 1052. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

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

"SEC. 1203a. UNIVERSAL LEAVE PROGRAM

"SEC. 1203b. DONOR LEAVE

"SEC. 1203c. FAMILY LEAVE".

(b) A new section 1203c is added to read as follows:

"Sec. 1203c. Family leave.

"(a) An eligible employee shall receive leave with pay for family leave of not more than 8 workweeks within a 12-month period for a single qualifying event.

"(b) Leave authorized by this section for a single qualifying event:

"(1) May be exercised by an eligible employee only within the 12-month period following the qualifying event;

"(2) May be used in no less than one-day increments, either consecutively or intermittently; and

"(3) Shall count against the 16 workweeks of family leave provided under section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-502) ("D.C. FMLA").

"(c) If an employee using leave under this section is serving in a probationary capacity, the employee's probationary period shall be extended by the duration of the leave used.

"(d) An eligible employee using leave under this section shall enjoy the same employment and benefit protections afforded to an employee under section 6 of the D.C. FMLA; provided, that section 6(f) of the D.C. FMLA shall not apply under this section.

"(e) An agency may require that a request for leave under this section be supported by appropriate certification or other supporting documentation. An agency shall keep any information regarding the family relationship confidential.

"(f) Each agency shall maintain an accounting of leave used under this section and any records related to its use.

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

"(1) "Child" means:

"(A) A person under 21 years of age;

"(B) A person, regardless of age, who is substantially dependent upon the employee by reason of physical or mental disability; or

"(C) A person who is under 23 years of age who is a full-time student at an accredited college or university.

"(2) "Eligible employee" means a District government employee eligible to accrue annual leave who has experienced a qualifying event.

"(3) "Family member" means:

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"(A) A person to whom the employee is related by blood, legal custody, domestic partnership, or marriage;

"(B) A foster child;

"(C) A child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility; or

"(D) A person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship.

"(4) "Qualifying event" means one of the following:

"(A) The birth of a child of the employee;

"(B) The legal placement of a child with the employee (such as through adoption, guardianship, or foster care);

"(C) The placement with the employee of a child for whom the employee permanently assumes and discharges parental responsibilities; or

"(D) The care of a family member of the employee who has a serious health condition."

Sec. 1053. Applicability.

An employee may exercise leave under this subtitle for a qualifying event that occurred before the effective date of this act; provided, that the employee otherwise meets the requirements of this subtitle.

SUBTITLE G. OFFICE OF CONTRACTING AND PROCUREMENT SURPLUS PERSONAL PROPERTY SALES FUND ESTABLISHMENT

Sec. 1061. Short title.

This subtitle may be cited as the "Office of Contracting and Procurement Surplus Personal Property Fund Establishment Emergency Act of 2014".

Sec. 1062. Surplus Personal Property Sales Fund.

(a) There is established as a special fund the Surplus Personal Property Sales Fund ("Fund"), which shall be administered by the Chief Procurement Officer in accordance with subsection (c) of this section:

(b) Except as provided in subsection (d) of this section, proceeds from the sale of surplus personal property shall be deposited into the Fund.

(c) Money in the Fund shall be used to pay for the cost of online auction contracts for surplus personal property.

(d) Amounts in excess of the money needed to pay for the cost of online auction contracts for surplus personal property shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia.

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SUBTITLE H. COMMISSION ON FATHERS, MEN, AND BOYS

Sec. 1071. Short title.

This subtitle may be cited as the "Commission on Fathers, Men, and Boys Establishment Emergency Act of 2014".

Sec. 1072. Commission on Fathers, Men, and Boys.

The Commission on Fathers, Men, and Boys ("Commission") is established to advise the Mayor, the Council, and the public on issues and needs of fathers, men, and boys in the District of Columbia.

Sec. 1073. Commission members; qualifications; terms of office; removal.

(a) The Commission shall consist of 12 members nominated by the Mayor and subject to the 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)). The makeup of the Commission shall reflect the demographics of the District and shall include prominent business and community leaders and individuals certified in fatherhood training or having documented experience working directly with issues of particular interest and concern to fathers, men, and boys.

(b) Members of the Commission shall be residents of the District.

(c) Members shall be appointed to serve terms of 4 years and shall serve until their successors are appointed. A member of the Commission may be reappointed but may serve no more than 2 consecutive terms.

(d) Whenever a vacancy occurs on the Commission, the Mayor shall, within 90 business days of the vacancy, appoint a successor to fill the unexpired portion of the term.

(e) The Mayor shall designate, from among the members appointed, the Chairman, who shall serve in that capacity at the pleasure of the Mayor.

(f) All members of the Commission shall serve without compensation except that expenses incurred by the Commission as a whole, or by a group of its members, shall become an obligation against appropriated District funds designated for that purpose.

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

Sec. 1074. Duties of the Commission.

(a) The Commission shall:

(1) Serve as an advocate for fathers, men, and boys residing in the District by advising and making recommendations to the Mayor and the Council concerning the needs of District residents related to or concerning fathers, men, and boys;

(2) Research, review, maintain, and disseminate empirical data, statistics, and facts concerning or attributable to fatherhood and family social economic issues;

(3) Stimulate and encourage the dialogue of responsible fatherhood and spur community initiatives to combat fatherlessness;

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(4) Prepare and recommend to the Mayor and the Council an annual plan of programs and services focused on issues directly related to fathers, men, and boys;

(5) Work with District agencies, the private sector, and local communities to promote a healthier societal impact on fathers, men, and boys; and

(6) Nominate special advisors to serve and provide technical and expert advice on specific and particular matters relevant to the functions of the Commission.

(b) The Commission shall devise policies and procedures that will effectively address the social economic concerns of fathers, men, and boys, including:

(1) Employment;

(2) Poverty;

(3) Fatherlessness and responsible fatherhood;

(4) Family law;

(5) Health and well-being; and

(6) Rehabilitation and reintegration.

(c) The Commission may apply for and receive grants to fund programs and initiatives in accordance with procedures relating to grants management, District government statutes, regulations, Mayor's Orders, and procedures as specified by the Office of the Chief Financial Officer, the Office of Partnerships and Grant Services, and the Office of Contracting and Procurement and to recommend to the Mayor and Council applications for federal grants-in-aid for fatherhood, children, and family initiatives.

(d) The Commission may accept private gifts and donations to carry out the purposes of this subtitle in compliance with the procedures and requirements of the Office of Partnerships and Grant Services.

Sec. 1075. 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:

(1) Paragraph (48) is amended by striking the word "and".

(2) Paragraph (49) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(50) The Commission on Fathers, Men, and Boys established pursuant to section 1072 of the Commission on Fathers, Men, and Boys Establishment Emergency Act of 2014."

SUBTITLE I. GRANTS ADMINISTRATION

Sec. 1081. Short title.

This subtitle may be cited as the "Grants Administration Emergency Amendment Act of 2014".

Sec. 1082. Section 1093 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61, D.C. Official Code § 1-328.12), is amended by striking the phrase "shall be administered" and inserting the phrase "or the Fiscal Year 2015 Budget Support Act of 2014,

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as approved by the Committee of the Whole on May 28, 2014 (Committee print of Bill 20-750), shall be administered" in its place.

SUBTITLE J. WORKPLACE WELLNESS

Sec. 1091. Short title.

This subtitle may be cited as the "Workplace Wellness Emergency Act of 2014".

Sec. 1092. Workplace wellness policy.

(a) The Mayor shall develop and adopt a workplace wellness policy for the District government no later than one year following the effective date of this act. The workplace wellness policy shall be reviewed and updated annually.

(b) The workplace wellness policy required by subsection (a) of this section shall apply to all District agencies, including independent District agencies and the Council of the District of Columbia, but excluding boards and commissions, Advisory Neighborhood Commissions, and the Courts.

(c) The workplace wellness policy required by subsection (a) of this section shall include initiatives that:

(1) Establish measurable goals for improving the health of District government employees;

(2) Improve nutrition in the workplace, including:

(A) Expanding opportunities for employees to store lunches and foods in District buildings; and

(B) Promoting the availability and consumption of water throughout the day;

(3) Improve the physical fitness of employees and physical activity during the work day, including:

(A) Providing opportunities for employees to exercise at their desks and offices; and

(B) Ensuring that staircases are accessible and their use is encouraged;

(4) Promote healthy living and educate employees about physical activity, healthy eating, stress management, and disease prevention;

(5) Provide for early detection and screening for key health indicators; and

(6) Support changes in the work environment to encourage healthy behaviors and breastfeeding and promote occupational safety and health.

(d) Each agency shall designate one employee as the agency's wellness coordinator who shall have the responsibility of implementing the wellness policy in the agency and promoting wellness programs.

(e) It is the goal of the District for each agency to achieve the American Heart Association's gold-level designation as a "Fit-Friendly" workplace or other evidence-based workplace initiatives of national or local health organizations.

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Sec. 1093. Healthy food and beverage standards for District government property.

(a) The Mayor, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.*), shall issue rules establishing healthy food and beverage nutrition and procurement standards that are guided by the General Services Administration document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations" for all District agencies no later than one year following the effective date of this act.

(b) The standards shall consider both positive and negative contributions of nutrients, ingredients, and foods to diets, including calories, portion size, saturated fat, trans fat, sodium, sugar, and the presence of fruits, vegetables, whole grains, and nutrients of concern in Americans' diets.

(c) The standards shall apply to foods and beverages purchased or served by District agencies, including at meetings, events, in vending machines, and through on-site vendors, with the exception of food served by the Department of Corrections and the Department of Behavioral Health to persons who reside at their institutions or are in their direct custody. No less than 50% of all foods and beverages shall be healthy, as guided by the General Services Administration document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations".

(d) The standards shall not apply to food to be served to children in schools, but may apply to food served to adults in schools if that food is separate and different from the food served to children.

(e) Exemptions may be allowed for those circumstances in which the individuals consuming the food have specific dietary needs.

Sec. 1094. Section 601(b)(2) of the Omnibus Spending Reduction Act of 1993, effective November 25, 1993 (D.C. Law 10-65; D.C. Official Code § 10-1301(b)(2)), is amended as follows:

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

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

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

"(D) Enter into lease or other agreements, with or without monetary consideration, with entities of the District government and with private entities for establishing healthy food retail opportunities within the Property."

SUBTITLE K. EMANCIPATION DAY.

Sec. 1101. Short title.

This subtitle may be cited as the "Emancipation Day Emergency Amendment Act of 2014".

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Sec. 1102. The District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 16, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 1-182) is amended by adding a new sentence at the end to read as follows: "For Fiscal Year 2015 only, the Council committee with oversight related to the District of Columbia Emancipation Day shall continue to coordinate the District of Columbia Emancipation Day activities in consultation with the Office of the Mayor."

(b) Section 4 (D.C. Official Code § 1-183) is amended by adding a new subsection (e) to read as follows:

"(e) Each agency, including the Metropolitan Police Department, the District Department of Transportation, the Department of Public Works, and the Department of Parks and Recreation, shall absorb permitting, staffing, and related costs associated with the conduct of the Emancipation Day Parade."

SUBTITLE L. STATEHOOD INITIATIVES BUDGETING

Sec. 1111. Short title.

This subtitle may be cited as the "Statehood Initiatives Budgeting Emergency Act of 2014".

Sec. 1112. Beginning in Fiscal Year 2015, the Chief Financial Officer shall assign an individual agency-level code for Statehood Initiatives in the District's financial system. The agency-level code shall be used to track the operating budget for the District's efforts to achieve statehood and any funds that are appropriated for that purpose.

Sec. 1113. Section 47-1812.11c is revived as of January 1, 2009, and amended to read as follows:

"§ 47-1812.11c. Statehood Delegation Fund tax check-off

"(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum donation or gift of \$ 1 to the Statehood Delegation Fund ("Fund"), established by § 1-129.08. The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Chief Financial Officer in collecting, processing, accounting for, or disbursing the funds generated by the tax check-off shall be reimbursed to the Chief Financial Officer from the funds generated by the tax check-off.

"(b) Except as provided in subsection (c) of this section, the funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Fund pursuant to rules issued by the Mayor that establish timetables and procedures for transfer of the funds. Check-off funds shall be transferred to the Fund only after the costs to the Mayor described in subsection (a) of this section have been reimbursed.

"(c)(1) Until the District of Columbia Statehood Delegation Fund Commission,

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established by § 1-129.02, convenes, the funds generated by the tax check-off shall be deposited in equal amounts in the District of Columbia statehood funds established pursuant to § 1-123(g).

“(2) Semiannually, each Representative and Senator shall submit to the Mayor, the Chairman of the Council, and the Chairman of the District of Columbia Board of Election and Ethics an accounting of the expenditures made with the tax check-off funds.

“(d)(1) Except as provided in paragraph (2) of this subsection, any unpaid District tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Fund shall be used first to satisfy any unpaid tax liability, in whole or in part.

“(2) If there is any amount that remains after satisfaction of the unpaid tax liability, the amount shall be transferred to the Fund.”.

**SUBTITLE M. HOME RULE ACT 40TH ANNIVERSARY CELEBRATION AND
COMMEMORATION COMMISSION EXTENSION**

Sec. 1121. Short title.

This subtitle may be cited as the “Home Rule Act 40th Anniversary Celebration and Commemoration Commission Extension Emergency Amendment Act of 2014”.

Sec. 1122. Section 1089 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-137.08), is amended by striking the phrase “October 1, 2014” and inserting the phrase “January 31, 2015” in its place.

SUBTITLE N. PAY-FOR-SUCCESS CONTRACT AUTHORIZATION

Sec. 1131. Short title.

This subtitle may be cited as the “Pay-for-Success Contract Authorization Emergency Act of 2014”.

Sec. 1132. Definitions.

For the purposes of this subtitle, the term:

(1) “Pay-for-success contract” means a contract between the District and a social service intermediary that establishes outcome-based performance standards for social programs performed by nonprofit service providers and initially funded by private investors through a social impact funding instrument and provides a mechanism by which investors shall receive a return of their investment and earnings thereon only if outcome-based performance standards are met by the social service intermediary.

(2) “Social service intermediary” means an organization that is organized and operated pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), or an affiliated legal entity thereof that is so organized and operated and that is capable of entering into a pay-for-success contract with the District that sets forth outcome-based performance standards, contracting with service providers to deliver social services, raising capital to finance the delivery of social services via a social

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impact funding instrument, and administering the social impact funding instrument by providing ongoing investor relations and project management.

(3) "Social impact funding instrument" means an investment product established by a social service intermediary to raise private investment capital for social programs.

Sec. 1133. Authorization of pay-for-success contracts.

Notwithstanding any other law, the Mayor may enter into pay-for-success contracts. Each contract shall include:

(1) A requirement that payment from the District be conditioned on the achievement of specific outcomes based on defined performance targets;

(2) An objective process by which an independent evaluator will determine whether the performance targets have been achieved;

(3) A detailed scope of the social service intermediary's service under the contract;

(4) A calculation of the amount and timing of payments to the social service intermediary during each year of the contract if performance targets are achieved as determined by the independent evaluator;

(5) A requirement that the social service intermediary create a social impact funding instrument to obtain the funds required for the social program;

(6) A sinking fund requirement under which the Mayor shall request a multiyear appropriation for every fiscal year that the contract is in effect, in an amount equal to the expected payments that the District would ultimately be obligated to pay in the future based upon service provided, if performance targets were achieved pursuant to the terms of the contract;

(7) A process for the District to review payments made by the social service intermediary through reporting requirements pursuant to the contract; and

(8) A determination by the Mayor that the contract will result in significant performance improvements and budgetary savings to the District across all impacted areas if the performance targets are achieved.

Sec. 1134. Pay-for-Success Contract Fund.

(a) There is established as a special fund the Pay-for-Success Contract Fund ("Fund") which shall be administered by the Mayor or his or her designee in accordance with subsection (c) of this section.

(b) Each fiscal year there shall be deposited into the Fund the amount of the annual appropriation estimated to be paid in the next fiscal year for any pay-for-success contract.

(c) The Fund shall be used to fund payments to be made pursuant to pay-for-success contracts. The Chief Financial Officer shall create separate accounts within the Fund for each pay-for-success contract entered into by the District.

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

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

SUBTITLE O. FINANCIAL REPORTING

Sec. 1141. Short title.

This subtitle may be cited as the "Financial Reporting Emergency Act of 2014".

Sec. 1142. (a) No later than December 1, 2014, and on a quarterly basis thereafter, until the approval of the Fiscal Year 2016 budget and financial plan, the Chief Financial Officer shall provide a report to the Council on the following subjects:

(1) Progress toward ensuring that the Fiscal Year 2016 budget will be balanced, including:

- (A) Savings achieved to date;
- (B) Additional revenue certified through revised revenue estimates; and
- (C) Additional revenue that may be certified through revenue

enhancements;

(2) An analysis of procurement reform efforts in Fiscal Year 2014, including:

- (A) Contracts reviewed for potential cost savings; and
- (B) Savings secured through the renegotiation of existing contracts; and
- (C) A report from the Office of Contracting and Procurement to the Chief

Financial Officer regarding subparagraphs (A) and (B) of this paragraph.

(3) An analysis of personnel review efforts, including:

- (A) Positions left vacant or eliminated as a result of cost-savings

initiatives; and

- (B) Savings secured through personnel savings; and

(4) Any other operating budget savings achieved or targeted in Fiscal Year 2014.

(b) Agencies shall report on their progress toward limiting personal and nonpersonal expenditures whether one-time or recurring.

Sec. 1143. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE P. BEGA ESTABLISHMENT AND COMPREHENSIVE ETHICS REFORM AMENDMENT

Sec. 1151. Short title.

This subtitle may be cited as the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2014".

Sec. 1152. 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 224(a) (D.C. Official Code § 1-1162.24(a)) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)” and inserting the phrase “Advisory Neighborhood Commissioners, members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and candidates for nomination for election, or election, to public office, who are not otherwise required to file pursuant to this paragraph” in its place.

(B) Subparagraph (G)(iv) is amended by striking the phrase “been offered or”.

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

“(3)(A) An Advisory Neighborhood Commissioner who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year.

“(B) Effective January 1, 2015, a candidate for nomination for election, or election, to public office who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year.

“(C) A candidate for nomination for election, or election, to public office who, as of May 15, 2014, had not filed a report for calendar year 2013 required by this section and who was not otherwise required to file a report pursuant to paragraph (1) of this subsection shall not be required to do so.”.

(b) Section 225(a) (D.C. Official Code § 1-1162.25(a)) is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors” and inserting the phrase “members of the Washington Metropolitan Area Transit Authority Board of Directors” in its place.

SUBTITLE Q. ATTORNEY GENERAL ELECTION

Sec. 1161. Short title.

This subtitle may be cited as the "Attorney General 2014 Special Election Authorization Clarification Emergency Amendment Act of 2014".

Sec. 1162. Section 8 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Official Code § 1-1001.08), is amended by adding a new subsection (j-1) to read as follows:

“(j-1) Notwithstanding any other provision of law, and pursuant to the June 4, 2014 Order of the District of Columbia Court of Appeals in *Zukerberg v. D.C. Board of Elections and Ethics, et al.*, No. 14-CV-222, the Board shall conduct the 2014 election of the Attorney General

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consistent with the procedural requirements for a special election under this act, and shall have the election of the Attorney General coincide with the November 4, 2014, general election.”.

Sec. 1163. Section 102(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.82(a)), is amended by striking the phrase “which time shall not be before January 1, 2018,”.

Sec. 1164. Applicability.

This subtitle shall apply as of the effective date of this act.

**SUBTITLE R. COMMISSION ON THE ARTS AND HUMANITIES AGENCY
STRUCTURE**

Sec. 1171. Short title.

This subtitle may be cited as the “Commission on the Arts and Humanities Structure Emergency Amendment Act of 2014”.

Sec. 1172. Commission on the Arts and Humanities Term Limit Amendment.

Section 4(b) of the Commission on Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203(b)), is amended by striking the phrase “but may not serve more than 2 consecutive terms.”.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. MANUFACTURER TASTING PERMIT

Sec. 2001. Short title.

This subtitle may be cited as the “Manufacturer Tasting Permit Emergency Amendment Act of 2014”.

Sec. 2002. Title 25 of the District of Columbia Official Code is amended as follows:

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

“§ 25-126. On-site sales consumption permit.”.

(b) Section 25-110(a)(2)(B) is amended by striking the phrase “The licensee may sell beer to the consumer only in barrels, kegs, and sealed bottles,” and inserting the phrase “Except as provided in § 25-126, the licensee may sell beer to the consumer only in barrels, cans, kegs, and sealed bottles,” in its place.

(c) A new section 25-126 is added to read as follows:

“§ 25-126. On-site sales consumption permit.

“(a) The holder of a manufacturer’s license, class B, may apply for an on-site sales and consumption permit in order to use a portion of the licensed premises for the on-premises sale, service, and consumption of beer brewed by the brewery and purchased by the customer.

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“(b) The holder of an on-site sales and consumption permit shall only sell, serve, and permit the consumption of beer brewed by the brewery and purchased by the customer between the hours of 1 p.m. and 9 p.m., 7 days a week.

“(c) The on-premises sales and consumption permit shall not obviate the requirement of the holder of a manufacturer’s license, class B, to obtain a tasting permit pursuant to § 25-118, to be authorized to provide samples of beer to a customer at no cost.

“(d) A violation of this section shall constitute a primary tier violation.”.

(d) Section 25-508 is amended by adding a phrase at the end to read as follows:

“On-site sales and consumption permit \$1,000/year.”.

Sec. 2003. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE B. CONSUMER PROCEDURES AND PROTECTIONS ENFORCEMENT

Sec. 2011. Short title.

This subtitle may be cited as the "Consumer Procedures and Protections Enforcement Emergency Amendment Act of 2014".

Sec. 2012. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3903(a) is amended as follows:

(1) Paragraph (14) is amended by striking the word “and” at the end.

(2) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (17) is added to read as follows:

“(17) impose civil fines, pursuant to § 28-3905, as alternative sanctions for any violation of the provisions of this chapter or of any rules issued under the authority of this chapter. Any violation of this chapter, or of any rule issued under the authority of this chapter, shall be a Class 2 infraction pursuant to 16 DCMR § 3200.1(b), unless the violation is classified otherwise pursuant to rules issued by the Department.”.

(b) Section 28-3904(m) is amended to read as follows:

“(m) harass or threaten a consumer with any act other than legal process, either by telephone, cards, letters, or any form of electronic or social media;”.

(c) Section 28-3905(i)(3)(A) is amended to read as follows:

“(3)(A) Any person found to have executed a trade practice in violation of a law of the District within the jurisdiction of the Department may be liable for a civil penalty not exceeding \$1,000 for each failure to adhere to a provision of an order described in subsection (f), (g), or (j) of this section, or a consent decree described in subsection (h) of this section.”.

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SUBTITLE C. SOLAR PERMITTING FEES

Sec. 2021. Short title.

This subtitle may be cited as the "Solar Permitting Fees Emergency Amendment Act of 2014".

Sec. 2022. Chapter 101.1(a) of Title 12-K of the District of Columbia Municipal Regulations (12-K DCMR § 101.1(a)) is amended by inserting a phrase between the fees for "sign" and "swimming pool" to read as follows:

"Solar Photovoltaic	Less than 15 kilowatts	\$250 Residential; \$300 Commercial
"15 - 99 kilowatts	\$300 for first 15 kilowatts and \$11.25 per additional kilowatt	
"100 - 199 kilowatts	\$1,250 for the first 100 kilowatts and \$2.5 per additional kilowatt	
"200 kilowatts or more	\$1,250 for the first 200 kilowatts and \$1 per additional kilowatt	
kilowatt		
"Solar Thermal	Fewer than 10 panels	\$250 Residential; \$300 Commercial
"10 - 24 panels	\$300 for first 10 panels and	\$25 per additional
panel		
"25 - 49 panels	\$650 for the first 25 panels and \$15 per additional	
panel		
"50 panels or more	\$1,010 for the first 50 panels	\$10 per additional panel."

SUBTITLE D. PUBLIC UTILITIES REIMBURSEMENT FEE AMENDMENT

Sec. 2031. Short title.

This subtitle may be cited as the "Public Utilities Reimbursement Fee Emergency Amendment Act of 2014".

Sec. 2032. Paragraph 42(b)(1), (2), and (3) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code §§ 34-912(b)(1), (2), and (3)), is amended to read as follows:

"(b)(1) All amounts appropriated for the Public Service Commission and the Office of the People's Counsel for each fiscal year shall be repaid during such fiscal year by the public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers as a reimbursement fee.

"(2) The Public Service Commission shall annually determine the amount of the reimbursement fee to be paid by each natural gas supplier, electricity supplier, and telecommunications service provider authorized to provide service in the District, excluding the local exchange carrier, and the formula by which the amount shall be determined.

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"(3)(A) The amount of the reimbursement fee to be paid by each public utility other than those subject to paragraph (2) of this subsection shall be equal to the amounts appropriated, less the amount to be reimbursed by the providers subject to paragraph (2) of this subsection, multiplied by the fraction, as determined by the Mayor, represented by the gross revenues of the public utility derived from utility operations in the District of Columbia that are regulated by the Public Service Commission during the immediately preceding fiscal year (or other 12-month period as the Mayor may designate), divided by the gross revenues of all public utilities from utility operations in the District of Columbia during such period. The fee shall be paid by the public utilities during such fiscal year to the Treasurer of the District of Columbia, at such time or times and in such manner as the Mayor by regulation may require.

"(B) If the total amount paid or obligated by the Public Service Commission and the People's Counsel during such fiscal year pursuant to appropriations for such fiscal year is less than the amounts appropriated by more than 5%, the Mayor shall refund to or credit each public utility, natural gas supplier, electricity supplier, and telecommunications service provider subject to subparagraph (A) of this paragraph and paragraph (2) of this subsection a portion of the difference, rounded to the nearest dollar, as equals the difference multiplied by the fraction, representing the gross revenues of the public utility, natural gas supplier, electricity supplier, or telecommunications service provider, divided by the gross revenues of all public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers.

"(C) Subparagraph (B) of this paragraph shall apply as of Fiscal Year 2012."

SUBTITLE E. DC FILM INCENTIVE FUND

Sec. 2041. Short title.

This subtitle may be cited as the "DC Film Incentive Fund Emergency Amendment Act of 2014".

Sec. 2042. Section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501), is amended as follows:

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

"Sec. 2. DC Film Incentive Fund."

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

"(a)(1) There is established as a special fund the DC Film Incentive Fund ("Fund"). The Fund shall appear as a separate program line within the budget of the Office of Motion Picture and Television Development. The Fund shall be funded by annual appropriations.

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

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

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SUBTITLE F. FREE TRANSPORTATION FOR SUMMER YOUTH

Sec. 2051. Short title.

This subtitle may be cited as the "Free Transportation for Summer Youth Emergency Amendment Act of 2014".

Sec. 2052. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (g) to read as follows:

"(g)(1) Participants in the Summer Youth Employment Program ("SYEP") administered by the Department of Employment Services pursuant to section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), shall be eligible for a summer youth transit subsidy program ("Program") as established by the Mayor.

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

"(3) The subsidized or reduced fares established pursuant to this subsection shall be valid only for the transportation of SYEP participants to and from their internships and related activities for the first 3 weeks of the summer 2015 SYEP."

SUBTITLE G. FOOD STAMP EXPANSION

Sec. 2061. Short title.

This subtitle may be cited as the "Food Stamp Expansion Emergency Amendment Act of 2014".

Sec. 2062. The Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code §§ 4-261.01 *et seq.*), is amended by adding a new section 5084 to read as follows:

"Sec. 5084. Locally funded minimum benefit.

"Beginning on or after January 1, 2015, but beginning no later than October 1, 2015, a family participating in the food stamp program whose federally funded household benefit is less than \$30 per month shall receive locally funded benefits to bring the household's total benefit to \$30 per month."

SUBTITLE H. CABLE TELEVISION O-TYPE TRANSFER

Sec. 2071. Short title.

This subtitle may be cited as the "Cable Television O-Type Transfer Emergency Amendment Act of 2014".

Sec. 2072. Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the

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District of Columbia and recognize as local funds \$1,800,000 of Fiscal Year 2014 Cable Television Franchise Fee revenues.

Sec. 2073. Applicability.

This subtitle shall apply as of September 30, 2014.

SUBTITLE I. HOME PURCHASE ASSISTANCE PROGRAM

Sec. 2081. Short title.

This subtitle may be cited as the "Home Purchase Assistance Program Emergency Amendment Act of 2014".

Sec. 2082. Section 14-2503.1(b) of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2503.1(b)) is amended to read as follows:

"(b) Downpayment Assistance for eligible very low, low, and moderate income applicants shall be in an amount equal to the Desired Purchasing Power less the Standard Mortgage Qualification Level for each eligible applicant, subject to the Per-Client Downpayment Assistance Cap, and adjusted for household size. The maximum amount of Downpayment Assistance for the lowest income applicant shall be \$50,000 and shall be adjusted based on the applicant's income according to subparagraph (1) of this paragraph."

SUBTITLE J. RETAIL PRIORITY AREA

Sec. 2091. Short title.

This subtitle may be cited as the "Retail Priority Area Emergency Amendment Act of 2014".

Sec. 2092. Section 2(5) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171(5)), is amended by striking the phrase "beginning point" and inserting the phrase "beginning point, and, after October 1, 2014, the Bladensburg Road, N.E., Retail Priority Area, as defined in section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73)," in its place.

Sec. 2093. Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended to read as follows:

"(4) Ward 4 Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within the area bounded by a line beginning at the intersection of Kenyon Street, N.W., and Sherman Avenue, N.W.; continuing north along Sherman Avenue, N.W., to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W., to Spring Road, N.W.; then continuing northwest along the center line of Spring Road, N.W., to Kansas Avenue, N.W.; continuing northeast along Kansas Avenue, N.W., to Georgia Avenue; then continuing

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north along Georgia Avenue, N.W., to Allison Street N.W., then continuing west along Allison Street N.W., to 14th Street, N.W., then continuing north along 14th Street, N.W., to Longfellow Street, N.W., then continuing east along Longfellow Street, N.W., to Georgia Avenue, N.W., then continuing north along Georgia Avenue, N.W., to Eastern Avenue, N.W., then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E., to Blair Road, N.W., then continuing south along Blair Road, N.W., to North Capitol Street, N.E., then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W., then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W., then continuing southwest along Kansas Avenue, N.W., to Varnum Street, N.W.; then continuing east along Varnum Street, N.W., to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to the center line of Kenyon Avenue, N.W.; and then continuing west along Kenyon Avenue, N.W., to the beginning point;"

Sec. 2094. Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), is amended as follows:

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

“(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E. to Oklahoma Avenue, N.E.; thence southwest on Oklahoma Avenue, N.E. to Clagett Place, N.E.; thence northwest on Clagett Place, N.E. to 20th Street, N.E.; thence northwest along the rear boundaries of all properties with frontage along the southwest side of Benning Road, N.E. to 19th Street, N.E.; thence south on 19th Street, N.E. to Gales Street, N.E.; thence northwest on Gales Street, N.E. to 15th Street, N.E.; thence west on G Street, N.E. to 14th Street, N.E.; thence north on 14th Street, N.E. to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.”

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

“(k) There is established the New York Avenue, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of New York Avenue, N.E., and Florida Avenue, N.E.; thence southeast on Florida Avenue, N.E., to West Virginia Avenue, N.E.; thence northeast on West Virginia Avenue, N.E. to 17th Street, N.E.; thence southeast on 17th Street, N.E.; thence continuing northeast on 17th Street, N.E. to Montana Avenue, N.E., thence southeast on Montana Avenue, N.E. to Bladensburg Road, N.E.; thence northeast on Bladensburg Road, N.E. to New York Avenue, N.E.; thence east on New York Avenue, N.E.; thence continuing northeast on New York Avenue, N.E.; thence continuing southeast on New York Avenue, N.E. to Fort Lincoln Drive, N.E.; thence north on Fort Lincoln Drive, N.E.; thence continuing northwest on Fort Lincoln Drive, N.E.; thence

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continuing southwest on Fort Lincoln Drive, N.E. to 33rd Place, N.E.; thence continuing southwest on 33rd Place, N.E. to South Dakota Avenue, N.E.; thence northwest on South Dakota Avenue, N.E. to Channing Place, N.E.; thence west on Channing Place, N.E. to Bladensburg Road, N.E.; thence southwest on Bladensburg Road, N.E. to Queens Chapel Road, N.E.; thence northwest on Queens Chapel Road to Channing Street, N.E.; thence west on Channing Street, N.E. to 21st Place, N.E., thence south on 21st Place, N.E. to Bryant Street, N.E., thence west on Bryant Street, N.E. to Lawrence Street, N.E., then southwest on Lawrence Street, N.E. to Edwin Street, N.E., thence northwest on Edwin Street, N.E.; thence continuing southwest on Edwin Street, N.E. to Montana Avenue, N.E., thence continuing northwest on Montana Avenue, N.E. to W Street, N.E., thence southwest on W Street, N.E., thence west along a line extending W Street, N.E., west to the continuation of W Street, N.E., and continuing west along W Street, N.E., to Brentwood Road, N.E.; thence southwest along Brentwood Road, N.E., to its end at T Street, N.E.; thence southwest to the intersection of a line extending Fourth Street, N.E., south and a line extending R Street, N.E., east; thence west on R Street, N.E. to Eckington Place, N.E., thence southwest on Eckington Place, N.E., to Florida Avenue, N.E., thence southeast on Florida Avenue, N.E. and continuing southeast until the point of beginning.”

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

“There is established the Good Hope Road, S.E. Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Anacostia Drive and Good Hope Road S.E.; thence southeast on Good Hope Road to Naylor Road S.E.”

SUBTITLE K. RESIDENTIAL ESSENTIAL SERVICE SUBSIDY STABILIZATION

Sec. 2101. Short title.

This subtitle may be cited as the "Residential Essential Service Subsidy Stabilization Emergency Amendment Act of 2014".

Sec. 2102. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01 *et seq.*), is amended as follows:

(a) Section 101(6) (D.C. Official Code § 8-1773.01(6)) is amended to read as follows:

"(6) "Existing low-income program" means the program operated under the name "LIHEAP Expansion and Energy Education"."

(b) Section 211 (D.C. Official Code § 8-1774.11) is amended as follows:

(1) Subsection (b)(1) is amended by striking the number ".006" and inserting the number ".0051" in its place.

(2) Subsection (c) is amended by striking the phrase "programs in the amount of \$2.409 million in fiscal year 2011, and \$2.6 million annually thereafter" and inserting the phrase "program in the amount of \$2.33 million annually, and the Mayor shall have the fund audited every 2 years to ensure that the assessment imposed pursuant to subsection (b)(1) of this section is appropriately set to fund the low-income program funded by the EATF."

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(c) A new section 215 is added to read as follows:

"Sec. 215. Discount program for low-income gas customers.

"The Commission shall establish, by order, a discount program for low-income gas customers in the District. The Commission shall establish the eligibility, funding, and administrative guidelines for the program; provided, that the program shall not be funded from existing District funds, District revenue sources, or District assessments."

SUBTITLE L. RENEWABLE ENERGY PORTFOLIO STANDARD

Sec. 2111. Short title.

This subtitle may be cited as the "Renewable Energy Portfolio Standard Emergency Amendment Act of 2014".

Sec. 2112. Section 11(b) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1439(b)), is amended by striking the phrase "April 1" and inserting the phrase "May 1" in its place.

SUBTITLE M. ADULT LITERACY TASK FORCE

Sec. 2121. Short title.

This subtitle may be cited as the "Adult Literacy Task Force Emergency Act of 2014".

Sec. 2122. Establishment of Adult Career Pathways Task Force.

(a) For the purposes of this act, the term:

(1) "Basic skills program" means a secondary, post-secondary, or alternative education or training program that helps individuals enhance the reading, writing, math, English language, digital literacy, or problem-solving skills that adults need to succeed in a job, occupational training, or postsecondary education.

(2) "Career pathways" means an approach to connecting progressive levels of basic skills and postsecondary education, training, and supportive services in specific sectors or cross-sector occupations in a way that optimizes the progress and success of individuals (including those with limited education, English skills, or work experience) in securing marketable credentials, family-supporting employment, and further education and employment opportunities.

(3) "High-demand occupations or sectors" means occupations or sectors consistent with the Workforce Investment Council's current Workforce Investment Act of 1998 Demand Occupation List.

(4) "Task Force" means the Adult Career Pathways Task Force established in subsection (b) of this section.

(b) Beginning October 1, 2014, the Mayor shall establish an Adult Career Pathways Task Force ("Task Force") that shall have as its purpose development of a city-wide strategic plan for connecting adult basic skills programs administered in the District to career pathways.

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(c) The Task Force shall be convened by the Workforce Investment Council, and shall consist of the following 13 members:

- (1) The Chairman of the Council, or his or her designee;
- (2) The Chair of the Workforce Investment Council, or his or her designee;
- (3) The Deputy Mayor for Education, or his or her designee;
- (4) The State Superintendent of Education, or his or her designee;
- (5) The Chancellor of the District of Columbia Public Schools, or his or her designee;
- (6) The Chair of the Public Charter School Board, or his or her designee;
- (7) The Director of the Department of Employment Services, or his or her designee;
- (8) The Director of the Department of Human Services, or his or her designee;
- (9) The Executive Director of the D.C. Public Library, or his or her designee;
- (10) A representative of the University of the District of Columbia Community College, appointed by the President of the University of the District of Columbia; and
- (11) Three community representatives, appointed by the Mayor, as follows:
 - (A) A representative of a District organization engaged in the direct provision of a basic skills program;
 - (B) A representative of a District school engaged in the direct provision of a basic skills program; and
 - (C) A representative of a District job training provider.

(d) No later than June 1, 2015, the Task Force shall submit to the Council and the Mayor the city-wide strategic plan required under this section. In developing the strategic plan, the Task Force shall:

- (1) Review best practices for improving literacy, numeracy, and technology skills for adults;
- (2) Review and analyze adult basic skills programs currently administered by the Office of the State Superintendent of Education, the District of Columbia Public Schools, the District of Columbia Public Charter Schools, the University of the District of Columbia Community College, the District of Columbia Public Library, and other agencies identified by the Task Force, with focus provided to the missions and goals of the various programs, the types of credentials offered, the degree of funding levels, the age and educational functioning level of students at time of program entry and the rates of gains upon completion, and the degree to which the program partners with job training providers, postsecondary education programs, or employers;
- (3) Consult with stakeholders, including the following:
 - (A) Organizations with research or policy expertise in adult basic skills programs and career pathways;
 - (B) Organizations focused on adult education and workforce development research or service provision;

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(C) Representatives of the District's business community in high-demand occupations or sectors that the Task Force has identified for potential career pathways; and

(D) Representatives from the philanthropic community;

(4) Perform an analysis of evidence-based approaches for helping adult learners with different needs and skill levels advance in career pathways, with special attention paid to practices for adult learners with basic skills below the 6th grade level;

(5) Develop a city-wide mission statement for ensuring that adult learners have access to career pathways by 2020 and annual benchmarks for measuring progress toward that goal;

(4) Analyze the high-demand occupations or sectors in which career pathways can be developed;

(5) Develop responsibilities among the Task Force agencies for meeting the city-wide goals, including recommendations to better align policies and practices around support services;

(6) Develop common performance definitions and measures that adult basic skills programs will use to track progress, including educational gains, GED or secondary school diploma attainment, employment placement and retention, entrance into postsecondary education or training, and other credential completion; and

(7) Analyze existing professional development opportunities for adult educators and develop a strategy for addressing any identified gaps.

(e) Following the completion of the city-wide strategic plan, the Workforce Investment Council shall convene the Task Force on a quarterly basis to track implementation of the strategy.

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. MPD ESCORT AND REIMBURSEMENT

Sec. 3001. Short title.

This subtitle may be cited as the "Police Escort Reimbursement Emergency Amendment Act of 2014".

Sec. 3002. Reimbursable police escorts and other law enforcement services.

(a) The Chief of Police may charge and collect reimbursement fees, as set forth in the fee schedule established pursuant to subsection (b) of this section, for providing police escorts that are necessary to protect public health and safety. All reimbursement fees collected under this subsection shall be deposited into the fund established by D.C. Official Code § 47-2826(d).

(b) The Chief of Police, 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 setting forth a reimbursement fee schedule.

(c) For the purposes of this subtitle, the term "police escort" shall include the assignment of law enforcement personnel and vehicles as necessary to ensure the preservation of public safety, typically either at a specified location or from a point of origin to a specified destination,

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in a manner consistent with the nature of the persons, material, and the threat posed by the movement or event.

Sec. 3003. Section 47-2826 of the District of Columbia Official Code is amended as follows:

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

"(b) The Mayor may adjust the license fee set in subsection (a) of this section to cover the costs to the District of providing police, fire, and other public services that are necessary to protect public health and safety."

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

"(d)(1) There is established as a special fund the MPD Overtime Reimbursement Fund ("Fund"), which shall be administered by the Metropolitan Police Department ("MPD") in accordance with paragraph (3) of this subsection.

"(2) Except as provided in section 3052 of the FEMS Special Events Fee Fund Establishment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.81), revenue from the following sources shall be deposited in the Fund:

"(A) Fees paid pursuant to this section related to police services; and

"(B) Fees paid pursuant to section 3002 of the Fiscal Year 2015 Budget Support Emergency Act of 2014, passed on emergency basis on June 24, 2014 (Enrolled version of Bill 20-849).

"(3) Money in the Fund shall be used for the purpose of reimbursing MPD for the cost of overtime needed to:

"(A) Staff special events such as parades, carnivals, and movie productions; and

"(B) Provide security details to establishments, such as bars, nightclubs, and sports teams, that pay for extra police coverage."

Sec. 3004. Conforming amendment.

Section 3052(a) of the FEMS Special Events Fee Fund Establishment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.81(a)), is amended by striking the phrase "all fees assessed and collected" and inserting the phrase "all fees assessed and collected relating to FEMS service delivery" in its place.

Sec. 3005. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE B. STATE SAFETY OVERSIGHT AGENCY ESTABLISHMENT

Sec. 3011. Short title.

This subtitle may be cited as the "State Safety Oversight Agency Establishment Emergency Amendment Act of 2014".

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Sec. 3012. Section 1a of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401.01), is amended to read as follows:

“Sec. 1a. State safety oversight agency for DC Streetcar.

“(a) For the purposes of this section, the term “DC Streetcar” means the rail-fixed guideway public transportation system operated by the District Department of Transportation pursuant to section 2 of the Department of Transportation Establishment Act of 2002, effective March 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), or any future rail-fixed guideway public transportation system operated by the District, whichever exists.

“(b) The Fire and Emergency Medical Services Department is designated as the state safety oversight agency, as required by 49 U.S.C. § 53 *et seq.* and implementing regulations, as they may be amended from time to time (hereinafter referred to as “applicable federal law”).

“(c) There is established, within the Fire and Emergency Medical Services Department, a state safety office. The state safety office shall be headed by a Program Manager. The Program Manager shall not be supervised by, or under the direction or control of, any District officer or employee, anyone acting on their behalf, responsible for any aspect of the operation of the DC Streetcar.

“(d) The Program Manager of the state safety office, or his or her designee, shall, in accordance with applicable federal or District law:

“(1) Oversee the operations of the DC Streetcar insofar as those operations affect, or could affect, the safe operation of the DC Streetcar;

“(2) Conduct, or cause to be conducted, investigations, independently or in cooperation with federal or District offices or agencies, into the operations of the DC Streetcar, including any accident or incident involving the operations or assets of the DC Streetcar, insofar as those operations affect, or could affect, the safe operation of the DC Streetcar;

“(3) Audit the DC Streetcar system for compliance with safety-related plans, or for any other purpose the Program Manager concludes would promote the safe operation of the DC Streetcar;

“(4) Issue reports and findings regarding all aspects of the safety and security of the DC Streetcar, including operations and accidents, when:

“(A) The issuance of reports and findings is required by federal or District law; or

“(B) The Program Manager determines that such action would promote the safe operation of the DC Streetcar;

“(5) Require the DC Streetcar to develop and submit safety-related plans to the Program Manager for review. After review, the Program Manager shall approve or disapprove the safety-related plans as appropriate;

“(6) Enforce statutes, regulations, and executive orders related to the safe operation of the DC Streetcar. If the Program Manager concludes that enforcement is required in order to protect or promote public safety, the Program Manager may:

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“(A) Order the partial or complete cessation of an activity undertaken by the District government, or any entity acting on the District government’s behalf, in connection with the operation of the DC Streetcar; and

“(B) Take any other enforcement actions that are consistent with federal or District requirements related to the safe operation of the DC Streetcar.

“(7) Conduct any other activity and take any other action necessary to implement federal or District laws or regulations related to the functions and responsibilities of a state safety oversight agency;

“(8) Execute and file an application on behalf of the District with the Federal Transit Administration (“FTA”) for federal assistance authorized by 49 U.S.C. §53 *et seq.*, Title 23 of the United States Code, or other federal statutes authorizing a project administered by the FTA;

“(9) Execute and file with its application for federal assistance submitted under paragraph (8) of this subsection the annual certifications, assurances, and other documents required by the FTA to award a federal assistance grant or cooperative agreement; and

“(10) Execute grant and cooperative agreements with the FTA on behalf of the District.

“(b) 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.*), the Program Manager may issue rules to implement the provisions of this section.”.

Sec. 3013. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE C. MICROSTAMPING IMPLEMENTATION

Sec. 3021. Short title.

This subtitle may be cited as the "Microstamping Implementation Emergency Amendment Act of 2014".

Sec. 3022. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 408(b) (D.C. Official Code § 7-2504.08(b)) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place.

(b) Section 503 (D.C. Official Code § 7-2505.03) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place.

SUBTITLE D. ACCESS TO JUSTICE

Sec. 3031. Short title.

This subtitle may be cited as the "Access to Justice Initiative Administrative Costs Emergency Amendment Act of 2014".

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Sec. 3032. The Access to Justice Initiative Establishment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 4-1702.01) is amended as follows:

(1) Designate the existing text as subsection (a).

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

“(b) The provisions of this act shall be exempt from the requirements of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)”.

(b) Section 301(b) (D.C. Official Code § 4-1703.01(b)) is amended as follows:

(1) Designate the existing text as paragraph (1).

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

“(2) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under paragraph (1) of this subsection.”.

(c) Section 401 (D.C. Official Code § 4-1704.01) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

“(3) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under subsection (c) of this section.”.

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

(A) Paragraph (3) is amended by striking the phrase “The Administer may use” and inserting the phrase “Except as provided in paragraphs (3) and (4) of this subsection, the Administrator may use” in its place.

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

“(4) If the Deputy Mayor has designated the Bar Foundation as Administrator, the Bar Foundation may, in lieu of using a percentage of LRAP grant funding under paragraph (3) of this subsection, use a portion of funds authorized under section 301(b) of this section for reasonable administrative expenses associated with administering the LRAP.”.

SUBTITLE E. DEPUTY CHIEF MEDICAL EXAMINER

Sec. 3041. Short title.

This subtitle may be cited as the “Deputy Chief Medical Examiner Emergency Amendment Act of 2014”.

Sec. 3042. Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(b)), is amended by striking the phrase “Deputy CME” and inserting the phrase “Deputy CME, to be paid at an annual rate of \$206,000,” in its place.

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Sec. 3043. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE F. FEMS OVERTIME LIMITATION

Sec. 3051. Short title.

This subtitle may be cited as the "Fire and Emergency Medical Services Overtime Limitation Emergency Amendment Act of 2014".

Sec. 3052. Section 1103(f) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1 611.03(f)), is amended as follows:

(a) Paragraph (2)(B) is amended by striking the phrase "2011, 2012, 2013, and 2014" and inserting the phrase "2011, 2012, 2013, 2014, and 2015" in its place.

(b) Paragraph (4)(A) is amended as follows:

(1) Strike the phrase "2011, 2012, 2013, and 2014" and insert the phrase "2011, 2012, 2013, 2014, and 2015" in its place.

(2) Strike the phrase "\$ 20,000" and insert the phrase "\$ 30,000" in its place.

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

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

"(f)(1) Except as provided in paragraph (2) of this subsection and in subsection (h) of this section, for Fiscal Years 2011, 2012, 2013, and 2014, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods.

"(2) Notwithstanding any other provision of law, beginning on July 1, 2014, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 228 hours in 2 consecutive pay periods. This paragraph shall sunset on September 30, 2014.

"(3) For Fiscal Year 2015, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 228 hours in 2 consecutive pay periods."

(b) Subsection (g) is amended by striking the phrase "2011, 2012, 2013, and 2014" and inserting the phrase "2011, 2012, 2013, 2014, and 2015" in its place."

Sec. 3054. Applicability.

This subtitle shall apply as of the effective date of this act.

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SUBTITLE G. MARIJUANA POSSESSION DECRIMINALIZATION EVIDENCE

Sec. 3061. Short title.

This subtitle may be cited as the "Marijuana Possession Decriminalization Evidence Emergency Amendment Act of 2014".

Sec. 3062. Section 203(e) of the Marijuana Possession Decriminalization Amendment Act of 2014, enacted on March 31, 2014 (D.C. Act 20-305; 61 DCR 3482), is amended by striking the phrase "a statement from a law enforcement officer on the weight of the seized marijuana,".

Sec. 3063. Applicability.

This subtitle shall apply as of the effective date of this act.

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Emergency Amendment Act of 2014".

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

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$9,306 per student for fiscal year 2014" and inserting the phrase "\$9,492 per student for Fiscal Year 2015" in its place.

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

Grade Level	Weighting	Per Pupil Allocation in FY 2015
Pre-Kindergarten 3	1.34	\$12,719
Pre-Kindergarten 4	1.30	\$12,340
Kindergarten	1.30	\$12,340
Grades 1-5	1.00	\$9,492
Grades 6-8	1.08	\$10,251
Grades 9-12	1.22	\$11,580
Alternative program	1.44	\$13,668
Special education school	1.17	\$11,106
Adult	0.89	\$8,448

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

"(c)(1) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
"Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,207
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.2	\$11,390
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$18,699
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$33,127
"Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per student basis for Blackman Jones compliance.	0.069	\$655
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney's fees.	0.089	\$845
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$15,852

"General Education Add-ons:

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
ELL	Additional funding for English Language Learners	0.49	\$4,651
At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0.219	\$2,079

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"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
Level 1: Special Education – Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,493
Level 2: Special Education – Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$12,691
Level 3: Special Education – Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$27,438
Level 4: Special Education – Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.874	\$27,280
LEP/NEP –Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$6,341

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

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
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"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$598
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,155
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.491	\$4,661
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.489	\$4,642

"(2) Pursuant to section 106a, allocations in addition to the grade level and supplemental allocations provided pursuant to sections 105 and 106 shall be provided in accordance with section 106a for students identified as at-risk."

(d) Section 106a(c) (D.C. Official Code § 38-2905.01(c)) is amended by striking the period at the end and inserting the phrase "; provided, that for students identified as both as at-risk and as participating in an alternative program or as adult learners, only the alternative program weighting shall apply." in its place.

SUBTITLE B. ALTERNATIVE SCHOOLS

Sec. 4011. Short title.

This subtitle may be cited as the "Alternative Education Emergency Amendment Act of 2014".

Sec. 4012. Section 102(1B) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(1B)), is amended to read as follows:

"(1B) "Alternative program" means specialized instruction for students under court supervision or who have a history of being on short- or long-term suspension or who have been expelled from school, or who meet other criteria as defined by the State Education Office through rulemaking. To qualify as an alternative program, a school must meet the criteria and

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rules set by the State Education Office. An alternative program may describe an entire school or a specialized program within a school."

Sec. 4013. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE C. DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD FUNDING

Sec. 4021. Short title.

This subtitle may be cited as the "District of Columbia Public Charter School Board Funding Emergency Amendment Act of 2014".

Sec. 4022. Section 2211(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.11(b)(2)), is amended by striking the phrase "one-half of one percent" and inserting the phrase "one %" in its place.

SUBTITLE D. PREFERENCES IN ADMISSION FOR PUBLIC CHARTER SCHOOL APPLICANTS.

Sec. 4031. Short title.

This subtitle may be cited as the "Preferences in Admission for Public Charter Schools Emergency Amendment Act of 2014".

Sec. 4032. Section 2206(c) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code, § 38-1802.06(c)), is amended to read as follows:

"(c) Random selection. - - If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process; except, that a preference in admission may be given to an applicant who is a:

"(1) Sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment;

"(2) Child of a member of the public charter school's founding board; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less; and

"(3) Child of a full-time employee of the public charter school who is a District resident; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment."

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SUBTITLE E. RESIDENCY EXEMPTION FOR WARDS OF THE STATE

Sec. 4041. Short title.

This subtitle may be cited as the "Educational Continuity Emergency Amendment Act of 2014".

Sec. 4042. Section 2 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302), is amended by adding a new subsection (e) to read as follows:

"(e) Notwithstanding the provisions of subsection (a) of this section, a child in the care and custody of the District pursuant to D.C. Official Code § 16-2320(a)(3) who, while attending a DCPS or public charter school, ceases to be in that care and custody as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia shall be considered a resident of the District of Columbia for the purpose of school attendance and shall be exempt from the requirement to pay tuition for the period of time until the child completes the educational program offered at the school the child currently attends."

Sec. 4043. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE F. ESTABLISHMENT OF THE COMMON LOTTERY BOARD

Sec. 4051. Short title.

This subtitle may be cited as the "Common Lottery Advisory Board Establishment Emergency Amendment Act of 2014".

Sec. 4052. The Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191 *et seq.*), is amended as follows:

(a) Section 202(b) (D.C. Official Code § 38-191(b)) is amended as follows:

(1) Paragraph (7) is amended by striking the word "and" at the end.

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

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

"(9) Provide administrative and technical support for the Common Lottery Board."

(b) New sections 205 and 206 are added to read as follows:

"Sec. 205. Common Lottery Board.

"(a)(1) There is established a Common Lottery Board ("CLB") within the Department of Education. The purpose of the CLB shall be to develop and maintain a common lottery system for admission to public schools in the District of Columbia and shall:

"(A) Adopt policies and procedures to govern the common lottery system, to be implemented by the Department of Education;

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"(B) Develop a 5-year strategic plan for the continuous improvement of the common lottery system;

"(C) Develop an annual budget for the common lottery system;

"(D) Promote participation of local educational agencies in the common lottery system;

"(E) Identify critical entities with which to partner that will enable the CLB to further develop the common lottery system; and

"(F) Solicit input from a Parent Advisory Council as established by the CLB;

"(2) The CLB shall be funded through local appropriations and any private funding that it receives. The CLB may solicit, accept, and use private gifts, grants, or donations to further its stated purposes.

"(3) The CLB shall adopt its own by-laws and rules of procedure.

"(4) The CLB may utilize District public space for its official duties.

"(5) Subject to the availability of appropriations, the Chairperson shall appoint, terminate, and fix the pay of an Executive Director of the CLB; provided, that the CLB shall approve the appointment and termination of the Executive Director.

"(b) The CLB shall consist of the following 10 members:

"(1) Seven voting members as follows:

"(A) The Deputy Mayor for Education, or designee, who shall serve as Chairperson of the CLB;

"(B) The Chancellor of the District of Columbia Public School ("DCPS"), or designee;

"(C) Two representatives from DCPS, as appointed by the Chancellor; and

"(D) Three representatives from public charter schools, each appointed by a vote among charter schools as organized by the Public Charter School Board ("PCSB"); and

"(2) Three non-voting members as follows:

"(A) The State Superintendent of Education, or designee;

"(B) The Chair of the Public Charter School Board ("PCSB"), or designee; and

"(C) The Executive Director of the CLB.

"(c)(1) Except as provided in paragraph (2) of this subsection, the representatives appointed by DCPS and by a vote organized by the PCSB ("termed members") shall serve 2-year terms and may be reappointed without limitation.

"(2) The initial appointment of the termed members shall be as follows:

"(A) One member appointed by DCPS and one member appointed by a vote organized by the PCSB to serve terms of 2 years, with the term to begin on July 1 and end on June 30; and

"(B) One member appointed by DCPS and 2 members appointed by a vote organized by the PCSB to serve terms of one year, with the term to begin on July 1 and end on June 30.

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"(3) When a vacancy occurs in the membership of the CLB for reasons other than the expiration of a term, an appointment to fill the remainder of the vacated term shall be made in the same manner as prescribed in subsection (b)(1)(C) or (D) of this section, whichever is applicable.

"Sec. 206. Common Lottery Board Fund.

"(a) There is established as a special fund the Common Lottery Board Fund ("Fund"), which shall be administered by the Deputy Mayor for Education in accordance with subsections (c) and (d) of this section.

"(b) Deposits into the Fund shall include:

"(1) Appropriated funds;

"(2) Gifts,

"(3) Grants; and

"(4) Donations.

"(c) Money in the Fund shall be used for the continued development and improvement of the common lottery system.

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

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

Sec. 4053. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE G. EDUCATION FUNDING FORMULA EQUITY

Sec. 4061 Short title.

This subtitle may be cited as the "Education Funding Formula Equity Emergency Amendment Act of 2014".

Sec. 4062. Section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913), is amended by striking the phrase "fiscal year 2015" and inserting the phrase "Fiscal Year 2016" in its place.

SUBTITLE H. HEALTHY TOTS

Sec. 4071. Short title.

This subtitle may be cited as the "Healthy Tots Emergency Act of 2014".

Sec. 4072. Definitions.

For the purposes of this subtitle, the term:

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(1) "Child and Adult Care Food Program" or "CACF Program" means the program authorized by section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766).

(2) "Child development facility" means a licensed community-based center, home, or other structure, regardless of its name, that provides care, supervision, guidance, and other services for infants, toddlers, and preschoolers on a regular basis. The term "child development facility" does not include a child development center or program that is sponsored or run by a public or private school.

(3) "Eligible child" means a child who is a District resident who occupies a slot funded in whole or in part by the childcare subsidy program, authorized by section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402), the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), or the District of Columbia Public Schools' Head Start program.

(4) "Farm-to-preschool programs" means programs at child development facilities that connect early care and education settings to local food producers, as an extension of the farm-to-school model, which connect children to local foods through meals and snacks, taste tests, lessons, farmer visits, cooking, field trips, growing food, and community and parent engagement.

(5) "Infant" means a child younger than 12 months of age.

(6) "Locally grown" shall have the same meaning as provided in section 101(3) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(3)).

(7) "OSSE" means the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

(8) "Preschool" or "preschooler" means a child older than 24 months of age but younger than compulsory school attendance age, who is not enrolled in a public, charter, or private school.

(9) "Sustainable agriculture" shall have the same meaning as provided in section 101(9) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(9)).

(10) "Toddler" means a child between 12 months of age and 24 months of age.

(11) "Unprocessed" shall have the same meaning as provided in section 101(10) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(10)).

(12) "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children, as provided in section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786).

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Sec. 4073. Healthy Tots Fund.

(a) There is established as a special fund the Healthy Tots Fund ("Fund"), which shall be administered by OSSE in accordance with this section.

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

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

(c) OSSE shall make funds from the Fund available for the following purposes:

(1) To provide additional funding for healthy meals served by child development facilities participating in the CACF Program by reimbursing the child development facility for each meal that meets the rules issued pursuant to this subtitle as follows:

(A) For meals eligible for reimbursement through the CACF Program served to an eligible child:

- (i) Ten cents for each breakfast;
- (ii) Ten cents for each lunch; and
- (iii) Ten cents for each supper;

(B) For breakfasts served to any child attending the child development facility but not eligible for reimbursement through the CACF Program because child development facilities have maximized the number of allowable reimbursable meals, an amount of local funding equal to the free federal rate as established under the CACF Program; provided, that the breakfasts meet the rules issued pursuant to this subtitle; provided further, that at least 75% of the children attending the child development facility are District residents and at least 50% are eligible to receive free or reduced meals.

(2)(A) To provide additional funding to child development facilities participating in the Child and Adult Care Food Program that use local foods by reimbursing the child development facility an additional \$0.05 per lunch or supper that meets the rules issued pursuant to this subtitle served to eligible children and at least one component of a meal is comprised entirely of locally grown and unprocessed foods; provided, that the child development facility reports to OSSE the name and address of the local farms where the foods were grown.

(B) For the purposes of this paragraph, the term "locally grown and unprocessed foods" shall not include milk.

(3) To provide funding to child development facilities that have partnerships with the Office of the State Superintendent of Education and that follow Early Headstart Standards as defined by 45 C.F.R. § 1304 and that provide comprehensive services, including health, mental health, nutrition, and family services; provided, that the funds shall be used for recruitment into or administration of the Child and Adult Care Food Program, including meal planning and nutrition education to children and their families.

(d) In addition to the requirements set forth in subsection (c) of this section, and subject to available funding, OSSE shall make funds from the Fund available:

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(1) To make competitive grants available to child development facilities participating in the Child and Adult Care Food Program to support physical activity, nutrition, gardens, natural play areas, and farm-to-preschool programs; and

(2) As an incentive to increase participation in the Child and Adult Care Food Program, provide a \$300 grant per year to a child development home that participates in the Child and Adult Care Food Program to help pay for costs associated with licensing, renewal, and other related expenses.

(e) A child development facility receiving a reimbursement or other funding pursuant to this section shall provide the meals at no charge to participating infants, toddlers, and preschoolers.

(f)(1) OSSE may, by rule, increase the amount of reimbursements, grants, or other funding provided by this section to further improve the quality and nutrition of meals provided by a child development facility.

(2) OSSE may withhold reimbursements or other funding authorized by this section from a child development facility that does not meet the requirements of this subtitle, or rules issued pursuant to this subtitle.

Sec. 4074. OSSE requirements.

(a) The OSSE shall:

(1) Provide training to support the efforts of a child development facility to meet the requirements of this subtitle;

(2) Monitor the progress of a child development facility in complying with this subtitle during the facility's licensing process and record collected data in each facility's compliance history; and

(3) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission an annual evaluation of the effect of the implementation of this subtitle on the health, well-being, and school-readiness of participating District children.

(b) Within 60 days of the effective date of this subtitle, the OSSE shall add participation in the Child and Adult Care Food Program to the searchable criteria on the website for the OSSE Child Care Connections, which is the District's child care resource and referral center.

(c) No later than December 30 of each year, the OSSE shall submit, in conjunction with the Department of Health, a report to the Council and the Mayor on the efforts to promote WIC in child development facilities, including data on:

(1) Identifying opportunities to better promote WIC at child development facilities;

(2) The feasibility of the development of a breastfeeding-friendly rating for child development facilities; and

(3) Whether data matching or other means tested programs can be used to identify families receiving child-care subsidies and connect them to WIC if they are eligible for WIC benefits and are not receiving them.

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(d) Within 120 days of the effective date of this subtitle, pursuant to the authority granted by section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2602(b)(11)), the OSSE shall issue rules to implement this subtitle, which, at a minimum, shall:

- (1) Establish nutritional standards for meals and snacks served at child development facilities;
- (2) Establish physical activity standards for child development facilities;
- (3) Improve the environmental sustainability of child development facilities;
- (4) Increase the use of locally grown and unprocessed foods from growers engaged in sustainable agriculture practices;
- (5) Enhance nutrition and healthy eating education programming for infants, toddlers, and preschoolers at child development facilities, including farm-to-preschool programs; and
- (6) Ensure that child development facilities provide sufficient training to staff on improving nutrition and increasing the level of physical activity of participating infants, toddlers, and preschoolers.

Sec. 4075. Use of Department of Parks and Recreation facilities.

The Department of Parks and Recreation shall, to the extent feasible, partner with child development facilities to allow the facilities to use District recreation centers, fields, playgrounds, and other facilities on occasions that do not conflict with the Department of Parks and Recreation's existing programming or with on-going community obligations.

Sec. 4076. Conforming amendment.

Section 3b of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2602(b)), is amended as follows:

- (a) Paragraph (20)(O)(vi) is amended by striking the word "and" at the end.
- (b) Paragraph (21) is amended by striking the period and inserting a semicolon in its place.
- (c) New paragraphs (22) and (23) are added to read as follows:
 - "(22) Administer the Healthy Schools Fund and fulfill its other responsibilities under the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*); and
 - "(23) Administer the Healthy Tots Fund and fulfill its other responsibilities under the Healthy Tots Emergency Act of 2014."

Sec. 4077. Applicability.

This subtitle shall apply as of the effective date of this act.

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SUBTITLE I. CHARTER SCHOOL FACILITIES ALLOTMENT

Sec. 4081. Short title.

This subtitle may be cited as the "Charter School Facilities Allotment Emergency Amendment Act of 2014".

Sec. 4082. Section 109 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2908), is amended by adding a new subsection (b-2) to read as follows:

"(b-2)(1) For fiscal years 2015 and 2016, the per pupil facility allowance for Public Charter Schools shall be \$3072.

"(2) For Fiscal Year 2017 and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be \$3100.

"(3) The facility allowance set forth in paragraphs (1) and (2) of this subsection shall be multiplied by the number of students estimated to attend each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School."

SUBTITLE J. PCSB DONATIONS

Sec. 4091. Short title.

This subtitle may be cited as the "Public Charter School Board Donation Emergency Amendment Act of 2014".

Sec. 4092. Section 4602(d) of 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), is amended to read as follows:

"(d) This section shall not apply to the Public Charter School Board, which may accept and use gifts to the Public Charter School Board without prior approval by the Mayor."

SUBTITLE K. DEPUTY MAYOR FOR EDUCATION GRANT-MAKING AUTHORITY

Sec. 4101. Short title.

This subtitle may be cited as the "Deputy Mayor for Education Limited Grant-Making Authority Emergency Act of 2014".

Sec. 4102. Deputy Mayor for Education limited grant-making authority.

For Fiscal Year 2015, the Deputy Mayor for Education shall have grant-making authority solely to provide:

(1) An operational grant of \$2 million for the development of a language immersion public charter school campus serving middle- and high-school students; provided, that the grant shall not be used for the lease, renovation, or development costs of a temporary location; and

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(2) An operational grant of \$2 million to support the project development and management of an athletic and community meeting space on the grounds of a public charter school that provides a classical education to students in grades 5 through 12.

Sec. 4103. Grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

SUBTITLE L. JOINTLY OPERATED PUBLIC CHARTER SCHOOL

Sec. 4111. This subtitle may be cited as the "Jointly Operated Public Charter School Emergency Amendment Act of 2014".

Sec. 4112. Section 2201 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; (D.C. Official Code § 38-1802.01), is amended by adding a new subsection (c-1) to read as follows:

"(c-1) *Jointly Operated School* – The Public Charter School Board shall have the authority to approve one joint program for applicants seeking to establish a jointly operated school where two or more public charter schools that have adopted, for the combined program, identical mission statements, goals, curricula and educational philosophy ("member schools") may combine to create a jointly operated middle and high school. Notwithstanding any other law, the jointly operated school shall have the same duties, powers and responsibilities of a public charter school, shall be funded as if a public charter school, and shall be treated as a single local educational agency under federal and local law. Students matriculating directly from the highest grade of a member public charter school into the entry grade of the jointly operated school shall be exempt from the requirements of section 2206(c)."

SUBTITLE M. PUBLIC EDUCATION REFORM EVALUATION

Sec. 4121. Short title.

This subtitle may be cited as the "Public Education Reform Evaluation Emergency Amendment Act of 2014".

Sec. 4122. Section 204 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-193), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "On September 30, 2014" and inserting the phrase "No later than June 1, 2015" in its place.

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

"(e)(1) There is established as a special fund the PERAA Evaluation Fund ("Fund"), which shall be administered by the Office of the District of Columbia Auditor in accordance with paragraph (3) of this subsection.

"(2) The following shall be deposited in the Fund:

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“(A) All excess monies, not to exceed \$600,000, remaining in the local funds operating budget for the Office of the District of Columbia Auditor at the end of each fiscal year; and

“(B) Any interest earned from the monies deposited into the Fund.

“(3) Money in the Fund shall be used for the purpose of contracting for the remaining reports with NRC as required by this section.

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

“(5) This subsection shall expire on September 30, 2015”.

Sec. 4123. Applicability.

This subtitle shall apply as of the effective date of this act.

TITLE V. HEALTH AND HUMAN SERVICES

SUBTITLE A. DEVELOPMENTAL DISABILITY SERVICE MANAGEMENT

REFORM

Sec. 5001. Short title.

This subtitle may be cited as the "Department on Disability Services Emergency Amendment Act of 2014".

Sec. 5002. The Department on Developmental Disabilities Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-761.02) is amended as follows:

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

"(3A) "DHCF" means the Department of Health Care Finance as established by section 3 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.02)."

(2) Paragraph (8) is repealed.

(3) Paragraph (9) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place.

(b) Section 105(4) (D.C. Official Code § 7-761.05(4)) is amended by striking the acronym "MAA" and inserting the acronym "DHCF" in its place.

(c) Section 106(c) (D.C. Official Code § 7-761.06(c)) is amended by striking the phrase "action," and inserting the phrase "action, including issuing grants and stipends," in its place.

(d) Section 107 (D.C. Official Code § 7-761.07) is amended as follows:

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

"(a) The Department and DHCF shall enter into an agreement for the Department to direct: policy development and design of services, rate-setting, and support provided under the Home and Community-Based Services Waiver for Individuals with Intellectual and

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Developmental Disabilities or any other waiver targeted for people with intellectual and developmental disabilities and their families that is approved under section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1369n); and policies, services, and supports related to the operation of intermediate care facilities for individuals with intellectual disabilities."

(2) Subsection (b) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place.

(e) A new section 112 is added to read as follows:

"Sec. 112. Family Support Council.

"(a) The Director shall establish a Family Support Council to, within available appropriations, assist the Department and other agencies to develop systems of support for families throughout the lifespan of their family members with intellectual and developmental disabilities.

"(b) The Family Support Council shall be composed of 11 members, of whom the majority shall be people with developmental disabilities and their family members.

"(c) No later than one year following the effective date of the Department on Disability Services Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department shall publish operating procedures for the Family Support Council, and the Director shall appoint the initial Family Support Council members."

SUBTITLE B. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION AMENDMENTS

Sec. 5011. Short title.

This subtitle may be cited as the "Department of Health Functions Clarification Emergency Amendment Act of 2014".

Sec. 5012. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended as follows:

(a) Section 4907a (D.C. Official Code § 7-736.01) is amended by adding new subsections (e), (f), and (g) to read as follows:

"(e)(1) Through Fiscal Year 2015, the Director of the Department of Health may issue grants totaling \$1,550,000 to District of Columbia HIV prevention programs for a combination of HIV prevention interventions. These interventions shall include HIV screening in clinical and non-clinical settings and effective behavioral programs.

"(2) Through Fiscal Year 2015, the Director of the Department of Health may issue HIV prevention grants for a combination of HIV prevention interventions that include:

- "(A) HIV screening;
- "(B) Harm reduction;
- "(C) Social network HIV screening;
- "(D) Partner services;
- "(E) Faith-based initiatives;

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"(F) Youth peer education; and

"(G) Other health-education services for adolescents and older adults.

"(3) For the purposes of this subsection, the term "faith-based initiative" means a program to encourage and support places of worship in delivering HIV prevention messages that promote safe-sex practices, educate people about HIV, and promote HIV screening.

"(4) In Fiscal Year 2015, the Director of the Department of Health shall issue a competitive grant totaling \$480,000 to a qualified community-based nonprofit corporation or organization for the creation of a comprehensive concussion care protocol for children.

"(f) For Fiscal Year 2015, the Director of the Department of Health may issue grants to qualified community organizations to provide:

"(1) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases;

"(2) Ambulatory health services;

"(3) Poison control hotline and prevention education services;

"(4) Operations and primary care services for school-based health clinics; and

"(5) A teen pregnancy prevention program.

"(g)(1) All grants issued pursuant to subsections (e) and (f) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

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

(b) New sections 4907b and 4907c are added to read as follows:

"Sec. 4907b. Communicable and Chronic Disease Prevention and Treatment Fund.

"(a) There is established as a special fund the Communicable and Chronic Disease Prevention and Treatment Fund ("Fund"), to be administered by the Department of Health in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from the following sources related to the prevention and treatment of communicable and chronic diseases by the Department of Health:

"(1) Third-party payors;

"(2) Sliding-fee scale collections; and

"(3) Other collections.

"(c) The Fund shall be used for operations necessary to provide communicable and chronic disease prevention and treatment services.

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

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

"Sec. 4907c. Communicable disease fees.

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"(a) The Director of the Department of Health may establish a schedule of fees for the prevention and treatment of communicable diseases, including HIV/AIDS, hepatitis, sexually transmitted diseases, and tuberculosis to be provided to any individual who presents for prevention or treatment services, regardless of health insurance coverage or ability to pay. The Director may periodically revise the schedule of fees and may establish a sliding fee scale, based on income, for uninsured individuals. The fees, including any sliding fee scale, shall be published in the District of Columbia Register.

"(b) The Director may seek reimbursement from any third-party payor for services provided relating to the prevention and treatment of communicable diseases."

SUBTITLE C. MEDICAL ASSISTANCE PROGRAM AMENDMENTS

Sec. 5021. Short title.

This subtitle may be cited as the "Medical Assistance Program Emergency Amendment Act of 2014".

Sec. 5022. Section 1 of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (8) to read as follows:

"(8) Review and approval by the Council of the Fiscal Year 2015 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

"(A) Implement needed amendments to the Elderly and Individuals with Physical Disabilities waiver to ensure compliance with federal law and promote best practices;

"(B) Establish new payment rates for Federally-Qualified Health Centers;

"(C) Establish a new payment method and make other improvements to the payment methodology for hospital inpatient treatment;

"(D) Establish a new payment method and make other improvements to the payment methodology for hospital outpatient services;

"(E) Implement needed amendments to the Intellectual Disabilities/Developmental Disabilities waiver to ensure compliance with federal law and promote best practices;

"(F) Align specialty hospital payments with the complexity of their patient mixes and national best practices and to describe payment standards for sub-acute services for children who are inpatients in private psychiatric specialty hospitals; and

"(G) Update transplantation coverage standards and provide coverage for lung transplantation and autologous bone marrow transplantation."

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

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"(e)(1) The District state plan required under Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), may provide for reimbursement of chiropractic services."

"(2) The Mayor may develop and implement a reimbursement methodology for chiropractic services."

SUBTITLE D. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT AMENDMENT

Sec. 5031. Short title.

This subtitle may be cited as the "Department of Behavioral Health Establishment Emergency Amendment Act of 2014".

Sec. 5032. Section 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61, D.C. Official Code § 7-1141.07), is amended as follows:

(a) Designate the existing text as subsection (a).

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

"(b) The following powers, duties, functions, and responsibilities are hereby transferred to the Department of Health, effective October 1, 2014:

"(1) All property, Career and Excepted Service, Management Supervisory Service, and trainee positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds available or to be made available to the Tobacco Control Program.

"(2) The Mayor shall coordinate, as necessary, the transfer from the Department to the Department of Health of any property, positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Tobacco Control Program."

SUBTITLE E. DEPARTMENT OF BEHAVIORAL HEALTH ENTERPRISE FUND

Sec. 5041. Short title.

This subtitle may be cited as the "Department of Behavioral Health Enterprise Fund Emergency Act of 2014".

Sec. 5042. Department of Behavioral Health Enterprise Fund.

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

(b) The Fund shall consist of revenue from the following fees, proceeds, and revenues collected from the following activities and operations:

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(1) Proceeds from the cafeteria managed and operated by the Department on the St. Elizabeths Hospital Campus;

(2) Fees charged for trainings and Continuing Education Units by the Department's Organizational Development- DMH Training Institute; and

(3) Recoupment and collection of housing bridge subsidy payments from individual consumers, representative payees, and landlords by the Department's Adult Services Supported Housing program.

(c) The Fund shall be used for the management and operation of the food cafeteria, DMH Training Institute, and Supported Housing programs managed and operated by the Department.

SUBTITLE F. LIHEAP HEAT AND EAT ELIGIBILITY PRESERVATION

Sec. 5051. Short title.

This subtitle may be cited as the "LIHEAP Heat and Eat Eligibility Preservation Emergency Amendment Act of 2014".

Sec. 5052. Section 5083(c) of the Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.03(c)), is amended by striking the phrase "\$1" and inserting the phrase "\$20.01" in its place.

SUBTITLE G. HEALTH SERVICES PLANNING AND DEVELOPMENT

Sec. 5061. Short title.

This subtitle may be cited as the "Health Services Planning and Development Emergency Amendment Act of 2014".

Sec. 5062. Section 2(12) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401), is amended as follows:

"(12) "Health service" means any medical or clinical related service, including services that are diagnostic, curative, or rehabilitative, as well as those related to inpatient mental health services, home health care, hospice care, medically supervised day care, and renal dialysis. The term "health service" shall not include those outpatient behavioral health services subject to the exclusive regulatory authority of the Department of Behavioral Health and services provided by physicians, dentists, HMOs, and other individual providers in individual or group practice."

SUBTITLE H. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES COST-OF-LIVING ADJUSTMENT

Sec. 5071. Short title.

This subtitle may be cited as the "Temporary Assistance for Needy Families Cost-of-Living Adjustment Emergency Amendment Act of 2014".

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Sec. 5072. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 511b (D.C. Official Code § 4-205.11b) is amended by striking the phrase "in the District".

(b) Section 552 (D.C. Official Code § 4-205.52) is amended by adding a new subsection (d-1) to read as follows:

"(d-1)(1) Effective October 1, 2015, the payment levels issued pursuant to section (c) of this subsection shall be adjusted annually for the rate of inflation, except for Fiscal Year 2017, for which the payment level shall be increased by 46%.

"(2) To adjust for the rate of inflation each year, the payment levels from the immediately preceding year shall be multiplied by the CPI percentage increase from the preceding calendar year, as determined by the United States Department of Labor Bureau of Labor Statistics in the Consumer Price Index for Urban Consumers (CPI-U) for all items."

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

"(b) An assistance unit's eligibility for POWER pursuant to subsection (a) of this section shall be subject to periodic review and redetermination as determined by the Mayor or the Mayor's designee."

(d) Section 575 (D.C. Official Code § 4-205.75) is amended by adding a new subsection (c) to read as follows:

"(c) A POWER recipient who is determined eligible for continuation of one year due to incapacity under section 572(b)(2) shall be informed by the Mayor or the Mayor's designee about the recipient's potential eligibility for Social Security Disability Insurance ("SSDI") or Supplemental Security Income ("SSI"). If appropriate, the POWER recipient shall submit an application for SSDI or SSI benefits as part of the recipient's self-sufficiency plan. The Mayor or the Mayor's designee shall offer application and advocacy assistance."

SUBTITLE I. INSURANCE REGULATORY TRUST FUND

Sec. 5081. Short title.

This subtitle may be cited as the "Insurance Regulatory Trust Fund Bureau Emergency Amendment Act of 2014".

Sec. 5082. The Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1201 *et seq.*), is amended as follows:

(a) Section 4(b) (D.C. Official Code § 31-1203(b)) is amended by adding a new sentence at the end to read as follows: "The assessment shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158.221(c) and 158.161(b)."

(b) Section 9 (D.C. Official Code § 31-1208) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(a) All insurers and health maintenance organizations subject to assessments in accordance with this act shall be members of an Insurance Regulatory Trust Fund Bureau,

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organized and maintained by such insurers and health maintenance organizations at their own expense, for the purpose of advising the Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority as to the need for the proposed assessments, including the assessment of health carriers in section 4(f) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code 31-3171.03(f)), the fairness of the proposed assessments, and any other matters with respect to the administration of the Insurance Regulatory Trust Fund. The Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority shall submit to the Insurance Regulatory Trust Fund Bureau annually, in advance of the Mayor's budget submission to the Council, a detailed budget showing how the proposed assessments are to be expended."

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

"(b) The board of directors of the Insurance Regulatory Trust Fund Bureau shall consist of no fewer than 15 members and shall include at least a majority of the health carriers issuing qualified health plans and some representation from health carriers issuing qualified dental plans as defined in section 2 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code 31-3171.01)."

(c) Section 10 (D.C. Official Code § 31-1209) is amended to read as follows:

"Sec. 10. Annual audit of Insurance Regulatory Trust Fund or District of Columbia Health Benefit Exchange Authority Fund.

"Upon a vote of the Insurance Regulatory Trust Fund Bureau taken in accordance with its bylaws, the Insurance Regulatory Trust Fund Bureau, at its own expense, may annually arrange for an independent audit of the expenditures made in any fiscal year by the Insurance Regulatory Trust Fund or the District of Columbia Health Benefit Exchange Authority Fund established in section 4(a) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code 31-3171.03(a)). The Commissioner, the Department of Insurance, Securities, and Banking, the Executive Director of the District of Columbia Health Benefit Exchange Authority, and all other elements of the District of Columbia government shall cooperate with such an audit and shall make available all documents and records reasonably necessary to the conduct of the audit."

Sec. 5083. Section 4(e) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.03(e)), is amended by adding a new paragraph (3) to read as follows:

"(3) The assessment on health carriers pursuant to subsection (f) shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158.221(c) and 158.161(b)."

SUBTITLE J. POWER EXPANSION

Sec. 5091. Short title.

This subtitle may be cited as the "POWER Expansion Emergency Amendment Act of 2014".

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Sec. 5092. Section 572a(a) of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.72a(a)), is amended by adding a new paragraph (1A) to read as follows:

“(1A) Is a single custodial parent or caretaker with a child under 6 months old; provided, that no parent or caretaker may remain eligible under this paragraph for more than 12 months;”.

SUBTITLE K. END YOUTH HOMELESSNESS

Sec. 5101. Short title.

This subtitle may be cited as the “End Youth Homelessness Emergency Amendment Act of 2014”.

Sec. 5102. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 5(b)(9) (D.C. Official Code § 4-752.02(b)(9)) is amended to read as follows:

“(9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate to provide hypothermia shelter, identifying the specific sites that will be used as hypothermia shelters, and including protocols on how to provide shelter services for unaccompanied minors.”.

(b) A new section 5a is added to read as follows:

"Sec. 5a. Plan to end youth homelessness in the District by 2020.

"(a) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Interagency Council, working jointly with organizations providing service to homeless youth within the Continuum of Care as well as homeless or formerly homeless youth and their advocates, shall prepare, publish, and submit to the Council a comprehensive Plan to End Youth Homelessness in the District by 2020.

"(b) The plan required by this section shall:

“(1) Include a community-wide needs assessment that takes into account existing data, including the results of the extended youth count required in section 7(h);

“(2) Include an analysis of strategies that have been successful in reducing youth homelessness;

“(3) Be developed pursuant to a process that includes public hearings and that will identify, prioritize, and target needs for services for homeless youth within the Continuum of Care;

“(4) Include specific recommendations for eradicating youth homelessness in the District by 2020, including recommendations for:

“(A) A grant-based family reunification program, a host-home program, and additional cultural competency training for youth homeless service workers, including intake

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and drop-in center workers, designed to inform such workers adequately concerning the developmental needs of homeless youth; and

"(B) Other specific culturally-competent and language-accessible programs designed to prevent youth from becoming homeless, identify youth that are homeless or at risk of becoming homeless, and provide counseling, shelter, and appropriate services to the youth so identified (including minor heads of households and minors temporarily without parental supervision); and

"(5) Include estimates of the costs of carrying out various components of the plan.

"(c) The plan required by this section shall identify any new legislation that is necessary to implement its recommendations, and provide recommendations concerning how to fund the provisions of the plan without reducing funding for other social programs.

"(d) The Interagency Council shall revise and submit to the Council the strategic plan required by section 5(b)(2) no later than 390 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), incorporating the provisions of the plan required by this section."

(c) Section 7 (D.C. Official Code § 4-753.01) is amended by adding new subsections (h) and (i) to read as follows:

"(h) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department of Human Services shall establish a program of street outreach to youth which shall be competitively granted.

"(i) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), and annually thereafter, the Department of Human Services, in coordination with the Interagency Council, shall conduct a youth census, separate from the annual Point-in-Time survey, to determine the needed scale and scope of a comprehensive program to end youth homelessness in the District. The youth census shall:

"(1) Count all children and youth under 18 years of age who are living apart from a parent or guardian, excluding those who are in the physical custody of the District, and all youth between the ages of 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street;

"(2) For each child or youth counted, record basic demographic information including age, race, and gender identification, the location where the child or youth stayed the night before the count, the child or youth's education and employment status, and membership in pertinent subgroups based on sexual orientation, gender orientation, pregnancy or parenting status, or involvement in the foster care or juvenile or adult criminal justice systems;

"(3) Identify patterns in responses describing factors leading to homelessness;

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“(4) Identify patterns in responses describing services used and gaps in service;

“(5) Be conducted over a period of at least one week, controlling for duplication by assigning each child or youth a unique identifier; and

“(6) Include multiple strategies and entry points to identify homeless children and youth.”.

(d) Section 8(c) (D.C. Official Code § 4-753.02(c)) is amended by adding a new paragraph (1C) to read as follows:

“(1C)(A) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Mayor shall issue a grant to a community-based organization to establish one or more intake and drop-in center for youth, including minors and youth-headed families, for the purposes of:

“(i) Assessing the eligibility of youth for services within the Continuum of Care and making referrals, including to the Child and Family Services Agency as appropriate; provided, that homelessness alone is not a valid reason for an allegation of abuse or neglect;

“(ii) Coordinating as necessary with the intake centers for families operated pursuant to paragraph (1) of this subsection;

“(iii) Contacting the parent or guardian of an unaccompanied minor within 72 hours of the minor’s request for services within the Continuum of Care; and

“(iv) Tracking outcomes, utilization rates, and turn-aways of youth across service providers.

“(B) Grants issued pursuant to this paragraph shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).”.

(d) Section 28 (D.C. Official Code § 4-755.01) is amended by adding a new subsection (d) to read as follows:

“(e)(1) Notwithstanding subsections (a) and (b) of this section, the Mayor shall fund a minimum of 5 additional shelter beds for homeless youth up to 24 years or age and additional transitional housing capacity for 10 youth ages 18 to 24 years.

“(2) Homeless services for youth shall be provided through 2-year grants to eligible community organizations based in the District with expertise in systems of care for homeless youth.

“(3) Recipients of grants shall establish, maintain, or expand facilities through these grants that protect the safety of homeless youth through facilities that are specifically for homeless youth and separate from any existing homeless services for the general population.

“(4) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).”.

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SUBTITLE L. HOMELESS PREVENTION PROGRAM ESTABLISHMENT

Sec. 5121. Short title.

This subtitle may be cited as the “Homeless Prevention Program Establishment Emergency Act of 2014”.

Sec. 5122. Homeless Prevention Program.

(a) There is established within the Department of Human Services (“Department”) a Homeless Prevention Program (“Program”) to conduct community outreach and provide services to families at risk of becoming homeless.

(b) The Department may contract with a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program. The Department shall establish the criteria that an entity must meet to be selected to operate the Program. If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program.

(c) The Program shall be administered by the Department in consultation with the Interagency Council on Homelessness.

(d) The Program shall:

(1) Use an evidence-based assessment and evaluation method to target and identify families most at risk of becoming homeless;

(2) Connect individuals and families at risk of becoming homeless with housing and financial assistance programs that provide short- and long-term assistance to allow households to remain in their current housing situation, if appropriate;

(3) Have multiple locations in communities identified as being at-risk of homelessness;

(4) Conduct educational campaigns and outreach to inform District residents about the services available to prevent homelessness;

(5) Conduct family or tenant-landlord mediation to assist families in remaining in their current housing situation or provide referrals to other organizations that can provide this assistance, if appropriate;

(6) Provide classes in skills critical to maintaining housing, including household budgeting, financial management, and financial literacy or provide referrals to other organizations that can provide this assistance;

(7) Provide job training and placement referrals to employment services or provide referrals to other organizations that can provide this assistance, including connecting families with resources available at District agencies;

(8) Assist families in applying for public benefits, including child care, SNAP, tax credits, and Medicaid or provide referrals to other organizations that can provide this assistance; and

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(9) Provide other counseling, case management, or services, including mental or behavioral health services or referrals to mental or behavioral health programs, to assist families in preventing homelessness.

(e) No later than January 1, 2016, and annually thereafter, the Program shall submit a report to the Council on the operations and services of the Program during the preceding fiscal year.

Sec. 5123. Conforming amendment.

Section 5 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.02), is amended by adding a new subsection (e) to read as follows:

“(e) The Department of Human Services shall administer the Homeless Prevention Program, established pursuant to the Homeless Prevention Program Establishment Emergency Act of 2014, passed on emergency basis on June 24, 2014 (Enrolled version of Bill 20-849), in consultation with the Interagency Council on Homelessness.”

SUBTITLE M. TOBACCO PRODUCT MANUFACTURER RESERVE FUND

Sec. 5131. Short title.

This subtitle may be cited as the “Tobacco Product Manufacturer Reserve Fund Emergency Amendment Act of 2014”.

Sec. 5132. Section 6(b) of the Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004, effective April 22, 2004 (D.C. Law 15-150; D.C. Official Code § 7-1803.05(b)), is amended as follows:

(a) Strike the phrase “Corporation Counsel” wherever it appears and insert the phrase “Attorney General” in its place.

(b) A new sentence is added at the end to read as follows:

“The Attorney General may also disclose the information received under this act with the data clearinghouse created to implement the term sheet agreed to by the District and Participating Manufacturers, and given effect by a March 12, 2013, arbitral award.”

SUBTITLE N. SOAR PILOT PROGRAM ESTABLISHMENT

Sec. 5141. Short title.

This subtitle may be cited as the “SSI/SSDI Outreach, Access, and Recovery (SOAR) Pilot Program Establishment Emergency Act of 2014”.

Sec. 5142. SOAR Pilot Program.

(a) There is established within the Department of Human Services (“Department”) a SSI/SSDI Outreach, Access, and Recovery, or SOAR Pilot Program (“Program”) to provide application assistance for individuals applying to receive Supplemental Security Income (“SSI”) and Social Security Disability Insurance (“SSDI”).

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(b)(1) The Department may contract with, or provide a grant to, a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program. The Department shall establish the criteria that an entity must meet to be selected to operate the Program. If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program.

(2) A grant issued under this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(c) The Program shall conduct outreach to homeless individuals to provide intensive assistance and support with completing an SSI or SSDI application with the federal Social Security Administration.

SUBTITLE O. TEEN PREGNANCY PREVENTION FUND

Sec. 5151. Short title.

This subtitle may be cited as the "Teen Pregnancy Prevention Fund Establishment Emergency Act of 2014".

Sec. 5152. Definitions.

For the purposes of this subtitle, the term:

(1) "Fund" means the Teen Pregnancy Prevention Fund established in section 5153.

(2) "Grant-managing entity" means the DC Campaign to Prevent Teen Pregnancy, as authorized by section 5156. Sec. 5153. Teen Pregnancy Prevention Fund.

(a) There is established a Teen Pregnancy Prevention Fund ("Fund") to provide subgrants to nonprofit organizations.

(b) The Department of Health shall make a grant to a single grant-managing entity of which at least 90% shall be used to make subgrants for the purpose of teen pregnancy prevention. The remaining 10% shall be utilized for administrative expenses and evaluation of the Fund. The grant-managing entity is limited to spending any funds received from the Fund on administrative costs only, and not any substantive work related to teen pregnancy prevention.

(c) The Fund is designed to provide subgrants to nonprofits in health services for teens, reproductive health education, professional development and training, research and policy development, and public education and awareness. The funds shall be available for conveyance to a grant-managing entity for the purposes identified in subsection (b) of this section.

(d) Subgrants shall be awarded, subject to the availability of funding, as follows:

(1) All subgrants shall be awarded on a competitive basis;

(2) The subgrants shall not exceed \$100,000 per year;

(3) Subgrants are one-time;

(4) The subgrant funds shall be used exclusively to serve District of Columbia residents; and

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(5) All subgrants shall be subject to District transparency requirements, such as Freedom of Information Act requests.

(e) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

Sec. 5153. Required information before approval.

(a) To be eligible to receive a subgrant from the grant-managing entity pursuant to section 5153, a subgrantee shall submit the following required documentation to the grant-managing entity, as well as any additional information required by the grant-managing entity:

(1) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A 24 Stat. 163; 26 U.S.C. § 501(c)(3));

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

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

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

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

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

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

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

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

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

- (A) Scope of work; and
- (B) Budget that describes how the subgrant funds shall be spent.

Sec. 5154. Reporting requirements.

Beginning December 1, 2014, the grant-managing entity shall submit a bimonthly report to the Council of all District funds allocated, which includes:

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

Sec. 5155. Authorization for grant-managing entity.

For Fiscal Year 2015, the DC Campaign to Prevent Teen Pregnancy ("DC Campaign") is designated as the grant-managing entity. The DC Campaign shall be required to enter into a Memorandum of Understanding ("MOU") with the District of Columbia government. The MOU shall set forth certain administrative requirements for the DC Campaign to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the DC Campaign's responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

Sec. 5156. Limitation on duplicative projects.

(a) The grant-managing entity shall take steps to avoid awarding subgrants to a nonprofit that has been awarded or is being awarded funds from another District agency for the same or similar program purposes for which it is applying for funding from the Fund.

(b) Within 30 days after the effective date of the MOU, the grant-managing entity shall provide to the Department of Health and the Council a plan that sets forth procedures for avoiding the award of duplicative funds.

SUBTITLE P. UNITED MEDICAL CENTER TRANSFORMATION INITIATIVE

Sec. 5161. Short title.

This subtitle may be cited as the "United Medical Center Transformation Initiative Emergency Act of 2014".

Sec. 5162. Findings and policy.

(a) It is the policy of the District government that there shall be an enduring, full service hospital east of the Anacostia River. To effect this policy the government is committed to improving the United Medical Center ("UMC") with the expectation that its improved financial condition (i.e., solvency) will enable eventual divestiture of UMC from District ownership and management.

(b) The government recognizes and supports the proposition that maintaining full hospital service may likely entail more than renovation of the current facility on Southern Avenue, SE.

(c) Substantial funding has been made available to UMC in the Capital Improvement Plan accompanying the fiscal year 2015 budget. Although most of these dollars are strategic

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investment in facilities, equipment, and information technology, the Council would be supportive of utilizing these dollars toward a viable proposal, which may involve a public-private-partnership, to construct a new hospital facility rather than renovation of the existing facility.

(d) The Council affirmatively approved a contract in 2012 with Huron Consulting Group in part to improve the operations of UMC and to assist with the divestiture of UMC from District ownership and management. Huron is urged to solicit bidders for ownership and management without constraint as to a particular business model or financing structure other than to obtain an offer that is both in the best interest of the District government and the policy to maintain an enduring, full service hospital east of the Anacostia River.

(e) The Executive is urged to move forward expeditiously with improving UMC operations and soliciting proposals for private sector takeover of the ownership and management of the United Medical Center.

SUBTITLE Q. LOCAL RENT SUPPLEMENT PROGRAM REFERRALS

Sec. 5171. Short title.

This subtitle may be cited as the "Local Rent Supplement Program Referrals Emergency Amendment Act of 2014".

Sec. 5172. 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. Notwithstanding section 8c, in Fiscal Year 2015, 75 tenant-based Local Rent Supplement vouchers, established by section 26a of the District of Columbia Housing Authority Act, effective March 2, 2007 (D.C. Law 13-105; D.C. Official Code § 6-226), shall be filled through referrals by the Department of Human Services. The referrals shall be based on special eligibility criteria established in 29 DCMR § 2557.1, or shall consist of families currently in the Department of Human Services Permanent Supportive Housing Program who the Department determines no longer need intensive services."

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**SUBTITLE A. VAULT RENT**

Sec. 6001. Short title.

This subtitle may be cited as the "Vault Rent Emergency Amendment Act of 2014".

Sec. 6002. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*) ("Public Space Act"), is amended as follows:

(a) Section 103 (D.C. Official Code § 10-1101.01) is amended as follows:

(1) New paragraphs (1B), (1C), and (1D) are added to read as follows:

"(1B) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

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"(1C) "Condominium unit owners' association" shall have the same meaning as the unit owner's association described in section 301 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.01), or a master association as defined in section 102(19A) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.02(19A)), as the context may require.

"(1D) "Declarant" shall have the same meaning as provided in section 102(11) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.02(11))."

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

"(6A) "Responsible condominium unit owners' association" means a condominium unit owners' association if vault rent was an obligation of the condominium as a whole before there was a unit owner other than the declarant, or the condominium unit owners' association or its predecessor entered into an agreement with the Mayor relating to the occupation of vault space."

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

"(9) "Vault rent year" means the period beginning July 1st each year and ending June 30th of each succeeding year."

(b) Section 202 (D.C. Official Code § 10-1102.02) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) Notwithstanding the requirements of subsection (a) of this section, the District shall not charge a fee to a nonprofit organization for occupying public space to operate a farmers market."

(c)(1) Section 303 (D.C. Official Code § 10-1103.02) is amended to read as follows:

"Sec. 303. (a)(1) The Chief Financial Officer shall assess and collect rent and charges from the owner or owners of abutting property for any vault located in the public space abutting such property, unless such vault has been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor.

"(2) Bills and notices shall be deemed to be properly served when mailed via first class mail to the abutting property owner's mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(b)(1) Notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code §42-1901.04), or any provision of other law that imposes liability for vault rent that is contrary to this subsection, vault rent shall be assessed against a responsible condominium unit owners' association.

"(2) The responsible condominium unit owners' association shall be billed for vault rent as a separate and distinct taxable entity with its own vault rent account, as designated by the Chief Financial Officer, and, unless the context requires otherwise, for purposes of this title shall be deemed to be the owner of the property abutting public space in which any vault is located.

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"(3) A notice of proposed land assessment relating to the vault rent account shall be given to the responsible condominium unit owners' association by March 1st before the beginning of the applicable vault rent year.

"(4) The assessed value of the land derived for purposes of billing the vault rent may be appealed as provided under D.C. Official Code § 47-825.01a(d), (e), and (g); except, that for the purposes of this section any references in that section to an owner shall be deemed to be references to a responsible condominium unit owners' association.

"(5) Provided that the land values of comparable multi-family residential properties shall only be used in determining land values for vault rent purposes in residential condominiums, the Chief Financial Officer may correct or change any land assessment relating to the vault rent account for which a responsible condominium unit owners' association is responsible as under the circumstances and subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to:

"(A) Tax years shall be deemed to be a reference to vault rent years;

"(B) Owner shall be deemed to be a reference to a responsible condominium unit owners' association; and

"(C) The owner's address of record shall be deemed to be a reference to the responsible condominium unit owners' mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(c) Where vault rent is assessed against any owner other than a responsible condominium owners' association, the Mayor may adjust any utilization factor or area of the vault level under the circumstances, subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to tax years shall be deemed to be a reference to vault rent years .".

(d) Section 305 (D.C. Official Code § 10-1103.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "shall pay the rent established in accordance with this part for such vault. Such rent shall be payable annually for the year commencing July 1st and ending on the following June 30th, and shall be payable in full prior to the beginning of such year." and inserting the phrase "shall pay the rent established in accordance with this part for such vault and any charges levied under § 308(a). Such rent and charges shall be payable annually for the vault rent year and shall be payable in full on or before the later of 30 days after the date the vault rent bill was mailed or September 15 of the vault rent year." in its place.

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

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

"(c-1) Notwithstanding subsection (c) of this section, rent per fuel oil tank shall be \$100; provided, that the Council may adjust the amount of rent per fuel oil tank pursuant to section 401."

(e) Section 305a (D.C. Official Code § 10-1103.04a) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "Chief Financial Officer" in its place.

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(f) Section 308 (D.C. Official Code § 10-1103.07) is amended by adding subsections (c), (d), (e), and (f) to read as follows:

"(c)(1) For vault years beginning after June 30, 2015, the Mayor, in the Mayor's discretion, may seal off, remove in whole or in part, fill, reconstruct, repair, or close a vault or vault opening, or perform any other service in connection with a vault or vault opening that the Mayor considers necessary or appropriate; provided, that should the subject vault contain utility infrastructure, the Mayor shall confer with the affected utility before any modification to the vault about whether the planned activity would compromise the operations of the utility infrastructure system.

"(2) The Chief Financial Officer shall levy a charge against the abutting property for the reasonable cost of action by the Mayor.

"(d)(1) For periods beginning after June 30, 2015, interest on unpaid vault rent and the charges authorized under subsection (a) of this section shall accrue at the rate set forth in D.C. Official § 47-811(c) per month or part thereof after the due date prescribed in section 305.

"(2) Except as provided in subsection (f) of this section, the abutting property for any vault located in the public space shall be sold by the Chief Financial Officer at a tax sale held under Chapter 13A of Title 47 of the District of Columbia Official Code for vault rent, charges, and interest that are delinquent as of the October 1st before the tax sale.

"(3) Notwithstanding any other provision of law, delinquent vault rent, charges, and interest shall not be required to be certified for purposes of the tax sale and the lien priority of vault rents, charges, and interest shall be immediately junior to real property taxes.

"(e) Payments shall be applied to the oldest vault year owed, and within such year first to interest, then to charges, and then to rent.

"(f)(1) When a responsible condominium unit owners' association is billed for vault rent, charges, and interest and the rent, charges, and interest are not timely paid, the rent, charges, and interest shall constitute a delinquent tax to be collected against the responsible condominium unit owners' association in accordance with Chapter 44 of Title 47 of the District of Columbia Official Code, notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.04), or any other provision to the contrary. Liability shall follow to any subsequent or successor responsible condominium unit owners' association or the resulting owners of any termination of the condominium, as the case may be, notwithstanding any other law to the contrary."

(g) A new subsection 308a is added to read as follows:

"Sec. 308a. Waiver and compromise; authority of the Chief Financial Officer.

"The Chief Financial Officer may:

"(1) Waive, in whole or in part, interest assessed pursuant to the Public Space Rental Act in the interest of equity or in the public interest; or

"(2) Compromise any charge or vault rent assessed pursuant to the Public Space Rental Act when, in the Chief Financial Officer's judgment, there is reasonable doubt as to the liability of the owner against whom the vault rent was assessed or the collectability of the tax."

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(h) A new section 311 is added to read as follows:

"Sec. 311. Rules.

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

Sec. 6003. Applicability.

(a) Section 6002 (a), (c), (d), (e), and (f) shall apply as of July 1, 2015.

(b) Section 6002(b), (g), and (h) shall apply upon the effective date of this act.

**SUBTITLE B. CAPITAL BIKESHARE CORPORATE SPONSORSHIP
ESTABLISHMENT**

Sec. 6021. Short title.

This subtitle may be cited as the "Private Sponsorship of Capital Bikeshare Emergency Amendment Act of 2014".

Sec. 6022. Section 5(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(a)), is amended as follows:

(a) Paragraph (4)(G)(iv) is amended by striking the period and inserting the phrase "; provided, that proceeds related to advertisements on bicycles, equipment, or facilities used for the purposes of the Bicycle Sharing program shall be deposited into the Bicycle Sharing Fund established by section 9h." in its place.

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

"(4A) Rights-of-Way Management Administration may enter into agreements to allow the private sponsorship of bicycles, equipment, and facilities used in the Bicycle Sharing program, the placement of a corporate logo, slogan, or other indicia on the bicycles or facilities, and on related websites and social media; provided, that that an agreement that would modify the name or design of any part of the Capital Bikeshare system, including equipment, or facilities, shall be submitted to the Council for a 30-day period of passive review before execution. The agreement submitted to the Council shall include detailed information about a proposed name or design. All proceeds collected from a private sponsorship agreement shall be deposited into the Bicycle Sharing Fund established by section 9h."

SUBTITLE C. DDOT MANAGED LANE AUTHORIZATION

Sec. 6031. Short title.

This subtitle may be cited as the "District Department of Transportation Managed Lane Authorization Emergency Amendment Act of 2014".

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Sec. 6032. Section 5(a)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(a)(2)), is amended as follows:

(a) Subparagraph (M) is amended by striking the word "and" at the end.

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

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

"(O) Implement managed lane policies, including lane pricing, vehicle eligibility, and access control; provided, that at least one lane of traffic on a street with managed lanes shall be free of charge; provided further, that the Department shall submit to the Council any policy created pursuant to this subparagraph for approval by act before implementation."

SUBTITLE D. INTEGRATED PREMIUM TRANSIT SYSTEM AMENDMENT

Sec. 6041. Short title.

This subtitle may be cited as the "Integrated Premium Transit System Emergency Amendment Act of 2014".

Sec. 6042. 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 5 (D.C. Official Code § 50-921.04) is amended as follows:

(1) The lead-in language is designated as subsection (a).

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

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

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

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

"(E) Plan, manage, and contract for all, or any part of, the design, engineering, construction, operation, and maintenance of any element of the Integrated Premium Transit System."

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

(A) Subparagraph (L) is amended by striking the phrase "Operate, develop, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place.

(B) Subparagraph (N) is amended by striking the phrase "Operate, develop, regulate, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place.

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

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

"(1) "DC Streetcar" means a fixed guideway transit network offering rail passenger service operated by the District government or its agent.

"(2) "Integrated Premium Transit System" means an integrated transit system composed of any or all of the DC Streetcar, bus service operated or managed by, or on behalf of,

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the District government consistent with the Washington Metropolitan Area Transit Regulation Compact, and facilities including buildings, other structures, and parking areas appurtenant to the DC Streetcar and bus service."

(b) Section 11n (D.C. Official Code § 50-921.72) is amended as follows:

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

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

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

"(3) Enter into contracts with third parties for the design, construction, operation, and maintenance of the DC Streetcar."

Sec. 6043. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

(1) Paragraph (5)(A) is amended by striking the phrase "Beginning in the fiscal year following the completion of the capital construction of the Streetcar Project," and inserting the phrase "Beginning in Fiscal Year 2045," in its place.

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

"(6) All funds in the Pay-as-you-go Capital Account shall be budgeted for the Integrated Premium Transit System until Fiscal Year 2045."

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

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

"(A) "DC Streetcar" shall have the same meaning as provided in section 5(b)(1) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(b)(1)).

"(B) "Integrated Premium Transit System" shall have the same meaning as provided in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(b)(2))."

Sec. 6044. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 2-351.04) is amended as follows:

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

"(2A) "Alternative technical concept" means a proposed change to an agency-supplied base design configuration, project scope, design criterion, or construction criterion that the agency determines is equal to or better than a requirement in a request for proposals."

(2) Paragraph (13) is amended to read as follows:

"(13) "Construction" means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility. The term "construction" does not include the routine operation, routine repair, or routine maintenance of an existing public infrastructure facility."

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(3) A new paragraph (37A) is added to read as follows:

"(37A) "Public infrastructure facility" includes any public structure, public building, any element of the Integrated Premium Transit System, as that term is defined in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(b)(2)), and other public improvements of any kind to real property."

(b) Section 201(d) (D.C. Official Code § 2-352.01(d)) is amended by striking the phrase "roads and bridges" and inserting the phrase "roads, bridges, other transportation systems, and facilities and structures appurtenant to roads, bridges, and other transportation systems" in its place.

(c) Section 403 (D.C. Official Code § 2-354.03) is amended by adding a new subsection (d-1) to read as follows:

"(d-1) An RFP for the construction of a road, bridge, other transportation system, or a facility or structure appurtenant to a road, bridge, or other transportation system, may allow prospective offerors or contractors to submit alternative technical concepts as a part of their proposals. The agency's determination on the alternative technical concepts may be considered by the contracting officer as part of the evaluation and ranking of proposals."

Sec. 6045. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE E. PESTICIDE REGISTRATION FUND AMENDMENT

Sec. 6051. Short title.

This subtitle may be cited as the "Pesticide Registration Fund Emergency Amendment Act of 2014".

Sec. 6052. Section 9a(c) of the Pesticide Education and Control Amendment Act of 2012, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 8-438.01(c)), is amended by striking the word "pesticide" and inserting the phrase "pesticide, chemical, tank, land remediation, and wildlife protection" in its place.

SUBTITLE F. DISTRIBUTED GENERATION AMENDMENT

Sec. 6061. Short title.

This subtitle may be cited as the "Distributed Generation Emergency Amendment Act of 2014".

Sec. 6062. Section 4(e) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1432(e)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "serving the District" and inserting the phrase "serving the District; provided, that renewable energy credits from solar energy

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systems larger than 5MW in capacity located on property owned by the District, or by any agency or independent authority of the District, may be used to meet the solar requirement" in its place.

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

"(2) As of January 1, 2015, notwithstanding paragraph (1) of this subsection, an electricity supplier may meet the remaining non-solar tier one renewable source requirement of the renewable energy portfolio standard by obtaining the equivalent amount of renewable energy credits from solar energy systems that do not satisfy the requirements under paragraph (1) of this subsection."

SUBTITLE G. CLEAN AND AFFORDABLE ENERGY AMENDMENT

Sec. 6071. Short title.

This subtitle may be cited as the "Clean and Affordable Energy Emergency Amendment Act of 2014".

Sec. 6072. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 201(d)(4) (D.C. Official Code § 8-1774.01(d)(4)) is amended to read as follows:

"(4) Improve the energy efficiency or increase the renewable energy generating capacity of low-income housing, shelters, clinics, or other buildings serving low-income residents in the District of Columbia;"

(b) Section 202(a) (D.C. Official Code § 8-1774.02(a)) is amended by striking the phrase "5 years" and inserting the phrase "5 years. Upon the expiration of the initial SEU contract, including any option years, subsequent SEU contracts shall be multiyear contracts of not less than 4 years. If options to extend the SEU contract are included in subsequent SEU contracts, the option periods shall be for not less than 2 years" in its place.

(c) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

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

(A) Paragraph (1) is amended by striking the word "nonlapsing" and inserting the word "special" in its place.

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

"(2) 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."

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

"(3) 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."

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

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

"(1) The SEU contract in an amount of at least \$20 million annually;"

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(B) Paragraphs (5), (6), (7), and (8) are repealed.

Sec. 6073. Section 8 of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "shall receive" and inserting the phrase "may receive" in its place.

(b) Subsection (c) is amended by adding a new sentence at the end to read as follows: "The Fund may be used to supplement programs supporting the creation of new solar energy sources in the District of Columbia through the Sustainable Energy Utility contract established by the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*)".

SUBTITLE H. ATHLETIC FIELD PERMIT COORDINATION COMMITTEE

Sec. 6081. Short title.

This subtitle may be cited as the "Athletic Field Permit Coordination Committee Emergency Amendment Act of 2014".

Sec. 6082. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended by adding a new section 7b to read as follows:

"Sec. 7b. Athletic Field Permit Coordination Committee.

"(a)(1) Within 90 days of the effective date of the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department shall establish an Athletic Field Permit Coordination Committee ("Committee") to advise the Department on how to develop a collaborative permitting system for athletic fields located on property owned by the District of Columbia.

"(2) The Committee shall include representatives from the following:

"(A) The Department;

"(B) The Department of General Services;

"(C) The District of Columbia Public Schools;

"(D) The District of Columbia Public Charter School Board; and

"(E) The National Park Service.

"(3) The Department shall assign an employee from the Department to perform duties, including the following:

"(A) Coordinating and securing a location for Committee meetings;

"(B) Ensuring administrative support for the Committee, such as circulating meeting notices and keeping meeting minutes; and

"(C) Developing an agenda for meetings and ensuring that the Committee issues the comprehensive report described in subsection (b) of this section.

"(b) By March 31, 2015, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a comprehensive report containing the following:

"(1) An analysis of public field availability throughout the District;

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“(2) An analysis of whether it is feasible to create a singular office for permitting public athletic field space located throughout the District;

“(3) A recommendation of how to proportionately allocate permit revenue to the District government entities whose fields are being used, as opposed to all funds being deposited into the General Fund of the District of Columbia; and

“(4) A list of underutilized public fields that the Department, in collaboration with the Department of General Services, may convert to usable and sustainable fields.

“(c) By March 31, 2016, and each year thereafter, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a report containing the following:

“(1) An update on the progress of the analysis conducted and recommendations provided in previous reports created by the Committee;

“(2) Actions taken by the Committee in the preceding year; and

“(3) Recommendations for methods to develop and provide a collaborative permitting system for athletic fields owned by the District of Columbia.”

SUBTITLE I. COMPETITIVE GRANTS

Sec. 6091. Short title.

This subtitle may be cited as the "Competitive Grants Emergency Act of 2014".

Sec. 6092. In Fiscal Year 2015, the Council shall award a grant on a competitive basis to a regional organization, in an amount not to exceed \$500,000, to produce a comprehensive rail plan for the District, including plans to accommodate future increases in passenger, commuter, and freight rail traffic. The Council shall consult with the Office of Planning and the District Department of Transportation before awarding the grant.

Sec. 6093. In Fiscal Year 2015, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$50,000, for recycling education at public housing.

Sec. 6094. In Fiscal Year 2015, the Department of Parks and Recreation shall award a grant on a competitive basis, in an amount not to exceed \$250,000, to improve the Kenilworth Parkside Community Park.

Sec. 6095. In fiscal years 2015 to 2018, the Office of the State Superintendent of Education shall award a grant on a competitive basis, in an amount not to exceed \$63,000, to one or more nonprofit organizations to support school pantries at low-income schools in the District.

Sec. 6096. In fiscal years 2015 to 2018, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$200,000, to provide wildlife rehabilitation services.

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Sec. 6097. (a) Of the funds appropriated in fiscal years 2015 and 2016 to the Department of Small and Local Business Development for Clean Teams, the amount of \$600,000 shall be awarded as a competitive grant over a 2-year period to include \$300,000 in Fiscal Year 2015 and \$300,000 in Fiscal Year 2016 to a Business Improvement District that can provide clean team services to, at minimum, the following areas, with funds divided equally:

(1) In Ward 7: Pennsylvania Avenue, S.E., from Fairlawn Street, S.E., to Naylor Road, S.E.;

(2) In Ward 3: Wisconsin Avenue, N.W., from Lowell Street, N.W., to Davenport Street, N.W.; and

(3) In Ward 5: Penn Street, N.E., between 6th Street, N.E., and 4th Street, N.E.; 4th Street, N.E., between Penn Street, N.E., and New York Avenue, N.E.; New York Avenue, N.E., between 4th Street, N.E., and Fenwick Street, N.E.; Fenwick Street, N.E., between New York Avenue, N.E., and West Virginia Avenue, N.E.; West Virginia Avenue, N.E., between Fenwick Street, N.E., and Mount Olivet Road, N.E.; Capitol Avenue, N.E., between Fenwick Street, N.E., and Mount Olivet Road, N.E.; Gallaudet Street, N.E., between Fenwick Street, N.E., and Corcoran Street, N.E.; Fairview Avenue, N.E., between New York Avenue, N.E., and Gallaudet Street, N.E.; Corcoran Street, N.E., between Gallaudet Street, N.E., and Mount Olivet Road, N.E.; Kendall Street, N.E., between New York Avenue, N.E., and Capitol Avenue, N.E.; Central Place, N.E., between Gallaudet Street, N.E., and West Virginia Avenue, N.E.; Providence Street, N.E., between Gallaudet Street, N.E., and Capitol Avenue, N.E.; Okie Street, N.E., between Fenwick Street, N.E., and Kendall Street, N.E.; and the 1100 block of Okie Street, N.E.

(b) The BID must further have experience in:

(1) Providing clean team services;

(2) Providing job training services to its employees;

(3) Hiring District residents; and

(4) Providing additional social support services to its Clean Team employees."

(c) Section 6082 of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12541), is amended by striking the phrase "Cathedral Avenue" and inserting the phrase ""Devonshire Place" in its place.

Sec. 6098. All grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

Sec. 6099. Notwithstanding section 6119 or section 1091 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11), in Fiscal Year 2015, the Deputy Mayor for Planning and Economic Development shall award a grant of \$5,000,000 for the improvement of facilities and operations of the Animal Care and Control Agency selected pursuant to section 3 of the Animal Control Act of 1979, effective October 17, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1802).

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SUBTITLE J. ANACOSTIA RIVER TOXICS REMEDIATION

Sec. 6101. Short title.

This subtitle may be cited as the "Anacostia River Toxics Remediation Emergency Act of 2014".

Sec. 6102. By June 30, 2018, the Director of the District Department of the Environment shall adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River. The remedial choice shall be based on the remedial investigation and feasibility study results and shall be consistent with the National Contingency Plan set forth in 40 C.F.R. Part 300, and with section 121 of the Comprehensive Environmental Response Compensation and Liability Act, approved October 17, 1986 (100 Stat. 1672; 42 U.S.C. § 9621).

TITLE VII. FINANCE AND REVENUE**SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS**

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Emergency Amendment Act of 2014".

Sec. 7002. Section 47-4304.01(3) of the District of Columbia Official Code is amended to read as follows:

"(3) The tax credit shall be applied over a 3-year period in equal amounts in tax years beginning on or after January 1, 2019."

Sec. 7003. Section 3 of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-89; 61 DCR 317), is repealed.

Sec. 7004. Section 3 of the Minimum Wage Amendment Act of 2013, effective March 11, 2014 (D.C. Law 20-91; 61 DCR 3746), is repealed.

Sec. 7005. Section 4(c) of the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, enacted on April 8, 2014 (D.C. Act 20-307; 61 DCR 3892), is repealed.

Sec. 7006. Section 5 of the Fair Student Funding and School-Based Budgeting Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-87; 61 DCR 3742), is repealed.

Sec. 7007. Section 4 of the Smoking Restriction Amendment Act of 2013, effective December 13, 2014 (D.C. Law 20-48; 61 DCR 15145), is repealed.

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Sec. 7008. Section 13 of the Wildlife Protection Act of 2010, effective March 8, 2011 (D.C. Law 18-289; 57 DCR 11499), is repealed.

Sec. 7009. Section 5 of the Traffic Adjudication Amendment Act of 2014, passed on 2nd reading on May 6, 2014 (Enrolled version of Bill 20-324), is amended to read as follows:

“Sec. 5. Applicability.

“This act shall apply as of October 1, 2014.”.

Sec. 7010. Section 501 of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; 61 DCR 5193), is repealed.

SUBTITLE B. TAX REVISION COMMISSION IMPLEMENTATION

Sec. 7021. Short title.

This subtitle may be cited as the “Tax Revision Commission Implementation Emergency Amendment Act of 2014”.

Sec. 7022. Title 47 of the District of Columbia Official Code is amended as follows:

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

“Chapter 1C . Tax Revision Implementation.”.

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

“Chapter 1C . Tax Revision Implementation.”.

“§ 47-181. Tax reform procedure and priority.

“(a) If local Fiscal 2015 or Fiscal Year 2016 recurring annual revenues included in the quarterly revenue estimate issued in February 2015 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015:

“(1) The first \$181 million shall be recognized as Fiscal Year 2016 revenue; and

“(2) Any additional recurring revenue remaining after paragraph (1) of this subsection has been addressed shall be used to implement the provisions set forth in the Tax Revision Commission Implementation Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) (“TRC act”), according to the priority set forth in subsection (c) of this section, for taxable years beginning or deaths occurring, as applicable, after December 31, 2015.

“(b) After the Fiscal Year 2016 budget and financial plan has been approved, any recurring revenues in a quarterly revenue estimate preceding any subsequent fiscal year, net of the dedication required by § 47-392.02(f), that exceed the local revenue incorporated in the approved budget and financial plan for that year shall be used to continue implementation of the TRC act according to the priority set forth in subsection (c) of this section for taxable years beginning or deaths occurring, as applicable, after December 31 of the year of the applicable February estimate.

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“(c) The tax reform provisions of section 7012 of the TRC act shall be implemented in the following priority:

“(A) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 7.0% to 6.75%;

“(B) Create new individual income tax brackets of \$350,000 to \$1 million at 8.75% and in excess of \$1 million at 8.95%;

“(C) Reduce the unincorporated and incorporated business franchise tax from 9.4% to 9.2%;

“(D) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 6.75% to 6.5%;

“(E) Reduce the unincorporated and incorporated business franchise tax from 9.2% to 9.0%;

“(F) Raise the estate tax threshold from \$1 million to \$2 million;

“(G) Raise the standard deduction from \$5,200 for singles, \$6,650 for Head of Household, \$8,350 for married to \$5,650 for singles, \$7,800 for Head of Household, and \$10,275 for married;

“(H) Increase the personal exemption from \$1,675 to \$2,200;

“(I) Raise the standard deduction from \$5,650 for singles, \$7,800 for Head of Household, and \$10,275 for married to conform to the federal level;

“(J) Increase the personal exemption from \$2,200 to \$2,700;

“(K) Reduce the unincorporated and incorporated business franchise tax from 9.0% to 8.75%;

“(L) Increase the personal exemption from \$2,700 to \$3,200;

“(M) Raise estate threshold from \$2 million to conform to the federal level;

“(N) Reduce unincorporated and incorporated business franchise tax from 8.75% to 8.5%;

“(O) Increase the personal exemption from \$3,200 to \$3,700;

“(P) Reduce unincorporated and incorporated business franchise tax from 8.5% to 8.25%; and

“(Q) Increase the personal exemption from \$3,700 to conform to the federal level, and repeal the low income credit.

“(d) Except for those provisions of the TRC act that are funded in the approved budget and financial plan for Fiscal Year 2015, the currently unfunded provisions of the TRC act shall not apply until their fiscal effect is provided for pursuant to this section.

“(e) The cost of the tax policy reforms authorized by subsections (a) and (b) of this section shall be recalculated on an annual basis and reported in each February revenue estimate.”.

(c) Chapter 18 is amended as follows:

(1) Section 47-1801.04 is amended as follows:

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(A) Paragraph (11)(A) is amended by striking the phrase "paragraph (44)(A) and (B)" and inserting the phrase "paragraph (44)(A), (B), and (C)" in its place.

(B) Paragraph (43) is amended by striking the phrase "section." and inserting the phrase "section. The term "sales" does not include receipts of a taxpayer from hedging transactions and from the maturity, redemption, sales, exchange, loan, or other disposition of cash or securities." in its place.

(C) Paragraph (44) is amended to read as follows:

"(44) "Standard deduction" means:

"(A) In the case of a return filed by a single individual or married individual filing a separate return:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after January 1, 2015, the highest of:

"(I) \$5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) Subject to availability of funding and in accordance with § 47-181, the amount of the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986 (26 USC § 63(c));

"(B) In the case of a return filed by a head of household:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after January 1, 2015, the highest of:

"(I) \$6,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) Subject to availability of funding and in accordance with § 47-181, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

"(C) In the case of a return filed by married individuals filing a joint return, or a surviving spouse:

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"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after January 1, 2015, the highest of:

"(I) \$6,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) The standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986 (26 USC § 63(c)); and

"(D) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraph (A), (B), or (C) of this paragraph prorated by the number of months that the individual was a resident."

(2) Section 47-1803.02(a)(2)(N) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the word "and" at the end.

(B) Sub-subparagraph (ii) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(iii) This paragraph shall apply for taxable years beginning before January 1, 2015."

(3) Section 47-1803.03(b-1) is amended by striking the phrase "An individual" and inserting the phrase "For taxable years beginning before January 1, 2015, an individual" in its place.

(4) Section 47-1806.02 is amended as follows:

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

"(c) Before January 1, 2015, there shall be allowed an additional exemption for a taxpayer who qualifies as a head of household."

(B) Subsection (d) is amended by striking the phrase "There shall" and inserting the phrase "Until § 47-181(c)(I) is implemented, there shall" in its place.

(C) Subsection (e) is amended by striking the phrase "There shall" and inserting the phrase "Until § 47-181(c)(I) is implemented, there shall" in its place.

(D) Subsection (f)(1)(A) is amended to read as follows:

"(A) Whose gross income for the calendar year in which the year of the taxpayer begins is less than the higher of:

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"(1) \$ 1,675, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$ 50, rounded to the next lowest multiple of \$ 50); or

"(2) The amount set forth in subsection (i) of this section; or".

(E) Subsection (i) is amended to read as follows:

"(i) For the purposes of this section, the deduction for personal exemptions shall be:

"(1) For taxable years beginning after December 31, 2012, \$1,675, increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(2) Subject to availability of funding and in accordance with § 47-181 and subject to § 47-1806.04(e), the amount shall be:

"(A) \$2,200;

"(B) \$3,200; or

"(C) The prescribed personal exemption amount in section 151 of the Internal Revenue Code of 1986 without reduction for the phaseout of subsection (d)(3) of section 151."

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

"(h-1) (1) The amount of the personal exemption otherwise allowable for the taxable year in the case of an individual whose adjusted gross income exceeds the applicable amount shall be reduced by 2% for every \$2,500 of the excess of the adjusted gross income over \$150,000.

"(2) No amount of the personal exemption in excess of the amount provided in paragraph (1) of this subsection shall be available for an adjusted gross income in excess of \$275,000."

(5) Section 47-1806.03(a) is amended as follows:

(A) Paragraph (8)(B) is amended by striking the phrase "January 1, 2016" and inserting the phrase "January 1, 2015" in its place.

(B) New paragraphs (9) and (10) are added to read as follows:

"(9) In the case of the taxable year beginning after December 31, 2014, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:....	The tax is:
"Not over \$10,000	4% of the taxable income.
"Over \$ 10,000 but not over \$ 40,000	\$400, plus 6% of the excess over \$ 10,000.
"Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 7% of the excess over \$ 40,000.
"Over \$ 60,000 but not over \$ 350,000	\$3,600, plus 8.5% of the excess over \$ 60,000.
"Over \$350,000	\$28,250, plus 8.95% of the excess above \$350,000.

"(10) In the case of taxable years beginning after December 31, 2015, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

"(A) "If the taxable income is: The tax is:

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"Not over \$ 10,000	4% of the taxable income.
"Over \$ 10,000 but not over \$ 40,000	\$400, plus 6% of the excess over \$ 10,000; and
“(B) “Subject to availability of funding and in accordance with § 47-181,	
“If the taxable income is:	The Tax is:
"Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 6.5% of the excess over \$ 40,000.
"Over \$ 60,000 but not over \$ 350,000	\$3,500, plus 8.5% of the excess over \$ 60,000.
"Over \$350,000 but not over \$1,000,000	\$28,150, plus 8.75% of the excess above \$350,000.
"Over \$1,000,000	\$85,025, plus 8.95% of the excess above \$1,000,000

“(C) Paragraph (9) of this subsection shall continue to apply for taxable years beginning after December 31, 2015, except where superseded by any funded provision of § 47-181, until subparagraph (B) of this paragraph is fully applicable.”.

(6) Section 47-1806.04 is amended as follows:

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

"(4) The credit provided for in paragraph (1) of this subsection shall no longer be allowed upon the personal exemption being increased to conform to the federal level.

(B) Subsection (f) is amended as follows:

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

(I) Designate the existing text as subparagraph (A).

(II) New subparagraphs (B) and (C) are added to read as

follows:

"(B) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual with a qualifying child who is eligible for and claimed an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 shall be allowed a credit against the tax imposed by this chapter for the taxable year in an amount equal to 40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986.

"(C)(i) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual without a qualifying child who is eligible for an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 (without regard to the limit in section 32(a)(2) of the Internal Revenue Code of 1986) shall be allowed a credit against the tax imposed by this chapter in an amount equal to the credit percentage of so much of a taxpayer's earned income as does not exceed the earned income amount.

"(ii) The amount of the credit allowable to a taxpayer under subparagraph (i) of this subparagraph for any taxable year shall not exceed the credit percentage of the earned income amount, over the phaseout percentage of 8.48% of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount of \$17,235, increased annually by the cost-of-living adjustment."

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

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"(4) For the purposes of this subsection, credit percentage, earned income, earned income amount, and qualifying child shall have the same meaning as provided in section 32 of the Internal Revenue Code of 1986."

(C) Subsection (g)(1) is amended by striking the phrase "under subsection" and inserting the phrase "under subsection (f)(1)(C) of this section or subsection" in its place.

(7) Section 47-1807.02(a) is amended by adding new paragraphs (5) and (6) to read as follows:

"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9.4% upon the taxable income of every corporation, whether domestic or foreign; and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every corporation, whether domestic or foreign, a tax at the rate of 9%, 8.75%, 8.5%, or 8.25%."

(8) Section 47-1808.01 is amended as follows:

(A) Paragraph (4) is amended by striking the word "or" at the end.

(B) Paragraph (5) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(6) A trade or business that arises solely by reason of the purchase, holding, or sale of, or the entering, maintaining, or terminating of positions in, stocks, securities, or commodities for the taxpayer's own account; provided, that this paragraph shall not apply to:

"(A) A taxpayer that holds property, or maintains positions, as stock in trade, inventory, or for sale to customers in the ordinary course of the taxpayer's trade or business;

"(B) A taxpayer that acquires debt instruments in the ordinary course of the taxpayer's trade or business for funds loaned or services rendered; or

"(C) A taxpayer that holds any of the following that is not traded on an established securities market:

"(i) Stock in a real estate investment trust; or

"(ii) A partnership interest."

(9) Section 47-1808.03(a) is amended by adding new paragraphs (5) and (6) to read as follows:

"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9.4% upon the taxable income of every unincorporated business, whether domestic or foreign; and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every unincorporated business, whether domestic or foreign, a tax at the rate of 9%, 8.75%, 8.5%, or 8.25%."

(10) Section 47-1810.02 is amended as follows:

(A) Subsection (d) is amended by striking the phrase "(d-1), all" and inserting the phrase "(d-1) or (d-2), whichever is applicable, all" in its place.

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(B) Subsection (d-1)(2) is amended by striking the phrase "beginning after December 31, 2010." and inserting the phrase "beginning after December 31, 2010, and before January 1, 2015." in its place.

(C) A new subsection (d-2) is added to read as follows:

"(d-2) Apportionment of business income.

"(1) All business income shall be apportioned to the District by multiplying the income by the sales factor.

"(2) This subsection shall be applicable for the tax years beginning after December 31, 2014."

(D) Subsection (g)(3) is amended to read as follows:

"(3)(A) Sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District:

"(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District;

"(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District;

"(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District; and

"(iv) In the case of intangible property:

"(I) That is rented, leased, or licensed, if and to the extent the property is used in the District; provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District; and

"(II) That is sold, if and to the extent the property is used in the District; provided, that:

"(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District;

"(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under sub-sub-subparagraph (I) of this sub-subparagraph; and

"(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor.

"(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated.

"(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor.

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"(D) The Chief Financial Officer may prescribe regulations as necessary or appropriate to carry out the purposes of this subsection."

(11) Section 47-1810.04(c) is amended as follows:

(A) The lead-in text is amended by striking the phrase "The taxpayer's share" and inserting the phrase "Except as provided in paragraph (3), the taxpayer's share" in its place.

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

"(3) For taxable years beginning after December 31, 2014, the apportionment provisions of § 47-1810.02(d-2) shall apply."

(d) Section 47-2001 is amended as follows:

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

"(e-1) "e-cigarette" means an electronic vaporizer that produces an aerosol that simulates tobacco smoking."

(2) Subsection (h-3) is amended to read as follows:

"(h-3) "Other tobacco product" means any product containing, made, or derived from tobacco, other than a cigarette or a premium cigar, that is intended or expected to be consumed. The term "other tobacco product" does not include an e-cigarette or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, a tobacco dependence product, or for other medical purposes and is being marketed and sold solely for the approved purpose."

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

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

(i) Subparagraph (T) is amended by striking the word "or" at the end.

(ii) Subparagraph (U) is amended by striking the period at the end and inserting a semicolon in its place.

(iii) New subparagraphs (V), (W), (X), (Y), (Z), and (AA) are added to read as follows:

"(V) The sale by a bottled water delivery service of bottled water by the gallon generally for use with and to be dispensed from a water cooler or similar type of water dispenser;

"(W) The sale of or charge for the service of the storage of household goods through renting or leasing space for self-storage, including rooms, compartments, lockers, containers, or outdoor space, except general merchandise warehousing and storage and coin-operated lockers;

"(X) The sale of or charge for the service of carpet and upholstery cleaning, including the cleaning or dyeing of used rugs, carpets, or upholstery, or for rug repair;

"(Y)(i) The sale of or charge for health-club services or a tanning studio;

"(ii) For the purposes of this subparagraph, the term:

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“(I) "Health-club services" includes the use of, access to, or membership to, an athletic club, fitness center, gym, recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities including swimming, skating, or racquet sports, or other facility for the purpose of physical exercise. The term “health club services” do not include the use of facilities for non-fitness-related purposes, including room rentals, or for other services or charges covered by a separate contract with the user, such as a lease or occupancy agreement.

“(II) "Tanning studio" means a business the purpose of which is to provide individuals a manmade tan, including sun tanning salons and spray tanning salons;

"(Z) The sale of or charge for the service of car washing, including cleaning, washing, waxing, polishing, or detailing an automotive vehicle, except not for coin-operated self-service carwashes; or

"(AA)(i) The sale of or charge for the service of a bowling alley or a billiard parlor;

"(ii) For the purposes of this subparagraph, the term

“(I) "Billiard parlor" means the structure where the game of striking balls on a cloth-covered table with a cue stick for amusement and recreation takes place, including a billiard room, pool room, and pool parlor. “(II)

"Bowling alley" means a structure where the game of rolling a ball down a wooden alley to knock down pins for amusement and recreation takes place, including candle-pin, duck-pin, five-pin, and ten-pin bowling.”.

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

"(J) Sales of cigarettes, as defined in § 47-2401(1A) and other tobacco product, as defined in § 47-2401(5A).”.

(e) Chapter 24 is amended as follows:

(1) The chapter heading is amended to read “Tobacco Tax.”.

(2) Section 47-2401 is amended as follows:

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

“(1) The term “cigar” means any roll for smoking, other than a cigarette, where both the roll and wrapper or cover of the roll are composed entirely of tobacco.”.

(B) Paragraph (2) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

(C) Paragraph (5) is amended by striking the phrase “cigarettes, cigars, or other tobacco products” and inserting the phrase “cigarettes or other tobacco products” in its place.

(D) Paragraph (5A) is amended to read as follows:

“(5A) The term "other tobacco product" means any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed. The term “other tobacco product” does not include an e-cigarette (as

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that term is defined in § 47-2001(e-1)) or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and that is being marketed and sold solely for such an approved purpose.”.

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

“(7A) The term "premium cigar" means any cigar with a retail cost of \$ 2.00 or more, or packaged units of cigars averaging \$ 2.00 or more per packaged cigar at retail.”.

(F) Paragraph (8) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

(G) Paragraph (8A) is repealed.

(H) Paragraph (10) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place.

(I) A new paragraph (11) is added to read as follows:

“(11) The term “wholesale price” means the price for which a licensed wholesaler sells other tobacco products. The wholesale price includes the applicable federal excise tax, freight charges, or packaging costs, regardless of whether they were included in the purchase price, but excludes any discount, trade allowance, rebate, or other reduction.”.

(3) Section 47-2402 is amended by striking the word “payment” in the section designation and inserting the phrase “payment of cigarette tax” in its place.

(4) Section 47-2402.01 is amended as follows:

(A) The section heading is amended to read “Tax on other tobacco products”.

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

“(a)(1)(A) A tax is levied and imposed on the sale or possession of other tobacco products in the District.

“(B)(i) Other tobacco products on which the taxes levied and imposed by this section have been paid shall not be subject to additional taxation under this section; provided, that the burden of proof that the taxes levied and imposed by this section have been paid shall be upon the person who sells or possesses other tobacco products in the District, against whom a tax assessment has been made, who has submitted an application for a refund, or whose other tobacco products have been seized.

“(ii) For the purposes of this subparagraph, the term "person" includes any officer or employee of a corporation responsible for payment of the tax, or any member of a partnership or association responsible for the payment of the tax.

“(C) The tax rate for other tobacco products shall be equal to the cigarette tax and surtax under §47- 2402(a)(1)-(2) on a pack of 20 cigarettes, expressed as a percentage of the average wholesale price of a package of 20 cigarettes, for the March 31 preceding the September 1 announcement of the change in rates, or in the case of retailers upon whom this tax is imposed, at a rate prescribed in regulations promulgated by the Mayor. The first calculation shall be made and applicable for calendar quarters beginning after September 30, 2014.

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“(D) The rate shall be applied against gross receipts from sales of or charges for such other tobacco products subject to the tax under this section.

“(2)(A) Beginning as of March 31, 2015, and on March 31 of each year thereafter, the Mayor shall reevaluate the percentage calculation in paragraph (1) of this subsection on the basis of the § 47-2402 cigarette tax and surtax to be effective on the following October 1 on a pack of 20 cigarettes and shall recompute the tax rate on other tobacco product as defined in this chapter.

“(B) The Mayor shall provide notice of any change in the tax rate for other tobacco products on or before September 1 of that year, and the change shall be effective as of the following October 1.”.

(5) Section 47-2403 is amended as follows:

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

(i) Paragraph (1) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(ii) Paragraph (5) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

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

“(6) Possession of other tobacco product by licensed wholesalers for sale outside of the limits of the District or for sale to other licensed wholesalers as provided for in § 47-2402.01(g), sales of other tobacco products by licensed wholesalers to other licensed wholesalers as provided for in § 47-2402.01(g), and possession by authorized licensed retailers and vending machine operators of other tobacco products on which the tax rate for any other state or jurisdiction has been paid, for sale in such other state or jurisdiction; provided, that such authorized licensed retailers and vending machine operators are licensed under the laws of such other state or jurisdiction to engage in the business of selling other tobacco products therein.”.

(B) Subsection (b) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(6) Section 47-2404(3)(B) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(7) Section 47-2405 is amended as follows:

(A) The heading is amended by striking the phrase “cigarettes.” and inserting the phrase “cigarettes and other tobacco products.” in its place.

(B) Subsections (a) and (b) are amended to read as follows:

“(a) Any person, other than a consumer, who transports cigarettes not bearing District cigarette tax stamps or other tobacco products over the public highways, roads, streets, waterways, or other public space of the District, shall have in his actual possession invoices or delivery tickets for such cigarettes or other tobacco products, which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes or other tobacco products so transported.

“(b) If the cigarettes or other tobacco products are consigned to or purchased by any person in the District, such purchaser or consignee must be a person authorized by this chapter to

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possess unstamped cigarettes or untaxed other tobacco products in the District. If the invoice or delivery ticket specifies that the cigarettes or other tobacco products are to be delivered to any person in any state or jurisdiction other than the District, such person must be licensed under the laws of such other state or jurisdiction to engage in the business of selling cigarettes or other tobacco products within that state or jurisdiction. Any cigarettes or other tobacco products transported in violation of any of the provisions of this section shall be deemed contraband cigarettes and other tobacco products and such cigarettes or other tobacco products, the conveyance in which such cigarettes or other tobacco products are being transported, and any equipment or devices used in connection with, or to facilitate, the transportation of such cigarettes or other tobacco products shall be subject to seizure and forfeiture as provided for in § 47-2409.”.

(8) Section 47-2408 is amended as follows:

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

(i) Paragraph (3)(B) is amended by striking the word “cigarette” both times it appears and inserting the phrase “cigarettes or other tobacco product” in its place.

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

“(4) Stop any conveyance that the Mayor has knowledge or reasonable cause to believe is carrying more than 200 cigarettes or other tobacco products with a value exceeding the wholesale price of 200 cigarettes and, upon presenting appropriate credentials to the operator of the conveyance, examine the invoices or delivery tickets for such cigarettes or other tobacco products and inspect the conveyance for contraband cigarettes or other tobacco products.”.

(B) Subsection (c) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco product” in its place.

(C) Subsection (g) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place.

(9) Section 47-2422(a) is amended by striking the word “cigarette” and inserting the phrase “cigarette or other tobacco product” in its place.

(10) Section 47-2425(b) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

(f) Chapter 37 is amended as follows:

(1) Section 47-3701 is amended as follows:

(A) Paragraph (4)(C) is amended to read follows:

“(C) For a decedent dying after December 31, 2002, but before January 1, 2016:”.

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

“(6) “Internal Revenue Code” means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), in effect for federal estate tax purposes on January 1, 2001, unless a different meaning is clearly required by the provisions of this chapter; provided, that if the federal estate tax is not in effect at the time of the decedent's death, it means the Internal Revenue Code as in effect immediately before the federal estate tax ceased to be in effect.”.

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(C) Paragraph (12) is amended as follows:

(i) Subparagraph (B) is amended by striking the phrase "decedent whose death occurs on or subsequent to January 1, 2008, the meaning defined in section 2501" and inserting the phrase "decedent dying after December 31, 2007, but before January 1, 2015, the meaning defined in section 2051" in its place.

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

"(C) For a decedent dying after December 31, 2014, the meaning defined in section 2051 of the Internal Revenue Code, but without reduction for the deduction provided in section 2058 of the Internal Revenue Code, and calculated as if the federal estate tax recognized a domestic partner in the same manner as a spouse."

(D) Paragraph (13) is repealed.

(E) New paragraphs (14), (15), and (16) are added to read as follows:

"(14) "Taxable situs" means with regard to:

"(A) Real property, the place where the property is situated;

"(B) Tangible personal property, the place where the property is customarily located at the time of the decedent's death; and

"(C) Intangible personal property, the domicile of the decedent at the time of the decedent's death; provided, that intangible personal property used in a trade or business in the District shall have a taxable situs in the District regardless of the domicile of the owner.

"(15) "Value" means value as finally determined for federal estate tax purposes, or otherwise defined under the Internal Revenue Code.

"(16) (A) "Zero bracket amount" means, subject to available funding and in accordance with § 47-181:

"(i) \$2 million; or

"(ii) \$5 million increased by an amount equal to \$5 million multiplied by the cost-of-living adjustment for the calendar year.

"(B) For the purposes of this paragraph, the term:

"(i) "Cost-of-living adjustment" means for a calendar year the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for the calendar year 2010; provided, that for any amount as adjusted under the preceding sentence that is not a multiple of \$10,000, the amount shall be rounded to the nearest \$10,000.

"(ii) "CPI" means the consumer price index as defined in sections 1(f)(4) and (5) of the Internal Revenue Code."

(2) Section 47-3702 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "resident dying on or after April 1, 1987, subject" and inserting the phrase "resident decedent dying after March 31, 1987, but before January 1, 2015, subject" in its place.

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

"(a-1) The tax imposed on the taxable estate of every resident decedent dying after December 31, 2015, as follows:

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"(1) The rate of tax shall be 16%; except, that if the taxable estate does not exceed the zero bracket amount, the tax rate shall be 0%, and if the taxable estate exceeds the zero bracket amount, the following tax rates shall be applied to the incremental values of the taxable estate:

"(A) The rate of tax on the taxable estate over \$2 million but not over \$2.5 million shall be 8.0%;

"(B) The rate of tax on the taxable estate over \$2.5 million but not over \$3 million shall be 8.8%;

"(C) The rate of tax on the taxable estate over \$3 million but not over \$3.5 million shall be 9.6%;

"(D) The rate of tax on the taxable estate over \$3.5 million but not exceeding \$4 million shall be 10.4%;

"(E) The rate of tax on the taxable estate over \$4 million but not exceeding \$5 million shall be 11.2%;

"(F) The rate of tax on the taxable estate over \$5 million but not exceeding \$6 million shall be 12%;

"(G) The rate of tax on the taxable estate over \$6 million but not exceeding \$7 million shall be 12.8%;

"(H) The rate of tax on the taxable estate over \$7 million but not exceeding \$8 million shall be 13.6%;

"(I) The rate of tax on the taxable estate over \$8 million but not exceeding \$9 million shall be 14.4%; and

"(J) The rate of tax on the taxable estate over \$9 million but not exceeding \$10 million shall be 15.2%.

"(2) If any real or tangible personal property of a resident decedent has a taxable situs outside the District, the amount of the tax due under this section shall be reduced by the proportion that the value of the real or tangible property outside the District bears to the amount of the gross estate of the resident decedent."

(C) Subsection (b) is amended by striking the word "If" and inserting the phrase "For a decedent dying before January 1, 2015, if" in its place.

(D) Subsection (c) is repealed.

(3) Section 47-3703 is amended as follows:

(A) Subsection (b) is amended by striking the word "The" and inserting the phrase "For every nonresident decedent dying before January 1, 2016, the" in its place.

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

"(b-1) For every nonresident decedent dying after December 31, 2015, the tax shall be an amount computed by multiplying the tax determined under § 47-3702(a-1) by a fraction, the numerator of which shall be the value of that part of the gross estate that has its taxable situs in

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the District and the denominator of which shall be the value of the nonresident decedent's gross estate."

(C) Subsection (c) is repealed.

(4) Section 47-3705(a)(2) is amended to read as follows:

"(2) A personal representative shall not be required to file a return if the gross estate does not exceed \$1 million or the zero bracket amount, whichever is higher."

(5) Section 47-3723 is repealed.

Sec. 7023. Section 7 of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2506), is amended by adding a new subsection (c) to read as follows:

"(c) This section shall apply for taxable years beginning after October 1, 2006, through the taxable year ending December 31, 2014."

SUBTITLE C. URBAN INSTITUTE REAL PROPERTY TAX REBATE

Sec. 7031. Short title.

This subtitle may be cited as the "The Urban Institute Real Property Tax Rebate Emergency Amendment Act of 2014".

Sec. 7032. Section 47-4624 of the District of Columbia Official Code is amended to read as follows;

"§ 47-4624. The Urban Institute tax rebate.

"(a) If The Urban Institute leases and occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of Title 47 of the District of Columbia, The Urban Institute shall receive a rebate of its proportionate share of the real property tax paid with respect to the building, if:

"(1) It is liable under the lease for its proportionate share of the real property tax;

"(2) It applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811; and

"(3) The real property tax was paid.

"(b) The rebate shall be the amount of the portion of the real property tax that was paid, either directly or indirectly, by The Urban Institute under its lease with the lessor.

"(c) The application for the rebate shall include:

"(1) A copy of the lease with the lessor; and

"(2) Documentation that the tax has been paid.

"(d) If a proper application has been made, the Chief Financial Officer shall rebate the tax on or before December 31 of the same calendar year.

"(e) The real property tax rebate established by this section shall begin no earlier than January 1, 2015, and shall be effective for a 10-year period. The first year of the 10-year period shall be the year that The Urban Institute occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of Title 47 pursuant to a signed lease with the

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lessor of that building or building portion. The amount of the rebate shall not exceed \$1 million per tax year."

**SUBTITLE D. INDUSTRIAL REVENUE BOND SECURITY INTEREST
INSTRUMENT RECORDATION TAX EXEMPTION**

Sec. 7041. Short title.

This subtitle may be cited as the "Industrial Revenue Bond Security Interest Instrument Recordation Tax Exemption Emergency Amendment Act of 2014".

Sec. 7042. 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 as follows:

(a) Paragraph (31) is amended by striking the word "and".

(b) Paragraph (32) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (33) is added to read as follows:

"(33) A security interest instrument executed by a borrower in connection with a loan under the Industrial Revenue Bond Forward Commitment Program authorized by Subchapter II-B of Chapter 3 of Title 47 of the D.C. Official Code; provided, that unless waived by regulation, a certification by the Mayor that the security interest instrument is entitled to this exemption accompanies the security interest instrument at the time it is presented for recordation."

SUBTITLE E. FISCAL YEAR 2014 BUDGET SUPPORT ACT AMENDMENTS

Sec. 7051. Short title.

This subtitle may be cited as the "Fiscal Year 2014 Budget Support Act Emergency Amendment Act of 2014".

Sec. 7052. The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472), is amended as follows:

(a) Section 4092 is repealed.

(b) Section 4122 is repealed.

Sec. 7053. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2002(c) is repealed.

(b) Section 47-2402(l) of the District of Columbia Official Code is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Department of Behavioral Health" and inserting the phrase "Department of Health" in its place.

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

"(A) Such funds as may be appropriated from time to time; and"

(3) Paragraph (4) is repealed.

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Sec. 7054. Section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01), is amended as follows:

- (a) Subsection (a-1)(1) is repealed.
- (b) Subsection (a-2) is repealed.
- (c) Subsection (f) is repealed.

SUBTITLE F. SENIOR CITIZEN REAL PROPERTY TAX RELIEF

Sec. 7061. Short title.

This subtitle may be cited as the "Senior Citizen Real Property Tax Relief Emergency Amendment Act of 2014".

Sec. 7062. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) Section 47-845.03(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; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section.”

(2) Section 47-863(a) is amended by adding a new paragraph (6) to read as follows:

“(6) “20 consecutive tax years” shall include no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days.”

(b) Section 47-1806.06 is amended as follows:

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

(A) Paragraph (2)(C) is amended by striking the phrase "for all claimants" and inserting the phrase "for all claimants other than eligible senior claimants" in its place.

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

"(2A) For taxable years beginning after December 31, 2014, the percentage required under paragraph (1) of this subsection to be determined for eligible senior claimants shall be 100% of property tax or of rent constituting property taxes accrued exceeding 3.0% of adjusted gross income of the tax filing unit."

(2) Subsection (b) is amended by adding a new paragraph (9) to read as follows:

"(9) The term "eligible senior claimant" means a claimant who is 70 years or older at any time during the tax year and whose adjusted gross income does not exceed \$60,000."

(3) Subsection (r) is amended by striking the phrase "\$50,000 shall be" and inserting the phrase "\$50,000 (\$60,000 for eligible senior claimants) shall be" in its place.

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SUBTITLE G. WHITMAN-WALKER TAX REAL PROPERTY TAX REBATE

Sec. 7071. Short title.

This subtitle may be cited as the "Whitman-Walker Tax Rebate Emergency Act of 2014".

Sec. 7072. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4662. Whitman-Walker Clinic, Inc.; Lot 129, Square 241."

(b) A new section 47-4662 is added to read as follows:

"§ 47-4662. Whitman-Walker Clinic, Inc.; Lot 129, Square 241."

"(a) Real property taxes paid with respect to Lot 129, Square 241 shall be rebated to the Whitman-Walker Clinic, Inc. ("WWC"), to the extent of WWC's proportionate share of the real property tax incurred if:

"(1) The WWC is liable under the lease for its proportionate share of the real property tax;

"(2) The WWC applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811; and

"(3) The real property tax was paid.

"(b) The rebate shall be the amount of the real property tax passed through to WWC under a lease with the lessor that was paid, directly or indirectly, by WWC.

"(c) The application for the rebate shall include:

"(1) A copy of the lease with lessor; and

"(2) Documentation that the real property tax has been paid.

"(d) If a proper application as required by this section has been submitted, the Chief Financial Officer shall rebate the real property tax on or before December 31 of the same calendar year.

"(e) The rebate provided pursuant to this section shall apply beginning with tax year 2015.

"(f) The rebate provided pursuant to this section shall be in addition to, and not in lieu of, any other tax, financial, or development incentive, or tax credit, or any other type of incentive provided to WWC under any District or federal program."

SUBTITLE H. ENCOURAGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE INSTALLATION THROUGH TAX INCENTIVES

Sec. 7081. Short title.

This subtitle may be cited as the "Alternative Fuel Vehicle and Infrastructure Installation Through Tax Incentives Emergency Act of 2014".

Sec. 7082. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

(1) New section designations 47-1806.12 and 47-1806.13 are added to subchapter VI to read as follows:

"47-1806.12. Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit.

"47-1806.13. Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit."

(2) New section designations 47-1807.10 and 47-1807.11 are added to subchapter VII to read as follows:

"47-1807.10. Tax on corporations — Credits — Alternative fuel infrastructure credit.

"47-1807.11. Tax on corporations – Credits – Alternative fuel vehicle conversion credit."

(3) New section designations 47-1808.10 and 47-1808.11 are added to subchapter VIII to read as follows:

"47-1808.10. Tax on unincorporated businesses — Credits — Alternative fuel infrastructure credit.

"47-1808.11. Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit."

(b) New sections 47-1806.12 and 47-1806.13 are added to read as follows:

"§ 47-1806.12. Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1806.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property or in a qualified private residence; provided, that the credit shall not exceed:

"(1) For a qualified private residence, \$1,000 per vehicle charging station; or

"(2) For a qualified alternative fuel vehicle refueling property, \$10,000 per qualified alternative fuel vehicle refueling property or vehicle charging station.

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

"(3) Construction or purchase of any structure.

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806.03 for that year.

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1806.03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

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"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment or charging equipment was no longer used to dispense or sell alternative fuel to the public.

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

"(1) "Alternative fuel" means a fuel used to power a motor vehicle that consists of one or more of the following:

"(A) At least 85% ethanol;

"(B) Natural gas;

"(C) Compressed natural gas;

"(D) Liquefied natural gas;

"(E) Liquefied petroleum gas;

"(F) Biodiesel, excluding kerosene;

"(G) Electricity provided by a vehicle-charging station; or

"(H) Hydrogen.

"(2) "Eligible applicant" means a resident who is an owner or lessee of a qualified alternative fuel vehicle refueling property or a qualified private residence.

"(3) "Qualified alternative fuel vehicle refueling property" means a property in the District that contains equipment available for use by the public for storing and dispensing alternative fuel, including charging electrically.

"(4) "Qualified private residence" means a property that is the dwelling of a person that has a vehicle-charging station.

§ 47-1806.13. Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1806.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle.

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806.03 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

(c) New sections 47-1807.10 and 47-1807.11 are added to read as follows:

§ 47-1807.10. Tax on corporations — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1807.02 a credit in the amount of 50% of the equipment and labor costs

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directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property.

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

"(3) Construction or purchase of any structure.

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807.02 for that year.

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1807.02, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public.

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

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1).

"(2) "Eligible applicant" means a corporation that is the owner or lessee of a qualified alternative fuel vehicle refueling property.

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806.12(f)(3).

"§ 47-1807.11. Tax on corporations – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1807.02 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle.

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807.02 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

(d) New sections 47-1808.10 and 47-1808.11 are added to read as follows:

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"§ 47-1808.10. Tax on unincorporated business — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1808.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property, not to exceed \$10,000 per qualified alternative fuel vehicle refueling property or per vehicle-charging station.

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

"(3) Construction or purchase of any structure.

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808.03 for that year.

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1808.03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public.

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

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1).

"(2) "Eligible applicant" means an unincorporated business that is the owner or lessee of a qualified alternative fuel vehicle refueling property.

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806.12(f)(3).

"§ 47-1808.11. Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1808.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel.

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"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808.03 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

SUBTITLE I. REAL PROPERTY TAX CALCULATED RATE CLARITY

Sec. 7091. Short title.

This subtitle may be cited as the "Real Property Tax Calculated Rate Clarity Emergency Amendment Act of 2014".

Sec. 7092. Section 47-812 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b-8) is amended as follows:

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

(A) Sub-sub-subparagraph (I) is amended by striking the phrase ", as certified in the latest revenue estimate,".

(B) Sub-sub-subparagraph (II) is amended to read as follows:

"(II) By January 5 of the tax year, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph."

(2) Paragraph (2) is repealed.

(b) Subsection (b-9) is amended as follows:

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

"(A) For the first \$3 million of assessed value, \$1.65 of each \$100 of assessed value; and"

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

(A) Subparagraph (A)(i) is amended to read as follows:

"(i) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph; provided, that for the tax year beginning October 1, 2011, the tax rate shall be \$1.65 of each \$100 of assessed value; and"

(B) Subparagraph (B) is amended as follows:

(i) Sub-subparagraph (ii)(I) is amended by striking the word "received" and inserting the phrase "estimated to be received" in its place.

(ii) Sub-subparagraph (ii)(II) is amended by striking the phrase "for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value" and inserting the phrase "in the tax year based upon the applicable rates in effect for Class 2 Properties during the prior tax year" in its place.

(iii) Sub-subparagraph (iii) is amended by striking the phrase "Before September 16 of each year" and inserting the phrase "By January 5 of each tax year" in its place.

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

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"(f)(1) When the last day prescribed under this section for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of the act shall be considered timely if it is performed on the next succeeding day that is not a Saturday, Sunday, or a legal holiday.

"(2) The last day for the performance of any act shall be determined by including any authorized extension of time.

"(3) For the purposes of this subsection, the term "legal holiday" means a legal holiday in the District of Columbia."

SUBTITLE J. CARVER 2000 SENIOR MANSION REAL PROPERTY TAX ABATEMENT

Sec. 7101. Short title.

This subtitle may be cited as the "Carver 2000 Senior Mansion Real Property Tax Abatement Emergency Amendment Act of 2014".

Sec. 7102. Section 47-4605(d) of the District of Columbia Official Code is amended as follows:

- (a) Paragraph (2) is amended by striking the number "16".
- (b) Paragraph (3) is repealed.

SUBTITLE K. RESIDENTIAL REAL PROPERTY EQUITY AND TRANSPARENCY AMENDMENT

Sec. 7111. Short title.

This subtitle may be cited as the "Residential Real Property Equity and Transparency Revised Emergency Amendment Act of 2014".

Sec. 7112. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

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

"47-805. Office of Real Property Tax Ombudsman."

(2) 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 § 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 the tax sale purchaser or assignee; provided further, that the owner of record is not appealing the assessment for the same tax year."

(3) A new section 47-805 is added to read as follows:

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"§ 47-805. Office of Real Property Tax Ombudsman.

"(a) There is created within the Office of the Mayor the Office of the Real Property Tax Ombudsman ("Office"), which shall be headed by the Real Property Tax Ombudsman ("Ombudsman"), who shall be appointed by the Mayor pursuant to § 1-523.01(a), as a statutory employee in the Excepted Service pursuant to § 1-609.08. The Ombudsman shall serve for a term of 5 years. The Ombudsman shall serve at the pleasure of the Mayor.

"(b) The Ombudsman shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District.

"(c) The Ombudsman shall:

"(1) Consult with and advise Class 1 real property owners on any real property tax matter arising under Chapter 8 or 13A of this title or under Chapter 31A of Title 42;

"(2) Receive and investigate concerns and complaints from Class 1 real property owners related to real property tax matters;

"(3) Provide counsel and assistance to Class 1 real property owners relating to real property taxes, including referring Class 1 real property owners to appropriate:

"(A) Legal service providers;

"(B) Public interest organizations; and

"(C) Government offices;

"(4) Maintain a list of organizations that provide free or reduced-price legal services to District of Columbia residents and a list of housing counseling agencies approved by the U.S. Department of Housing and Urban Development;

"(5) Protect the confidentiality of records and comply with all applicable confidentiality provisions, including § 47-821(d)(2); and

"(6) Prepare and submit to the Council and the Mayor an annual report on the activities of the Office that the Mayor shall make available to the public on the Mayor's website.

"(d) The Ombudsman may assist an owner with matters concerning an abutting lot where the abutting lot and the Class 1 property are owned by the same owner.

"(e) The Ombudsman shall not appear on behalf of Class 1 real property owners in any court, administrative, or quasi-judicial proceeding.

"(f) The Office of the Chief Financial Officer may share confidential tax information with the Ombudsman.

"(g) For purposes of this section, the term "Class 1 real property owner" shall have the same meaning as contained in § 47-813(c-3)(1); provided, that the term owner as used in § 47-813(c-3)(1) shall be construed broadly and include the persons defined as owners in § 47-802 as well as other persons with an equitable interest in the property, and any other persons the Ombudsman determines to be appropriate representatives of the property owner (or, if applicable, the property owner's estate), or any other persons the Ombudsman determines to be consistent with the purposes of this section."

(4)(A) 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.

(B) This paragraph shall apply as of October 1, 2014.

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(5) 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; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section."

(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.

(6) 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)."

(7) 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 (26) to read as follows:

"(26) 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 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."

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

"47-1390. Office of Real Property Tax Sale Review."

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

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

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

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

"(4A) "Premises address" means the address, if any, for the square, suffix, and lot numbers, or parcel and lot numbers, of real property as reflected in the records in the Office of Tax and Revenue."

(3) Section 47-1332 is amended to read as follows:

"§ 47-1332. Sale of properties by Mayor; exemptions from sale.

"(a) Except as provided in subsections (c) and (d) of this section or as provided in other law, the Mayor shall sell all real property on which the tax is in arrears.

"(b) The Mayor shall designate a single agency to conduct tax sales.

"(c) The Mayor shall not sell any real property if:

"(1) A forbearance authorization has been approved in writing by the Mayor for the applicable tax sale;

"(2) For improved Class 1 Property, the tax amount to be sold is less than \$2,500;
or

"(3) 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) 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.

"(e)(1) An application for a forbearance authorization, utilizing the form of application as shall be devised by the Mayor, may be submitted to the Mayor up to 30 days before the first day of the tax sale.

"(2) The Mayor shall review and approve or deny the application within 90 days of receipt of the application.

"(3)(A) The Mayor shall approve an application if the real property receives a homestead deduction and the tax amount to be sold is less than or equal to \$7,500.

"(B) The Mayor may, in the Mayor's discretion, approve an application that does not meet the criteria for demonstrated hardship set forth in subparagraph (A) of this paragraph.

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"(4) Upon approving an application for forbearance authorization, the Mayor shall remove the real property from the tax sale to which the forbearance corresponds or, if the tax sale has occurred with respect to the real property, cancel the tax sale pursuant to § 47-1366."

(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 further, 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% 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 a new sentence at the end to read as follows:

"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 as follows:

(i) Strike the word "transaction" and insert the word "sale" in its place.

(ii) Strike the phrase "§§ 47-1341 and 47-1342" and insert the phrase "§§ 47-1341, 47-1342, and 47-1353.01" in its place.

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

(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:

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"(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 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 as follows:

(i) Strike the phrase "Each of the taxing" and insert the phrase "Subject to the limitation set forth in § 34-2407.02, each of the taxing" in its place.

(ii) Strike the phrase "notice of delinquency required by §47-1341" and insert the phrase "notices required by § 47-1341 and § 47-1353.01" 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 notices 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 notices 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 (a) is amended to read as follows:

"(a)(1) On or before May 1, the Mayor shall send a notice of tax delinquency by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last mailing address shown on the tax roll, as updated by the filing of a change of address in accordance with

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§ 42-405. 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."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form:

"THIS IS A NOTICE OF DELINQUENCY

"FAILURE TO PAY TAXES WILL HAVE SERIOUS CONSEQUENCES

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

Total Amount Due on the Account: \$.....

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by May 31, 20__)

"This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property.

"You must act now to avoid additional costs and significant expenses.

"If payment is not made before May 31, 20__, the amount listed on this notice may no longer be accurate. In that case, you must contact the Office of Tax and Revenue at to obtain an updated payoff amount.

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com or at any District branch of Wells Fargo Bank or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

"Office of Tax Sale Review. If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to exempt the real property from sale.

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"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.

"Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

"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.

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above)."

(B) 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 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 notices of delinquency as provided in subsections (a) and (b-1) of this section, or to include" in its place.

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

"(b-1)(1) At least 2 weeks before real property is offered at a tax sale under this chapter, the Mayor shall send a final notice of delinquency, by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. 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."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form:

"THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS OF TITLE TO THE PROPERTY

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

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"Total Amount Due on the Account: \$.....

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by [Last Business Day before tax sale]

"This amount may include fees or fines due to other District agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Official Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com, at any District branch of Wells Fargo Bank, or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

"If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale.

• "You may FAX the receipt to (202) 478-5995; EMAIL the receipt to [email address]; or HAND-DELIVER a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

• "Do not mail your paid receipt.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

"Office of Tax Sale Review. If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to exempt the real property from sale.

"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

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of Consumer and Regulatory Affairs at for information on how to appeal the property classification.

"Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

"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.

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above)."

(D) 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 as follows:

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

"(a) At any time after 30 days from the mailing of the notice of delinquency required by § 47-1341(a), the Mayor shall, simultaneously:

"(1) Cause to be advertised, at least once in not less than 2 newspapers of general circulation in the District that are published at least once every 2 weeks, a public notice stating that listed real property will be sold at public auction because of taxes on the date and at the place named in the public notice; and

"(2) Post the list of real property in the public notice on the Office of Tax and Revenue's website."

(B) Subsection (b)(1)(A) is amended by striking the phrase "by taxation square," and inserting the phrase "by premises address, taxation square," in its place.

(C) 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."

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

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

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"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 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 taxes not being contested 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.

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"(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 47-1348 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) A statement that the rate of simple interest, upon redemption, shall be 1% 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) This paragraph shall apply upon its fiscal effect being included 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."

(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% 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.

(13) Section 47-1349(c) is amended by adding a new sentence at the end to read as follows:

"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

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Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall no longer be voidable. A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of § 47-1355(b)."

(14) 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.

(15) 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 (b)(1)(G) is amended by striking the phrase "by square," and inserting the phrase "by premises address, taxation square," in its place.

(C) 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.

(D) 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% 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 day 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."

(16) 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:

"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__]

"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.

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- "A tax bill is mailed to you during the last week 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.
- "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**
- "Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at
- "Office of Tax Sale Review. If there are special circumstances that should have kept the real property from being included in the tax sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to cancel the sale.
- "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.
- "Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....
- "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.

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"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.

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above).

"(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."

(17) 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."

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

(19) 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:

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"(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)(A); 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)(1)(B); 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.

"(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."

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(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-1) 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) Subsection (e) is amended as follows:

(i) Strike the phrase "Upon request and subject to the payment of a fee," and insert the phrase "Upon request, within 60 days of the request," in its place.

(ii) Add a new sentence at the end to read as follows:

"The Recorder of Deeds shall waive all fees relating to the recordation of a certificate of redemption."

(F) 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."

(20) 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.

(21) 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.

(22) 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:

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"(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;

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

"(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 any of the notices required by §§ 47-1341(a), 47-1341(b), 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; or

"(4) A properly filed application for a forbearance authorization was filed at least 30 days before the sale and was approved within 60 days after the sale.

"(c) Subject to the limitations set forth in § 47-1377(b), (c), (d), and (e), 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."

(23) 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 and the Real Property Tax Ombudsman, established by § 47-805, upon the filing of a complaint under this section."

(24) 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."

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(25) 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.

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

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

(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

"(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)."

(27) Section 47-1377 is amended to read as follows:

"§ 47-1377. Purchaser reimbursed by redeeming party for expenses.

"(a)(1) 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:

"(A) 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:

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

"(ii) Costs for recording the certificate of sale; and

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

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

"(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) Notwithstanding sub-subparagraph (i) of this subparagraph, 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-

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1366, or where a purchaser is required to show good cause under subsection (c) of this section; and

"(iii) Expenses actually incurred as follows:

"(I) Filing fee charged by the Superior Court of the District of Columbia;

"(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.

"(2)(A) In calculating the number of hearings in a case for the purposes of paragraph (1)(B)(i) of this subsection, any status hearing held before the redeeming party was served shall be excluded from the calculation.

"(B) For purposes of paragraph (1)(B)(i) of this subsection, an initial scheduling conference shall be deemed a status hearing.

"(C) Nothing in paragraph (1) of this subsection 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) 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) 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) 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.

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"(e) Notwithstanding subsection (d) 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)(1)(B) 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."

(28) 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.

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

(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."

(30) 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:

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"(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

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

(31) 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.

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Sec. 7113. Conforming amendments.

(a) Section 908 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.08), is amended as follows:

(1) Paragraph (15) is amended by striking the word "and" at the end.

(2) Paragraph (16) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (17) is added to read as follows:

"(17) The Real Property Tax Ombudsman of the Office of the Real Property Tax Ombudsman."

(b)(1) 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 at the rate of 1 1/2%" and inserting the phrase "plus simple interest on the unpaid amount at the rate of 1%" in its place.

(2) This subsection shall apply as of October 1, 2014.

(c) 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.

"(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 the provisions of this section."

(d) 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."

(e) 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

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of record is challenging or appealing the vacant status of the real property for the same period" in its place.

Sec. 7114. Repealer.

The Residential Real Property Equity and Transparency Amendment Act of 2014, passed on 2nd reading on May 6, 2014 (Enrolled version of Bill 20-23), is repealed.

SUBTITLE L. KELSEY GARDENS REDEVELOPMENT

Sec. 7121. Short title.

This subtitle may be cited as the "Kelsey Gardens Redevelopment Emergency Amendment Act of 2014".

Sec. 7122. Section 47-4625(a)(2) of the District of Columbia Official Code is amended to read as follows:

"(2) Beginning December 17, 2009, contain approximately 13,363 square feet of ground-level retail space; and".

Sec. 7123. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE M. UNDERPAYMENT OF ESTIMATED TAX

Sec. 7131. Short title.

This subtitle may be cited as the "Underpayment of Estimated Tax Emergency Amendment Act of 2014".

Sec. 7132. Chapter 42 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"Subchapter I-A. Underpayment

"47-4203. Underpayment of estimated tax by individuals.

"47-4204. Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses.".

(b) New sections 47-4203 and 47-4204 are added to read as follows:

"§ 47-4203. Underpayment of estimated tax by individuals

"(a) An individual shall pay 4 installments of estimated tax on the dates as provided in § 47-1812.08(i)(4) in the amounts provided under subsection (b) of this section.

"(b)(1) The amount of each installment of estimated tax shall be the lesser of:

"(A) The amount required under the annualized income method under paragraph (2) of this subsection, or

"(B) Twenty-five percent of the lesser of:

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"(i) Ninety percent of the tax shown on the return for the taxable year (or, if no return is filed, 90% of the tax for the taxable year);

"(ii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

"(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

"(iii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax computed on the basis of the facts shown on the individual's return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

"(II) For tax years beginning after December 31, 2011, 110% of the tax computed on the basis of the facts shown on the individual's return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months.

"(2)(A) The required payments under the annualized income method shall be, on a cumulative basis, as follows:

"(i) On the first installment date, 22.5% of the tax for the taxable year based upon the annualized income of the individual for the first 3 months of the taxable year;

"(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the individual for the first 5 months of the taxable year;

"(iii) On the third installment date, 67.5% of the tax for the taxable year based upon the annualized income of the individual for the first 8 months of the taxable year; and

"(iv) On the fourth installment date, 90% of the tax for the taxable year.

"(B) The annualized income method shall not apply to individuals filing a return for part of a taxable year except under regulations as the Mayor may prescribe.

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by an individual, there shall be added to the tax imposed under § 47-1806.03(a) an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment.

"(2) For the purposes of this subsection:

"(A) The amount of the underpayment shall be the excess of the required installment, over the amount, if any, of the installment paid on or before the due date for the installment; and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 4th month following the close of the taxable year

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or the date on which the amount of the underpayment is made; provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month.

"(d) For the purposes of this section:

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

"(2) The term "tax" means the tax imposed by § 47-1806.03, less the amount of credit allowed against the tax (other than the credit under § 47-1806.04(b) for withholding of wages).

"(3) The amount of the credit allowed under § 47-1806.04(b) for withholding of wages shall be deemed a payment of estimated tax. An equal part of such amount shall be deemed paid on each due date for the payment of estimated tax for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

"(4) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax.

"(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if:

"(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax), reduced by applicable credits and payments of estimated tax that are timely made, is less than \$ 100;

"(2) The individual did not have any liability for tax for the preceding taxable year;

"(3) The Mayor determines that:

"(A) The taxpayer retired after having attained 62 years of age or developed a disability in the taxable year for which estimated payments were required to be made or in the taxable year preceding such taxable year; and

"(B) The underpayment was due to reasonable cause and not to willful neglect;

"(4) The Mayor determines that, by reason of casualty, disaster, or other unusual circumstances, the imposition of the addition to tax would be against equity and good conscience; or

"(5) The taxpayer dies during the taxable year.

"§ 47-4204. Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses.

"(a) A corporation, financial institution, or unincorporated business shall pay 4 installments of estimated tax as provided in § 47-1812.14 in the amount provided under subsection (b) of this section.

"(b)(1) The amount of each installment of estimated tax shall be the lesser of:

"(A) The amount required under the annualized income method under paragraph (2) of this subsection; or

"(B) Twenty-five percent of the lesser of:

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"(i) Ninety percent of the tax shown on the return of the entity for the taxable year (or, if no return is filed, 100% of the tax for the taxable year); or

"(ii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

"(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months.

"(2) (A) The required payments under the annualized income method shall be, on a cumulative basis, as follows:

"(i) On the first installment date, 22.5% of the tax for the taxable year based upon the annualized income of the entity for the first 3 months of the taxable year;

"(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the entity for the first 5 months of the taxable year;

"(iii) On the third installment date, 67.5% of the tax for the taxable year based upon the annualized income of the entity for the first 8 months of the taxable year; and

"(iv) On the fourth installment date, 90% of the tax for the taxable year based upon the annualized income of the entity for the first 9 months of taxable year.

"(B) The annualized income method shall not apply to entities filing a return for part of a taxable year except under regulations as the Mayor may prescribe.

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by a corporation, financial institution, or unincorporated business, there shall be added to the tax imposed under Chapter 18 of this title an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment.

"(2) For the purposes of this subsection:

"(A) The amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment; and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 3rd month following the close of the taxable year or the date on which the amount of the underpayment is made; provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month.

"(d) For the purposes of this section:

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

"(2) The term "tax" means the tax imposed by § 47-1807.02 or § 47-1808.03, less the amount of credit allowed against the tax (other than the credit with respect to payments of tax).

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“(3) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax.

“(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if:

“(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax) reduced by applicable credits and estimated payments that are made timely, is less than \$1,000; or

“(2) The preceding taxable year was a taxable year of 12 months, and the entity did not have any liability for tax for the preceding taxable year.”.

(c) Sections 47-4214 and 47-4215 are repealed.

Sec. 7133. Applicability.

This act shall be applicable for tax years beginning after December 31, 2014.

SUBTITLE N. TAX TRANSPARENCY AND EFFECTIVENESS

Sec. 7141. Short title.

This subtitle may be cited as the "Tax Transparency and Effectiveness Emergency Act of 2014".

Sec. 7142. Definitions.

For the purposes of this subtitle, the term:

(1) "Categorical preference" means a tax preference that sets eligibility criteria and is potentially available to all entities that meet the criteria, subject to any funding limitations.

(2) "CFO" means the Chief Financial Officer of the District of Columbia.

(3) "Economic development purpose" means a goal to increase or retain business activity, including attracting new businesses or retaining existing ones, encouraging business expansion or investment, increasing or maintaining hiring, or increasing sales.

(4) "Individual preference" means a tax preference, such as a tax abatement, applied to one entity, project, or associated projects.

(5) "On-cycle tax preference" means a tax preference being reviewed in a current year.

(6) "Tax preference" shall have the same meaning as the phrase "tax expenditures" as defined in section 47-318(6) of the District of Columbia Official Code.

Sec. 7143. Tax preference review.

(a) The CFO shall review all locally adopted tax expenditures on a 5-year cycle and publish annually a report complying with the requirements of this section.

(b) By October 1, 2015, and by October 1 of every year thereafter, the CFO shall submit for publication in the District of Columbia Register a report for on-cycle tax preferences that complies with the requirements of this section.

(d) An on-cycle individual preference shall be analyzed and reported in the following manner:

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(1) An individual preference shall be analyzed and reported in groupings of similarly purposed preferences, with the report focusing on collective effects or trends that emerge.

(2) The report shall include the stated purpose of the of tax preferences within the grouping, if clarified in the authorizing legislation.

(3) The report shall include the amount of lost revenue due to the tax preferences within the grouping.

(4) The report shall include an assessment of the general effects on the District resulting from the preferences.

(5) The report on groupings of individual preferences shall include recommendations on how to improve similar preferences in the future.

(6) For groupings of individual tax preferences with an economic development purpose, the analysis shall consider the economic impact of the preferences, and where sufficient data are available, take into account factors including:

(A) Whether the economic impact of the tax preferences would have been expected without the preferences;

(B) The extent to which the economic impact of the tax preferences was offset by economic losses elsewhere;

(C) The average economic impact for a level of direct expenditures equal to the cost of the tax preferences;

(D) The indirect economic impact of the tax preferences;

(E) The number of jobs created by the preference;

(F) The wages of the jobs created;

(G) The percentage of jobs filled by District residents; and

(H) Whether any terms of the tax preferences have been or are being satisfied.

(e) Except as provided in subsection (f) of this section, on-cycle categorical preferences shall receive a full review that, where sufficient data are available, includes:

(1) The purpose of the tax preference, if clarified in the authorizing legislation;

(2) The tax preference's cost in terms of lost revenue;

(3) An assessment of whether the tax preference is meeting its goals;

(4) An assessment of whether the tax preference is achieving other goals;

(5) Recommendations for improving the effectiveness of the tax preference;

(6) Recommendations for whether the tax preference should be modified, discontinued, or remain in its existent state; and

(7) For tax preferences with an economic development purpose, an analysis that measures the economic impact of the preference, including:

(A) Whether the economic impact of the tax preference would have been expected without the preference;

(B) The extent to which the economic impact of the tax preference was offset by economic losses elsewhere;

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(C) The average economic impact for a level of direct expenditures equal to the cost of the tax preference; and

(D) The indirect economic impact effect of the tax preference.

(f) For on-cycle categorical tax preferences that the CFO determines do not merit a full review, the CFO shall instead perform a summary review. In determining which tax preferences are appropriate for a summary review, the CFO shall consider factors including, at a minimum:

(1) The revenue lost due to the tax preference and the number of potential or actual claimants;

(2) Whether the revenue lost due to the preference has increased or decreased since the preference was last reviewed;

(3) Whether the preference has been included in legislative or administrative proposals to modify or repeal; and

(4) Whether the preference is required by the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code §1-201.01 *et seq.*).

(g) A report on a categorical preference designated for summary review shall include:

(1) A narrative summary of the preference, including its purpose;

(2) The source and year of statutory authorization;

(3) The fiscal impact of the preference; and

(4) A description of the beneficiaries of the tax preference.

(h) All District agencies, offices, and instrumentalities shall cooperate with the CFO and shall provide any records, information, data, and data analysis needed to complete the reviews and reports required by this section.

SUBTITLE O. LOW-INCOME HOUSING TAX CREDIT

Sec. 7151. Short title.

This subtitle may be cited as the "Low-Income Housing Tax Credit Emergency Act of 2014".

Sec. 7152. Title 47 of the District of Columbia Official Code is amended as follows:

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

"Chapter 48. District of Columbia Low-Income Housing Tax Credit."

(b) A new Chapter 48 is added to read as follows:

"CHAPTER 48. DISTRICT OF COLUMBIA LOW-INCOME HOUSING TAX CREDIT.

"Sec.

"47-4801. Definitions.

"47-4802. Credit established.

"47-4803. Eligibility.

"47-4804. Recapture.

"47-4805. Additional filings.

"47-4806. Transfer, sale or assignment.

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"47-4807. Compliance.

"47-4808. Expiration of credits.

"47-4809. Efficiency.

"47-4810. Fees.

"47-4811. Look-back requirement.

"47-4812. Rules.

"§ 47-4801. Definitions.

"For the purposes of this chapter, the term:

"(1) "Administrative costs" means the costs of the Department to administer, manage, and monitor the low-income housing tax credit program, including personnel costs.

"(2) "Department" means the Department of Housing and Community Development, or its successor agency.

"(3) "Developer" means a person or entity that proposes to cause the construction of affordable housing using tax credits provided under the District of Columbia Low-Income Housing Tax Credit Program.

"(4) "Director" means the Director of the Department.

"(5) "Low-Income Housing Tax Credit Program" means the program authorized by section 42 of the Internal Revenue Code, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 42) ("1986 Internal Revenue Code").

"(6) "Pilot period" means the initial year of the credit program established under this chapter.

"(7) "Qualified project" means a rental housing development that receives an allocation of federal Low-Income Housing Tax Credits from the Department.

"(8) "User fee" means a fee charged by the Department to a developer in connection with the District of Columbia Low-Income Housing Tax Credit Program, including application, reservation, allocation, and monitoring fees.

"§ 47-4802. Credit established.

"(a)(1) There is established a District of Columbia low-income housing tax credit. Subject to available funds, the Department may authorize annually under this chapter total tax credits equal to the credit ceiling allocated to the District of Columbia by the federal Internal Revenue Service in accordance with 26 U.S.C. § 42(h)(3)(c).

"(2) For the pilot period, the Department shall make available \$1,000,000 in credits in tax year 2015.

"(b) Unless otherwise provided in this section, the Department shall authorize, allocate, administer, and determine eligibility for the District of Columbia low-income housing tax credit and allocate the credit in accordance with the standards and requirements as set forth in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year; provided, that the combined federal and District of Columbia low-income housing tax credit shall be the least amount necessary to ensure financial feasibility of a project.

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"(c) The Department shall allocate the total available District of Columbia low-income housing tax credit among as many qualified District of Columbia projects as fiscally feasible, with the goal of increasing the stock of affordable housing units.

"(d) Only qualified projects are eligible for a District of Columbia low-income housing tax credit award.

"§ 47-4803. Eligibility.

"(a) A taxpayer may receive a District of Columbia tax credit with respect to a qualified project; provided, that the Department issues an eligibility statement for that qualified project. This credit shall be termed the District of Columbia low-income housing tax credit.

"(b) The total District of Columbia low-income housing tax credit available to a qualified District of Columbia project shall be authorized and allocated by the Department based on the qualified project's need for the credit for economic feasibility.

"(c) The District of Columbia low-income housing tax credit shall be taken against the income, insurance premium, or franchise taxes imposed under this title, claimed equally for 10 years, subtracted from the amount of District of Columbia tax otherwise due for each taxable period and shall not be refundable; provided, that the credit may not be taken against any tax that is dedicated in whole or in part to the Healthy DC and Health Care Expansion Fund established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02). Any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years.

"(d)(1) All or any portion of District of Columbia tax credits issued in accordance with the provisions of this section may be allocated to parties who are eligible under the provisions of subsection (a) of this section.

"(2) An owner of a qualified project shall certify to the Chief Financial Officer the amount of credit allocated to the owner. The owner of the qualified project shall provide to the Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated.

"(e) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804(a) or (b), any statement submitted to the Chief Financial Officer as provided in this section shall include the:

"(1) Proportion of the District of Columbia credit required to be recaptured;

"(2) Identity of each taxpayer subject to the recapture; and

"(3) Amount of credit previously allocated to such taxpayer.

"(f)(1) A tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified project merely by reason of a right of first refusal held by the tenants, in cooperative form or otherwise, or resident management corporation of such building or by a qualified nonprofit organization, as defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or government agency to purchase the qualified District of Columbia project after the close of the compliance period for a price which is not less than the minimum purchase price determined under paragraph (2) of this subsection.

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"(2) The minimum purchase price shall be an amount equal to the sum of the principal amount of outstanding indebtedness secured by the building, other than indebtedness incurred within the 5-year period ending on the date of the sale pursuant to paragraph (1) of this subsection, and all federal and District taxes attributable to the sale.

"§ 47-4804. Recapture.

"(a) The owner of a qualified project eligible for the District of Columbia low-income housing tax credit shall submit a copy of the eligibility statement issued by the Department with respect to the qualified project at the time of filing the project owner's state tax return. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified project for that year until the copy is provided to the Office of Tax and Revenue.

"(b) If under section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a portion of any federal low-income housing tax credits taken on a low-income qualified project is required to be recaptured, the District of Columbia low-income housing tax credit authorized by this chapter with respect to such qualified District of Columbia project shall also be recaptured. The District of Columbia recapture amount shall be equal to the amount of the District of Columbia low-income housing tax credits previously claimed times a fraction, the numerator of which shall be the amount of recaptured federal low-income housing tax credits and the denominator of which shall be the amount of federal low-income housing tax credits previously claimed.

"§ 47-4805. Additional filings.

"The Chief Financial Officer or the Department may require the filing of additional documentation necessary to determine the eligibility or accuracy of a tax credit claimed under the provisions of this chapter through the promulgation of regulations.

"§ 47-4806. Transfer, sale, or assignment.

"(a) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold, or assigned.

"(b) An owner or transferee desiring to make a transfer, sale, or assignment shall submit to the Chief Financial Officer a statement that describes the amount of District of Columbia low-income housing tax credit for which such transfer, sale, or assignment of District of Columbia low-income housing tax credit is eligible. The owner shall provide to the Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated.

"(c) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804, any statement submitted to the Chief Financial Officer as required in subsection (b) of this section shall include the:

"(1) Proportion of the District of Columbia low-income housing tax credit required to be recaptured;

"(2) Identity of each transferee subject to recapture; and

"(3) Amount of credit previously transferred to such transferee.

"§ 47-4807. Compliance.

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"(a) The Department, in consultation with the Chief Financial Officer, shall monitor and oversee compliance with the District of Columbia low-income housing tax credit program and may promulgate regulations requiring the filing of additional documentation considered necessary to determine continuing eligibility for the District of Columbia low-income housing tax credit.

"(b) The Department or the Chief Financial Officer shall report specific occurrences of noncompliance to appropriate state, federal, and local authorities.

"§ 47-4808. Expiration of credits.

"Except for unused credits carried forward pursuant to § 47-4803(c) and for credits claimed under regulations promulgated by the Department consistent with the special rule set forth in section 42(f)(2) of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a qualified District of Columbia project shall not be eligible for any District of Columbia low-income housing tax credits for more than 11 taxable years.

"§ 47-4809. Efficiency.

"The Department may pursue methods of enhancing the efficiency of the District of Columbia low-income housing tax credit program, including,

"(1) Pursuing opinions from the United States Department of Treasury's Internal Revenue Service in the form of:

"(A) General Counsel memoranda;

"(B) Private letter rulings and other notices,;

"(C) Rulings; or

"(D) Guidelines; and

"(2) Reviewing other state low-income housing tax programs that have an option for taxpayers to receive such tax credit in the form of a loan generated by transferring the credit to a designated state entity.

"§ 47-4810. Fees.

"The Department may charge a user fee equal to up to 1% of the District of Columbia low-income housing tax credits awarded to a qualified project to pay for the administrative costs associated with the establishment of a District of Columbia low-income housing tax credit. The user fee will be deposited into the Low-Income Housing Tax Credit Fund, as established in D.C. Official Code § 42-2853.02.

"47-4811. Look-back requirement.

"As soon as practicable after the first tranche of credits is sold during the pilot period, the Department shall provide a report to the Mayor and the Council on the credit program, including:

"(1) A list of projects financed with the low-income housing tax credits;

"(2) The number of affordable units per transaction and the level of affordability per unit;

"(3) Copies of the basic development budget or budgets, also known as the "DHCD 202"; and

"(4) The syndication rate for each credit sold.

"§ 47-4812. Rules.

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"(a) The Mayor shall issue rules to implement this chapter.

"(b) The Chief Financial Officer shall issue rules to implement § 47-4805."

**SUBTITLE P. IPW FUND, DESTINATION DC MARKETING FUND, AND
WMATA MOMENTUM FUND ESTABLISHMENT**

Sec. 7161. Short title.

This subtitle may be cited as the "IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Emergency Act of 2014".

Sec. 7162. IPW Fund.

(a) There is established as a special fund, the IPW Fund ("Fund"), which shall be administered by Destination DC in accordance with subsection (c) of this section.

(b) The following funds shall be deposited into the Fund:

(1) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309 and subject to subsection (d) of this section, \$3.5 from the \$60.9 million settlement the District obtained, and

(2) In private-sector matching funds, \$3.5 million to be raised by Destination DC.

(c) Money in the Fund shall be used to pay for the costs associated with hosting the U.S. Tourism Association's annual international tourism conference, known as the IPW. In 2017.

(d) The portion of the Fund described in subsection (b)(1) of this section will be available for expenditure only if Destination DC raises private-sector matching funds on a one-to-one basis. Destination DC shall return to the District any settlement funds for which a private-sector match is not secured.

(e) Destination DC shall submit an annual report by the end of each fiscal year to the Mayor and Council, which shall include the amount of private-sector matching funds raised and the amount expended from the Fund.

(f) (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. 7163. Destination DC Marketing Fund.

(a) There is established as a special fund the Destination DC Marketing Fund ("Fund"), which shall be established under the auspices of and administered by Destination DC, and which shall be used by Destination DC for the purposes of marketing the District.

(b) The amount of \$1.5 million shall be deposited into the Fund from the \$60.9 million settlement the District obtained with online travel companies to recover unpaid hotel-room taxes, only upon approval of the settlement by the District of Columbia Court of Appeals, *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309.

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(c)(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. 7164. WMATA Momentum Support Fund.

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

(b) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309, \$55.9 million from the \$60.9 million settlement the District obtained shall be deposited in the Fund.

(c) Upon execution of an inter-jurisdiction funding agreement for implementation of the Washington Metropolitan Area Transit Authority Momentum Strategic Plan ("Momentum"), any monies in the Fund shall be made available to finance the District's share of the implementation costs of Momentum.

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

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

SUBTITLE Q. LAHDO ESTOPPELS

Sec. 7171. Short title.

This subtitle may be cited as the "LAHDO Estoppels Emergency Amendment Act of 2014".

Sec. 7172. Section 47-1005.01(c-1) of the District of Columbia Official Code is amended to read as follows:

"(c-1)(1) Effective June 9, 2001, an existing or future lease entered into under the provisions of the Land Acquisition for Housing Development Opportunities Program, set forth in Chapter 45 of Title 10 of the District of Columbia Municipal Regulations (10 DCMR § 45) ("LAHDO"), shall be exempt from all taxes, assessments, and public charges related to the leased land, including any possessory interest tax, for periods for which the Department of Housing and Community Development ("DHCD") certifies in writing to the lessee and the Chief Financial Officer that the lessee is in compliance with its LAHDO lease and the lessee is in good standing with DHCD.

"(2) As to any property for which a written certification of compliance is issued, DHCD shall notify the lessee and the Chief Financial Officer if the lessee no longer is in compliance with its lease or is not in good standing with DHCD.

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“(3) The exemption provided in this subsection shall end at the beginning of the first month following the date that the lessee did not comply with its lease or was not in good standing with DHCD, whichever occurs first.”.

Sec. 7173. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE R. QUALIFIED HIGH TECHNOLOGY CLARIFICATION

Sec. 7181. Short title.

This subtitle may be cited as the "Qualified High Technology Clarification Emergency Amendment Act of 2014".

Sec. 7182. Section 47-1817.01 (5) of the District of Columbia Official Code is amended as follows:

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

(1) Sub-subparagraph (i) is amended by striking the phrase “maintaining an office, headquarters, or base of operations” and inserting the phrase “leasing or owning an office” in its place.

(2) Sub-subparagraph (ii) is amended by striking the word “employees” and inserting the phrase “qualified employees” in its place.

(3) Sub-subparagraph (iii) is amended as follows:

(A) Sub-sub-subparagraph (II) is amended by striking the phrase “digital media. Such technologies shall include” and inserting the phrase “digital media, including” in its place.

(B) Sub-sub-subparagraph (III) is amended by striking the phrase “medical processes. Such materials and technologies shall include” and inserting the phrase “medical processes, including” in its place.

(C) Sub-sub-subparagraph (IV) is amended as follows:

(i) By striking the word “biotechnology” and inserting the phrase “biotechnology,” in its place;

(ii) By striking the phrase “or propulsion” and inserting the word “propulsion” in its place; and

(iii) By striking the phrase “equipment. Such technologies shall include” and inserting the phrase “equipment, including” in its place.

(D) Sub-sub-subparagraph (V) is amended by striking the phrase “media content. Such technologies shall include” and inserting the phrase “media content, including” in its place.

(b) Subparagraph (B)(i) is amended as follows:

(1) Sub-sub-subparagraph (I) is amended to read as follows:

“(I) An on-line or brick and mortar retail store;”

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(2) Sub-sub-subparagraph (II) is amended by striking the phrase "facility;" and inserting the phrase "facility; or" in its place.

(3) By adding a new sub-sub-subparagraph (III) to read as follows:

"(III) A building or construction company."

SUBTITLE S. EMERGING BUSINESS DISTRICT DEMONSTRATION

Sec.7191. Short title.

This subtitle may be cited as the "Emerging Business District Demonstration Emergency Act of 2014".

Sec. 7192. Emerging Business District Demonstration Projects.

(a) The Mayor shall authorize the creation of Emerging Business District Demonstration Projects for business development purposes and provide financial assistance, beginning in fiscal year 2016, for up to 5 years while a business tax base is further established. These funds shall be distributed through a grant program by the Office of the Deputy Mayor for Planning and Economic Development.

(b)(1) To be eligible for these funds, applicants must demonstrate property owner commitment to the program through matching grants of at least 25% of the proposed program's total budget.

(2) Business Improvement Districts with budgets under \$1 million as well as eligible 501(c)(3) and 501(c)(6) organizations may apply and be awarded these funds.

(c) Within 45 days of the effective date of this subtitle, the Mayor shall publish draft regulations regarding the criteria and awarding of grants; provided, that if no regulations are published, organizations will be entitled to apply as of November 1, 2015.

(c) Regulations shall include:

(1) The ability to establish and assemble a panel of reviewers for applications;

(2) A formula to determine what level of seed funding is sufficient to establish operations and allows the pursuit of matching funds from the private sector or otherwise;

(3) The ability for applicants to be eligible for technical assistance, training, and mentoring opportunities; and

(4) Eligible uses of funds, which shall include:

(A) Economic research; or

(B) Community or business outreach.

Sec. 7193. The grant program established by this subtitle shall not prevent an entity or a neighborhood from receiving any other form of District or federal assistance, including loans or other grants.

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Sec. 7194. Conforming amendment.

The Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; 60 DCR 992), is amended by adding a new section 3a to read as follows:

"Sec. 3a. 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."

SUBTITLE T. SOUTHWEST WATERFRONT PROJECT CLARIFICATION

Sec. 7201. Short title.

This subtitle may be cited as the "Southwest Waterfront Project Clarification Emergency Amendment Act of 2014".

Sec. 7202. Section 101(3) of the Southwest Waterfront Bond Financing Act of 2008, effective October 22, 2008 (D.C. Law 17-252, D.C. Official Code § 2-1217.131(3)), is amended to read as follows:

"(3) "Available Sales Tax Revenues" means the revenues in excess of \$208,549 generated in the Southwest Waterfront PILOT/TIF Area in any fiscal year of the District commencing on the Commencement Date resulting from the imposition of the sales tax under Chapter 20 of Title 47, including penalty and interest charges, exclusive of the portion required to be deposited in the Washington Convention Center Fund established pursuant to the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08). The term "Available Sales Tax Revenues" includes sales tax revenues from any business existing in the Southwest Waterfront PILOT/TIF Area on October 22, 2008, only after the business has re-opened as a result of the development of any portion of the project."

SUBTITLE U. NON-DEPARTMENTAL FUND ADMINISTRATION

Sec. 7211. Short title.

This subtitle may be cited as the "Non-Departmental Fund Administration Emergency Act of 2014".

Sec. 7212. In Fiscal Year 2015, of the funds allocated to the Non-Departmental agency, an amount up to \$1 million shall be transferred to the University of the District of Columbia ("UDC") if, by January 1, 2015, UDC raises the amount of \$1 million from private donations for the purpose of meeting accreditation standards. The amount transferred under this section shall be matched dollar-for-dollar from the amount raised up to \$1 million.

Sec. 7213. In Fiscal Year 2015, and beginning no later than the effective date of the Transportation Reorganization Act of 2014, as introduced on April 8, 2014 (Bill 20-759) ("Act"),

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the City Administrator shall convene and lead a multi-agency working group to plan for and implement the agency restructuring required by the Act. The City Administrator may use up to \$500,000 from the Non-Departmental agency for this process.

SUBTITLE V. UNITED HOUSE OF PRAYER FOR ALL PEOPLE EQUITABLE REAL PROPERTY TAX RELIEF

Sec. 7221. Short title.

This subtitle may be cited as the "United House of Prayer for All People Equitable Real Property Tax Relief Emergency Act of 2014".

Sec. 7222. United House of Prayer for All People equitable real property tax relief.

The Council orders that:

(1) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lots 88 and 982, Square 5861, and paid by the United House of Prayer for All People, for tax years 2001 through 2013, shall be forgiven and refunded; and

(2) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lot 988, Square 5861, for the first 2 months of tax year 2014, shall be forgiven and any payments by the United House of Prayer for All People shall be refunded.

SUBTITLE W. MERIDIAN INTERNATIONAL CENTER REAL PROPERTY TAX EXEMPTION ACT

Sec. 7231. Short title.

This subtitle may be cited as the "Meridian International Center Real Property Tax Exemption Emergency Act of 2014".

Sec. 7232. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1092. Meridian International Center."

(b) A new section 47-1092 is added to read as follows:

"§ 47-1092. Meridian International Center.

"(a)(1) Beginning on the effective date of this section, the real property designated as Lots 806, 808, and 809 in Square 2568, known as the Meridian House and the White-Meyer House, and Lots 2369 through 2401, 2413 through 2417, 2423, 2441, and 2442 in Square 2567, together with any improvements and furnishings ("Property") shall be exempt from all taxation; provided, that the Property is:

"(A) Owned by the Meridian International Center, a District of Columbia nonprofit corporation;

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“(B) Used for the purposes and activities of the Meridian International Center; and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section.

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section.

“(b) Section 47-1005 shall apply with respect to the Property; provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property.

“(c) Meridian International Center shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009.”.

Sec. 7233. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded.

SUBTITLE X. SCOTTISH RITE TEMPLE REAL PROPERTY TAX ACT

Sec. 7241. Short title.

This subtitle may be cited as the “Scottish Rite Temple Real Property Tax Emergency Act of 2014”.

Sec. 7242. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1094. Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States; Lot 108, Square 192.”.

(b) A new section 47-1094 is added to read as follows:

“§ 47-1094. Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States; Lot 108, Square 192.

“The real property described as Lot 108 in Square 192 shall be exempt from real property taxation so long as the real property is owned by The Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-Third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (“Supreme Council”) or its subsidiaries, including the House of the Temple Historic Preservation Foundation, Inc., and is used by the Supreme Council or its subsidiaries to carry on their purposes and activities, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007 and 47-1009 as if the exemption had been granted administratively under this chapter.”.

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SUBTITLE Y. AMERICAN ACADEMY OF ACHIEVEMENT REAL PROPERTY TAX EXEMPTION ACT

Sec. 7251. Short title.

This subtitle may be cited as the “American Academy of Achievement Real Property Tax Exemption Emergency Act of 2014”.

Sec. 7252. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1093. American Academy of Achievement.”.

(b) A new section 47-1093 is added to read as follows:

“§ 47-1093. American Academy of Achievement.

“(a)(1) Beginning on the effective date of this section, the real property designated as Lot 0829 in Square 0182, known as the American Academy of Achievement building, together with any improvements and furnishings (“Property”) shall be exempt from all taxation; provided, that the Property is:

“(A) Owned by the American Academy of Achievement, a nonprofit corporation;

“(B) Used for the purposes and activities of the American Academy of Achievement; and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section.

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section.

“(b) Section 47-1005 shall apply with respect to the Property; provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property.

“(c) The American Academy of Achievement shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009.”.

Sec. 7253. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded.

SUBTITLE Z. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF

Sec. 7261. Short title.

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This subtitle may be cited as the "Affordable Housing Real Property Tax Relief Emergency Act of 2014".

Sec. 7262. Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is amended by striking the phrase "and for which an exemption was granted;" and inserting a semicolon in its place.

Sec. 7263. Applicability.

(a) This subtitle shall apply with respect to renewal contracts entered into before, on, or after the effective date of this act.

(b) This subtitle shall apply as of the effective date of this act.

SUBTITLE BB. TANF CONTINGENCY APPROPRIATION

Sec. 7271. Short title.

This subtitle may be cited as the "TANF Contingency Appropriation Emergency Amendment Act of 2014".

Sec. 7272. Pursuant to the Fiscal Year 2015 Budget Request Act of 2014, passed on final reading on May 28, 2014 (Enrolled version of Bill 20-749), \$5,771,880.64 of local revenues certified in the June 2014 revenue estimate that exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015 shall be allocated to the Department of Human Services to expand POWER eligibility, for Fiscal Year 2015, to include families who have been on TANF longer than 60 months, are enrolled with a TANF Employment Program vendor, and are not the subject of a sanction as of October 1, 2014, pursuant to section 7273.

Sec. 7273. (a) Section 572a(a)(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.72a(A)(6)), is amended to read as follows:

"(6) Is the head of an assistance unit who is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which he or she is working towards the attainment of a degree, certificate, or official credential, or for fiscal year 2015, has been on TANF over 60 months, is enrolled with a TANF Employment Program vendor, and is not the subject of a sanction as of October 1, 2014."

(b) Subsection (a) of this section shall apply upon an allocation of \$5,771,880.64 made pursuant to section 7272.

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TITLE VIII. CAPITAL BUDGET**SUBTITLE A. DDOT CAPITAL BUDGET ALLOCATION AUTHORITY**

Sec. 8001. Short title.

This subtitle may be cited as the "Department of Transportation Capital Budget Allocation Authority Emergency Amendment Act of 2014".

Sec. 8002. Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended by adding a new paragraph (3) to read as follows:

"(3) The Director may submit requests to OBP to re-allocate funds from any Related Project to the applicable capital project created in Fiscal Year 2012 or later funded from the District of Columbia Highway Trust Fund. The Director, following re-allocation of funds by OBP from a Related Project to its applicable capital project, shall have the authority to submit requests to OBP to allocate these funds to another Related Project."

SUBTITLE B. DDOT CAPITAL PROJECT REVIEW AND RECONCILIATION

Sec. 8011. Short title.

This subtitle may be cited as the "Department of Transportation Capital Project Review and Reconciliation Emergency Amendment Act of 2014".

Sec. 8012. Section 11j(a) of Title IV of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.53(a)), is amended to read as follows:

"(a) Funds resulting from the closure of a capital project pursuant to section 11i(a) shall be allocated to restore funding to the Pedestrian and Bicycle Safety Enhancement Fund, established by section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131), up to an annual level of \$1.5 million and then equally among the Local Streets Ward-based capital projects; provided, that funds specific to non-participating costs shall be allocated to the non-participating Highway Trust Fund Support project."

**SUBTITLE C. FISCAL YEAR 2015 CAPITAL PROJECT FINANCING
REALLOCATION APPROVAL**

Sec. 8021. Short title.

This subtitle may be cited as the "Fiscal Year 2015 Capital Project Reallocation Approval Emergency Act of 2014".

Sec. 8022. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$ 84,463,423 in general obligation bond proceeds from District capital projects listed in Table A to the District capital projects, in the amounts specified, listed in Table B.

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(b) The current allocations were made pursuant to the Fiscal Year 2009 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2009, effective March 3, 2009 (Res. 18-0034; 56 DCR 2082), the Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009, effective December 4, 2009 (D.C. Act 18-240; 56 DCMR 9265), the Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2010, effective November 17, 2010 (D.C. Act 18-607; 57 DCR 11054), and the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-0315; 58 DCR 10556).

TABLE A.

Owner Agency Title	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Department of General Services	EA7	DGS	Neighborhood Revitalization	2009E	9,629
Office of the Attorney General	EN2	OAG	Child Support Enforcement System - CSED	2009D	20,885
Metropolitan Police Department	FRI	MPD	Base Building Renovation	2009D	4,848,843
Metropolitan Police Department	ITI	MPD	Information Technology Initiative - MPD	2010A	11,039
Department of General Services	AA9	DGS	Procurement of 225 Virginia Avenue	2011A - IT	13,792
DC Public Library	CWM	DCPL	African American Civil War Memorial	2011A - IT	1,118,561
Deputy Mayor for Economic Development	AWT	DMPED	Walter Reed Redevelopment	2011A - IT	402,214
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2009D	4,066
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2010A	787
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2010A	6,321
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2011A - IT	7,337
District of Columbia	GM0	DGS	Woodrow Wilson	2009E	4,039,764

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Public Schools			Natatorium/Pool		
University of the District of Columbia	ET9	UDC	Higher Education Back Office - Banner	2011A - IT	302,363
Department of Parks and Recreation	QK1	DPR	Renovation Of The S & T St NW Park	2010A	425,476
Department of Parks and Recreation	QS6	DPR	Renovation Of The S & T St NW Park	2009D	73,312
Department of Human Services	SH1	DGS	Oak Hill Youth Facility	2010A	501
District Department of Transportation	GFL	DDOT	SE Salt Dome	2010A	21,288
District Department of Transportation	BRI	DDOT	Pedestrian Bridge	2010A	4,987,554
Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2010A	472,381
Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2011A - IT	3,351
DC Public Library	NL6	DCPL	Reconstruction/Renovation Neighborhood Libraries	2012 FG	3,955,680
Fire and Emergency Medical Services	LC4	FEMS	Engine Company 22 Replacement	2012 FG	1,525,115
Fire and Emergency Medical Services	LE5	FEMS	Engine Company 27 Renovation	2012 FG	1,956,335
Fire and Emergency Medical Services	LE7	FEMS	Engine Company 27 Renovation	2012 FG	1,000,000
District of Columbia Public Schools	PR3	DGS	Ron Brown ES Modernization	2012 FG	4,050,000
Department of Parks and Recreation	QJ8	DPR	Friendship Park	2012 FG	1,629,830
Mass Transit Subsidies	SA4	WMATA	Metrorail Construction	2012 FG	53,577,000
TOTAL					\$84,463,423

TABLE B.

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Agency	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Mass Transit Subsidies	TOP	WMATA	Transit Operations & Dedicated Facilities	N/A	25,787,055
District of Columbia Public Schools	MH1	DGS	Dunbar SHS Modernization	N/A	29,453,153
District of Columbia Public Schools	NX3	DGS	Cardozo HS Modernization	N/A	29,223,215
TOTAL					\$84,463,423

SUBTITLE D. H STREET STREETCAR PRIORITY

Sec. 8031. Short title.

This subtitle may be cited as the "H Street Streetcar Priority Emergency Act of 2014".

Sec. 8032. (a) The Mayor shall include the full replacement of the H Street Bridge in the Regional Transportation Improvement Program for completion before Fiscal Year 2018.

(b) The Mayor and the District Department of Transportation ("DDOT") shall prioritize the full replacement of the H Street Bridge under DDOT capital project SA306C, H Street/Benning/K Street Line. The full replacement of the bridge shall be completed before Fiscal Year 2018.

TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

SUBTITLE A. LOCAL AND O-TYPE FUND AMENDMENTS

Sec. 9001. Short title.

This title may be cited as the "Local and Special Purpose Revenue Fund Emergency Amendment Act of 2014".

Sec. 9002. RFK & DC Armory Maintenance Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1440 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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Sec. 9003. Facilities Service Request Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1500 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9004. Distribution Fees.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1243 within the Office of the Secretary shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9005. Copy Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0651 within the Public Service Commission shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9006. DCPS PEPCO.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0604 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9007. DCPS Security.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0609 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9008. DCPS Custodial.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0607 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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Sec. 9009. DPR Enterprise Fund.

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as fund 0602 within the Department of Parks and Recreation shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9010. Pedestrian and Bicycle Safety and Enhancement Fund.

Section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place.

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

"(c)(1) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9011. DMV Out-of State Vehicle Registration Fee.

Section 3a(a) of the District of Columbia Revenue Act of 1937, effective March 28, 2008 (D.C. Law 17-130; D.C. Official Code § 50-1501.03a(a)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place.

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

"(3) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9012. OCTO SERVUS Program.

Section 1004(d) of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1433(d)), is amended to read as follows:

"(d) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9013. Healthcare Forfeiture.

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as the Healthcare Forfeiture fund shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9014. Child SPT – Title IV Incentive Fees.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Child SPT – Title IVC

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Incentive Fees fund within the Office of the Attorney General shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9015 Adult Training Fund.

Section 2261 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 32-1671), is repealed.

Sec. 9016. Youth Jobs Fund.

Section 1009 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 2-1516.01), is repealed.

Sec. 9017. Neighborhood Investment Fund.

(a) The Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), is repealed

(b) Section 2375(d)(2) of the Fiscal Year 2006 Budget Support Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-218.75(d)(2)), is amended as follows:

(1) Subparagraph (A) is amended by adding the word "or" at the end.

(2) Subparagraph (B) is repealed.

(c) Section 2(16)(C)(i) of the Certified Capital Companies Act of 2003, effective March 10, 2004 (D.C. Law 15-87; D.C. Official Code § 31-5231(16)(C)(i)), is repealed.

(d) Section 2172 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 30, 2012 (D.C. Law 18-111; D.C. Official Code § 38-1011.02), is repealed.

Sec. 9018. Senior Citizens Housing Modernization Grant Fund.

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

Sec. 9019. Shaw Community Development Fund.

Section 204(l) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.04(l)), is repealed.

Sec. 9020. AWC Integration.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0626 within the Deputy Mayor for Planning and Economic Development shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective

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date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9021. Commercial Revitalization Assistance Fund.

(a) Section 2376 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 2-218.76), is repealed.

(b) Section 20(b) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.20(b)), is repealed.

Sec. 9022. TDL Career Cluster.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the TDL Career Cluster fund within the District of Columbia Public Schools shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9023. Pre-k for All.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Pre-k for All fund within the Office of the State Superintendent of Education shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9024. Air Quality Construction Permits.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Air Quality Construction Permits fund within the Department of Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9025. DDOT Operating (Unified) Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6900 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia

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and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9026. Parking Meter Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6906 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9027. Prison Diversion.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Prison Diversion fund within the Department of Behavioral Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9028. Integrated Service Fund.

The Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.01 *et seq.*), is repealed.

Sec. 9029. Applicability.

This subtitle shall apply as of September 30, 2014.

SUBTITLE B. LOCAL AND O-TYPE FUND TRANSFERS**Sec. 9101. Short title.**

This subtitle may be cited as the "Local and Special Purpose Revenue Fund Transfer Emergency Act of 2014".

Sec. 9102. Before the end of Fiscal Year 2014, the Chief Financial Officer shall transfer the following amounts from the accounts listed below to the Contingency Cash Reserve Fund, established by section 450A (b) of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a(b)):

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Agency Code	Agency	Fund Name	Amount
AM0	DGS	Fixed Cost Commodity Reserve	\$22,288,649
CF0	DOES	Adult Training Fund	\$10,156,624
CF0	DOES	Youth Jobs Fund	\$6,431,374
EB0	DMPED	Neighborhood Investment Fund	\$60,226
EB0	DMPED	Senior Housing Modernization grant Fund Act of 2010	\$100,000
EB0	DMPED	AWC Integration	-\$6,146
EN0	DSLBD	Commercial Revitalization Assistance Fund	\$1,245,199
HT0	DHCF	Hospital Assessment Tax	\$715,707
KA0	DDOT	DDOT Operating (Unified) Fund	\$65,084
KA0	DDOT	Parking Meter Fund	\$534,282
RM0	DBH	Prison Diversion	\$128,000
XXX	OCFO	Integrated Service Fund	\$4,576,805
GD0	OSSE	Healthy Schools Act	\$4,349,170
XXX	OCFO	Healthcare Forfeiture	\$1,176,069
TOTAL			\$51,821,042

Sec. 9103. Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds revenue \$3,000,000 of fund balance from the Recorder of Deeds Automation and Infrastructure Improvement Fund.

Sec. 9104. Applicability.

This subtitle shall apply as of September 30, 2014.

TITLE X. REPORTING REQUIREMENTS

Sec. 10001. Short title.

This title may be cited as the "Council Reporting Requirements Emergency Act of 2014".

Sec. 10002. For purposes of this title, unless otherwise provided, reports made to the Council shall be made to the Secretary to the Council.

PUBLIC EDUCATION

Sec. 10003. State Board of Education reporting requirements.

By October 1, 2014, the State Board of Education shall submit to the Council:

- (1) An implementation plan for the establishment of the Office of the Student Advocate, which is to be fully operational by January 1, 2015;
- (2) A report on the accomplishments of the Office of the Ombudsman for Public Education during Fiscal Year 2014 and a strategic plan for the Office for Fiscal Year 2015; and
- (3) A report on the status of development and approval of high school graduation requirements for District of Columbia students, including the proposed standard diploma,

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diploma of distinction, a career credential aligned with CTE standards, and an achievement diploma for students with severe cognitive disabilities.

Sec. 10004. Office of the State Superintendent of Education reporting requirements.

By October 1, 2014, the Office of the State Superintendent of Education ("OSSE") shall submit to the Council:

(1) A report on the status of the opening the Youth Re-Engagement Center ("Center"). The report shall include, at a minimum:

(A) A summary of activities undertaken during Fiscal Year 2014 in support of the Center;

(B) A description of Center programs and activities underway or planned for Fiscal Year 2015 that will support re-engagement of youth; and

(C) The name of the staff members working at the Center and their qualifications;

(2) A report on OSSE's efforts to improve access to college entrance exams for District of Columbia students. The report shall include, at a minimum:

(A) The number of District public school students who took the Scholastic Aptitude Test ("SAT") and the ACT test during school year ("SY") 2013-2014, by school and local education agency ("LEA"), and whether or not those students took advantage of free or reduced-price vouchers;

(B) The average and median score for District public school students on the SAT and ACT in SY2013-2014 by LEA;

(C) The type of preparation courses offered to students free of charge for both the SAT and ACT and the number of students who participated during SY2013-2014; and

(D) Information regarding planned efforts for Fiscal Year 2015, including the projected number of students who will participate in test preparation courses and who will utilize free or reduced vouchers for college entrance exams, and the projected cost;

(3) A report on the development of an information management system to ensure that the District is able to provide necessary services to homeless students;

(4) A report on the identification of at-risk students for the purposes of developing the Fiscal Year 2016 budget, including the methodology that will be used to project the number of at-risk students at each LEA and school and an update on OSSE's at-risk early warning system, including a timetable for its implementation;

(5) A plan to increase Medicaid reimbursement for services rendered to students with individualized education Programs ("IEP"), including:

(A) A list of all services provided to students with IEPs that the District does not currently include under its Medicaid state plan as an eligible service;

(B) For each of the services identified in subparagraph (A) of this paragraph, the actual Fiscal Year 2014 local expenditures, projected Fiscal Year 2015 local expenditures, and estimated local savings available to the District if the services were included in the Medicaid state plan; and

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(C) Recommended amendments to the District Medicaid state plan and other policy options to expand federal reimbursement for services provided to students with IEPs;

(6) A report on the status of centralizing non-resident student investigations within OSSE, including the status of transferring nonresident tuition funds from DCPS to OSSE, as part of the implementation of sections 15a, 15b, and 15c of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.01 *et seq.*); and

(7) The status of the development of a memorandum of understanding with the Department of Employment Services to provide adult workforce training.

Sec. 10005. District of Columbia Public Schools reporting requirements.

By October 1, 2014, the District of Columbia Public Schools ("DCPS") shall submit to the Council:

(1) A report on efforts to work with youth educators, including the Young Women's Project, to supplement health-education services, along with a delineation of Fiscal Year 2015 funding dedicated to supporting youth educators;

(2) A report on implementation of a restorative justice pilot program, including a list of participating schools and a Fiscal Year 2015 spending plan;

(3) A report on DCPS' summer school program, including:

(A) The number of students served in Fiscal Year 2014 and total program expenditures;

(B) Projected number of students to be served in Fiscal Year 2015, and the total program budget;

(4) A report on efforts undertaken in Fiscal Year 2014 and planned for Fiscal Year 2015 to ensure full implementation of the Focused Student Achievement Act of 2013, effective February 22, 2014 (D.C. Law 20-84; 61 DCR 178);

(5) All student promotion and attendance data by school and grade for school year 2013-2014;

(6) A report on the current inventory of DCPS library collections and resources available at each DCPS school, and efforts planned for Fiscal Year 2015 to expand access to library materials and resources, including efforts to:

(A) Provide at least 20 library items per student in each DCPS school;

(B) Balance the collections at DCPS Libraries between content areas; and

(C) Ensure that the average age of materials in each DCPS Library is less than 10 years old;

(7) A report on fixed costs, including:

(A) A comparison of projected and actual Fiscal Year 2014 fixed-costs expenditures by DCPS facility;

(B) Projected Fiscal Year 2015 fixed-costs expenditures by DCPS facility and actual fixed-costs expenditures incurred during school year 2014-2015;

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- (C) Implementation of the Sustainable DC Initiative; and
- (D) Efforts to coordinate with the Department of General Services on a regular basis to review fixed costs projections and actual expenditures;
- (8) A plan to ensure full implementation of the Fair Funding and Student-Based Budgeting Act of 2013, effective February 22, 2014 (D.C. Law 20-87; 61 DCR 3742) ("Fair Funding Act"), for the Fiscal Year 2016 budget;
- (9) A report on the effort undertaken and planned for Fiscal Year 2015 related to the re-opening of Van Ness elementary school and the opening of an application middle school east of the Anacostia River;
- (10) A report on implementation of the budget recommendations included in the Committee on Education budget report for Fiscal Year 2015, including detailed information by school of the services or programs each of the allocations supported:
 - (A) The \$2,563,500 to be used to supplement those schools most impacted by the budgetary discrepancy between DCPS' allocation of at-risk funds and the requirements set forth in the Fair Funding Act; and
 - (B) The \$236,500 to augment the at-risk allocation at Anacostia High School, which has the highest percentage of special education students among those schools that did not receive their estimated at-risk allotment pursuant to the Fair Funding Act.

Sec. 10006. Public Charter School Board reporting requirements.

By October 1, 2014, the Public Charter School Board ("PCSB") shall submit to the Council:

- (1) Recommendations on how the PCSB will incorporate students' educational and programmatic needs as part of its application review for new and expanding public charter schools in school year 2014-2015. The recommendations may include how the agency and potential applicants are collaborating with the Deputy Mayor for Education, other appropriate agencies, and incorporating school enrollment, demand, and need as part of the application process; and
- (2) A report on the current inventory of library collections and resources available at District public charter schools.

Sec. 10007. Deputy Mayor for Education reporting requirements.

By October 1, 2014, the Deputy Mayor for Education shall submit to the Council:

- (1) A report on its continued implementation of the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1517.01 *et seq.*), including a Fiscal Year 2015 spending plan;
- (2) Recommendations on expanding transportation subsidies to students between the ages of 21-24 years old enrolled in DCPS or a public charter school;
- (3) An update on the activities and Fiscal Year 2015 goals of the State Early Childhood Development Coordinating Council; and

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(4) A report on implementation of the Graduation Pathways Project and how it will identify students who are off-track, assess current programs, and create or expand programs in both sectors that have demonstrated success at reducing truancy and keeping students on track to graduate on time.

HEALTH AND HUMAN SERVICES

Sec. 10008. Feasibility and assessment study.

(a) The Department of Human Services shall commission a feasibility and assessment study to determine the housing and space needs for the residents and service providers within the building located at 425 2nd Street, N.W.

(b) The study shall be conducted by a policy, planning, or design firm.

(c) In keeping with the recommendations of the CCNV Task Force, the study shall:

(1) Consider and address the existence of a need for new facilities to replace the existing building;

(2) Identify the service and support needs of current residents;

(3) Develop and design shelter for the newly homeless and housing options for current residents based on identified service needs of the population;

(4) Identify opportunities for funding for shelter for the newly homeless and housing options for current residents;

(5) Propose a timeline for development and provision of shelter for the newly homeless and housing options for current residents;

(6) Provide specific recommendations regarding shelter for the newly homeless and housing options for current residents; and

(7) Estimate capital and operational costs of completing the recommendations.

(d) The study shall be completed no later than 180 days from the date that the contract is awarded.

Sec. 10009. Department of Health reporting requirements.

By October 1, 2014, the Department of Health ("DOH") shall submit to the Council:

(1) A quarterly report on all grants administered by the DOH, which shall include, at a minimum, the:

(A) Grant title and number;

(B) Source of the funding;

(C) Approved budget authority;

(D) Expenditures, including encumbrances and pre-encumbrances;

(E) Purpose of the grant;

(F) Name of grantees and subgrantees for each grant;

(G) Date of grant funding expiration; and

(H) DOH employees responsible for overseeing the grant;

(2) An annual report on all federal grants for health services that DOH is aware of being in jeopardy of being cut at the conclusion of that fiscal year, when that funding has

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supported 3 or more community organizations that have history of providing services in the District;

(3) A biannual report on how existing District teenage pregnancy prevention programs are evaluated. The report should include information regarding the following:

(A) The rate of teen pregnancy in the wards that the program services;

(B) The number of girls served;

(C) The number of girls that have successfully completed the program;

and

(D) Any other information DOH deems critical to critiquing the success of the program; and

(4) A bi-monthly report regarding the efficiency of the medical marijuana program in the District, the number of medical marijuana applications received from patients and doctors, the time it took to process each application, the names of the individuals in charge of processing the application, the average overall wait time for processing doctor and patient applications, and any other information critical to analyzing the program's efficiency.

Sec. 10010. Department of Health Care Finance reporting requirements.

(a) By October 1, 2014, the Department of Health Care Finance ("DHCF") shall submit to the Council a report on:

(1) DHCF's reevaluation of the Alliance recertification process and recommendation for whether recertification rules need to be modified; and

(2) Description and timeline for implementation of DHCF's coordination of care plan.

(b) Starting on October 1, 2014 and ending on September 31, 2015, DHCF shall submit to the Council a quarterly report on:

(1) The progress of Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") coding changes and provider compliance with EPSDT screens and reporting;

(2) The eligibility and enrollment in the Elderly and Persons with Disabilities ("EPD") waiver including the:

(A) Number of people currently enrolled in the EPD waiver;

(B) Number of people currently on the waitlist;

(C) Number of people who lost the benefit because they did not timely

recertify;

(D) Community engagement activities that are planned for that quarter;

and

(E) Status of implementation of EPD waiver state plan amendments;

(3) Emergency and acute care utilization in the managed care and fee-for-service populations;

(4) Assessing the performance of the long term care contractor, including data on its reduction of fraud and abuse of the Personal Care Aid ("PCA") benefit;

(5) Reflecting PCA benefit utilization and enrollment; and

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(6) The performance of each Managed Care Organization ("MCO"), which shall include, at a minimum, the following information:

(A) A listing of the provider network for each MCO identifying each provider by name;

(B) The number of newly eligible beneficiaries auto-assigned to each MCO that quarter, along with the total number of members enrolled in each MCO;

(C) An assessment of each MCO's compliance with each contractual network adequacy requirement and performance objective, including a description of any threatened or assessed corrective action plans or penalties; and

(D) EPSDT data for each MCO, including the following:
(i) Number of EPSDT providers in each MCO network;
(ii) Number of screens and percentage of children screened per quarter;

(iii) Number of mental health screens and percentage of children receiving mental health screens per quarter; and

(iv) Plans to address unsatisfactory screening rates in the next quarter.

Sec. 10011. Not-For-Profit Hospital Corporation reporting requirements.

By October 1, 2014, the Not-For-Profit Hospital Corporation ("NFPHC") shall submit to the Council a bi-monthly report on the progress made by Huron Healthcare at the NFPHC, including the:

- (1) Milestones completed;
- (2) Scheduled work and the expected completion date of such work;
- (3) Unexpected issues that have arose and plans to address those issues;
- (4) Issues that were scheduled to be completed before the due date of the next report, but were not, and the plan to complete them; and
- (5) Answers to any documented questions sent over by the Council to the NFPHC.

Sec. 10012. Health Benefit Exchange Authority reporting requirements.

(a) By October 1, 2014, the Health Benefit Exchange Authority ("Authority") shall submit to the Council a report on the effectiveness of the In-Person Assistor program, including:

- (1) The number of individuals enrolled by each grantee organization; and
- (2) Recommendations for continuing the program, including potential costs and sources of funding, in Fiscal Year 2015.

(b) By December 31, 2014, the Authority shall submit to the Council a report on the reduction of the uninsured population in the District through enrollment in plans offered through the Authority, including:

- (1) The estimated number of uninsured individuals in the District as of October 1, 2014;

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(2) The number of uninsured individuals who purchased plans between October 1, 2013 and April 30, 2014;

(3) A comprehensive plan to conduct outreach and enroll the uninsured population in the District in Fiscal Year 2015 and Fiscal Year 2016; and

(4) A comprehensive plan to monitor fluctuations in uninsured populations in the District in Fiscal Year 2015 and Fiscal Year 2016.

TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

Sec. 10013. Department of Parks and Recreation reporting requirements.

By October 1, 2014, the Department of Parks and Recreation ("DPR") shall submit to the Council a detailed report on:

(1) The agency's workforce strategic plan to address the number of critical vacancies within DPR, including a timeline for implementation, recruitment actions, benchmark goals, and strategies for retention;

(2) The development of a comprehensive complaint in-take database system, which shall include, at a minimum:

(A) A detailed description of the compliant in-take database system;

(B) A timeline for development and the estimated launch date;

(C) A recommendation for a data governance policy; and

(D) A detailed explanation on how the complaint in-take database system will interact with existing systems; and

(3) The development of a comprehensive system for performance metrics that tracks quantitative performance measures, including, at a minimum a timeline for development and the estimated launch date.

FINANCE AND REVENUE

Sec. 10014. Office of the Chief Financial Officer reporting requirements.

By October 1, 2014, the Office of the Chief Financial Officer ("OFCO") shall submit to the Council a report on recommendations for improving transparency of the OCFO agency budget, including a plan for implementing improvements by the submission of the Fiscal Year 2016 budget to the Council.

Sec. 10015. Applicability.

This title shall apply as of the effective date of this act.

TITLE XI. APPLICABILITY, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE

Sec. 11001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2014.

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Sec. 11002. Fiscal impact statement.

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

Sec. 11003. Effective date.

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



Chairman
Council of the District of Columbia

VETOED

Mayor
District of Columbia
July 11, 2014

COUNCIL OVERRIDE: JULY 14, 2014

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AN ACT
D.C. ACT 20-378

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 15, 2014

To amend Title 47 of the District of Columbia Official Code to establish the Office of the Real Property Tax Ombudsman, exclude from real property tax sales improved Class 1 properties on which the tax owed is less than \$2,500, modify property tax delinquency and sale procedures, expand pre-sale notice requirements, require that copies of delinquency notices be provided to the Real Property Tax Ombudsman, permit homeowners to apply for a forbearance authorization from the Mayor to avoid tax sales, expand post-sale notice to homeowners to minimize costs associated with redemption, provide equitable limitations on tax sale purchaser expenses that a homeowner must pay to redeem a home, and to provide that homeowners be allowed to retain the equity in the property in the event of a failure to redeem; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment; to amend the Business Improvement Districts Act of 1996 to change the rate of interest assessed on any outstanding business improvement district tax from 1½% to 1%; 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 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:

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

“47-805. Office of Real Property Tax Ombudsman.”.

(2) 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 § 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 the tax sale purchaser or assignee; provided, further that the owner of record is not appealing the assessment for the same tax year.”.

(3) A new section 47-805 is added to read as follows:

“§ 47-805. Office of Real Property Tax Ombudsman.

“(a) There is created within the Office of the Mayor the Office of the Real Property Tax Ombudsman (“Office”), which shall be headed by the Real Property Tax Ombudsman (“Ombudsman”) who shall be appointed by the Mayor pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), as a statutory employee in the Excepted Service pursuant to section 908 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.08). The Ombudsman shall serve for a term of 5 years. The Ombudsman shall serve at the pleasure of the Mayor.

“(b) The Ombudsman shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District.

“(c) The Ombudsman shall:

“(1) Consult with and advise Class 1 real property owners on any real property tax matter arising under Chapter 8 or 13A of this title or under An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*);

“(2) Receive and investigate concerns and complaints from Class 1 real property owners related to real property tax matters;

“(3) Provide counsel and assistance to Class 1 real property owners relating to real property taxes, including referring Class 1 real property owners to appropriate:

“(A) Legal service providers;

“(B) Public interest organizations; and

“(C) Government offices.

“(4) Maintain a list of organizations that provide free or reduced-price legal services to District of Columbia residents and a list of housing counseling agencies approved by the U.S. Department of Housing and Urban Development;

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“(5) Protect the confidentiality of records and comply with all applicable confidentiality provisions, including § 47-821(d)(2); and

“(6) Prepare and submit to the Council and the Mayor an annual report on the activities of the Office. The Mayor shall make the report available to the public on the Mayor’s website.

“(d) The Ombudsman may assist an owner with matters concerning an abutting lot where the abutting lot and the Class 1 property are owned by the same owner.

“(e) The Ombudsman shall not appear on behalf of Class 1 real property owners in any court, administrative, or quasi-judicial proceeding.

“(f) The Office of the Chief Financial Officer may share confidential tax information with the Ombudsman.

“(g) For purposes of this section, the term “Class 1 real property owner” shall have the same meaning as contained in § 47-813(c-3)(1); provided, that the term owner as used in § 47-813(c-3)(1) shall be construed broadly and include the persons defined as owners in § 47-802 as well as other persons with an equitable interest in the property, and any other persons the Ombudsman determines to be appropriate representatives of the property owner (or, if applicable, the property owner’s estate), or any other persons the Ombudsman determines to be consistent with the purposes of this section.

“(h) This section shall apply upon its fiscal effect being included 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.

(4)(A) Section 47-811(c) is amended by striking the phrase “plus interest on the unpaid amount at the rate of 1½%” and inserting the phrase “plus simple interest on the unpaid amount at the rate of 1%” in its place.

(B)(i) This paragraph shall apply upon its fiscal effect being included 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.

(ii) Subject to sub-subparagraph (i) of this subparagraph, this paragraph shall apply beginning October 1, 2014.

(5) 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.

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(D) Subparagraphs (A) and (B) of this paragraph shall apply upon its fiscal effect being included 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.

(6) 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).

(7) 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 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), or as provided in the transfer and recordation tax return.”

(b) Section 47-902 is amended by adding a new paragraph (26) to read as follows:

“(26) Transfers of 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.”

(c) Chapter 13A 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.”

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

“47-1390. Office of Real Property Tax Sale Review.”

(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, 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:

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“(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.”.

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

“(4A) “Premises address” means the address, if any, for the square, suffix, and lot numbers, or parcel and lot numbers, of real property as reflected in the records in the Office of Tax and Revenue.”.

(3) Section 47-1332 is amended to read as follows:

“§ 47-1332. Sale of properties by Mayor; exemptions from sale.

“(a) Except as provided in subsections (c) and (d) of this section or as provided in other law, the Mayor shall sell all real property on which the tax is in arrears.

“(b) The Mayor shall designate a single agency to conduct tax sales.

“(c) The Mayor shall not sell any real property if:

“(1) A forbearance authorization has been approved in writing by the Mayor for the applicable tax sale;

“(2) For improved Class 1 Property, the tax amount to be sold is less than \$2,500;

or

“(3) 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) 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.

“(e)(1) An application for a forbearance authorization, utilizing the form of application as shall be devised by the Mayor, may be submitted to the Mayor up to 30 days before the first day of the tax sale.

“(2) The Mayor shall review and approve or deny the application within 90 days of receipt of the application.

“(3) The Mayor shall approve an application if the real property receives a homestead deduction and the tax amount to be sold is less than or equal to \$7,500. The Mayor may, in the Mayor’s discretion, approve an application that does not meet the above criteria for demonstrated hardship.

“(4) Upon approving an application for forbearance authorization, the Mayor shall remove the real property from the tax sale to which the forbearance corresponds or, if the tax sale has occurred with respect to the real property, cancel the tax sale pursuant to § 47-1366.

“(f) Subsections (c) and (e) of this section shall apply upon its fiscal effect being included 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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(4)(A) 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 beginning October 1, 2014, the rate of simple interest shall be 1% per month or portion thereof; provided further, 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% 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.

“(c) Subsection (a) of this section shall apply upon its fiscal effect being included 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.”.

(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 as follows:

(i) Strike the word “transaction” and insert the word “sale” in its place.

(ii) Strike the phrase “§§ 47-1341 and 47-1342” and insert the phrase “§§ 47-1341, 47-1342, and 47-1353.01” in its place.

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

(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.

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(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 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 as follows:

(i) Strike the phrase “Each of the taxing” and insert the phrase “Subject to the limitation set forth in section 104(a) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Official Code § 34-2407.02), each of the taxing” in its place.

(ii) Strike the phrase “notice of delinquency required by § 47-1341” and insert the phrase “notices required by § 47-1341 and § 47-1353.01” 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 notices under § 47-1341 is paid prior to 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 notices under § 47-1341 is paid prior to 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

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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 (a) is amended to read as follows:

“(a)(1) On or before May 1, the Mayor shall send a notice of tax delinquency by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last mailing address shown on the tax roll, as updated by the filing of a change of address in accordance with 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). 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.”

“(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form:

**“THIS IS A NOTICE OF DELINQUENCY
“FAILURE TO PAY TAXES WILL HAVE SERIOUS CONSEQUENCES**

“Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

Total Amount Due on the Account: \$.....

“TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by May 31, 20__)

“This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

“According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

**“If the property is sold at tax sale, the purchaser may
have the right to file a lawsuit to foreclose on the
property.**

“You must act now to avoid additional costs and significant expenses.

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“If payment is not made before May 31, 20__, the amount listed on this notice may no longer be accurate. In that case, you must contact the Office of Tax and Revenue at to obtain an updated payoff amount.

“Payment to the “DC Treasurer” may be made online at www.taxpayerservicecenter.com or at any District branch of Wells Fargo Bank or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

“YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

“Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

“RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

“Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

“Office of Tax Sale Review. If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to exempt the real property from sale.

“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.

“Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

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“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.

“Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

“Housing Counseling Services. The U.S Department of Housing and Urban Development (“HUD”) sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above).”.

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

“(b-1)(1) At least 2 weeks before real property is offered at a tax sale under this chapter, the Mayor shall send a final notice of delinquency, by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with 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). 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.”

“(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form:

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“THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS OF TITLE TO THE PROPERTY

“Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

“Total Amount Due on the Account: \$.....

“TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by [Last Business Day before tax sale]

“This amount may include fees or fines due to other District agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Official Code § 47-1340.

“According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

“If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

“Payment to the “DC Treasurer” may be made online at www.taxpayerservicecenter.com, at any District branch of Wells Fargo Bank, or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

“If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale.

- “You may *FAX* the receipt to (202) 478-5995; *EMAIL* the receipt to [email address]; or *HAND-DELIVER* a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

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- *“Do not mail* your paid receipt.

“YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

“Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

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IN THE DISTRICT OF COLUMBIA**

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“Office of Tax Sale Review. If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to exempt the real property from sale.

“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.

“Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

“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

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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.

“Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

“Housing Counseling Services. The U.S Department of Housing and Urban Development (“HUD”) sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above).”.

(ii) This subparagraph shall apply upon its fiscal effect being included 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.

(C) 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 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 notices of delinquency as provided in subsections (a) and (b-1) of this section, or to include” in its place.

(D) 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 as follows:

(A) Subsection (a) is amended by striking the phrase “the notice of delinquency,” and inserting the phrase “the notice of delinquency required by section 47-1341(a),” in its place.

(B) Subsection (b)(1)(A) is amended by striking the phrase “by taxation square,” and inserting the phrase “by premises address, taxation square,” in its place.

(C) 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.”.

(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 or § 47-47-895.31(8) as related to a sale under § 47-1336.”.

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

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“§ 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 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 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 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.”.

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(12) 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;"

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

"(10)(A) A statement that the rate of simple interest, upon redemption, shall be 1% 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) This paragraph shall apply upon its fiscal effect being included 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."

(B) Subsection (b) is repealed.

(C)(i) 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% 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.

(ii) This subparagraph shall apply upon its fiscal effect being included 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.

(13) 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, after the issuance of a final order by the

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Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall no longer be voidable. A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of § 47-1355(b).”

(14) 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.

(15) 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 (b)(1)(G) is amended by striking the phrase “by square,” and inserting the phrase “by premises address, taxation square,” in its place.

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

(i) Paragraph (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.

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

“(3) Where it would otherwise be permitted, the Mayor or a purchaser under this section may not file a complaint to foreclose the right of redemption until 30 days after the posting required under § 47-1353.01.”

(D) 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% 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 day 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.”

(16)(A) 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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“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 last week 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.**

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- “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.

“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

“Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

“Office of Tax Sale Review. If there are special circumstances that should have kept the real property from being included in the tax sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to cancel the sale.

“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.

“Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

“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.

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“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.

“Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

“Housing Counseling Services. The U.S Department of Housing and Urban Development (“HUD”) sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above).

“(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.”.

(B) This paragraph shall apply upon its fiscal effect being included 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.

(17) 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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(18) Section 47-1355(a)(2) is repealed.

(19) 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:

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“(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.

“(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-1) 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)(i) Subsection (e) is amended as follows:

(I) Strike the phrase “Upon request and subject to the payment of a fee,” and insert the phrase “Upon request, within 60 days of the request,” in its place.

(II) Add the following sentence at the end:

“The Recorder of Deeds shall waive all fees relating to the recordation of a certificate of redemption.”.

(ii) This subparagraph shall apply upon its fiscal effect being included 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.

(F) 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.”.

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

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(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.

(21) 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.

(22) 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;

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

“(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 any of the notices required by §§ 47-1341(a), 47-1341(b), 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 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), was not correctly or substantively updated by the Office of Tax and Revenue notwithstanding proper filing; or

“(4) A properly filed application for a forbearance authorization was filed at least 30 days before the sale and was approved within 60 days after the sale.

“(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.”.

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

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(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 and the Real Property Tax Ombudsman, established by § 47-805, upon the filing of a complaint under this section.”.

(24) 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.”.

(25) 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.

(26) 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

“(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).”.

(27) 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) A title search, not to exceed \$300

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

“(II) In cases 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 cases 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;

“(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 An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved

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April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01, *et seq.*), 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, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(2) of this section if the purchaser fails to disclose to the Mayor, 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), relating to a violation of § 47-1332(c)(3), a violation of bankruptcy law, or errors in ownership information or other discrepancies that may affect the validity of the tax sale. A purchaser shall not file a complaint to foreclose the right of redemption within 45 days of the disclosure to the Mayor unless the Mayor informs the purchaser in writing that the tax sale will not be cancelled under § 47-1366; provided, that the purchaser shall not be prevented from filing a complaint if necessary to maintain the validity of its certificate, but shall not be entitled to reimbursement of any legal fees incurred in relation to the filing if the Mayor cancels the tax sale under § 47-1366 within 45 days of the disclosure.”

(28) 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.

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

(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:

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“(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.”.

(30) 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 entitled to the balance, in proper proportion as determined by the court.

“(e)(1) If a probate proceeding is necessary to determine the proper allocation of the remaining balance, the court shall order that the remaining balance (or an appropriate portion thereof) be held in escrow in the court registry until the probate proceeding has been completed.

“(2) If a probate proceeding is not commenced within 3 years from the court’s initial distribution order under this subsection or is opened within 3 years but is not thereafter timely prosecuted to closing, the court may order that any amounts held in escrow that relate to the proceeding be paid to the Mayor for deposit into the General Fund of the District of Columbia.

“(f)(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.

“(g)(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 (2) 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 § 47-1382; and

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

(31) 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.

(32)(A) A new section 47-1390 is added to read as follows:

“§ 47-1390. Office of Real Property Tax Sale Review.

“(a)(1) There is created within the Office of the City Administrator of the government of the District of Columbia an Office of Real Property Tax Sale Review “(Office)”. The Office shall be headed by a Director to be appointed by the Mayor.

“(2) The Director shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District.

“(b) The Director shall have the duty to:

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“(1) Receive applications from residential real property owners requesting that owner-occupied real property be withheld from a tax sale under this chapter;

“(2) Receive applications from residential real property owners requesting that a tax sale of owner-occupied real property be cancelled under § 47-1366;

“(3) Make recommendations to the Mayor as to the disposition of the applications received by the Office; and

“(4) Prepare and provide to the Council and the Mayor, an annual report setting forth the activities of the Office. The Mayor shall make the report available to the public on the Mayor’s website.

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

“(1) “Owner-occupied real property” shall be real property with 5 dwelling units or less (as defined in § 47-813(d-3)), be construed broadly and not be limited to property occupied by persons holding an equitable interest in the real property and property occupied by a person with a close familial relationship to the record owner. Property receiving the homestead deduction shall presumptively qualify as owner-occupied real property. The term shall be inclusive of abutting lots to the real property with common ownership.

“(2) “Residential real property owner” shall be construed broadly and shall not be limited to persons with an equitable interest in the property, but shall include persons the Director determines to be appropriate representatives of the property owner (or, if applicable, the property owner’s estate), or any other persons the Director determines to be consistent with the purposes of this section.

“(d) 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.*), and § 47-1335 shall issue rules carry out the purposes of this section.”

(B) This paragraph shall apply upon its fiscal effect being included 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.

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 908 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.08), is amended as follows:

(a) Paragraph (15) is amended by striking the word “and” at the end.

(b) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (17) is added to read as follows:

“(17) The Real Property Tax Ombudsman of the Office of the Real Property Tax Ombudsman.”

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Sec. 202 (a) 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 at the rate of 1 1/2%” and inserting the phrase “plus simple interest on the unpaid amount at the rate of 1%” in its place.

(b)(1) This section shall apply upon its fiscal effect being included 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.

(2) Subject to paragraph (1) of this subsection, this section shall apply beginning October 1, 2014.

Sec. 203. 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 § 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 the applicable property.

“(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. 204. 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, approved 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. 205. 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.

ENROLLED ORIGINAL

TITLE III. GENERAL PROVISIONS

Sec. 301. Fiscal impact statement.

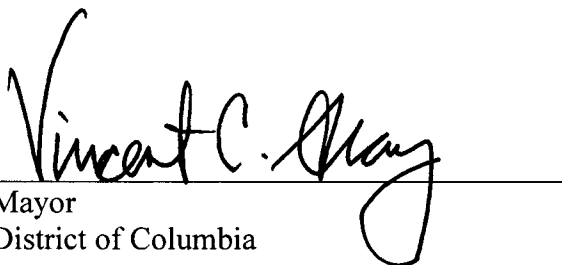
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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), 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
July 15, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 15, 2014

To amend, on an emergency basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to remove industrial revenue bonds from the definition of government-assisted project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Small and Certified Business Enterprise Development and Assistance Clarification Emergency Amendment Act of 2014”.

Sec. 2. Section 2302(9A)(D) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(9A)(D)), is amended to read as follows:

“(D) A project that receives bonds or notes or the proceeds thereof issued by a District agency, including tax increment financing or payment in lieu of tax bonds or notes, but not including industrial revenue bonds;”.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206-02(c)(3)).

Sec. 4. Effective date.

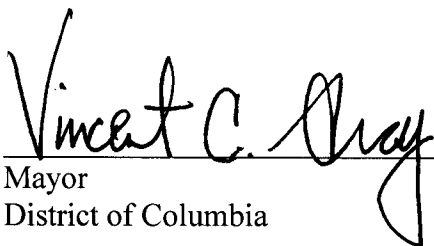
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 15, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 23, 2014

To amend, on an emergency basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to require that, before granting a waiver under section 2346 of the act, the Director of the Department of Small and Local Business Development shall make a good-faith effort to determine that no qualified certified business enterprise or small business enterprise is able to meet the requirements of section 2346, complete a full search of the certified business enterprise and small business enterprise database to determine the existence of a qualified business enterprise, send an electronic written notice to each certified business enterprise and small business enterprise of the waiver request, publish a notice of the waiver request in the D.C. Register and on the agency website, provide for a 20-day period before the proposed waiver is granted, and certify in writing that all good-faith efforts to determine the existence of a qualified certified business enterprise or small business enterprise have been met .

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Small and Certified Business Enterprise Development and Assistance Waiver Certification Emergency Amendment Act of 2014”.

Sec. 2. Section 2351 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.51), is amended by adding new subsections (c) and (d) to read as follows:

“(c) Before the Director may grant a waiver request, the Director shall make a good-faith effort to determine that no registered certified business enterprise or small business enterprise is qualified to satisfy the contracting or subcontracting requirements of section 2346. The good-faith effort shall include:

“(1) Conducting a complete search of the small business enterprise or certified business enterprise database to determine the existence of a qualified business enterprise;

“(2) Providing an electronic written notice to each certified business enterprise and small business enterprise of all waiver requests of certified business enterprise or small business enterprise participation requirements;

“(3) Publishing a notice of the request for waiver in the D.C. Register and on the agency website; and

ENROLLED ORIGINAL

“(4) Establishing a time period of 20 days for making a final determination on a request for a waiver of small business enterprise or certified business enterprise contracting and subcontracting participation requirements.


“(d) Before the Director can approve a request for a waiver of the subcontracting requirements of section 2346, the Director shall certify in writing that the good-faith efforts required under subsection (c) of this section have been met and that there are no certified business enterprises or small business enterprises qualified to perform the contract.” .

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 21, 2014

ENROLLED ORIGINAL

A RESOLUTION

20-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

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

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

Sec. 2. (a) In May 2014, the Council enacted the Residential Real Property Equity and Transparency Emergency Amendment Act of 2014, effective May 28, 2014 (D.C. Act 20-342; 61 DCR 5691) ("emergency legislation"), which enacted provisions of the permanent version of this legislation that were without a fiscal year 2014 effect. The emergency legislation expires on August 26, 2014.

(b) In June 2014, the Council enacted the permanent legislation, the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) ("BSA"), which must still complete the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and it or a concomitant BSA emergency version shall not be in effect until October 1.

(c) It is important that the provisions in the emergency legislation remain in effect for the remainder of Fiscal Year 2014.

ENROLLED ORIGINAL

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

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

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

Sec. 2. (a) In May, the Council enacted the Health Benefit Exchange Authority Financial Sustainability Emergency Amendment Act of 2014, effective May 22, 2014 (D.C. Act 20-329; 61 DCR 5363) (“emergency legislation”), and in June, the Health Benefit Exchange Authority Financial Sustainability Temporary Amendment Act of 2014, signed by the Mayor on June 18, 2014 (D.C. Act 20-356; 61 DCR 6340) (“temporary legislation”), which amended the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.16(b)(1)), to provide the Health Benefit Exchange Authority with the authority to assess all health carriers doing business in the District.

(b) The emergency legislation will expire on August 20, 2014. If Congress fails to hold a pro forma session, then the emergency legislation will expire before the temporary legislation can take effect.

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

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve an amendment to the term sheet for the disposition of Skyland Shopping Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Skyland Shopping Center Term Sheet Amendment Approval Resolution of 2014”.

Sec. 2. (a) The Council approved the Skyland Town Center Omnibus Act of 2014, effective June 21, 2014 (D.C. Law 20-110; 61 DCR 4315) (the “Act”), which was accompanied by a term sheet, dated June 28, 2013, that was executed by the Deputy Mayor for Planning and Economic Development and the proposed developer. The term sheet outlined certain terms and conditions of the disposition of real property located in Ward 7 and defined in section 101(22) of the Act as the “Property.”

(b) Pursuant to section 1(b-1)(6) 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(b-1)(6)), the Mayor has submitted, along with this resolution, an amended term sheet, in redline form, that reflects certain changes to the schedule of performance and phasing of the financing requirements, and includes a requirement that the developer shall have obtained an executed lease with an anchor retail tenant before the closing date of its purchase of the Property.

(c) The Council hereby approves the amendments to the term sheet submitted with this resolution and authorizes disposition of the Property in accordance with the terms and conditions set forth in the term sheet.

Sec. 3. Transmittal.

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

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 resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve the proposed rules of the Alcoholic Beverage Control Board to extend with modifications the East Dupont Circle Moratorium Zone for 3 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “East Dupont Circle Moratorium Zone Regulations Approval Resolution of 2014”.

Sec. 2. Pursuant to section 25-211(b)(2) of the District of Columbia Official Code, the Mayor transmitted to the Council on May 30, 2014 proposed rules of the Alcoholic Beverage Control Board that would extend with modifications the existing East Dupont Circle Moratorium Zone for 3 years. The Council approves the proposed rules, published at 61 DCR 5948, to amend section 306 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. 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. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Mr. Keith Washington to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Keith Washington Confirmation Resolution of 2014”.

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

Mr. Keith Washington
4522 Eastern Avenue, N.E.
Washington, D.C. 20018
(Ward 5)

as a public member of the Public Employee Relations Board, in accordance with section 501(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01(c)), for a term to end December 12, 2015.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Mr. Willie Phillips to the Public Service Commission of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Service Commission of the District of Columbia Willie Phillips Confirmation Resolution of 2014”.

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

Mr. Willie L. Phillips
1053 5th Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a member of the Public Service Commission of the District of Columbia, established by section 8(97) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Official Code § 34-801), for a term to end July 14, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-537

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Dr. Darren W. Woodruff to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Charter School Board Darren W. Woodruff Confirmation Resolution of 2014".

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

Dr. Darren W. Woodruff
5820 4th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a 4-year term to end February 24, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the reappointment of Ms. Dianne M. Hampton, MS, CDVC to the Domestic Violence Fatality Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Fatality Review Board Dianne M. Hampton Confirmation Resolution of 2014".

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

Ms. Dianne M. Hampton, MS, CDVC
3358 Blaine Street, N.E.
Washington, D.C. 20019
(Ward 7)

as a community representative member of the Domestic Violence Fatality Review Board, established by D.C. Official Code § 16-1052, for a 3-year term to end July 20, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Ms. Michelle McLeod as a member of the Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Human Rights Michelle McLeod Confirmation Resolution of 2014”.

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

Ms. Michelle McLeod
1101 3rd Street, S.W. #512
Washington, D.C. 20024
(Ward 6)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Mr. Ali Muhammad as a member of the Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Human Rights Ali Muhammad Confirmation Resolution of 2014”.

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

Mr. Ali Muhammad
3514 10th Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2016.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To confirm the appointment of Dr. Alberto Figueroa-Garcia as a member of the Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Alberto Figueroa-Garcia Confirmation Resolution of 2014".

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

Dr. Alberto Figueroa-Garcia
1028 Park Road, N.W.
Washington, D.C. 20010
(Ward 1)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2015.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare as no longer required for public purposes the District-owned real property located at 1005 North Capitol Street, N.E., known for tax and assessment purposes as Lot 0439 in Square 0674.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “1005 North Capitol Street, N.E., Surplus Property Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) The property located at 1005 North Capitol Street, N.E., known for tax and assessment purposes as Lot 0439 in Square 0674 (the “Property”), consists of approximately 8,925 square feet of land.

(b) The Property is no longer required for public purposes because the Property’s condition cannot viably accommodate a District agency use or other public use without cost-prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) Pursuant to section 1(a-1)(4) 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(a-1)(4)) (the “Act”), a public hearing was held on December 17, 2012, at the Community College of the District of Columbia located at 801 North Capitol Street, N.E., regarding the finding that the Property is no longer required for public purposes.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council determines that the Property is no longer required for public purposes.

Sec. 4. Transmittal of resolution.

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

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve the disposition of District-owned real property located at 1005 North Capitol Street, N.E., known for tax and assessment purposes as Lot 0439 in Square 0674.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “1005 North Capitol Street, N.E., Property Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement governing certain obligations of the Purchaser or the Developer under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser or the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) “Lessee” means North Capitol Commons LP, a District of Columbia limited partnership with a business address of 900 Massachusetts Avenue, N.W., Washington, D.C. 20001, consisting of McCormack Baron Salazar Inc., a company with a business address of 720 Olive Street, Suite 2500, St. Louis, MO 63101, and Common Ground Communities, Inc. (d/b/a Community Solutions, Inc.), a nonprofit organization with a business address of 900 Massachusetts Avenue, N.W., Washington, DC 20001, its successor, or one of its affiliates or assignees approved by the Mayor.

ENROLLED ORIGINAL

5) "Property" means the real property located at 1005 North Capitol Street, N.E., known for tax and assessment purposes as Lot 0439 in Square 0674, and consisting of approximately 8,925 square feet of land.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b)(8)(c) 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(b)(8)(c)) ("Act"), the Mayor transmitted to the Council a request for approval to dispose of the Property to Lessee through a lease for a period of greater than 20 years.

(b) The intended use of the Property is a residential development estimated to consist of approximately 80,000 residential square feet and 2,500 square feet of commercial and/or social service space, and any ancillary uses allowed under applicable law.

(c) The proposed disposition shall include the following terms and conditions, in addition to other terms and conditions as the Mayor deems necessary or appropriate:

(1) The Lessee shall enter into an agreement that shall require the Lessee to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

(2) The Lessee shall enter into a First Source Agreement with the District that shall govern certain obligations of the Lessee pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03) and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment as a result of the construction on the Property; and

(3) The development shall contain affordable and permanent supportive housing as described in the term sheet submitted with this resolution.

(d) The Council finds that the Property is no longer required for public purposes.

(e) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

(f) The Council approves the disposition of the Property.

Sec. 4. Transmittal.

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To declare as no longer required for public purposes the District-owned real property located at 820 26th Street, N.E., commonly known as the Young School and designated for tax and assessment purposes as a portion of Parcel 160/45.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Young School Surplus Property Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) The District is the owner of the real property located at 820 26th Street, N.E., commonly known as the Young School and designated for tax and assessment purposes as a portion of Parcel 160/45 (“Property”). The Property is comprised of a building containing approximately 70,400 square feet and land of approximately 252,000 square feet.

(b) The District has not used the Property as a District of Columbia traditional public school since before 2008. The most viable option for the site is for its continued use as an education facility for students with learning difficulties or disabilities in the District. Declaring that the Property is no longer required for public purposes and disposing of it under a long-term ground lease or other method is the most expedient and cost-effective solution to maintain the Property, allow the District to retain long-term fee-simple ownership of the Property, and provide the citizens of the District of Columbia with outstanding educational services.

(c) Pursuant to section 1(a-1)(4) 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(a-1)(4)) (the “Act”), the District held public hearings on July 10, 2013, and September 5, 2013, regarding the finding that the Property is no longer required for public purposes.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-545

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2014

To approve the disposition of District-owned real property located at 820 26th Street, N.E., commonly known as the Young School, and designated for tax and assessment purposes as a portion of Parcel 160/45.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Young School Property Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement with the District governing certain obligations of the Lessee or the developer of the Property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified business enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Lessee or any developer of the Property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

4) “Lessee” means Two Rivers Public Charter School, a District of Columbia nonprofit corporation whose primary address is 1227 4th Street, N.E., Washington, D.C., 20002, or its successor.

(5) “Property” means the real property located at 820 26th Street, N.E. commonly known as the Young School, and designated for tax and assessment purposes as a portion of Parcel 160/45.

Sec. 3. Approval of disposition.

ENROLLED ORIGINAL

(a) Pursuant to section 1(b)(8)(c) 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(b)(8)(c)) (“Act”), the Mayor transmitted to the Council a request for approval to dispose of the Property to Lessee through a lease for a period of greater than 20 years.

(b) The proposed disposition is expected to include the following terms and conditions, in addition to other terms and conditions as the Mayor considers necessary or appropriate:

(1) The Lessee shall redevelop the Property in accordance with plans approved by the District and shall use the Property primarily as a charter school and educational facility;

(2) The Lessee shall enter into a CBE Agreement with the District. The CBE Agreement shall require the Developer to, at a minimum, contract with certified business enterprises for at least 35% of the contract dollar volume of the development of the Property and shall require at least 20% equity and 20% development participation of certified business enterprises; and

(3) The Lessee shall enter into a First Source Agreement with the District.

(c) The Council finds that the Property is not required for public purposes.

(d) The Council finds that the Mayor’s analysis of economic and other policy factors supporting the disposition of the Property justifies the lease proposed by the Mayor.

(e) All documents submitted with this resolution shall be consistent with the executed term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

(f) The Council approves the disposition of the Property.

Sec 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor, the Department of General Services, and the Office of the Chief Financial Officer.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

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

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

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

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILL

B20-905 Public Space Enforcement Amendment Act of 2014

Intro. 07-09-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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

ANNOUNCES A PUBLIC HEARING ON

**B20-0413, THE “RESIDENCY REQUIREMENT FOR GOVERNMENT EMPLOYEES
AMENDMENT ACT OF 2014”**

**B20-0855, THE “EXECUTIVE SERVICE COMPENSATION SYSTEM CHANGES AND PAY
SCHEDULE APPROVAL AMENDMENT ACT OF 2014”**

**PR20-0895, THE “EXCEPTED SERVICE PUBLIC SAFETY COMPENSATION SYSTEM
CHANGES APPROVAL RESOLUTION OF 2014”**

**Tuesday, September 30, 2014, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On September 30, 2014, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0413, the “Residency Requirement For Government Employees Amendment Act of 2013.” B20-0855, the “Executive Service Compensation System Changes and Pay Schedule Approval Amendment Act of 2014,” and PR20-0895, the “Excepted Service Public Safety Compensation System Changes Approval Resolution of 2014.” This public hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on these measures. The following is a summary of the stated purpose of each bill scheduled to be considered at this hearing:

- The “Residency Requirement For Government Employees Amendment Act of 2013” amends the District of Columbia Government Comprehensive Merit Personnel Act of 1978. The Bill requires all District government employees appointed to the Career Service, Legal Service, Education Service and any newly created service to be bona fide residents of the District at the time of appointment or within 180 days of appointment. The Bill also defines “hard to fill” positions, provisions to exempt appointments from the residency requirement, as well as requires quarterly reports to the Council regarding all hard to fill appointments.

- The “Executive Service Compensation System Changes and Pay Schedule Approval Amendment Act of 2014” authorizes the establishment of a new Public Safety Salary Schedule for employees and subordinate agency heads under the public safety cluster in positions, such as: Medical Officer, Deputy Public Safety, and the Director of the Department of Forensic Science in the Excepted and Executive Services.
- The “Excepted Service Public Safety Compensation System Changes Approval Resolution of 2014” authorizes the establishment of a new Public Safety Salary Schedule for employees and subordinate agency heads under the public safety cluster in positions, such as: Medical Officer, Deputy Public Safety, and the Director of the Department of Forensic Science in the Excepted and Executive Services.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business September 26, 2014. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation (time limits may change at the discretion of the Chairman). Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 15, 2014.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING AND OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

**B20-471, THE “ADVISORY NEIGHBORHOOD COMMISSIONS TRANSPARENCY
AMENDMENT ACT OF 2014”**

AND

**B20-660, THE “TRANSPARENCY OF BOARDS, COMMISSIONS, AND TASK FORCES ACT OF
2014”**

FOLLOWED BY A PUBLIC OVERSIGHT HEARING ON

**THE OFFICE OF THE ADVISORY NEIGHBORHOOD COMMISSIONS AND WHETHER
DISTRICT AGENCIES ARE SUFFICIENTLY RESPONSIVE TO ADVISORY NEIGHBORHOOD
COMMISSIONERS**

**Thursday, September 25, 2014, 11:00 AM
Room 500 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On September 25, 2014, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-471 the “Advisory Neighborhood Commissions Transparency Amendment Act of 2013” followed by a public oversight hearing on the Office of the Advisory Neighborhood Commissions. This public hearing will be held in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The stated purpose of the “Advisory Neighborhood Commissions Transparency Amendment Act of 2014” is to amend the Advisory Neighborhood Commissions Act of 1975 to require Advisory Neighborhood Commissions to periodically provide certain records to the Office of the Advisory Neighborhood Commissions, to give the Office of the Advisory Neighborhood Commissions authority to ensure the records are provided in a timely manner, and to require the Office of the Advisory Neighborhood Commissions to make these records publicly accessible on the internet.

The stated purpose of the Transparency of Boards, Commissions, and Task Forces Act of 2014” is to require the Mayor to publish on the Department of Boards and Commission Website: all confirmed nominees on Boards, Commissions, or Task Forces including their full name, residency, term dates; the date, time, and location of meetings; approved meeting minutes; and decisions or recommendations.

The public oversight hearing will then convene to review topics such as staffing, budget, technology improvements, and overall responsiveness of District Government Agencies to Advisory Neighborhood Commissions and individual Commissioners.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business September 23, 2014. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation (Time limits may change at the discretion of the Chairman). Witnesses should bring 10 single-sided copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 10, 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

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-564 the “New York Avenue Gateway Hotel Development and Financial Incentives Act of 2013”

**Thursday, September 18, 2014
10:00 a.m.**

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on September 18, 2014 at 10:00 a.m., in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-564 the “New York Avenue Gateway Hotel Development and Financial Incentives Act of 2013” would provide for property tax abatements and exemptions for the construction of new medium-priced hotels, incentives for retail, restaurant, entertainment, residential and office facilities and the construction of three soundstages along the northeast New York Avenue corridor. The legislation would also offer tax credits to employers who hire District residents, provide rental tax abatement for any retail and non-retail business, and create a job training program to prepare and to train District residents for the jobs created pursuant to this act. Finally, this legislation would require a DC Streetcar Line to be built along Bladensburg Road.

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, September 17, 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.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC HEARING AND OVERSIGHT HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON GOVERNMENT OPERATIONS**

ANNOUNCES A PUBLIC HEARING ON

B20-0718 THE “CLEAN HANDS ELECTIONS REFORM AMENDMENT ACT OF 2014”

FOLLOWED BY A PUBLIC OVERSIGHT HEARING ON

**THE BOARD OF ELECTIONS PREPAREDNESS FOR THE NOVEMBER 4TH, 2014 GENERAL
ELECTION**

**Thursday, September 18, 2014, 11:00 AM
Room 120 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

On September 18, 2014, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public hearing on B20-0718 the “Clean Hands Elections Reform Amendment Act of 2014.” This public hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM.

The purpose of this hearing is to give the public the opportunity to comment on this measure. The stated purpose of the “Clean Hands Elections Reform Amendment Act of 2014” is to amend the qualifications required for all candidates for elected office and add the requirement to obtain a “clean hands” certification from the Office of Campaign Finance prior to obtaining ballot access for any election.

Following the public hearing, the Committee on Government Operations will hold a public oversight hearing on the Board of Elections’ preparedness for the November 4th, 2014 General Election. This public oversight hearing will include a review of topics such as staffing, polling place worker training, technology improvements, facilities preparation, public outreach efforts, voter database management, and election results processing times.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify at the hearing should contact Ronan Gulstone, Committee Director at (202) 724-8028, or via e-mail at rgulstone@dccouncil.us, and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday September 16, 2014. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for

oral presentation (time limits are subject to change at the Chairman's discretion). Witnesses should bring 10 copies of their written testimony and if possible submit a copy of their testimony electronically to rgulstone@dccouncil.us.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to the Committee, or to Ms. Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 3, 2014.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

**COUNCILMEMBER VINCENT B. ORANGE, SR.
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE OF THE
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY
AFFAIRS**

**Review of District Agencies' Compliance with Small Business Enterprise
Expenditure Goals**

**Wednesday, December 11, 2014, 9:00 am
John A. Wilson Building, Room 500
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable of the Committee on Business, Consumer, and Regulatory Affairs to review District government agencies' compliance with fiscal years 2013 and 2014 small business enterprise (SBEs) expenditure goals and to examine agencies' plans for complying with SBE utilization requirements in FY 2015.

The public oversight roundtable is scheduled for Wednesday, December 11, 2014, at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. The purpose of the public oversight roundtable is to hear from the Department of Small and Local Business Development, the Office of the District of Columbia Auditor, and appropriate District government agencies on compliance with SBE utilization requirements.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us. Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Thursday, December 4, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Thursday, December 26, 2014. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. G-6 Washington, DC 20004

**COUNCILMEMBER VINCENT B. ORANGE, SR.
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE OF THE
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY
AFFAIRS**

Review of the District of Columbia's Workers' Compensation Program

**Friday, September 26, 2014, 10:00 am
John A. Wilson Building, Room 500
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable of the Committee on Business, Consumer, and Regulatory Affairs to review the District's worker compensation program. The public oversight roundtable is scheduled for Friday, September 26, 2014, at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of the public oversight roundtable is to examine the workers' compensation program with a specific focus on recent reports alleging inappropriate transfers from the fund and that worker compensation claims are being adjudicated by administrative law judges who have no law license.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us. Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Friday, September 19, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Friday, October 10, 2014. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 6, 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

Fact Finding Hearing* **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

Fact Finding Hearing* **10:00 AM**
RCX, LLC, t/a Stadium Club; 2127 Queen Chapel Road NE, License #94244
Retailer CN, ANC 5C
Transfer Application

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

Show Cause Hearing* **1:30 PM**
Case # 13-CMP-00570; Abal, LLC, t/a Cher Cher Ethiopian Restaurant & Mart
1334 9th Street NW, License #90311, Retailer CR, ANNC 2F
Substantial Change without Boards Approval (Increase in Occupancy)

Protest Hearing* **1:30 PM**
Case # 14-PRO-00039; Zhou Hospitality Group, LLC, t/a UMaya, 733 10th
Street NW, License #94099, Retailer CT, ANC 2C
Application for a New License

August 6, 2014

Protest Hearing*

1:30 PM

Case # 13-PRO-00122; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street NW, License #86876, Retailer CR, ANC 1C

Termination of Settlement Agreement

This Hearing has been continued to September 17, 2014 at 1:30 pm.

Protest Hearing*

1:30 PM

Case # 13-PRO-00128; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW License #92380, Retailer CR, ANC 1C

Application to Renew the License

Protest Hearing*

4:30 PM

Case # 14-PRO-00040; David Stephens, t/a Saloon 45, 1821 18th Street NW License #94842, Retailer CT, ANC 2B

Application for a New License

***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: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014
Protest Date: November 19, 2014

License No.: ABRA-096024
Licensee: Remarkable Breads, LLC
Trade Name: Bread Furst
License Class: Retailer's Class "C" Restaurant
Address: 4434 Connecticut Ave., NW
Contact: Mark Furstenburg, Owner 202-765-1200

WARD 3

ANC 3F

SMD 3F06

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 on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date scheduled for 1:30 pm on November 19, 2014.

NATURE OF OPERATION

Bakery-Restaurant serving breads & pastries, breakfast, lunch and dinner with a seating capacity of 20 inside. Total occupancy load of 38 and sidewalk café with 24. No entertainment, performances or dancing.

HOURS OF OPERATION

Sunday 8 am – 3 pm, Monday through Friday 7 am – 11 pm and Saturday 8 am – 11 pm

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 12 pm – 3 pm, Monday through Saturday 12 pm – 11 pm

HOURS OF SIDEWALK CAFE

Sunday 9 am – 3 pm, Monday through Saturday 9 am – 6 pm

HOURS OF SIDEWALK CAFE ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 12 pm – 3 pm, Monday through Saturday 12 pm – 6 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014

License No.: ABRA-092948
Licensee: Upshur Restaurant, LLC
Trade Name: Crane & Turtle
License Class: Retailer's Class "C" Restaurant
Address: 828 Upshur Street NW

Contact: Paul Ruppert (202) 783-3933

WARD 4

ANC 4C

SMD 4C07

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is to have a Sidewalk Cafe. The Sidewalk Cafe capacity is 14. The premise capacity is 25.

**PROPOSED HOURS OF OPERATION/SALES/SERVICE/CONSUMPTION/
SIDEWALK CAFE**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
 Petition Date: September 15, 2014
 Hearing Date: September 29, 2014
 Protest Hearing Date: November 19, 2014

License No.: ABRA-060236
 Licensee: Albo Corporation
 Trade Name: Eleven Market
 License Class: Retailer’s Class “B” Grocery
 Address: 1936 11th Street NW
 Contact: Aklile B. Gebrewold 202-299-9090

WARD 1

ANC 1B

SMD 1B02

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 November 19, 2014 at 1:30 pm.

NATURE OF OPERATION

This is new Retail Class “A” Liquor Store

HOURS OF OPERATION/HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 9 am – 12 am, Monday through Saturday 8 am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
 Petition Date: September 15, 2014
 Roll Call Hearing Date: September 29, 2014
 Protest Hearing Date: November 19, 2014

License No.: ABRA-095818
 Licensee: Gallagher & Graham, LLC
 Trade Name: TO BE DETERMINED
 License Class: Retailer’s Class “A” Retail Liquor Store
 Address: 1939 12th Street, NW
 Contact: Andrew Kline: 202-686-7600

WARD 1

ANC 1B

SMD 1B02

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 November 19, 2014 at 1:30 pm.

NATURE OF OPERATION

Retail Liquor Store

HOURS OF OPERATION

Sunday through Saturday: 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday: 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014
Protest Date: November 19, 2014

License No.: ABRA-095041
Licensee: Grand Cata, LLC
Trade Name: Grand Cata
License Class: Retailer's Class "C" Tavern
Address: 440 K St. NW
Contact: Emanuel Mpas 703-642-6042

WARD 6

ANC 6E

SMD 6E05

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 on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date scheduled for 1:30 pm on November 19, 2014.

NATURE OF OPERATION

Tavern serving Latino Sundries with a seating capacity of 199. Total occupancy load of 199. Entertainment endorsement to include dancing and cover charge.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES**SALES/SERVICE/CONSUMPTION**

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

HOURS OF ENTERTAINMENT

Sunday through Thursday 6 pm – 2 am and Friday & Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION*

Posting Date: July 25, 2014
Petition Date: September 8, 2014
Hearing Date: September 22, 2014
Protest Date: November 12, 2014

License No.: ABRA-095112
Licensee: Harris Teeter, LLC
Trade Name: Harris Teeter
License Class: Retailer's "B"
Address: 401 M Street, SE
Contact Information: Paul Pascal 202 544-2200

WARD 6 ANC 6D SMD 6D07

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 4:30pm on November 12, 2014.

NATURE OF OPERATION

New Full Service Grocery

HOURS OF OPERATON

Sunday through Saturday *6 am - 12 am

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday *7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014
Protest Hearing Date: November 19, 2014

License No.: ABRA-086435
Licensee: Capitol Fresh, Inc.
Trade Name: MGM Roast Beef
License Class: Retailer's "D" Restaurant
Address: 1905 Brentwood Road, NE
Contact Information: Michael D. Fonseca (202)625-7700

WARD 5

ANC 5C

SMD 5C05

Notice is hereby given that this licensee has applied for a substantial change to the License under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, D.C. 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 4:30 pm on November 19, 2014.

Licensee requests the following substantial changes to its nature of operation:

- To add a Sidewalk Cafe

HOURS OF ALCOHOLIC BEVERAGE OPERATIONS FOR SIDEWALK CAFÉ (36 SEATS)

Sunday through Saturday, 7 am-11:30 pm

HOURS OF ALCOHOLIC BEVERAGE, SALES AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday 10 am 11:30 pm, Monday through Saturday, 8 am-11:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Roll Call Hearing Date: September 29, 2014
Protest Hearing Date: November 19, 2014

License No.: ABRA-096102
Licensee: MYIA, LLC
Trade Name: TO BE DETERMINED
License Class: Retailer's Class "C" RESTAURANT
Address: 1419 Wisconsin Avenue, NW
Contact: ANDREW KLINE: 202-686-7600

WARD 2 ANC 2E SMD 2E03

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 November 19, 2014 at 4:30 pm.

THIS IS A TRANSFER TO NEW LOCATION:
FROM: 1010 WISCONSIN AVENUE, NW
TO: 1419 WISCONSIN AVENUE, NW

NATURE OF OPERATION

Restaurant specializing in brick oven pizza. No entertainment. No dancing. No nude performances

HOURS OF OPERATION

Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday: 9am-2am, Friday and Saturday: 9am-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/1/2014

Notice is hereby given that:

License Number: ABRA-086803

License Class/Type: C Tavern

Applicant: PGS, LLC

Trade Name: Sauf Haus

ANC: 2B06

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

1216 18TH ST NW, WASHINGTON, DC 20036

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

9/15/2014

HEARING WILL BE HELD ON

9/29/2014

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

ENDORSEMENTS: Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am	6 pm - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am	6 pm - 3 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	11:30 am - 2 am	11:30 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 3 am	11:30 am - 3 am
Saturday:	11:30 am - 3 am	11:30 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014
Protest Hearing Date: November 19, 2014

License No.: ABRA-096169
Licensee: Yummi Crawfish & Seafood Restaurant, LLC
Trade Name: Yummi Crawfish
Address: 1529 Wisconsin Avenue, N.W.
Contact: My Bui 202-817-8269

WARD 2 ANC 2E SMD 2E03

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 1:30pm on November 19, 2014

NATURE OF OPERATION

New seafood restaurant. The primary menu is crawfish with enhancement of side orders as well as other seafood types of dishes. Summer Garden. Total Occupancy load is 79

HOURS OF OPERATION

Sunday through Saturday 12 pm – 10pm

HOURS OF SALES/SERVICE/CONSUMPTION

Sunday through Saturday 12 pm – 10pm

HOURS OF OPERATON, SALES/SERVICE/CONSUMPTION OF SUMMER GARDEN

(20 SEATS)

Sunday through Saturday 12 pm – 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 1, 2014
Petition Date: September 15, 2014
Hearing Date: September 29, 2014
Protest Date: November 19, 2014

License No.: ABRA-096141
Licensee: Zion Kitchen and Trading, Inc.
Trade Name: Zion Kitchen and Trading
License Class: Retailer’s Class “C” Restaurant
Address: 1805 Montana Ave., NE
Contact: Oyindamola Akinkugba 240-882-2718

WARD 5

ANC 5C

SMD 5C05

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 on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date scheduled for 1:30 pm on November 19, 2014.

NATURE OF OPERATION

Full service restaurant serving African and American Cuisine with 34 seats and total occupancy load of 34.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES

SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am – 2 am and Friday & Saturday 10 am – 3 am

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING
AND
NOTICE TO COMMENT IN WRITINGLIHEAP State Plan for Fiscal Year 2015
Low Income Home Energy Assistance Program (LIHEAP)**Hearing: Wednesday, August 27, 2014, 11:00 am**

District Department of the Environment
1200 First Street, NE, 5th Floor
NoMa-Gallaudet University Metro Stop, Washington, D.C.

Written Comments due by: August 28, 2014, 4:30 pm

The District Department of the Environment (“DDOE”) invites the public to present its feedback, input, and comments on the FY 2015 Draft State Plan for the Low Income Home Energy Assistance Program (LIHEAP). DDOE intends to review all components of the State Plan at the public hearing. Comments may be expressed in person at the public hearing or in writing.

Authority for the program is provided by:

- District Department of the Environment Establishment Act of 2005, §§ 101 *et seq.*, effective February 15, 2006, as amended (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2012 Repl. & 2013 Supp.));
- District of Columbia Office of Energy Act of 1980, §§ 2 *et seq.*, effective March 4, 1981, as amended (D.C. Law 3-132; D.C. Official Code §§ 8-171.01 *et seq.* (2012 Repl. & 2013 Supp.));
- Clean and Affordable Energy Act of 2008, §§ 101 *et seq.*, effective Oct. 22, 2008, as amended (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01, 8-1774.01 *et seq.* (2012 Repl. & 2013 Supp.)); and
- Mayor’s Order 2006-61, dated June 14, 2006, and its delegations of authority.

Comments may be provided in person or in writing. A person need not attend the public hearing in order to submit comments on a State Plan.

The public hearing will take place at the above-stated time and place. The public hearing will continue until the presiding officer determines that everyone has had a meaningful opportunity to be heard. The presiding officer may limit the time in which to comment. A person who is unavailable to arrive at the opening time may reserve a time to speak, by contacting DDOE, as

described below, in this notice. A person attending the public hearing should check in with the guard in the building lobby, and then go to DDOE's reception desk on the 5th floor.

Written comments may be submitted directly to DDOE by mail, hand delivery, or email. Instructions for submitting written comments appear below, in this notice. DDOE will accept written comments until Thursday, August 28, 2014 at 4:30 pm

Obtaining text of the State Plan for LIHEAP. The document will be available at DDOE's website and from DDOE's offices, as described below in this notice. The document will become available on the DDOE web page, described below, in this notice, as follows:

The LIHEAP Draft State plan will be posted on Friday, August 1, 2014, at noon.

A person may obtain a copy of the document by any of the following methods:

- Download, by visiting DDOE's website, ddoe.dc.gov. Look for the title/section, "EnergySmartDC", click on it, choose "Energy Assistance and Weatherization" and click on it. Page down to the section titled "Publications" to find the document's listing. Click on it. Follow the link to the page, and to the document in PDF format, which can be downloaded;
- Email a request to LIHEAPStatePlan.Year2015@dc.gov with "Request copy of LIHEAP State Plan 2015" in the subject line;
- In person by making an appointment to examine a copy in DDOE's offices at the 5th floor reception desk at the street address below (call DDOE reception at 202-535-2600 and mention the State Plan by name). DDOE is located one block west of the NOMA Red Line Station, at the corner of M Street and First Street NE; or
- Mail, by writing to DDOE at 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attn: Request copy of LIHEAP State Plan 2015" on the outside of the letter.

The State Plan contact: For additional information regarding the public hearing or written comments please send an email to LIHEAPStatePlan.Year2015@dc.gov.

DDOE appreciates the time, insight, and expertise that go into submitting comments. DDOE will carefully consider all of the comments that it receives.

Instructions for Submitting Written Comments: Written comments should: (1) identify the commenter, and commenter's organization, if any; (2) be clearly marked "LIHEAP FY 2015", and be mailed or hand-delivered to DDOE at the above address.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, OCTOBER 21, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD SIX

18835 **Application of Timothy and Erin Barley**, pursuant to 11 DCMR §
ANC-6A 3104.1, for a special exception to allow a two story rear garage addition to
a flat (two-family dwelling) under section 223, not meeting the rear yard
(section 404), requirements in the R-4 District at premises 1229 F Street,
N.E. (Square 1007, Lot 805).

WARD SIX

18836 **Application of Beth Antunez**, pursuant to 11 DCMR § 3104.1, for a
ANC-6A special exception to allow a one story rear porch addition an existing one-
family row dwelling under section 223, not meeting the lot occupancy
(section 403), rear yard (section 404), and nonconforming structure
(subsection 2001.3) requirements in the R-4 District at premises 1419 F
Street, N.E. (Square 1052, Lot 31).

WARD SIX

18837 **Application of Karl B. and Julie C. Moeller**, pursuant to 11 DCMR §
ANC-6B 3103.2, for variances from subsection 2507.1, for the conversion,
alteration, restoration, repair and use of a one-story structure for human
habitation as a flat (two-family dwelling) on an alley lot and for alley
access to the street which is not at least 30 feet in width subsection 2507.2,
in the R-4 District at premises 429 12th Street, S.E. (rear)(Square 992, Lot
818).

WARD ONE

18838 **Application of 2737 Sherman Ave NW LLC and Gwendolyn Rucker**,
ANC-1B pursuant to 11 DCMR § 3103.2, for a variance from the use provisions
under subsection 330.4, to allow a restaurant in the R-4 District at
premises 2737 Sherman Avenue, N.W. (Square 2885, Lot 100).

BZA PUBLIC HEARING NOTICE
OCTOBER 21, 2014
PAGE NO. 2

WARD ONE

THIS APPLICATION WAS POSTPONED FROM THE JULY 8, 2014, AND JULY 22, 2014, PUBLIC HEARING SESSION:

18790 **Application of Jefferson-11th Street LLC**, pursuant to 11 DCMR §
ANC-1B 3103.2, for a variance from the lot area requirements under section 401,
and a variance from the off-street parking requirements under subsection
2101.1, to add eleven (11) apartment units to the basement level of an
existing 24 unit apartment building in the R-4 District at premises 2724
11th Street, N.W. (Square 2859, Lot 89).

PLEASE NOTE:

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

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

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

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC HEARING

TIME AND PLACE: Thursday, October 16, 2014, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-05 (Forest City Washington – Text Amendments to the Yards West)

THIS CASE IS OF INTEREST TO ANC 6D

On March 27, 2014, the Office of Zoning received a petition from Forest City Washington requesting text amendments to the Zoning Regulations to allow for certain bonus height, density, and flexibility intended to encourage residential development in the Yards West portion of the the Southeast Federal Center Overlay District (“SEFC”)/CR Zone District. In its preliminary and pre-hearing report dated May 30, 2014, the Office of Planning supported the general intent of the request, subject to refinements and conditions as set forth in the OP report. The Zoning Commission, at its regularly scheduled public meeting on June 9, 2014, voted to advertise the proposed text amendment as revised by the Office of Planning in its report, subject to additional changes recommended by the Office of the Attorney General. The petitioner filed its prehearing statement on July 8, 2014.

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

Amend Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1803, SEFC/CR ZONING DISTRICT, as follows:

1. *Amend § 1803.3 by adding a new subsection 1803.3(i), authorizing deviations from ground-floor preferred use requirements with Zoning Commission approval.*

1803.3 Within the SEFC/CR District, "preferred uses" listed in § 1807.2 of this title shall be permitted in accordance with the following:

- (a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-05
PAGE 2

requirement shall not apply to (i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;

- (b) In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC/CR District, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of § 1803.3(a), (e), (f), and (g);
- (c) In addition to the preferred uses listed in § 1807.2, the preferred use space requirement of § 1803.3(a) may also be met by any use listed in § 1803.2, other than those listed in § 1803.2 (b), (g), or (o), if reviewed and approved by the Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title;
- (d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under § 1803.3(a) by other uses permitted in the SEFC Overlay District for up to a five (5) year period; provided that the ground-floor space is suitably designed for future occupancy by preferred uses;
- (e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in subsections 1803.3 (a), shall be devoted to doors or display windows having clear or low emissivity glass;
- (f) Preferred uses shall provide direct, exterior access to the ground level;
- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet;
- (h) Ground floor area required for preferred uses may not be transferred to any other lot through Combined Lot Development; and
- (i) Changes to the type, amount, and location of preferred uses required under § 1803.3(a) shall be permitted if reviewed and approved by the Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-05
PAGE 3

2. *Amend § 1803.5 to allow for height permitted by the 1910 Height Act for certain parcels within the SEFC/CR Zone District that utilizes the residential density bonus in the SEFC/CR Zone District.*

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, except as set forth below:

(a) ~~unless the~~ For sites with has frontage on any portion of New Jersey Avenue, S.E. that is south of and within 322 feet of M Street, S.E., ~~in which case~~ a maximum height of 130 feet is permitted.

(b) For sites within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to § 1803.7(b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910.

3. *Amend § 1803.7 to allow a 1.0 FAR bonus for residential uses on certain parcels within the SEFC/CR Zone District.*

1803.7 In the SEFC/CR District, the maximum permitted density shall be 6.0 FAR overall, not more than 3.0 FAR of which may be used for other than residential purposes, except as set forth below:

(a) ~~That a~~ A site that is permitted a height of 130 feet pursuant to § 1803.5(a) is permitted a maximum non-residential density of 6.5 FAR through combined lot development, in accordance with the provisions outlined in § 1810; and

(b) A building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that the additional 1.0 FAR is devoted solely to residential uses, which for purposes of this subsection does not include a hotel.

4. *Amend § 1803.8 to require Zoning Commission design review for any property utilizing bonus height and density for residential use, and specify certain additional standards for such review.*

1803.8 Any proposed building that has frontage along M Street, S.E. or utilizes additional height and density pursuant to §§ 1803.5(b) and 1803.7(b) shall be subject to review and approval by the Commission. An applicant requesting approval under this section must prove that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-05
PAGE 4

- (a) Facilitate the provision of an entrance to the Navy Yard Metrorail Station;
- (b) Ensure the provision of 1½ Street SE and N Street SE as open and uncovered circulation routes; and
- (c) Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 14-05
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Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL 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 the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-609.01 *et seq.* (2012 Repl.)), the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115; 59 DCR 461, January 27, 2012)) ("CMPA"), and Subtitle H of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472 (September 6, 2013)), hereby gives notice that final rulemaking action was taken to amend Chapter 9 (Excepted Service) of Subtitle B, Title 6 (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking (1) amends Section 904 (Excepted Service Positions) to address the reduction in the number of Excepted Service positions to the Office of the Mayor (from 220 to 160); (2) amends Section 908 (Restrictions on Subsequent Appointments to the Career, Management Supervisory or Educational Services) to address restrictions relating to subsequent appointments of Excepted Service employees to positions in the Career, Management Supervisory, and Education Services during an election year; (3) amends Section 913 (Separation Pay) to limit the amount of separation pay awarded to Excepted Service employees (up to a maximum of 10 weeks); and (4) revises Subsection 904.1(f)(1) through (12) of the chapter based on amendments to provisions contained in D.C. Law 19-115 and D.C. Law 20-61.

No comments were received and no changes were made to the Notice of Proposed Rulemaking published on May 9, 2014 at 61 DCR 004731. The rules were adopted on July 2, 2014 and shall become effective upon publication of this notice in the *D.C. Register*.

Section 904 (Excepted Service Positions) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the District of Columbia Municipal Regulations is amended as follows:

904 EXCEPTED SERVICE POSITIONS

904.1 The following types of positions are considered Excepted Service positions:

- (a) Excepted Service statutory positions include positions occupied by employees who, pursuant to Section 908 of the CMPA (D.C. Official Code § 1-609.08 (2012 Repl.)), serve at the pleasure of the appointing authority; or who, as provided by other statute, serve for a term of years subject to removal for cause as may be provided in the appointing statute. Among the Excepted Service statutory positions listed in Section 908 of the CMPA are the following:

- (1) The City Administrator;

- (2) The Director of Campaign Finance, District of Columbia Board of Elections;
 - (3) The Auditor of the District of Columbia;
 - (4) The Chairman and members of the Public Service Commission;
 - (5) The Chairman and members of the Board of Parole;
 - (6) The Executive Director of the Public Employee Relations Board;
 - (7) The Secretary to the Council of the District of Columbia;
 - (8) The Executive Director of the Office of Employee Appeals;
 - (9) The Executive Director and Deputy Director of the D.C. Lottery and Charitable Games Control Board;
 - (10) The Budget Director of the Council of the District of Columbia;
 - (11) The Chief Administrative Law Judge, Administrative Law Judges, and Executive Director of the Office of Administrative Hearings; and
 - (12) The Chief Tenant Advocate of the Office of the Tenant Advocate.
- (b) Positions created under public employment programs established by law, pursuant to Section 904(1) of the CMPA (D.C. Official Code § 1-609.04(1) (2012 Repl.)).
- (c) Positions established under special employment programs of a transitional nature designed to provide training or job opportunities for rehabilitation purposes, including persons with disabilities, returning citizen or other disadvantaged groups, pursuant to Section 904(2) of the CMPA (D.C. Official Code § 1-609.04(2) (2012 Repl.)).
- (d) Special category positions established pursuant to Section 904(3), (4), and (5) of the CMPA (D.C. Official Code § 1-609.04(3), (4), and (5) (2012 Repl.)), specifically:
- (1) Positions filled by the appointment of a federal employee under the mobility provisions of the Intergovernmental Personnel Act of 1970, approved January 5, 1971 (Pub.L. 91-648; 84 Stat. 1909; 5 U.S.C. §§ 3301 *et seq.*);
 - (2) Positions established under federal grant-funded programs that have a limited or indefinite duration and are not subject to state

merit requirements by personnel authorities; excluding employees of the State Board of Education or of the Trustees of the University of the District of Columbia; and

- (3) Positions established to employ professional, scientific, or technical experts or consultants.
- (e) Positions established under cooperative educational and study programs pursuant to Section 904(6) of the CMPA (D.C. Official Code § 1-609.04(6) (2012 Repl.)), including but not limited to positions established under a pre-doctoral or post-doctoral training program under which employees receive a stipend; positions occupied by persons who are graduate students under temporary appointments when the work performed is the basis for completing certain academic requirements for advanced degrees; and positions established under the Capital City Fellows program administered by the D.C. Department of Human Resources.
- (f) Excepted Service policy positions pursuant to Section 903(a) of the CMPA (D.C. Official Code § 1-609.03(a) (2012 Repl.)) are positions reporting directly to the head of the agency or placed in the Executive Office of the Mayor or the Office of the City Administrator, in which the position holder's primary duties are of a policy determining, confidential, or policy advocacy character. These positions shall consist of the following:
 - (1) No more than one hundred and sixty (160) positions appointed by the Mayor;
 - (2) Staff positions at the Council of the District of Columbia, the occupants of which are appointed by Members of the Council of the District of Columbia, provided that this does not include positions occupied by those permanent technical and clerical employees appointed by the Secretary or General Counsel, and those in the Legal Service;
 - (3) No more than fifteen (15) positions, the occupants of which shall be appointed by the Inspector General;
 - (4) No more than four (4) positions, the occupants of which shall be appointed by the District of Columbia Auditor;
 - (5) No more than 20 positions, the occupants of which shall be appointed by the Board of Trustees of the University of the District of Columbia, to serve as officers of the University, persons who report directly to the President, persons who head major units of

the University, academic administrators, and persons in a confidential relationship to the foregoing, exclusive of those listed in the definition of the Educational Service.

- (6) No more than six (6) positions, the occupants of which shall be appointed by the Chief of Police;
- (7) No more than six (6) positions, the occupants of which shall be appointed by the Chief of the Fire and Emergency Medical Services Department;
- (8) No more than nine (9) positions, the occupants of which shall be appointed by the Criminal Justice Coordinating Council;
- (9) No more than ten (10) positions, the occupants of which shall be appointed by the District of Columbia Sentencing and Criminal Code Revision Commission; and
- (10) Not more than two (2) positions in each other personnel authority not expressly designated in this subsection, provided that the occupants of each of these positions shall be appointed by the appropriate personnel authority.

904.2 The following shall apply to professional, scientific, or technical expert and consultant positions listed in Subsection 904.1(d)(3) of this section:

- (a) Persons serving in expert or consultant positions may be offered paid or unpaid employment; shall be qualified to perform the duties of the position; and the positions shall be bona-fide expert or consultant positions, as these terms are defined in Section 999 of this chapter.
- (b) Experts and consultants may be employed under intermittent or temporary appointments not-to-exceed one (1) year; except that appointments may be renewed from year to year without limit on the number of reappointments, provided there is continued need for the services.
- (c) Hiring an expert or consultant to do a job that can be performed as well by regular employees, to avoid competitive employment procedures or District Service pay limits, shall be considered improper uses of experts and consultants.
- (d) Persons employed as experts and consultants shall be subject to the domicile requirements specified in Section 909 of this chapter and Chapter 3 of this subtitle.

904.3 A statutory or policy position as described in Subsection 904.1(a) or Subsection 904.1(f)(1) through (10) of this section occupied by a person holding

an appointment to an attorney position shall be treated solely as a statutory or policy position.

Section 908 (Restrictions on Subsequent Appointment to the Career, Management Supervisory, or Educational Services) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the DCMR is amended as follows:

908 RESTRICTIONS ON SUBSEQUENT APPOINTMENT TO THE CAREER, MANAGEMENT SUPERVISORY OR EDUCATIONAL SERVICES

908.1 In accordance with Section 902 of the CMPA (D.C. Official Code § 1-609.02(b) (2012 Repl.)), and except as provided in Subsection 908.2 of this section, an employee appointed to the Excepted Service may not be appointed to a position in the Career, Management Supervisory, or Educational Services during the period that begins six (6) months prior to a Mayoral primary election and ends three (3) months after the Mayoral general election. An Excepted Service appointee may compete for a position in the Career, Management Supervisory, or Educational Services during this time period.

908.2 Upon termination, a person holding an Excepted Service appointment pursuant to Subsections 904.1(a) or 904.1(f)(1) through (10) of this chapter who has Career Service or Educational Service status may retreat, at the discretion of the terminating personnel authority, within three (3) months of the effective date of the termination, to a vacant position in such service for which he or she is qualified.

908.3 The provisions of Subsections 908.1 and 908.2 of this section shall not apply to employees of the Council of the District of Columbia.

Section 913 (Separation Pay) of Chapter 9 (Excepted Service), of Subtitle B of Title 6 (Government Personnel) of the DCMR is amended as follows:

913 SEPARATION PAY

913.1 In accordance with Section 903(f) of the CMPA (D.C. Official Code § 1-609.03(f)) (2012 Repl.)), and subject to the provisions of this section, the appointing personnel authority may, in his or her discretion, provide an individual appointed to an Excepted Service policy position or an Excepted Service statutory position up to ten (10) weeks of separation pay at his or her rate of basic pay upon separation for non-disciplinary reasons, as follows:

Length of Employment	Maximum Severance
Up to 6 months	2 weeks of the employee’s basic pay
6 months to 1 year	4 weeks of the employee’s basic pay
1 to 3 years	8 weeks of the employee’s basic pay
More than 3 years	10 weeks of the employee’s basic pay

- 913.2 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.
- 913.3 Separation pay shall be provided at the time of separation 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.
- 913.4 Separation pay is not payable to any individual who either:
- (a) Has accepted 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 benefit program under Section 2605 of the CMPA (D.C. Official Code § 1-626.05) (2012 Repl.).
- 913.5 An individual who receives separation pay pursuant to this section, but who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, will be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid will be based on the entire amount of the separation pay, including all required deductions, and is payable to the General Fund of the District of Columbia.

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 the Chief of Police in the Metropolitan Police Department, pursuant to Mayor's Order 2012-28, dated February 21, 2012; and in accordance with the provisions of Title VIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.01 *et seq.* (2012 Repl. and 2013 Supp.)), and provisions of Title I of the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code §§ 5-107.01 *et seq.* (2012 Repl.)), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, the following amendments to Chapter 8, "Career Service," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules are to amend Sections 823, Term Appointment and 830, Noncompetitive Placement, to allow agencies to noncompetitively convert employees serving in term appointments to a regular Career Service appointment; amend Section 871, Processing Candidates for Police Sergeant, Lieutenant, and Captain, to clarify the roles between the Metropolitan Police Department (MPD) Human Resources Management Division and the Testing Division within the MPD; amend Section 873, Processing Entry-Level Candidates for Police Officer Positions, to address pay and benefit issues that occur when employees have Career Service rights and are appointed to Excepted Service positions, and add language to allow MPD to reject applicants that technically meet the qualifications but are not the best candidates; and include language that will further clarify military and law enforcement waivers to the 60 college credit requirement. The notice also provides the MPD with the authority to accept applicants with less than a "C" average on a case-by-case basis; renumbers and makes minor changes to Subsections 873.4 through 873.6; amends Sections 874, Mandatory Disqualifications and 875, Discretionary Disqualifications, and change headings and revised language to be consistent with current operations; amends Section 876, Lateral Law Enforcement Program, to include credit for prior law enforcement time to five (5) years, and deleting the required 60 college credit requirement and other obsolete rules; amends Section 877 District of Columbia Police Training and Standards Board, by changing the heading and revising language to be consistent with MPD's Application, Appointment, and Training Requirements contained in D.C. Official Code §§ 5-107.03 and 5-107.04; and renumber Sections 878 through 880 of the chapter to make minor changes. In addition, Subsection 870.56 and Section 872 contains non-substantial changes.

Upon adoption, these rules will amend Chapter 8, Career Service, of Subtitle B of Title 6 of the DCMR, published at 30 DCR 2555 (May 27, 1983) and amended at 30 DCR 4608 (September 9, 1983), 31 DCR 2715 (June 1, 1984), 32 DCR 1857 (April 5, 1985), 32 DCR 2473 (May 3, 1985), 32 DCR 2953 (May 24, 1985) (Errata), 33 DCR 4299 (July 18, 1986), 35 DCR 1087 (February 19, 1988), 36 DCR 6069 (August 25, 1989), 37 DCR 3952 (June 15, 1990), 37 DCR 7117 (November 9, 1990), 42 DCR 3520 (July 7, 1995), 45 DCR 451 (January 23, 1998), 45 DCR 1641 (March 20, 1998), 47 DCR 2419 (April 7, 2000), 48 DCR 8973 (September 28,

2001), 49 DCR 1859 (March 1, 2002), 49 DCR 6842 (July 19, 2002), 49 DCR 8368 (August 30, 2002), 49 DCR 9298 (October 11, 2002) (Errata), 51 DCR 9706 (October 15, 2004), 51 DCR 10410 (November 12, 2004), 53 DCR 3248 (April 21, 2006), 54 DCR 725 (January 26, 2007); 54 DCR 9556 (October 5, 2007), 55 DCR 7731 (July 18, 2008), 56 DCR 271 (April 3, 2009), 56 DCR 3685 (May 8, 2009), 56 DCR 6162 (August 7, 2009); 59 DCR 4840 (May 11, 2012), and 61 DCR 002122 (March 14, 2014).

D.C. PERSONNEL REGULATIONS

Chapter 8 (Career Service), of Subtitle B of Title 6 (Government Personnel) of the District of Columbia Municipal Regulations, is amended to read as follows:

Section 823 (Term Appointment) is being amended and renumbered as follows:

- 823.1 A personnel authority may make a term appointment for a period of more than one (1) year when the needs of the service so require and the employment need is for a limited period of four (4) years or less.
- 823.2 Unless supported by grant funds, an employee continuously serving in a term appointment four (4) years or more, which is acquired through open competition, shall:
- (a) Be separated from District government service; or
 - (b) Have his or her position converted to a regular Career Service appointment with permanent status.
- 823.3 If an employee is serving in a term appointment supported by grant funds, the conversion of his or her position shall be determined by the personnel authority.
- 823.4 Term appointments at and above grade level CS-13 or equivalent shall result from open competition, except in the case of a candidate who is eligible for reinstatement.
- 823.5 An agency may make a non-competitive term appointment to a position at or below grade level CS-12, or equivalent; except that the Chief, Metropolitan Police Department, is authorized to make non-competitive term appointments to positions at any grade level.
- 823.6 Except as provided in Subsection 823.7 of this section, a person appointed to a term appointment shall meet the minimum qualification requirements for the position.
- 823.7 A veteran who is an applicant for a term appointment at grade level CS-3 or below, or equivalent, shall be considered to be qualified to perform the duties of

the position on the basis of his or her total experience, including military service, without regard to the qualification requirements.

- 823.8 An employee serving under a term appointment shall not acquire permanent status on the basis of the term appointment, and shall not be converted to a regular Career Service appointment, unless the initial term appointment was through open competition within the Career Service and the employee has satisfied the probationary period.
- 823.9 Employment under a term appointment shall end automatically on the expiration of the appointment, unless the employee has been separated earlier.
- 823.10 Except as specified in Subsection 813.2 of this chapter in the case of correctional officers, a term employee shall serve a probationary period of one (1) year upon initial appointment.
- 823.11 A term employee may be promoted and reassigned to another term position by new term appointment; provided that the competitive and non-competitive promotion provisions in Sections 829 and 830 of this chapter are followed.
- 823.12 Notwithstanding any other provision of this section and this chapter, in the case of grant funded positions, promotions and reassignments of term employees paid under the grant shall be made by new term appointment with specific time limitations coterminous (same) with the expiration date of the grant.

Subsection 830.1 (Noncompetitive Placement) is being amended to add:

- (1) A conversion from a term appointment to a regular Career Service appointment with permanent status, unless the initial term appointment was through open competition within the Career Service.

Subsection 870.56 (Processing Entry-Level Candidates for Firefighter/Emergency Medical Technician (EMT)) is amended as follows:

- 870.56 The LPD shall return the Certificate of Eligibles to the DCHR before requesting an additional Certificate.

Section 871 (Processing Candidates for Police Sergeant, Lieutenant, and Captain) is amended as follows:

871 PROCESSING CANDIDATES FOR POLICE SERGEANT, LIEUTENANT, AND CAPTAIN

- 871.1 To be eligible to participate in any selection process conducted in or after calendar year 2009, members applying for the Sergeant, Lieutenant, or Captain selection process must have achieved an annual performance evaluation rating of

at least "Meets Expectations," or the equivalent, in the rating period prior to the selection process and shall meet the following time-in-rank qualification requirements:

- (a) An officer applying for the Sergeant selection process shall have a minimum of four (4) years of cumulative service, continuous or intermittent, as an officer in the Metropolitan Police Department of the District of Columbia, as of the qualifying date of the selection process;
- (b) A Sergeant applying for the Lieutenant selection process shall have a minimum of two (2) years of continuous service as a Sergeant in the Metropolitan Police Department, as of the qualifying date of the selection process, and shall be serving in the rank of Sergeant as of the qualifying date of the selection process;
- (c) A Lieutenant applying for the Captain selection process shall have a minimum of one (1) year of continuous service as a Lieutenant in the Metropolitan Police Department, as of the qualifying date of the selection process, and shall be serving in the rank of Lieutenant as of the qualifying date of the selection process; and
- (d) The Chief or designee shall verify each candidate's performance evaluation rating and the time in rank requirements. The results of the verification shall be forwarded to the Director of Testing and Standards in accordance with departmental directives.

871.2 The Metropolitan Police Department shall establish, for each rank, a register of eligible candidates who successfully complete all phases of the selection process for the Police Sergeant, Lieutenant, and Captain positions.

871.3 Registers established under this section shall be structured in descending order in accordance with the results of the selection process.

871.4 Each register established under this section shall include the name, and final ranking for a specified rank.

871.5 A candidate on the register shall be eligible for promotion only if the candidate successfully completes all stages of the selection process and is serving in the qualifying rank on the date the candidate's name is reached for promotional purposes.

871.6 The Chief shall publish, according to the department's directives issuance system, the procedures for processing candidates on a register and the responsibilities and authorities for each step.

871.7 Prior to promotion to Sergeant, Lieutenant or Captain, each candidate shall be required to pass a medical examination in accordance with the procedures outlined in the pre-promotional physical examination in the General Orders 100.21 Physical Examinations.

- 871.8 Unless otherwise authorized by the Chief, the register shall expire two (2) years from the date the register is established.
- 871.9 The Chief shall ensure that the register is coded with final disposition codes before a subsequent register is issued.
- 871.10 Promotional files or documents relating to the selection process and the eligibility for promotion shall be retained for a minimum of five (5) years from the expiration date of the register, and then, disposed of in accordance with the applicable records retention schedule. Documents may include but are not limited to announcements, applications, tests administered for employee selection, evaluation or promotion, selection criteria, candidate responses, evaluations, test scores, and official test scores, and official test register.
- 871.11 The Chief of Police shall consider the disciplinary records of members who are candidates for promotion and who are not subject to collective bargaining. The collective bargaining agreement provides information on how sustained adverse or corrective actions against a member shall affect a member's eligibility for promotion.
- 871.12 To the extent that any provision of these regulations, other than Subsection 871.1 of this section, conflicts with any provision of a written agreement with a labor organization, the provision of the written agreement shall prevail.

Section 872 (Appointment to Inspector, Commander and Assistant Chief of Police), is amended as follows:

872 APPOINTMENT TO INSPECTOR, COMMANDER AND ASSISTANT CHIEF OF POLICE

- 872.1 The Chief of the Metropolitan Police Department is vested with the authority to assign to duty and to appoint all officers and members of the Metropolitan Police Department.
- (a) Consistent with the duty to maintain a force of the highest possible quality, the Chief of Police may appoint qualified candidates from within the Department, as well as seek and appoint qualified candidates from outside the Department, to position/jobs of Assistant Chief of Police, Commander, and Inspector.
 - (b) The Chief of Police must consider a candidate's broad knowledge of law enforcement techniques and principles, including his or her knowledge of management principles and employee development in a law enforcement setting.
 - (c) The Chief of Police shall consider the disciplinary record of all candidates for appointment under this section.
- 872.2 Appointment to Inspector shall be in accordance with the following:

- (a) Whenever one or more appointments are to be made to the rank of Inspector, the Chief of Police may make such selection(s) from a register containing the names of all eligible candidates.
- (b) Prior to the promotion or appointment to Inspector, each candidate shall be required to pass a medical examination, including a psychological examination in accordance with the procedures outlined in the pre-promotional physical examination in the General Orders 100.21 Physical Examination.

872.3 Appointment to Commander shall be in accordance with the following:

- (a) The position of Commander connotes a candidate who meets the qualifications outlined in Subsection 872.1(b) of this section.
- (b) A commander is vested with authority to establish a command system which most effectively utilizes the human and material resources available to them and best fulfills the mission of the department.
- (c) Prior to the promotion or appointment to Inspector, each candidate shall be required to pass a medical examination, including a psychological examination in accordance with the procedures outlined in the pre-promotional physical examination in the General Orders 100.21 Physical Examination.

872.4 Appointment to Assistant Chief of Police shall be in accordance with the following:

- (a) Whenever one or more appointments are to be made to the rank of Assistant Chief, the Chief of Police may make selection(s) from a register containing the names of all eligible candidates.
- (b) Prior to the promotion or appointment to Inspector, each candidate shall be required to pass a medical examination, including a psychological examination in accordance with the procedures outlined in the pre-promotional physical examination in the General Orders 100.21 Physical Examination.

872.5 Assistant Chiefs of Police, Commanders, and Inspectors appointed by the Chief of Police pursuant to D.C. Official Code § 1-609.03 are Excepted Service employees. Assistant Chiefs of Police, Commanders, and Inspectors selected by the Chief of Police from the force pursuant to D.C. Official Code §§ 5-105.01 and 1-608.01 are Career Service employees, who serve in such positions at the pleasure of the Chief of Police, and may be returned to their previous rank/position at the discretion of the Chief of Police.

Section 873 (Processing Entry-Level Candidates for Police Officer Positions), is amended as follows:

873 PROCESSING ENTRY-LEVEL CANDIDATES FOR POLICE OFFICER POSITIONS

873.1 In this section, the following terms have the meaning ascribed:

- (a) Conditional — When an offer of employment is "conditional," it is pending the successful completion of the remaining portion of the selection process.
- (b) Chief — Chief of Police of the Metropolitan Police Department.
- (c) Intrafamily offense — As that term is defined in D.C. Official Code § 16-1001(5).
- (d) MPD — Metropolitan Police Department.
- (e) *Nolle prossed* — A formal entry on the record by the government by which it declares that the government will not further prosecute the case.
- (f) *Nolo contendere* — A plea which is entered with the permission of a court to a criminal complaint or indictment by which the defendant does not admit or deny the charges, though a fine or sentence may be imposed pursuant to it.
- (g) Not Best Qualified — An applicant who meets the minimum qualifications for the position, but is later determined (through the background investigation) to be deficient in one or more areas.
- (h) Probationary — Entry-level police officers shall be required to serve a probationary period of eighteen (18) months, during which time said officer shall be terminated whenever his or her performance or conduct fails to demonstrate his or her fitness or qualifications for continued employment.
- (i) Register — a list of all individuals eligible for consideration for appointment to a position, ranked according to each candidate's written examination score and the requirements of any applicable provisions of the Departmental Affirmative Action Plan.

873.2 To be considered as a candidate for the position/job of Police Officer, an applicant shall:

- (a) Be a citizen of the United States at the time of application;

- (b) Be at least twenty-one (21) years of age;
- (c) Meet one of the following eligibility criteria:
 - (1) Successfully completed at least 60 semester hours of college or university — essentially the equivalent of two years of higher education with coursework in any subject matter. Credits from any accredited college or university will be accepted;
 - (2) Served in the Armed Forces of the United States, including the Organized Reserves and National Guard, for at least three (3) years on active duty and if separated from the military, have received an honorable discharge; or
 - (3) Served at least five (5) years in a full-duty status with a full-service police department in a municipality or a state within the United States, and have resigned or retired in good standing.
- (d) Possess a valid driver's license; and
- (e) Pass any job-related aptitude or ability test as prescribed by the MPD.

873.3 The Chief shall establish a register of eligible candidates which:

- (a) Shall be rank-ordered according to the candidates scores on the qualifying examinations, including veterans and residency preference points, if applicable; and
- (b) Shall remain in existence for one (1) year from the date of issuance, unless otherwise authorized by the Chief of Police.

873.4 Once the candidate has passed the preliminary screening, the Human Resources Officer or Designee shall provide the candidate with a written conditional offer of employment, indicating the intent to appoint the candidate pending the successful completion of the remaining portion of the selection process.

873.5 If the written conditional offer of employment is accepted by the candidate, the candidate shall:

- (a) Complete a "Medical History Form" (PD Form 688);
- (b) Undergo a drug screening test and psychological screening;
- (c) Undergo a medical examination;
- (d) Be fingerprinted and photographed by the MPD;

- (e) Submit to a polygraph examination; and
 - (f) Submit a birth certificate, or notarized copy thereof, and such other forms as the MPD may require.
- 873.6 Each candidate shall be required to pass a medical examination, polygraph examination, and a background investigation in order to be offered a probationary appointment.
- 873.7 Each candidate shall undergo medical testing conducted at Police and Fire Clinic by properly licensed health care practitioners or by licensed health care practitioners to whom candidates have been referred for further evaluation by the Medical Director of the Police and Fire Clinic.
- 873.8 Medical testing shall consist of a complete physical examination and psychological screening which includes a written psychological examination and a psychiatric evaluation performed by a licensed psychiatrist, and such other tests as determined by the Police and Fire Clinic.
- 873.9 The Medical Director of the Police and Fire Clinic shall make the medical determination of suitability for each candidate.
- 873.10 If a candidate has been medically disqualified, the Human Resource Bureau Officer or Designee shall notify the candidate in writing of the reasons for the disqualification and the procedures to appeal the decision pursuant to Subsection 873.15 of this section.

The heading of Section 874 is changed from “District of Columbia Police Training and Standards Board” to “Mandatory Disqualifications” and is amended as follows:

874 MANDATORY DISQUALIFICATION

- 874.1 A candidate is ineligible to become a police officer if the candidate has done any of the following:
- (a) Engaged in any conduct which would constitute a felony in the District of Columbia, whether or not the conduct resulted in the arrest of the candidate or the filing of criminal charges;
 - (b) Been convicted of, pled guilty or *nolo contendere* to, or been given probation before judgment for any misdemeanor, or any offense in any other state, territory, or country which would be a misdemeanor if committed in the District of Columbia, when the misdemeanor involves:

- (1) Violence, including, but not limited to, an intrafamily offense; simple assault; violence toward the aged, a spouse, incompetent persons, or children; or threats of violence;
 - (2) Perjury or falsification, including the making of false reports of crimes, or falsification of official documents;
 - (3) Sexual offenses, including, but not limited to, indecent exposure; promoting, procuring, compelling, soliciting or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism (peeping tom); committing sex acts in public; incest; and sexual battery;
 - (4) Any offense involving violations of the civil rights of any person under the Constitution or laws of the U.S. or any state or territory;
 - (5) Any theft committed after reaching the age of 18;
 - (6) Illegal possession, use, sale, distribution, or manufacture of any controlled substance;
 - (7) Driving under the influence (DUI) of any controlled substance used illegally;
 - (8) Any offense involving the possession or use of a firearm; or
 - (9) Any bias-related crime.
- (c) Been convicted of, pled guilty or *nolo contendere* to, or been given probation before judgment for driving while intoxicated from alcohol on any single occasion within five (5) years prior to application, or two (2) or more times at any time prior to application;
 - (d) Been convicted of, pled guilty or *nolo contendere* to, or been placed on probation before judgment for manslaughter (negligent homicide), hit and run with injury, or fleeing and eluding police;
 - (e) Exhibited an unacceptable driving record within five (5) years of application, as evidenced by, but not limited to:
 - (1) Two (2) or more collisions where the candidate has been found at fault or issued a citation;
 - (2) Suspension for moving violations;
 - (3) Revocation; or

- (4) Operating after suspension or revocation.
- (f) Received three (3) or more adjudicated and sustained tickets for moving violations within the twelve-month (12-month) period prior to application;
- (g) Been dishonorably discharged from military service;
- (h) While in the military, engaged in any conduct which would constitute a felony or disqualifying misdemeanor in the District of Columbia or been found guilty of an Article 15 of the Armed Forces or any other disciplinary procedure involving a felony or disqualifying misdemeanor;
- (i) Is on parole or probation for any criminal offense, or is pending final disposition on a criminal charge;
- (j) Been discharged or asked to resign in lieu of termination from civilian employment two (2) or more times within five (5) years prior to application due to disciplinary action;
- (k) Established a verifiable prior employment record of:
 - (1) Poor performance as documented by an evaluation of less than satisfactory in three (3) of his or her five (5) most recent performance ratings or any instances of multiple "Less Than Satisfactory" performance ratings with any single employer;
 - (2) Disciplinary action within three (3) years prior to application based upon neglect of duty, insubordination or inability to follow orders; or
 - (3) Three (3) or more documented employment disciplinary actions filed against the applicant within five (5) years prior to application.
- (l) Been terminated or forced to resign from any commissioned or recruit/probationary position with a law enforcement agency for disciplinary reasons; or resigned from a law enforcement agency to avoid potential or proposed adverse disciplinary action or termination;
- (m) Is receiving a disability retirement allowance from any law enforcement agency or any branch of the military;
- (n) Knowingly made any false statement or falsified any document concerning any matter;

- (o) Knowingly made any false statement or been deceptive by statement or omission in the written police application or in any part of the police entry-level selection process;
- (p) Refused to submit to a truth verification test as part of the pre-employment process;
- (q) Demonstrated a history of personality and/or mental disorders as determined by the Police and Fire Clinic; been a patient in a mental institution for personality or mental disorders; or received treatment as an out-patient for personality or mental disorders;
- (r) Used marijuana or hashish illegally on any single occasion within a three (3) year period prior to application;
- (s) Taken any prescription medication without a valid prescription within three (3) years prior to application; or
- (t) Used any other controlled substance illegally on any single occasion within five (5) years prior to application.

The heading of Section 875 is changed from “Promotion to Battalion Fire Chief and Deputy Fire Chief” to “Discretionary Disqualifications” and is amended as follows:

875 DISCRETIONARY DISQUALIFICATIONS

875.1 A candidate may be determined ineligible to become a police officer if the candidate has a combination of any two (2) or more of the following:

- (a) Been convicted of, pled guilty or *nolo contendere* to, or given probation before judgment for any misdemeanor charge not listed in Subsection 874.1 in this chapter;
- (b) Been given less than an honorable discharge from the military, or an honorable discharge with an unfavorable re-entry code;
- (c) Been arrested for or charged with a criminal offense that was *nolle prossed* or dismissed;
- (d) Exhibited evidence of alcoholism or an alcohol problem that poses an unacceptable threat to the safety of the individual or others as determined by the Police and Fire Clinic acting in compliance with the Americans with Disabilities Act and the requirements of law enforcement;
- (e) Established a verifiable civilian employment record of any of the following:

- (1) Three (3) or more unexcused absences or eight (8) or more unexcused late occurrences during his/her last twelve (12) months of employment;
 - (2) Poor performance as documented by an evaluation of less than satisfactory in three (3) of his or her five (5) most recent performance ratings;
 - (3) Disciplinary action within three (3) years prior to application based upon insubordination or inability to follow orders;
 - (4) Three (3) or more civilian employment disciplinary actions filed against the applicant within five (5) years prior to application;
 - (5) An unstable or sporadic work history within five (5) years prior to application, *e.g.*, has frequently moved from job to job or experienced lengthy periods of unemployment, as demonstrated by jobs lasting one (1) year or less;
 - (6) Unfavorable recommendations from past employers; or
- (f) During an administrative or criminal investigation, resigned from a law enforcement agency or otherwise demonstrated evidence of guilt without a final judgment having been rendered;
 - (g) Failed, during the police entry-level selection process and without prior notification and approval, to meet mandated deadlines, cooperate fully with and provide necessary documentation to and keep all scheduled appointments with MPD staff personnel;
 - (h) Failed, during the police entry-level selection process, to provide additional personal information as requested or to submit information updates/changes, particularly changes of address and home and business telephone numbers, within five (5) business days of the change;
 - (i) Resigned or been terminated from any law enforcement academy due to a lack of proficiency in an academic or skill area;
 - (j) Established a history of civil law suits as either a plaintiff or defendant;
 - (k) Failed to obey or honor any judgment entered by a court of record, including, but not limited to, failure to make alimony or support payments, failure to pay any fine imposed by any court of record, or has demonstrated a lack of honesty and integrity in disposing of financial obligations;

- (l) Engaged in any activity constituting grounds for dismissal under Chapter 16 of these regulations.
- 875.2 Appointments shall be tendered at the conclusion of the selection process, by the Human Resources Bureau Officer or Designee.
- 875.3 Candidates who are disqualified for the position of police officer shall receive written notification by the Human Resources Bureau Officer or Designee.
- 875.4 Candidates who are disqualified on the basis of either the medical examination or the background investigation may appeal to the Chief of Police or his or her designee, whose decision shall be final.

The heading of Section 876 is changed from “Processing Candidates for Fire Sergeant, Lieutenant, and Captain Positions” to “Lateral Law Enforcement Program” and is amended as follows:

876 LATERAL LAW ENFORCEMENT PROGRAM

- 876.1 Consistent with the Chief’s duty to maintain a force of the highest possible quality, the Chief may seek and appoint qualified persons who have worked for other law enforcement agencies.
- 876.2 The Chief of Police may make conditional offers of employment to applicants from other law enforcement organizations, subject to all restrictions and limitations contained in this chapter.
- 876.3 Candidates who receive conditional offers of appointment pursuant to Subsection 876.2 of this section may be entitled to receive compensation commensurate with their experience and expertise not to exceed five (5) years of law enforcement training and experience.
- 876.4 Such additional compensation shall be granted at the discretion of the Chief of Police.
- 876.5 The Chief of Police may consider but not be limited by the following factors in determining whether or not additional compensation shall be granted:
 - (a) Service with a law enforcement agency in a metropolitan area with a populace comparable to that of the District of Columbia, with full arrest powers; or
 - (b) Service with a federal law enforcement agency with broad responsibilities such as, but not limited to, the U.S. Park Police, the U.S. Secret Service, the U.S. Capitol Hill Police, the Federal Bureau of Investigation, the Drug

Enforcement Agency, or the Federal Protective Service, with full arrest powers.

876.6 Employees hired under Subsection 873.21 of this section shall be paid in accordance with existing wage/grade policies and or negotiated contracts where applicable.

The heading of Section 877 is changed from “Retirement/Resignation of Members While Under Disciplinary Investigation” to “District of Columbia Police Training and Standards Board” and is amended as follows:

877 DISTRICT OF COLUMBIA POLICE TRAINING AND STANDARDS BOARD

877.1 There is hereby established the District of Columbia Police Officers Standards and Training ("Board").

877.2 Membership on the Board shall consist of the following 11 persons who shall be voting members:

- (a) The Mayor or the Mayor's designee;
- (b) Chief of Police, Metropolitan Police Department or the Chief of Police's designee;
- (c) Attorney General for the District of Columbia or the Attorney Counsel's designee;
- (d) United States Attorney for the District of Columbia or the United States Attorney's designee;
- (e) Assistant Director in Charge, Washington Field Office, Federal Bureau of Investigation or the Assistant Director's designee;
- (f) Representative of the District of Columbia Superior Court appointed by the Mayor in consultation with the Chief Judge of the Superior Court;
- (g) One criminal justice educator appointed by the Mayor;
- (h) One police representative appointed by the certified collective bargaining agent, and one police representatives appointed by the Mayor in consultation with the Chief of Police; and
- (i) Two community representatives appointed by the Mayor.

877.3 The Mayor in consultation with the Chief of Police shall appoint one Metropolitan Police Department Reserve Corps representative as an advisory, nonvoting member

of the Board.

- 877.4 The following persons may be advisory, nonvoting members of the Board:
- (a) The Executive Director, Maryland Police and Correctional Training Commissions; and
 - (b) The Director, Division of Training and Standards, Virginia Department of Criminal Justice.
- 877.5 The appointments to the Board shall be for a 3-year term.
- 877.6 No member shall serve beyond the time when he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Any member chosen to fill a vacancy created otherwise than by expiration of a term shall be appointed for the unexpired portion of the term of the member whom he or she succeeds.
- 877.7 The members shall receive no salary, but shall be reimbursed for their expenses lawfully incurred in the performance of their official functions.
- 877.8 Members appointed to the Board by the Mayor may be removed by the Mayor for incompetence, neglect of duty, or misconduct.
- 877.9 The Chairperson shall be appointed by the Mayor from among the voting members of the Board and the vice chair shall be elected from among the voting members.
- 877.10 The Board shall hold its initial meeting promptly after the appointment and qualification of its members. Thereafter, the Board shall meet a minimum of twice each calendar year and at other times as it or the Board's Chairperson may determine. The majority of the voting members of the Board shall constitute a quorum for the transaction of business, the performance of duties or for the exercise of any of its authority. Advisory members shall be entitled to participate in the business and deliberation of the Board, but shall not be entitled to vote. The Board shall establish its own procedures and requirements with respect to the place and conduct of its meetings.
- 877.11 The Board shall establish minimum application and appointment criteria that include the following:
- (a) That an applicant be a citizen of the United States at the time of application;
 - (b) Age limits;
 - (c) Height and weight guidelines;
 - (d) Physical fitness and health standards;

- (e) Psychological fitness and health standards;
- (f) The completion of a criminal background investigation;
- (g) The consideration to be placed on an applicant's participation in court-ordered community supervision or probation for any criminal offense at any time from application through appointment;
- (h) The consideration to be placed on an applicant's criminal history, including juvenile records;
- (i) The completion of a background investigation;
- (j) Military discharge classification information; and
- (k) Information on their prior service with the Metropolitan Police Department.

877.12 The administrative work of the Board shall be carried out by members of the Metropolitan Police Department as appointed by the Chief of Police.

877.13 Notwithstanding the standards established by the Board in accordance with Subsection 877.11 of this section, the Chief of Police may deny employment to any applicant based upon conduct occurring while the applicant was a minor if, considering the totality of the circumstances, the Chief of Police determines that the applicant has not displayed the good moral character or integrity necessary to perform the duties of a sworn member of the Metropolitan Police Department.

877.14 Each applicant selected for appointment as a sworn member of the Metropolitan Police Department shall successfully complete an initial training program and initial firearms training program before deployment, including minimum requirements developed by the Board, unless the applicant receives a waiver pursuant to Subsection 877.17 of this section.

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

- (a) The minimum number of hours required;
- (b) If and under what circumstances the initial training program will include temporary deployment of the applicant before regular deployment as a sworn member; and
- (c) The subjects to be included as part of every applicant's initial training.

877.16 The Metropolitan Police Department is authorized to utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the initial training program, the initial

firearms training program, or the continuing education program.

- 877.17 The Chief of Police is authorized to modify or waive the initial training program and initial firearms training program requirements for either of the following:
- (a) Any applicant who is a former sworn member of the Metropolitan Police Department who has been separated from employment with the Metropolitan Police Department for less than 3 years; or
 - (b) Any former member of a federal, state, or local law enforcement agency who has completed training similar to the Metropolitan Police Department's initial training program and initial firearms training program and who has been separated from employment with a federal, state, or local law enforcement agency for less than 3 years.
- 877.18 The Board shall determine minimum requirements for a continuing education program for sworn members of the Metropolitan Police Department, including:
- (a) Requirements for a continuing education firearms training program; and
 - (b) The appropriate consequence, including ineligibility for promotion, if a member fails to satisfy the continuing education requirement.
- 877.19 The Metropolitan Police Department may utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the initial training program, initial firearms training program, or continuing education program.
- 877.20 The Board shall establish the minimum requirements for any instructor of any component of the Metropolitan Police Department's initial training program, continuing education program, or firearms training program.
- 877.21 The Board shall establish the minimum selection and training standards for members of the District of Columbia Housing Authority Police Department.
- 877.22 The Board shall also review and make recommendations to the Chief of Police, the Mayor, and the Council, regarding:
- (a) The Metropolitan Police Department's tuition assistance program;
 - (b) The optimal probationary period for new members of the Metropolitan Police Department pursuant to Subsection 877.28 of this section;
 - (c) The issue of creating separate career tracks for patrol and investigations;
 - (d) Minimum standards for continued level of physical fitness for sworn members of the Metropolitan Police Department; and

- (e) The Metropolitan Police Department Reserve Corps program's training and standards.
- 877.23 The minimum standards set by the Board, pursuant to Subsections 877.11, 877.15, 877.18, and 877.20 of this section, shall not preclude the Metropolitan Police Department from establishing higher standards, including standards regarding its application, initial training, and continuing education programs at the department.
- 877.24 The minimum standards set by the Board pursuant to Subsection 877.21 of this section shall not preclude the District of Columbia Housing Authority Police Department from establishing higher standards.
- 877.25 Not later than December 31 of each calendar year, the Board, through the Chief of Police, shall deliver a report to the Mayor and the Council concerning the Metropolitan Police Department's initial training program, continuing education program, and firearms training program.
- (a) The report shall include the number of:
- (1) Applicants who have successfully completed the application process;
 - (2) Applicants who have completed the initial training program; and
 - (3) Sworn members who have completed the continuing education and firearms training programs.
- (b) An assessment of the Metropolitan Police Department's compliance with the Board's prescribed minimum standards for each of its application and training programs;
- (c) Recommendations where the Board believes that the Metropolitan Police Department's current standards for applicants, initial training including firearms training, and continuing education can be improved; and
- (d) An overall assessment of the Metropolitan Police Department's current and planned recruiting efforts in light of public safety needs in the District.
- 877.26 Any applicant who met the age requirement at the time of application and who was denied appointment on the basis of racial discrimination, as determined by the Director of the Office of Human Rights, may be appointed notwithstanding the applicant's age at the time of that determination.
- 877.27 Applications for appointment to the Metropolitan Police Department shall be made on forms furnished by the Metropolitan Police Department.
- 877.28 Appointments to the Metropolitan Police Department shall be for a probationary period to be determined by the Chief of Police. Continuation of service after the expiration of that period shall be dependent upon the conduct of the appointee and his

or her capacity for the performance of the duties to which assigned, as indicated by reports of superior officers. The probationary period shall be an extension of the examination period.

877.29 If the Police and Fire Clinic shall find any probationer physically or mentally unfit to continue his or her duties, that probationer shall be required to appear before the Police and Firefighter's Retirement and Relief Board. That Board shall make any findings as are required pursuant to D.C. Official Code § 5-713 (the Policemen and Firemen's Retirement and Disability Act) and those findings shall be incorporated in a recommendation submitted to the Mayor.

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

A new Section 878 “Promotion to Battalion Fire Chief and Deputy Fire Chief” is added as follows:

878 PROMOTION TO BATTALION FIRE CHIEF AND DEPUTY FIRE CHIEF

878.1 Until September 30, 2007, promotion to Battalion Fire Chief will be accomplished in accordance with the following:

- (a) A Captain will be eligible for consideration for promotion to the rank of Battalion Fire Chief after having served as a Captain for a period of at least one (1) year;
- (b) Whenever one (1) or more promotions are to be made to the rank of Battalion Fire Chief, the Fire Chief will submit to the Mayor a list of the names of all Captains eligible under Subsection 875.1(a) of this section, together with such other information as the Mayor may require;
- (c) The Fire Chief will submit the final nomination of names to the Mayor for approval; and
- (d) Each individual selected for promotion to Battalion Fire Chief must successfully complete a promotional medical examination by the Board of Police and Fire Surgeons in order to be promoted; and
- (e) All candidates shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past three (3) years.

878.2 Until September 30, 2007, promotion to Deputy Fire Chief will be accomplished in accordance with the following:

- (a) Whenever one (1) or more promotions are to be made to the rank of Deputy

Fire Chief, the Fire Chief will submit to the Mayor a list of the names of all Battalion Fire Chiefs, together with such other information as the Mayor may require;

- (b) The Fire Chief will submit the final nomination of names to the Mayor for approval; and
- (c) Each individual selected for promotion to Deputy Fire Chief must successfully complete a promotional medical examination by the Board of Police and Fire Surgeons in order to be promoted.

878.3 Section 2(b) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-402 (b) (2012 Repl.)), provides that the Fire Chief must establish criteria for Career Service promotions to Battalion Fire Chief and Deputy Fire Chief that addresses the areas of education, experience, physical fitness, and psychological fitness. The criteria established, which will become effective on October 1, 2007, are specified in Subsections 878.4 through 878.6 of this section.

878.4 Beginning on October 1, 2007, promotion to Battalion Fire Chief will be accomplished in accordance with the following:

- (a) A Captain will be eligible for consideration for promotion to the rank of Battalion Fire Chief after having served as Captain for at least one (1) year;
- (b) Each candidate must be certified to the Fire Officer II level in accordance with the standards of the National Fire Protection Association (NFPA), or equivalent, and must meet at least one (1) of the following three (3) educational and training requirements:
 - (1) Certification to Fire Officer III level in accordance with NFPA standards, or equivalent;
 - (2) A minimum of forty-five (45) semester hours of college level course work, with at least fifteen (15) semester hours in core subjects such as English composition, mathematics, and science, and the remainder in fire science or administration courses, or the equivalent of fire science or administration courses; or
 - (3) A minimum of thirty (30) hours toward certification as Fire Officer III in accordance with NFPA standards, or equivalent, with an additional fifteen (15) semester hours of college level course work in core subjects such as English composition, mathematics, and science.
- (c) A candidate hired after December 31, 1980 will be considered ineligible for consideration for promotion to the rank of Battalion Fire Chief if his or her record includes a suspension action for a period of fourteen (14) days or more within the three (3) years prior to submission of his or her application for

promotion.

- (d) Each candidate will be required to successfully complete a promotional physical at the time of selection.

878.5

Beginning on October 1, 2007, promotion to Deputy Fire Chief will be accomplished in accordance with the following:

- (a) A Battalion Fire Chief will be eligible for consideration for promotion to the rank of Deputy Fire Chief after having served as Battalion Fire Chief for at least one (1) year;
- (b) Each candidate must be certified to Fire Officer II level in accordance with the standards of the National Fire Protection Association (NFPA), or equivalent, and must meet at least one (1) of the following three (3) educational and training requirements:
 - (1) Certification to Fire Officer III level in accordance with NFPA standards, or equivalent;
 - (2) A minimum of forty-five (45) semester hours of college level course work, with at least fifteen (15) semester hours in core subjects such as English composition, mathematics, and science, and the remainder in fire science or administration courses, or the equivalent of fire science or administration courses; or
 - (3) A minimum of thirty (30) hours toward certification as Fire Officer III in accordance with NFPA standards, or equivalent, with an additional fifteen (15) semester hours of college level course work in core subjects such as English composition, mathematics, and science.
- (c) A candidate hired after December 31, 1980 will be considered ineligible for consideration for promotion to the rank of Deputy Fire Chief if his or her record includes a suspension action for a period of fourteen (14) days or more within the three (3) years prior to submission of his or her application for promotion.
- (d) Each candidate will be required to successfully complete a promotional physical at the time of selection.

878.6

The selection process for the Battalion Fire Chief and Deputy Fire Chief is as follows:

- (a) The Fire Chief is authorized to select for promotion any of the members who meet the minimum qualification standards listed in Subsections 878.4 and 875.5 of this section.
- (b) The Fire Chief will submit the final nomination of names to the Mayor,

together with any other information as the Mayor may require.

A new Section 879 “Processing Candidates for Fire Sergeant, Lieutenant, and Captain Position” is added as follows:

879 PROCESSING CANDIDATES FOR FIRE SERGEANT, LIEUTENANT, AND CAPTAIN POSITION/JOBS

879.1 In this section, the following terms have the meaning ascribed:

Disposition — the final status of individuals considered for appointment from a register of eligibles, indicated on the register by means of the coding system herein described.

Register of eligibles (register) — a list of all individuals eligible for consideration for appointment to a position.

Promotion Board — a group of Fire Department (Department) officers appointed by the Fire Chief, as described in Subsection 879.12 of this section, to determine the fitness for promotion of eligible Sergeant, Lieutenant, and Captain candidates.

879.2 To be eligible to take a promotional examination, the candidate shall meet the following time-in-rank requirements:

- (a) Eligible firefighters applying for the Sergeant Examination shall have a minimum of five (5) years of cumulative service, continuous or intermittent, as a firefighter in the Fire Department of the District of Columbia as of the qualifying date for the examination;
- (b) Sergeants applying for the Lieutenant Examination shall have a minimum of one (1) year of continuous service as a Sergeant in the Fire Department of the District of Columbia as of the qualifying date for the examination and shall be serving in the rank of Sergeant on the date of the examination; and
- (c) Lieutenants applying for the Captain Examination shall have a minimum of one (1) year of continuous service as a Lieutenant in the Fire Department of the District of Columbia as of the qualifying date for the examination and shall be serving in the rank of Lieutenant on the date of the examination.

879.3 The personnel authority shall establish a register of eligible candidates who complete the written examination phase of the selection process for Fire Sergeant, Lieutenant, and Captain positions.

879.4 Registers established under this section shall be structured in descending order of the candidate's rating. The rating reflects the candidate's final score on the written examination plus any additional points for service or education.

879.5 Registers established under this section shall include the rank, names, social security numbers, and ratings of all eligible candidates.

- 879.6 Candidates on the register shall be eligible for appointment only if they successfully complete all stages of the selection process, as specified in this section.
- 879.7 The register shall be in compliance with any applicable provisions of the Affirmative Action Plan of the Department.
- 879.8 The Director of DCHR (or his or her designee) shall transmit the register of eligibles to the Fire Chief (Chief), who shall designate the Liaison Personnel of the Department (LPD) as the custodian of the register. The Assistant Fire Chief, Operations, shall be designated as the LPD.
- 879.9 After receiving the register from the Chief, the LPD shall indicate the final status of each candidate in the "Disposition" column on the register, using the following coding system, and in accordance with the instructions set forth in this section:
- (a) A: The candidate declined to appear before the Promotion Board;
 - (b) B: The candidate failed to appear before the Promotion Board;
 - (c) C: The candidate was determined to be unsuitable for promotion by the Promotion Board only;
 - (d) D: The candidate declined to undergo the medical examination;
 - (e) E: The candidate failed to report for the medical examination;
 - (f) F: The candidate failed to complete the medical examination;
 - (g) G: The candidate was determined to be unsuitable for appointment to the position on the basis of the medical examination only;
 - (h) H: The candidate was appointed to the position;
 - (i) I: The candidate declined appointment to the position; or
 - (j) J: The candidate was not appointed to the position for reason(s) other than those described above. The LPD shall record the status of each candidate not selected.
- 879.10 The LPD shall establish a file for each candidate whose name is referred to the Promotion Board. Each file shall contain all correspondence and documents concerning the consideration of the candidate for promotion.
- 879.11 The Trial Board or other administrative system for corrective or adverse action shall notify the Fire Chief of any case initiated or any action taken on any case which may come before it, if that case involves a candidate on a promotion register as set forth in this section.

- 879.12 The Chief shall, whenever one (1) or more promotions are to be made, establish a Promotion Board (Board) in accordance with the following requirements:
- (a) The Board shall consist of an Assistant Fire Chief, at least two (2) of the Deputy Fire Chiefs from the Fire Fighting Division and at least one (1) other Deputy Fire Chief from either the Fire Prevention Division, the Training Division, the Apparatus Division, or the Ambulance Division;
 - (b) When a Deputy Fire Chief of a Division is on extended leave, a regular Acting Deputy Fire Chief of that Division may be selected to serve;
 - (c) All members of the Board shall be considered as full voting members; and
 - (d) The presence of all members of the Board shall constitute a quorum, and no action shall be taken by the Board without a quorum present.
- 879.13 The Chief shall submit to the Board for its consideration nine (9) more names than the number of promotions to be made. All such names shall be submitted in rank order from the top of the appropriate register.
- 879.14 The Chief shall submit to the Board the names of the remaining candidates on a register when, for any reason, there are fewer than ten (10) eligible candidates remaining on the register.
- 879.15 The LPD shall schedule each candidate to appear before the Board.
- 879.16 The names of candidates who have declined to appear before the Board shall be coded "A" in the "Disposition" column of the register. These candidates shall not be permitted further consideration for positions filled from this register.
- 879.17 The Board shall convene in order to determine each candidate's fitness for promotion based on the following:
- (a) The official personnel record;
 - (b) An evaluation by superior officers; and
 - (c) A job-related oral examination by the Board.
- 879.18 Candidates who fail to appear before the Board as scheduled, upon their request, may be permitted by the LPD one (1) additional opportunity to appear before the Board.
- 879.19 The names of candidates who have either (a) failed to appear before the Board and who have not requested rescheduling, or (b) failed to appear before the Board after rescheduling shall be coded "B" in the "Disposition" column of the register. These candidates shall not be permitted further consideration for position filled from this register.
- 879.20 All Board proceedings shall be electronically or stenographically recorded and shall remain in the possession of the LPD.

- 879.21 The proceedings shall be made available for inspection upon the written request to the LPD of any candidate evaluated by the Board for the duration of the register and for two (2) years thereafter. Each candidate shall be provided access only to that information which is relevant to his or her evaluation.
- 879.22 The Board shall evaluate the fitness of candidates using standardized procedures and forms approved by the DCHR, in order to arrive at a just and fair recommendation concerning promotion.
- 879.23 A candidate shall be recommended for promotion by the Board to the Chief if a majority of the members of the Board so recommend.
- 879.24 When the Board unanimously determines that there is sufficient evidence of unfitness for promotion, the Board shall recommend to the Chief that the name of the candidate be removed from the register.
- 879.25 If a candidate is not recommended for promotion by a majority of the members of the Board and the Board does not unanimously determine that the candidate is unfit for promotion, the Board shall recommend to the Chief that the candidate not be promoted at that time. The name of the candidate then shall be placed in its original rank-ordered position/job on the register for consideration for promotion by the next Board to be convened.
- 879.26 In each case where the Board recommends that a candidate not be promoted at that time or that a candidate is unfit for promotion and should have his or her name removed from the register, the candidate shall be given a written summary of the findings upon which the Board's decision was based by the LPD within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, of the Board's decision. Upon request, the candidate shall also be given access to the proceedings as specified in Subsection 879.21 of this section.
- 879.27 The candidate shall also be advised by the LPD that he or she may submit a written appeal to the Chief, within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, from the date of receipt of the written summary, informing him or her of the basis for the recommendation to refrain from promotion.
- 879.28 The Chief shall take action on the appeal, in writing, within fifteen (15) days. An allotment of positions equal to the number of appeals submitted to the Chief shall be set aside by the Board and shall not be filled until such appeals have been acted upon by the Chief.
- 879.29 The Chief's determination, under Subsection 876.28 of this section, shall be considered the final agency decision on an employee grievance, which the candidate may then appeal.
- 879.30 If the Chief upholds the appealed recommendation(s) of the Board, the Chief shall submit to the Board for its consideration, an equal number of additional names to replace those determined to be unfit for promotion and those not recommended for promotion at that time. Such additional names shall be referred in rank order from

among those candidates who remain on the register. These additional candidates will be considered by the Board as described in Subsections 879.15 through 879.29 of this section.

- 879.31 Upon consideration of a sufficient number of candidates, nine (9) plus the number of promotions to be made at the time, the Board shall list these candidates according to their rank-ordered standing on the register and shall submit this list to the Chief.
- 879.32 The Chief shall select a candidate for promotion from the list of candidates recommended for promotion by the Board.
- 879.33 Those candidates recommended by the Board for promotion but who are not selected by the Chief shall retain their rank-ordered standing on the register. Their names shall be submitted to the next Board to be convened and shall then be referred by the Board to the Chief for reconsideration without re-examination. Referral of these candidates to subsequent Boards in order of their standing on the register shall proceed until the register has expired or until these candidates have been selected for promotion by the Chief.
- 879.34 Those candidates who were not recommended for promotion and whose names are to remain on the register shall retain their rank-ordered standing on the register. They shall be referred to the next Board to be convened and shall be re-examined as described in Subsections 879.15 through 879.29 of this section.
- 879.35 If the next Board then recommends these candidates for promotion, their names shall be submitted to the Chief as described in Subsection 879.31 of this section.
- 879.36 If the next Board does not recommend these candidates for promotion at that time, they shall retain their rank-ordered standing on the register and shall be referred to subsequent Boards for reconsideration in accordance with the requirements of Subsection 879.34 of this section.
- 879.37 If the next Board recommends that the name of the candidate be removed from the register, the candidate shall be treated in accordance with the requirements of Subsections 879.24 through 879.29 of this section.
- 879.38 After all appeals within the agency have been exhausted, the names of those candidates who are to be removed from the register shall be coded "C" in the "Disposition" column of the register. These candidates shall not be permitted consideration for positions/jobs filled from this register.
- 879.39 Following selection for promotion by the Chief, each candidate shall be required to successfully complete a medical examination prior to appointment as a Sergeant, Lieutenant, or Captain.
- 879.40 The LPD shall schedule the medical examination and notify each candidate of the date and time at which to report to the Police and Fire Clinic for the pre-promotional medical examination.

- 879.41 The names of candidates who have declined to undergo the medical examination shall be coded “D” in the “Disposition” column of the register. These candidates shall not be permitted further consideration for positions filled from this register.
- 879.42 Each candidate shall report to the Police and Fire Clinic for the medical examination. The staff of the Clinic shall arrange for all necessary tests, including x-rays and other required laboratory procedures.
- 879.43 Candidates who fail to report for or to complete the medical examination, upon their request and for adequate reason, may be permitted by the LPD one (1) additional opportunity to take or complete the medical examination.
- 879.44 The Board of Police and Fire Surgeons shall make the medical determinations for each candidate and shall indicate its findings on the Medical Survey Form (PD305 or FD35), which shall be returned directly to the LPD along with the results of all other medical tests.
- 879.45 The LPD shall review the Medical Survey Form of each candidate and shall ensure that all reasons for medical disqualification are clearly indicated and recorded on that form.
- 879.46 Those candidates who were medically disqualified by the Board of Police and Fire Surgeons shall be given the reason for their medical disqualification in writing by the LPD within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, of such decision.
- 879.47 Candidates shall also be advised by the LPD that they may submit, within fifteen (15) days from the date of the letter informing them of their medical disqualification, a written request to the LPD to refer the case to the Board of Police and Fire Surgeons for reconsideration. The results of this reconsideration shall be the final determination of that Board.
- 879.48 The LPD shall inform candidates in writing within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, of the results of the final medical determination under Subsection 879.47 of this section and of their right of appeal to the Chief. The candidate may then appeal to the Chief in accordance with the requirements of Subsections 879.27 through 879.29 of this section.
- 879.49 The Chief's determination regarding an appeal submitted under Subsections 879.48 of this section shall be considered as the final agency decision on an employee grievance.
- 879.50 The candidate may appeal the Chief's decision either to the Office of Employee Appeals, or in the manner specified in an Agreement with a labor organization, as appropriate under such agreement, and shall be informed of such rights in the issuance of the Chief's final decision.

- 879.51 The names of candidates who failed to report for the medical examination shall be coded “E” in the “Disposition” column of the register. The names of candidates who failed to complete the medical examination shall be coded “F.” The names of candidates deemed to be unsuitable on the basis of the medical examination shall be coded “G.” These candidates shall retain their rank-ordered standing on the register, and as further promotions are to be made, their names shall be submitted for consideration by the next Board to be convened.
- 879.52 Candidates whose effective date of promotion exceeds a reasonable period of time as determined by the LPD (approximately 120 days) from the date of the medical examination may be subject to re-examination by the Board of Police and Fire Surgeons.
- 879.53 At any time during the selection process, the Director of the DCHR may request the Chief to review the findings of the Promotion Board in regard to the qualifications of a candidate. Such review and any resultant appeal by the candidate shall be conducted in accordance with Subsections 879.26 through 879.29 of this section and Subsections 879.46 through 879.50 of this section.
- 879.54 The Chief shall contact each selectee in writing to tender an offer of promotion, inform the selectee as to where and when to report for promotion, and indicate the procedures for declining the appointment.
- 879.55 The names of candidates who have been appointed shall be coded “H” in the “Disposition” column of the register.
- 879.56 The names of candidates who have declined appointment shall be coded “I” in the “Disposition” column of the register. These candidates shall not be permitted further consideration for positions filled from this register.
- 879.57 The LPD shall document the disposition of each candidate on the register prior to the return of the register to the DCHR. The LPD shall also provide such documentation to the DCHR.
- 879.58 The DCHR shall prepare all candidate appointment forms for those candidates who have accepted offers of appointment and shall secure the necessary signatures, as specified on the forms.
- 879.59 Successive registers shall be established at 12:01 a.m. on October 16 of the even-numbered years. However, the period of eligibility under any special examination shall expire when the next regularly qualifying list becomes effective.
- 879.60 The LPD shall return the register of eligibles to the DCHR before a subsequent register is transmitted to the LPD.
- 879.61 Promotional files are to be retained by the Department for a minimum of three (3) years before being retired to the appropriate records center.

879.62 To the extent that any provision of these regulations, other than Subsection 876.2 of this section, conflicts with any provision of a contract with a labor organization, the provision of the contract shall prevail.

A new Section 880 “Retirement/Resignation of Members While Under Disciplinary Investigation” is being added as follows:

880 RETIREMENT/RESIGNATION OF MEMBERS WHILE UNDER DISCIPLINARY INVESTIGATION

880.1 A member who decides to resign from the MPD shall submit a written notification through his or her chain of command to the Chief of Police at least thirty (30) days from the date he or she wishes to resign.

880.2 The notification shall include:

- (a) The member’s name;
- (b) Appointment date;
- (c) Forwarding address;
- (d) Social security number;
- (e) Date of separation;
- (f) Reason for resignation;
- (g) If accepting another position with the District of Columbia or federal Government, the name and address of the agency; and
- (h) If desired, a request for waiver of the thirty (30) days notification period.

880.3 A member who decides to voluntarily retire from the MPD shall submit a request for optional retirement, Police Department Form 292, through his or her chain of command to the Chief of Police at least sixty (60) days from the date he or she wishes to retire.

880.4 Upon receipt of the notification of resignation or request for optional retirement, the Commanding Officer shall:

- (a) Determine whether the member is being investigated for serious misconduct by officials within the command;
- (b) Determine whether the OPR is currently investigating the member for allegations of serious misconduct;
- (c) Determine whether actions alleging serious misconduct are pending against

the member in DDRO; and

- (d) Forward the notification of resignation, or, request for optional retirement to the Office of the Chief of Police with a notation as to whether disciplinary actions are pending against the member.

880.5 Upon receipt of a notification of resignation, or, request for optional retirement that includes a notation that the member is being investigated for serious misconduct, the Chief of Police shall:

- (a) Deny the request for waiver of the thirty (30) day notification requirement (for members seeking to resign) or sixty (60) day notification requirement (for members seeking to retire);
- (b) Order the expedited completion of the investigation;
- (c) Inform the member that he or she is under investigation for allegations of serious misconduct and that the final accounting of the member's salary and annual leave balance is conditional upon final resolution of the investigation; and
- (d) Inform MPD's Director of Human Services and MPD's Chief Financial Officer that the member's resignation or retirement is conditional and that the final accounting with respect to the member's salary and annual leave balances are to be held in abeyance pending resolution of the disciplinary investigation.

880.6 Investigations against members for allegations of serious misconduct shall be completed within twenty-five (25) days from the effective date of the member's resignation or retirement.

880.7 Upon completion of the investigation, if the allegations of serious misconduct are sustained and if the member would have been suspended as a penalty for the misconduct, the Director of DDRO shall assess the member a fine in lieu of suspension in accordance with the schedule established in General Order 201.15 "Retirement Program." Such fine shall not be less than \$100 nor greater than \$5,000.

880.8 If the sustained allegations would have resulted in the member being terminated from MPD as a result of the misconduct, the Director of DDRO shall assess the member a fine in lieu of suspension in accordance with the schedule established in General Order 201.15 "Retirement Program." Such fine shall not be less than \$1,000 nor greater than \$5,000.

880.9 The Director of DDRO shall assess the penalties for sustained allegations of serious misconduct in accordance with the penalty guidelines set forth in MPD General Order 1202.1 "Disciplinary Procedures and Processes."

880.10 The member against whom a penalty has been assessed shall be afforded all rights to which he or she is entitled under federal and District of Columbia law and

regulations, police regulations, and any applicable labor agreement as if they were still an employee of MPD.

- 880.11 If the allegations of misconduct are not sustained, or the investigation is not completed within twenty-five (25) days from the effective date of the member's resignation or retirement, the matter shall be deemed as closed and the final payments due to the member released.
- 880.12 If the allegation of the misconduct has been sustained but there were no funds available from the member's salary or leave, or both salary and leave balances to assess the penalty, the Chief of Police at his discretion may authorize the collection of the debt through a request to the Office of the Attorney General for enforcement action.
- 880.13 The following terms shall have the meaning ascribed in this section:

“Conditional Retirement” - The retirement of a member from MPD while under disciplinary investigation for serious misconduct.

“Disciplinary Investigation” - Any official investigation by MPD, including the Office of Internal Affairs, of allegations of serious misconduct by any member of MPD.

“DDRO” – MPD’s Office of Disciplinary Review.

“Member” - Sworn employees of MPD.

“MPD” - The Metropolitan Police Department.

“OPR” - MPD's Office of Professional Responsibility.

“Resignation” - The voluntary separation of a member from MPD before the member’s pension rights have accrued or vested.

“Retirement” - The voluntary separation of a member from MPD after the member’s pension rights, retirement pay, or other benefits have accrued and vested as provided by federal or District of Columbia law or regulation.

“Serious Misconduct” - Any felony violation of federal, local or District of Columbia law, making of a false statement under oath, falsification of official records or reports, unnecessary force, comprising a felony or assisting a person to escape investigation or prosecution, use of illegal or controlled substances, or other violations as determined by the Chief of Police by general order.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Justin Zimmerman, Associate Director, D.C.

Department of Human Resources, 441 4th Street, N.W., Suite 330 South, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Persons with questions regarding the proposed rulemaking should call (202) 727-1568. Additional copies of these proposed rules are available from the above address.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)); Sections 6, 7, and 13 of the District of Columbia Traffic Act of 1925 (the Act), approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01, and 50-1403.01 (2012 Repl.)); Section 10a(a) of the Act, as amended by the Driving Under the Influence Repeat Offenders Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-238; D.C. Official Code § 50-2201.05a(a)) (2012 Repl.); and Mayor's Order 2002-72, dated April 3, 2002, hereby gives notice of the intent to adopt the following rules that will amend Chapter 3 (Cancellation, Suspension, or Revocation of Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules modify the terms of participation in the ignition interlock program.

The Director also gives notice of her intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 311, IGNITION INTERLOCK PROGRAM, is amended as follows:

Subsection 311.1 is amended to read as follows:

311.1

- (a) The ignition interlock program allows for reduction of the revocation periods imposed by §§ 306.4, 306.6 and 306.7 of this title by permitting an offender of driving under the influence laws to obtain a restricted driver license.
- (b) A person shall remain in the ignition interlock program throughout the revocation period imposed, and for any additional time imposed by the Director pursuant to § 311.15(b).

Subsection 311.3 is amended to read as follows:

311.3 Upon having his or her driver license revoked pursuant to §§ 306.4, 306.6 or 306.7 of this title, a person may apply for participation in the ignition interlock program on a form provided by the Director.

Subsection 311.4 is amended as follows:

- 311.4 No person may be accepted into the ignition interlock program if he or she has:
- (a) A prior conviction for causing injury or death while operating a motor vehicle in any jurisdiction; or
 - (b) Failed to successfully complete the District of Columbia ignition interlock program or the ignition interlock program of another jurisdiction within five (5) years prior to the date of the application, except as allowed in the discretion of the Director pursuant to § 311.24. For purposes of this section, “failed to successfully complete” means the person was either terminated from or voluntarily withdrew from an ignition interlock program prior to completion.

Subsection 311.7 is amended by striking the phrase “, unless extended pursuant to § 311.18” and inserting the phrase “in accordance with this section” in its place.

Subsection 311.13 is amended to read as follows:

- 311.13 A participant shall be deemed to be in violation of the ignition interlock program requirements if the individual:
- (a) Receives a suspension, revocation, or cancellation of his or her restricted driver license or driving privilege;
 - (b) Has the ignition interlock device installed in a vehicle with an expired or invalid registration;
 - (c) Removes the ignition interlock device without prior approval from the Director;
 - (d) Operates a vehicle that was not listed in the application filed under § 311.5 and approved by the Director;
 - (d) Operates a vehicle with knowledge that the ignition interlock device is not functioning properly and accurately;
 - (e) Tamper with, bypasses, damages, removes, or renders the ignition interlock device inoperable or allows another individual to tamper with, bypass, damage, remove, or render the ignition interlock device inoperable;
 - (f) Attempts to start or operate a vehicle with a breath alcohol concentration greater than 0.025 percent, as measured by the ignition interlock device, unless there is a subsequent breath alcohol concentration reading below 0.026 percent within five (5) minutes thereafter;

- (g) Fails to submit to a breath alcohol concentration retest after starting the vehicle;
- (h) Fails to take each vehicle identified in the application to a servicing appointment as required by § 311.8;
- (i) Fails to abide by the terms and conditions of the participant's agreement with the approved certified service provider;
- (j) Allows another individual to blow into the ignition interlock device before the participant operates the vehicle or while the participant is operating the vehicle;
- (k) Fails to maintain proof of financial responsibility;
- (l) Fails to comply with 18 DCMR § 306.11 in the time period set forth by the Director; or
- (m) Participates in any other act or use of the ignition interlock device that poses a threat to public safety.

Subsection 311.15 is amended to read as follows:

311.15

- (a) The Director may terminate a participant from the ignition interlock program for any violation listed in § 311.13.
- (b) Instead of terminating a participant from the ignition interlock program for a violation listed in § 311.13, the Director may require the participant to serve an additional sixty (60) days in the program for the participant's first violation, ninety (90) days for the participant's second violation, and one hundred and twenty (120) days for each subsequent violation.
- (c) The additional period set forth in subparagraph (b) shall extend the time the participant is required to remain in the ignition interlock program beyond the revocation period.

Subsection 311.18 is amended to read as follows:

311.18 [REPEALED.]

Subsection 311.19 is amended to read as follows:

311.19 [REPEALED.]

Subsection 311.20 is amended to read as follows:

311.20 Prior to termination from the ignition interlock program or the imposition of any penalties pursuant to § 311.15, the participant shall be given ten (10) days written notice and an opportunity to request a hearing by the Director or the Director's designee. The request for a hearing shall be in writing. Failure to timely request a hearing shall waive any rights to such hearing. The hearing shall be informal, and may be conducted in person, by telephone, by mail, or through the internet, and shall be limited to the issue of whether or not the offense was committed. Documentation from the ignition interlock device, an approved certified service provider, a court, an administrative agency, or a law enforcement official shall be prima facie evidence that the offense was committed.

Subsection 311.21 is amended to read as follows:

311.21 The Director shall revoke the driver license of a person who unsuccessfully participates in the ignition interlock program. The license revocation period shall be for the full period of time provided by §§ 306.4, 306.6 or 306.7, whichever is applicable, without credit for any time served, as well as any extension period imposed by the Director pursuant to § 311.15(b).

Subsection 311.22 is amended to read as follows:

311.22 The Director shall revoke the registration of all vehicles identified in the application of a participant who unsuccessfully participates in the ignition interlock program. The period of revocation shall be concurrent with the period of time during which the participant's driver license is revoked.

Subsection 311.23 is added to read as follows:

311.23

- (a) If a participant fails to successfully complete the ignition interlock program, the person may request that the Director allow re-enrollment and re-entry into the program no earlier than thirty (30) days from the date the participant was terminated or withdrew from the program.
- (b) If a participant failed to successfully complete an ignition interlock program in another jurisdiction, the person may request that the Director allow him or her to enroll in and enter the District of Columbia ignition interlock program no earlier than thirty (30) days from the date the participant was terminated or withdrew from the program.
- (c) The decision to allow a participant to enter or re-enter the program pursuant to this subsection is within the discretion of the Director, and is not subject to review.

Subsection 311.24 is added to read as follows:

- 311.24 A participant who re-enters the ignition interlock program pursuant to § 311.23(a) shall not be credited for time served, and shall be required to participate in the ignition interlock program for the full period of time that was originally imposed, as well as any additional time imposed by the Director pursuant to § 311.15.

Subsection 311.25 is added to read as follows:

- 311.25 An applicant entering the ignition interlock program pursuant to § 311.23(b) shall not be credited for time served, and shall be required to participate in the ignition interlock program for either the full period of time that would have been imposed if the offense had occurred in the District, or the period of time remaining to be served in the former jurisdiction, whichever is greater.

Subsection 311.26 is added to read as follows:

- 311.26 If the applicant's driver license was revoked pursuant to §§ 306.6 or 306.7, and the applicant seeks admittance into the ignition interlock program more than six (6) months after revocation, he or she will be required to pass the written knowledge test and the road test.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024 or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING**FORMAL CASE NO. 1116, IN THE MATTER OF APPLICATIONS FOR APPROVAL OF TRIENNIAL UNDERGROUND INFRASTRUCTURE IMPROVEMENT PROJECTS PLANS**

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, of the adoption of the following rulemaking,¹ which amends Chapter 1 (Public Service Commission Rules of Practice and Procedure) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations.

The rulemaking establishes rules to expedite the reconsideration of any Commission order issued pursuant to Title III of the “Electric Company Infrastructure Improvement Financing Act of 2014” (“ECIIFA”). On May 3, 2014, the ECIIFA, which governs the Potomac Electric Power Company’s and the District of Columbia Department of Transportation’s public-private partnership to bury overhead primary power lines to improve electric service reliability in the District of Columbia, became effective. The ECIIFA requires the Commission to amend its rules to expedite the reconsideration of any Commission order issued on any matter before the Commission pursuant to Title III within 120 days of the effective date of the ECIIFA.

This Notice of Second Proposed Rulemaking considers comments filed by the Potomac Electric Power Company and incorporate recommendations consistent with ECIIFA provisions and the Commission’s current rules on reconsideration petitions codified at 15 DCMR § 140.

The Commission hereby gives notice of its intent to adopt this rule, in final, in not less than fourteen (14) days from the publication of this notice in the *D.C. Register*. This second abbreviated notice is to allow the Commission to comply with the requirement of the ECIIFA in adopting new rules to expedite the reconsideration of any Commission order issued on any matter before the Commission pursuant to Title III within 120 days of the effective date of the ECIIFA.

Chapter 1 (Public Service Commission Rules of Practice and Procedure) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations is amended by adding a new Section 141 to read as follows:

141 RECONSIDERATION OF ORDERS ISSUED PURSUANT TO TITLE III OF THE ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT FINANCING ACT OF 2014

141.1 Any party affected by any final order or decision issued pursuant to Title III of the “Electric Company Infrastructure Improvement Financing Act of 2014”

¹ D.C. Official Code § 34-802; D.C. Official Code § 2-505.

(“ECIIFA”) may within thirty (30) days after publication of the order or decision, file with the Commission an application in writing requesting a reconsideration or modification of the matters involved (*See* D.C. Official Code § 34-604(b)).

- 141.2 The parties shall identify with specificity in the application for reconsideration or modification error(s) of law or fact in the Commission’s final order that they seek to have corrected. The application for reconsideration or modification is not a vehicle for losing parties to rehash arguments earlier considered and rejected by the Commission where there exists no error of law or fact.
- 141.3 Responses to applications for reconsideration or modification shall be filed with the Commission within five (5) business days after receipt of the application.
- 141.4 The Commission may, in its discretion, permit or require oral argument or briefs or both upon application for reconsideration or modification. The Commission shall proceed to hear and determine the reconsideration application as expeditiously as practicable.
- 141.5 The Commission shall, within thirty (30) days after the filing of the application, either grant or deny the application for reconsideration or modification. Failure by the Commission to act within that period shall be considered a denial of the application. An application for reconsideration filed pursuant to this section will be given priority and acted upon by the Commission as expeditiously as practicable.
- 141.6 If the Commission determines that more time is needed to address the issues in the application for reconsideration or modification and any responses thereto, the Commission may issue a tolling order extending the deadline for reconsideration or modification by no more than ten (10) days.
- 141.7 If the application for reconsideration or modification is granted, the Commission shall, after notice to all parties, either with or without a hearing, rescind, modify, clarify or affirm its order or decision.
- 141.8 The filing of an application for reconsideration or modification shall act as a stay upon the execution of the order or decision of the Commission until the final action of the Commission upon the application; provided, that upon written consent of the affected utility such order or decision shall not be stayed unless otherwise ordered by the Commission.
- 141.9 Any application for reconsideration or modification filed on the thirtieth (30th) day after the publication of the order or decision which the application seeks to have reconsidered or modified, shall be filed on or before the close of business of that day.

All persons interested in commenting on the subject matter of this proposed rulemaking action may submit Comments, in writing, not later than fourteen (14) days after the publication of this Notice in the *D.C. Register*. Comments are to be submitted to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005, 202-626-5100.

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76, D.C. Official Code §§ 2-1831.05(a)(7) and (b)(7)), hereby gives notice on an emergency basis of adoption of the following amendments to Chapter 28, "Office of Administrative Hearings Rules of Practice and Procedure," of Title 1 (Mayor and Executive Agencies) 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*.

This emergency rulemaking is necessary to promote the public peace, safety, and welfare by establishing procedures for adjudicating alleged violations by taxicab operators and companies issued by the District of Columbia Taxicab Commission. Because OAH is already hearing these cases, immediate implementation of these rules is necessary.

This emergency rulemaking was adopted August 1, 2014, and became effective on that date. The emergency rulemaking shall remain in effect for up to one hundred and twenty (120) days, until November 29, 2014, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Acting Chief Administrative Law Judge also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 2803 (Beginning a Civil Fine Case) of Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) of the DCMR is amended as follows:

2803 BEGINNING A CIVIL FINE CASE

- 2803.1 Sections 2803 through 2807 establish procedures for cases in which the Government seeks payment of a civil fine.
- 2803.2 When the Government is seeking a civil fine, it must file a Notice of Infraction or a Notice of Violation, as authorized by law, at the OAH. The Government may not file a Notice of Infraction, under the Civil Infractions Act, without complying with Subsection 2803.5, and may not file a Notice of Violation, under the Litter Control Administration Act, without complying with Subsection 2803.8.
- 2803.3 The Government must provide a copy of the Notice of Infraction or Notice of Violation to the Respondent (the person or entity that the Government wants to pay the fine) in the manner specified in the Civil Infractions Act, the Litter Control Administration Act, the District of Columbia Taxicab Commission Establishment Act of 1985 (DCTC Act), or other applicable law.

- 2803.4 If a Respondent files an answer before the Government files a Notice of Infraction or a Notice of Violation, OAH will open a case. The Administrative Law Judge may require the Government to file the original Notice of Infraction or Notice of Violation.
- 2803.5 In a Civil Infractions Act case filed on or after October 1, 2010, if the Government sends a Notice of Infraction to the Respondent by first-class mail, the Government may not file the Notice of Infraction until at least fifteen (15) calendar days after the date that it mailed the Notice of Infraction. When it files the Notice of Infraction, the Government also must file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the United States Postal Service (USPS) did not return the Notice of Infraction to the Government.
- 2803.6 If the USPS returns a Notice of Infraction to the Government after it has filed the affidavit required by Subsections 2803.5 or 2803.11(b), the Government must notify OAH by filing a new affidavit, on a form approved by the Chief Administrative Law Judge.
- 2803.7 If the USPS returns the Notice of Infraction to the Government, the Government may file proof of any alternative service of the Notice of Infraction.
- 2803.8 In a Litter Control Administration Act case, if the Government sends a Notice of Violation to a Respondent by certified mail, the Government must file a copy of a signed certified mail receipt or other proof that the USPS delivered the Notice of Violation to the Respondent's address. If the USPS returns the certified mail to the Government, the Government may file proof of any alternative service of the Notice of Violation.
- 2803.9 When it files a Notice of Infraction or a Notice of Violation, the Government must file a copy of all exhibits it expects to offer at any hearing in the case and must provide a copy of each exhibit to the Respondent. An Administrative Law Judge may allow the Government to use exhibits that it did not file or provide in accordance with this subsection if there is no prejudice to the Respondent.
- 2803.10 OAH may dismiss or may refuse to accept for filing any Notice of Infraction or Notice of Violation that does not comply with the applicable law or these Rules.
- 2803.11 When DCTC is seeking civil fines or sanctions under the "District of Columbia Taxicab Commission Establishment Act of 1985," effective March 25, 1986, as amended (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq.*) ("DCTC Act"),
- (a) DCTC may file a Notice of Infraction by entering it in the automatic ticket database presently maintained by the Department of Motor Vehicles ("DMV"). The day the Notice of Infraction data is entered into the DMV database shall be deemed the date of filing of the Notice of Infraction with OAH;

- (b) If DCTC serves a Notice of Infraction by first-class mail, DCTC may not file the Notice of Infraction with OAH until at least 15 calendar days after the date it mailed the Notice of Infraction. When it files the Notice of Infraction with OAH, DCTC must also file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the USPS did not return the Notice of Infraction to DCTC;
- (c) If DCTC issues a Notice of summary or proposed denial, revocation, suspension or modification of a license, a Notice to cease and desist, or a Notice to take action, DCTC shall file the Notice with OAH promptly and serve it in the manner provided under the DCTC Act and implementing regulations. OAH will schedule a hearing as required by law or on the request of the Respondent;
- (d) If DCTC takes other actions under the DCTC Act or implementing regulations appealable to OAH, DCTC shall file the relevant Notice, Order, or Action with OAH and serve it in the manner provided under the DCTC Act and implementing regulations. If the DCTC Act and implementing regulations do not specify a manner of service, DCTC shall follow Subsection (b) above.

2803.12 When a Notice of Infraction is issued from a hand-held electronic device, no signature of an issuing officer shall be required; provided, that the officer's printed name, department, and badge number appear legibly on the face of the Notice of Infraction.

Section 2804 (Answers in Civil Fine Cases) of Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) is amended as follows:

2804 ANSWERS IN CIVIL FINE CASES

2804.1 To answer a Notice of Infraction or a Notice of Violation (both "Notice"), a Respondent should file the Respondent's copy of the Notice at OAH, or in DCTC cases filed in the DMV automatic ticket database, the Respondent shall answer according to the instructions on the back of the Notice of Infraction. The Respondent shall indicate on the Notice whether the Respondent's answer is Admit, Admit with Explanation, or Deny.

2804.2 If a Respondent does not file the Respondent's copy of the Notice, a written answer will be sufficient if it contains both the number of the Notice and a statement whether the Respondent's answer is Admit, Deny, or Admit with Explanation.

- 2804.3 A Respondent is not required to send a copy of the answer to the Government. OAH will send the Government a copy of every answer of Deny or Admit with Explanation. In DCTC cases filed in the DMV automatic ticket database, the Government has access to answers of Deny or Admit with Explanation in that database.
- 2804.4 A Respondent whose answer is Admit shall pay the fine specified on the Notice when filing the answer.
- 2804.5 If a Respondent's answer is Deny, OAH ordinarily will schedule a hearing and will notify the Respondent and Government, in writing, of the hearing date and time. The hearing order will contain additional information about procedures for the hearing. In DCTC cases filed in the DMV automatic ticket database, OAH will notify DCTC in writing of the hearing date and time selected by Respondent or by calendaring the hearing in the DMV database. In DCTC cases filed in the DMV database, if Respondent did not select the date and time of the hearing, OAH shall notify the Respondent in writing of the date and time of the hearing.
- 2804.6 If a Respondent's answer is Deny, after notice and opportunity to respond, an Administrative Law Judge may decide a case based on the papers submitted, without an in-person hearing, if a hearing is unnecessary.
- 2804.7 At least five (5) calendar days before any hearing date, the Respondent shall file at OAH copies of all exhibits that the Respondent intends to ask the Administrative Law Judge to consider at the hearing. At the same time, the Respondent shall send copies of those exhibits to the Government. In DCTC cases filed in the DMV automatic ticket database, the Respondent may file copies of all such exhibits in the DMV database without sending copies to DCTC. An Administrative Law Judge may allow a Respondent to use exhibits at a hearing that the Respondent did not file or provide to the Government before the hearing if there is no prejudice to the Government.
- 2804.8 If a Respondent's answer is Admit with Explanation, a Respondent shall submit a written explanation stating why the Respondent believes the Administrative Law Judge should reduce or suspend the fine or any penalty. The Respondent also shall submit any papers, photographs, or other materials supporting the Respondent's explanation. In DCTC cases filed in the DMV automatic ticket database, Respondent may file any materials supporting the answer of Admit with Explanation through the DMV database.
- 2804.9 OAH will send a copy of an answer of Admit with Explanation and supporting materials to the Government, and will allow the Government twenty-one (21) calendar days to reply. The Government must send the Respondent a copy of everything the Government files in reply. In DCTC cases filed in the DMV automatic ticket database, the Government has access to the answer of Admit with Explanation and Respondent's supporting materials through the DMV database.

Any reply by DCTC must be filed in the DMV database and also provided to the Respondent.

- 2804.10 The Administrative Law Judge shall decide Admit with Explanation cases by considering all the materials filed by the parties, including the exhibits filed with the Notice, Respondent's explanation and supporting materials, and the Government's reply and supporting materials. The Administrative Law Judge will not hold a hearing, unless the parties' materials are not sufficient to allow him or her to decide the case.
- 2804.11 In an Admit with Explanation case, the Administrative Law Judge shall dismiss the Notice if he or she determines that the Respondent did not commit or is not responsible for the violation charged.
- 2804.12 In all civil fine cases, an Administrative Law Judge shall not impose a fine that exceeds the fine amount the Government requests.
- 2804.13 In a case involving (a) a denial, revocation, suspension, or modification of a license issued under the DCTC statute or (b) any other order or action authorized under the DCTC Act, other than a Notice of Infraction, OAH will schedule a hearing as required by law or on the request of the Respondent. If the Respondent requests a hearing, OAH shall schedule the hearing as required by law or as soon as practicable. If the Respondent does not appear for a hearing, the Administrative Law Judge may suspend the hearing and close the case.

Section 2805 (Defaults in Civil Fine Cases) of Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) is amended as follows:

2805 DEFAULTS IN CIVIL FINE CASES

- 2805.1 This section contains rules for deciding civil fine cases in which the Respondent does not file an answer. There are separate procedures for Civil Infractions Act cases, Litter Control Administration Act cases, and other cases, because the law establishes different requirements for each of those cases.
- 2805.2 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a Notice of Infraction within the time allowed by law, the Government must issue a second Notice of Infraction, as required by the Civil Infractions Act. OAH also may issue a notice of default. The notice of default shall inform the Respondent of any penalty provided by law, and shall direct the Government to issue a second Notice of Infraction.

2805.3 In a Civil Infractions Act case filed on or before September 30, 2010, if the Government fails to file a second Notice of Infraction within thirty (30) calendar days after a notice of default is served, an Administrative Law Judge may dismiss the charge against the Respondent.

2805.4 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a second Notice of Infraction within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) Each Notice of Infraction meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss both Notices of Infraction without prejudice.

2805.5 In a Civil Infractions Act case filed on or after October 1, 2010, and in a Litter Control Administration Act case, if a Respondent fails to answer within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) The Notice of Infraction or Notice of Violation meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss the Notice of Infraction or Notice of Violation without prejudice.

2805.6 In a Civil Infractions Act case filed on or after October 1, 2010, or in DCTC cases filed under Subsection 2803.11(b), if the USPS returns an order finding the Respondent in default to the Clerk's Office, for reasons that call into question the accuracy of any affidavit filed under Subsection 2803.5 or Subsection 2803.11(b), (for example, "no such address," "addressee unknown"), an Administrative Law Judge shall issue an order requiring the Government to show why the default order should not be vacated. If the Government does not respond with sufficient evidence showing that it mailed the Notice of Infraction to a valid address for the Respondent, the default order shall be vacated and the Notice of Infraction shall be dismissed.

2805.7 In default cases brought under the DCTC Act or acts other than the Civil Infractions Act or the Litter Control Administration Act, the procedure shall be consistent with the applicable law and shall ensure that:

- (a) There is sufficient evidence of proper service on the Respondent; and
- (b) The charging document meets all legal requirements on its face.

A Respondent who fails to answer shall be held in default and must pay the legally authorized fine and penalty. If the Administrative Law Judge does not find the Respondent in default, the Administrative Law Judge shall dismiss the Notice without prejudice.

Comments on these rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via e-mail to Matipa.Mutsemi@dc.gov, or by mail to the Office of Administrative Hearings, 441 Fourth Street, NW, Suite 450 North, Washington, DC 20001, Attn: Matipa Mutsemi, Attorney-Advisor, or on-line at www.dcregs.dc.gov, or as an attachment to the filing form at www.oah.dc.gov. Copies of this emergency and proposed rulemaking may be obtained from the above address.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the District Department of Transportation (DDOT), pursuant to the authority in Sections 4 (5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(3)(D)(i) and (iii) (allocating and regulating on-street parking), and 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(3)(D)(i) and (iii), and 50-921.04(4)(A)) (2012 Repl.), and Sections 6(a)(6) and 6(b), of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (a)(6), and (b) (2012 Repl.)), hereby gives notice of this emergency action to adopt rules that amend Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The emergency and proposed rulemaking will extend the current annual visitor parking permit (VPP) program until December 31, 2014 for each household with a VPP pass or eligible to receive a VPP pass. The Director will soon publish a separate rulemaking for public comment detailing a new permanent annual VPP program DDOT plans to implement.

This emergency rulemaking is necessitated by the immediate need to address the threat to the public welfare posed by an abrupt and substantial change arising from the expiration of previous visitor parking programs. District residents and their visitors rely on visitor parking passes issued by DDOT in RPP zones for a variety of needs that may include nurse care, child care, and other medical purposes. The emergency rulemaking will enable DDOT to coordinate with the Department of Public Works, Metropolitan Police Department, and the Department of Motor Vehicles to safely and efficiently transition to the new annual visitor parking rules in the least disruptive manner possible, avoiding unnecessary impositions placed on the public.

This emergency rulemaking was adopted on July 25, 2014, and became effective immediately. This emergency rulemaking will remain in effect until November 22, 2014, one hundred twenty (120) days from the date it became effective.

The Director also gives notice of her intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the D.C. Register.

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

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows.

Section 2414, VISITOR OR TEMPORARY PERMITS, is amended as follows:

Subsection 2414.11 is amended to read as follows:

2414.11 Any annual visitor parking permit issued prior to July 25, 2014 shall expire December 31, 2014.

A new Subsection 2414.12 is added to read as follows:

2414.12 Any residence eligible to receive an annual visitor parking permit on July 25, 2014 shall be eligible to receive a visitor parking permit that shall expire December 31, 2014.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Samuel D. Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-166
July 18, 2014


SUBJECT: Reappointments – Commission on African Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), pursuant to section 5 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006, D.C. Law 16-111, D.C. Official Code § 2-1394 (2012 Repl.), and 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) (2012 Repl.), it is hereby **ORDERED** that:

1. **LOUISA BUADOO-AMOA**, who was nominated by the Mayor on April 28, 2014, and whose nomination was deemed approved without Council action on June 21, 2014, in accordance with Proposed Resolution 20-0740, is reappointed to the Commission on African Affairs (“Commission”) as a public voting member, for a term to end October 27, 2015.
2. **YINUSA YUSUFF**, who was nominated by the Mayor on April 28, 2014, and whose nomination was deemed approved without Council action on June 21, 2014, in accordance with Proposed Resolution 20-0741, is reappointed to the Commission as a public voting member, for a term to end October 27, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-167
July 18, 2014


SUBJECT: Appointment – Board of Architecture and Interior Designers

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1002(b) of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code § 47-2853.06(a) (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **PATRICK XAVIER WILLIAMS**, who was nominated by the Mayor on April 8, 2014, and was deemed approved by the Council of the District of Columbia pursuant to Confirmation Resolution 20-0732 on June 21, 2014, is appointed as a licensed architect member of the Board of Architecture and Interior Designers, replacing Brenda Sanchez, for a term to end November 13, 2014.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-168
July 18, 2014

SUBJECT: Appointment – Healthy Youth and Schools 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 pursuant to section 702 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **KELLYE MCKENZIE** is appointed to the Healthy Youth and Schools Commission as a general member, replacing Amy Nakamoto, to complete the remainder of an unexpired three year term that ends May 1, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-169
July 18, 2014


SUBJECT: Reappointment – District of Columbia Interagency Coordinating Council
(DC ICC)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2012 Repl.), in accordance with the Individuals with Disabilities Education Act (IDEA), Pub. L. 94-142, as amended, applies the federal regulations, and Mayor's Order 2012-49, dated April 5, 2012, as amended by Mayor's Order 2013-053, dated March 4, 2013, it is hereby **ORDERED** that:

1. **ALMO CARTER** is re-appointed, as a parent of an infant or toddler with a disability or child with a disability aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities member to the District of Columbia Interagency Coordinating Council, for a term to end May 3, 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 2014-170
July 21, 2014

SUBJECT: Transparency, Open Government and Open Data Directive

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and section 206 of the District of Columbia Freedom of Information Act, effective March 25, 1977, D.C. Law 1-96, D.C. Official Code § 2-536 (2012 Repl.), it is hereby **ORDERED** that:

Section 1. Introduction.

- a. **Background.** The District of Columbia government (“District”) is committed to creating an unprecedented level of openness in government. Agency heads will work together and with the public to ensure public trust, and an open and effective government by establishing a system of transparency, public participation, collaboration, and accountability that increases the public’s confidence in their government. The goal of this directive is to provide a tool for prescribing and institutionalizing change within all departments and agencies.

The District has been a leader in government transparency and open data policy in the United States. In 2001, the Freedom of Information Act was amended to require that certain public records be published online. Since 2006, the District has been making data publicly available on the Internet. In January 2011, Mayor’s Memorandum 2011-1, entitled Transparency and Open Government Policy, was issued, recognizing that the District government needed to continue to proactively provide information to citizens, and thereby reduce the need for information requests. This directive implements Mayor’s Memorandum 2011-1, to require District government departments and agencies to take the following steps to achieve the goal of creating a more transparent and open government:

- b. **Definitions.**
- 1) “Chief Data Officer” (“CDO”) means the Chief Technology Officer or a Chief Data Officer designated by the Chief Technology Officer.
 - 2) “Data” means statistical, or factual, quantitative, or qualitative information that are regularly maintained or created by or on behalf of a District agency,

and controlled by such agency in structured formats, including statistical or factual information about image files and geographic information system data.

- 3) "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- 4) "Open Government Coordinator" means agency personnel designated by an agency head, in coordination with the Office of the Chief Technology Officer ("OCTO") or the CDO as appropriate, to ensure that the information and data required to be published online is published and updated as required by this Order.
- 5) "Protected data" means (i) any dataset or portion thereof to which an agency may deny access pursuant to the District of Columbia Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.)("FOIA"), or any other law or rule or regulation; (ii) any dataset that contains a significant amount of data to which an agency may deny access pursuant to FOIA or any other law or rule or regulation promulgated thereunder, if the removal of such protected data from the dataset would impose an undue financial or administrative burden on the agency; or (iii) any data which, if disclosed on the District of Columbia Data Catalog, could raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

c. **Scope.**

- a. The requirements of this Order shall be applied to any District of Columbia department, office, administrative unit, commission, board, advisory committee or other division of the District government ("agency"), including the records of third party agency contractors that create or acquire information, records, or data on behalf of a District agency.
- b. Any agency that is not subject to the jurisdiction of the Mayor under the Freedom of Information Act or any other law is strongly encouraged to comply with the requirements of this Order.

Section 2. Transparency and Open Government Policy.

- a. **Publish Government Information Online.** To increase accountability and transparency, promote informed public participation, and create economic development opportunities, each District agency shall expand access to information by making it proactively available online, and when practicable, in an open format that can be retrieved, downloaded, indexed, sorted, searched, and reused by commonly used Web search applications and commonly used software to facilitate access to and reuse of information. Examples of open format include HTML, XML, CSV, JSON, RDF or XHTML. The Freedom of Information Act creates a presumption in favor of openness and publication (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions).

- b. **Open Government Web Portal:** Within 30 days from the date of this Order, the Chief Technology Officer shall establish a common web portal that will serve as the source for District-wide and agency activities related to this Transparency and Open Data Directive. The Chief Technology Officer, in his or her discretion, may build upon an existing web portal, or may establish a new portal. Each agency shall be responsible for ensuring that the information required to be published online is accessible from the agency's designated Open Government and FOIA webpage. The required information shall include, but is not limited to, where applicable:
- 1) A means for the public to submit and track Freedom of Information Act requests online;
 - 2) The information required to be made public under this Directive and D.C. Official Code § 2-536, including links to:
 - A. Employee salary information;
 - B. Administrative staff manuals and instructions that affect the public;
 - C. Final opinions and orders made in the adjudication of cases;
 - D. Statements of policy, interpretations of policy, and rules adopted by the agency;
 - E. Correspondence and other materials relating to agency regulatory, supervisory or enforcement responsibilities in which the rights of the public are determined;
 - F. Information dealing with the receipt or expenditure of public or other funds;
 - G. Budget information;
 - H. Minutes of public meetings;
 - I. Absentee real property owners and their agent's names and mailing addresses;
 - J. Pending and authorized building permits;
 - K. Frequently requested public records; and
 - L. An index to the records referred to in this section;
 - 3) Freedom of Information Act reports;
 - 4) An organizational chart or statement of the agency's major components;
 - 5) Links to high-value datasets (as defined in section 3(a)(4));
 - 6) Public Meeting Notices and minutes required to be published under the Open Meetings Act and Freedom of Information Act; and
 - 7) A mechanism for the public to submit feedback on the agency's Open Government Report or other agency actions.
- c. **Open Government Report.** To institutionalize a culture of transparent and open government, accountability, and to expand opportunities for resident participation and collaboration, beginning October 1, 2014, and each year thereafter, each agency shall develop and publish an Open Government Report that will describe how the agency has or will enhance and develop transparency, public participation, and collaboration. Each agency shall include in its open government report a description of the information (including data) that will be made available to the public, formats in which information and data will be made

available, a schedule for making the information available, the dates for which information and datasets will be updated, and contact information for agency Open Government Coordinators. The Open Government Report shall address the following topics, and be transmitted to the Mayor and Director of the Office of Open Government:

- 1) **Transparency:** The Open Government Report shall reference statutes, regulations, policies, legislative records, budget information, geographic data, crime statistics, public health statistics, and other public records and data, and describe steps each agency has taken or will take to:
 - A. Meet its legal information dissemination obligations under Freedom of Information Act and Open Meetings Act;
 - B. Create more access to information and opportunities for public participation; and
 - C. Conduct its work more openly and publish its information online, including a plan for how each board and commission subject to the Open Meetings Act will ensure that all of its meetings are, where practicable, webcast live on the Internet.

- 2) **Participation:** To create more informed and effective policies, each agency shall enhance and expand opportunities for the public to participate throughout agency decision-making processes. The Open Government Report will include descriptions of or plans to provide:
 - A. Online access to proposed rules and regulations;
 - B. Online access to information and resources to keep the public properly informed (such as frequently asked questions, contact information of city officials' and departments, and other supportive content);
 - C. Opportunities for the public to comment through the Web on any proposed rule, ordinance, or other regulation;
 - D. Methods of identifying stakeholders and other affected parties and inviting their participation;
 - E. Proposed changes to internal management and administrative policies to improve participation;
 - F. Links to appropriate websites where the public can engage in the District government's existing participatory processes;
 - G. Proposals for new feedback mechanisms, including innovative tools and practices that create new and more accessible methods for public participation; and
 - H. A plan that provides a timetable for ensuring that all meetings of boards and commissions that are subject to the Open Meetings Act are webcast live and archived on the Internet.

- 3) **Collaboration:** The Open Government Report will describe steps the agency will take or has taken to enhance and expand its practices to further cooperation among departments, other governmental agencies, the public, and

non-profit and private entities in fulfilling its obligations. The Report will include specific details about:

- A. Proposed changes to internal management and administrative policies to improve collaboration;
- B. Proposals to use technology platforms to improve collaboration among District employees and the public;
- C. Descriptions of and links to appropriate websites where the public can learn about existing collaboration efforts; and
- D. Innovative methods, such as prizes and competitions, to obtain ideas from and to increase collaboration with those in the private sector, non-profit, and academic communities.

Section 3. Open Data Policy.

a. Agency Requirements.

- 1) Each agency shall, in collaboration with the Chief Data Officer and OCTO, make available through the online District of Columbia Data Catalog all appropriate datasets, associated extensible metadata, and associated documented agency business processes under the agency's control. Each agency, in collaboration with OCTO, shall determine the frequency for updates to a dataset, and the mechanism to be utilized. To the extent possible, datasets shall be updated through an automated process to limit the additional burden on agency resources. The publication of an agency's datasets shall exclude protected data.
- 2) Datasets under paragraph (4) shall be made available in accordance with technical standards published by OCTO not later than November 1, 2014 that ensure that data is published in a format that is machine readable, and fully accessible to the broadest range of users, for varying purposes. Datasets shall be made available to the public on an open license basis. An open license on a dataset signifies there are no restrictions on copying, publishing, further distributing, modifying or using the data for a non-commercial or commercial purpose.
- 3) For the purposes of identifying datasets for inclusion on the District of Columbia Data Catalog, each agency shall consider whether the information embodied in the dataset is (i) reliable and accurate; (ii) frequently the subject of a written request for public records of the type that a public body is required to make available for inspection or copying under FOIA; (iii) increases agency accountability, efficiency, responsiveness or delivery of services; (iv) improves public knowledge of the agency and its operations; (v) furthers the mission of the agency; or (vi) creates economic opportunity.
- 4) Within 120 days of the date of this Order, the City Administrator and each Deputy Mayor shall, collaborating with their cluster agencies, and OCTO,

identify at least 3 new high-value datasets to publish to the Data Catalog, in accordance with OCTO's open data standards. The identified high-value datasets will not be currently available, or not available in an exportable format. For the purposes of this section, "high-value dataset" includes agency outcome data, agency caseload data, data reported to the federal government by the agency, agency data reported as part of the performance measurement process, and any data that is tracked by the agency that is not protected data.

b. Chief Data Officer.

- 1) The Chief Technology Officer shall designate a Chief Data Officer ("CDO") for the District of Columbia to coordinate implementation, compliance and expansion of the District's Open Data Program, to facilitate the sharing of information between departments and agencies, and to coordinate initiatives to improve decision making and management through data analysis. The Chief Data Officer shall report to the Chief Technology Officer.
- 2) The Chief Data Officer shall:
 - A. Identify points of contact, which may include agency open government coordinators within departments, on data related issues who will be responsible for leading intra-departmental open data initiatives;
 - B. Emphasize the culture behind open data and the benefits to ensure that opportunities to increase efficiency through open data practices can be obtained from those with the most direct expertise;
 - C. Work together with District agencies to develop a methodology and framework that supports the collection, or creation of data in a way that assists in downstream data processing and open data distribution activities;
 - D. Identify and overcome challenges with agency proprietary business systems; create and/or leverage opportunities through procurement or other means to upgrade legacy systems to one of an open data architecture; and
 - E. Function as a data ombudsman for the public, fielding public feedback and ensuring the policy is included into a long-term data strategy.

c. District of Columbia Open Data Catalog.

- 1) A single web portal, or integrated set of websites, shall be established and maintained by or on behalf of the District of Columbia. The Chief Data Officer, in collaboration with OCTO, may build upon previous open data initiatives, or may establish a new portal for managing and delivering open data benefits to constituents.
- 2) Any dataset made accessible on the District of Columbia Data Catalog shall
 - (i) use an open format that permits automated processing of such data in a form that can be retrieved via an open application programming interface (API), downloaded, indexed, searched and reused by commonly used web

search applications and software; (ii) use appropriate technology to notify the public of updates to the data; and (iii) be accessible to external search capabilities.

- 3) OCTO shall (i) post on the portal a list of all datasets available on such portal; and (ii) establish and maintain on the portal an online forum to solicit feedback from the public and to encourage public discussion on open data policies and dataset availability.
- d. **Open Data Legal Policy.**
- 1) The District of Columbia Data Catalog and all public data contained on such portal shall be subject to Terms of Use developed by OCTO. Such Terms of Use shall be posted by OCTO in a conspicuous place on the District of Columbia Data Catalog.
 - 2) Public data made available on the District of Columbia Data Catalog shall be provided as a public service, on an "as is" basis. Although the District will strive to ensure that such public data are accurate, the District shall make no warranty, representation or guaranty of any type as to the content, accuracy, timeliness, completeness or fitness for any particular purpose or use of any public data provided on such portal; nor shall any such warranty be implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The District shall assume no liability for any other act identified in any disclaimer of liability or indemnification provision or any other provision set forth in the Terms of Use required under subsection (d)(1) of this section.
 - 3) The District shall reserve the right to discontinue availability of content on the District of Columbia Data Catalog at any time and for any reason. If a dataset is made accessible by an agency on the District of Columbia Data Catalog and such agency is notified or otherwise learns that any dataset or portion thereof posted on the Data Catalog is factually inaccurate or misleading or is protected data, the agency shall, as appropriate, promptly correct or remove, or cause to be corrected or removed, such data from the Data Catalog and shall so inform the Chief Data Officer.
 - 4) Nothing in this Order shall be deemed to prohibit OCTO or any agency or any third party that establishes or maintains the District of Columbia Data Catalog on behalf of the District from adopting or implementing measures necessary or appropriate to (i) ensure access to public datasets housed on the Data Catalog; (ii) protect the Data Catalog from unlawful use or from attempts to impair or damage the use of the portal; (iii) analyze the types of public data on the Data Catalog being used by the public in order to improve service delivery or for any other lawful purpose; (iv) terminate any and all display, distribution or other use of any or all of the public data provided on the Data Catalog for violation of any of the Terms of Use posted on the Data Catalog

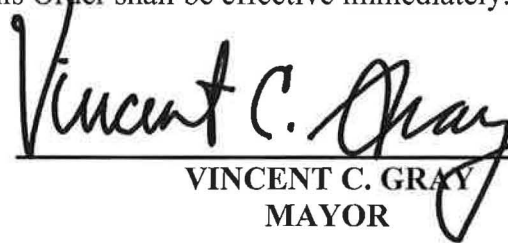
pursuant to subsection (d)(1) of this section; or (v) require a third party providing the District's public data (or applications based on public data) to the public to explicitly identify the source and version of the public dataset, and describe any modifications made to the public dataset.


- 5) Nothing in this Order shall be construed to create a private right of action to enforce any provision of this Order. Failure to comply with any provision of this Order shall not result in any liability to the District, including, but not limited to, OCTO or any agency or third party that establishes or maintains on behalf of the District the Open Data Services Portal required under this Order.

Section 4. Open Government Advisory Group.

- a. The Mayor shall convene an Open Government Advisory Group to be chaired and convened by the Mayor's designee, CDO, and the Director of the Office of Open Government within the Board of Ethics and Government Accountability.
- b. The Open Government Advisory Group shall:
- 1) Evaluate the District's progress towards meeting the requirements of this Order and make specific recommendations for improvement; and
 - 2) Assist the Mayor and CDO in creating policy establishing specific criteria for agency identification of protected data in accordance with FOIA, maintenance of existing data, and the creation of data in open formats.
- c. The CDO shall publish the evaluation and recommendations on the Open Government Web Portal or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information.

Section 5. EFFECTIVE DATE: This Order shall be effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-171
July 21, 2014

SUBJECT: Appointment – Interagency Council on Homelessness


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. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Homeless Services Reform Act of 2005 (“Act”), effective October 22, 2005, D.C. Law 16-35, D.C. Official Code § 4-752.01 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **KATHERINE COVENTRY**, who was nominated by the Mayor on March 4, 2014 and, following a sixty day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0681 and section 4(c) of the Act, on May 27, 2014, is appointed as an advocate for the District's homeless population member of the Interagency Council on Homelessness, for a term to end May 1, 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 COLUMBIAADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-172
July 21, 2014


SUBJECT: Appointment - Public Employee Relations Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 501(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, approved March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-605.01(c) (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **KEITH WASHINGTON**, who was nominated by the Mayor on April 2, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0724, on July 14, 2014, is appointed as a neutral public member of the Public Employee Relations Board, for a term to end December 12, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-173
July 22, 2014

SUBJECT: Appointment – Interim Director, Department of Human Services


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **DEBORAH CARROLL, ESQ.** is appointed Interim Director of the Department of Human Services and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Orders 2011-131, dated August 9, 2011.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 29, 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 2014-174
July 22, 2014

SUBJECT: Reappointments – District of Columbia Housing Authority Board of Commissioners


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 12 of the District of Columbia Housing Authority Act of 1999, effective March 9, 2000, D.C. Law 13-105, D.C. Official Code § 6-211 (2012 Repl.), it is hereby **ORDERED** that:

1. **PEDRO ALFONSO**, who was nominated by the Mayor on February 12, 2014, and approved by the Council of the District of Columbia pursuant to Resolution 20-0465 on May 6, 2014, is reappointed as a public commissioner member of the District of Columbia Housing Authority Board of Commissioners (“Board”), for a term to end on July 12, 2016.
2. **M. CLARENCE MOBLEY**, who was nominated by the Mayor on February 12, 2014, and approved by the Council of the District of Columbia pursuant to Resolution 20-0466 on May 6, 2014, is reappointed as a public commissioner member of the Board, for a term to end on July 12, 2016.
3. **PEDRO ALFONSO** is reappointed as the Chairperson of the Board, and shall serve in that capacity at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 
 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-175
July 22, 2014

SUBJECT: Reappointment – Domestic Violence Fatality Review Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003, D.C. Law 14-296, D.C. Official Code § 16-1053 (2012 Repl.), it is hereby **ORDERED** that:

1. **DIANNE M. HAMPTON**, who was nominated by the Mayor on October 2, 2013, and approved by the Council on July 14, 2014, pursuant to Resolution 20-0538, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 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 2014-176
July 23, 2014

SUBJECT: Rescission of Mayor's Order 2009-166, Concurrent Delegation of Personnel Authority for D.C. Fire and Emergency Medical Services Department Employees Under the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, as Amended, to the D.C. Department of Human Resources


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) and (6) (2012 Repl.), Title II of the Child & Youth, Safety & Health Omnibus Amendment Act of 2004 (CYSHA), effective April 13, 2005, D.C. Law 15-353, as amended by Title II of the Omnibus Public Amendment Act of 2006, effective April 24, 2007, D.C. Law 16-306, D.C. Official Code § 4-1501.01 *et. seq.* (2012 Repl.), and Mayor's Order 2007-95, dated April 18, 2007, it is hereby **ORDERED** that:

1. Mayor's Order 2009-166, dated September 28, 2009, is hereby rescinded.
2. The Director, D.C. Department of Human Resources, is delegated the authority by Mayor's Order 2007-95, dated April 18, 2007, to obtain and evaluate the information obtained from criminal background checks and investigations, and traffic record checks, for individuals in positions in the D.C. Fire and Emergency Medical Services Department (FEMSD), or persons being considered for compensated or voluntary employment with FEMSD covered by CYSHA.
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 2014-177
July 23, 2014


SUBJECT: Delegation of Rulemaking Authority to Department of Human Services
Pursuant to the LGBTQ Homeless Youth Reform Amendment Act of
2014

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.), and pursuant to section 2(l)(2) of the LGBTQ Homeless Youth Reform Amendment Act of 2014 ("Act"), effective May 3, 2014, D.C. Law 20-100, D.C. Official Code § 4-756.02(b) (2012 Repl. and 2014 Supp.), is hereby **ORDERED** that:

1. The Director of the Department of Human Services is delegated authority to promulgate rules pursuant to section 31(b) of the Act.
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 2014-178
July 23, 2014

SUBJECT: Appointment – 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. **ANDREA ALLEN** is appointed as a member of the Child Fatality Review Committee, representing the District of Columbia Public Schools, 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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

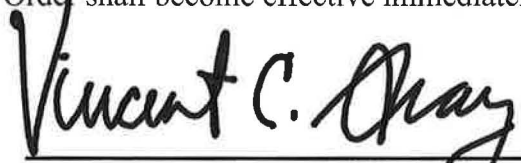
Mayor's Order 2014-179
July 25, 2014

SUBJECT: Appointment and Reappointment - Public Service 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 paragraph (97) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth nineteen hundred and fourteen, and for other purposes, approved March 4, 1913, 37 Stat. 995, D.C. Official Code § 34-801 (2012 Repl. and 2014 Supp.), which established the Public Service Commission of the District of Columbia ("Commission"), it is hereby **ORDERED** that:

1. **WILLIE PHILLIPS**, who was nominated by the Mayor on May 30, 2014, and approved by the Council pursuant to Resolution 20-0811, on July 14, 2014 is appointed to the Commission as a member, replacing Richard Morgan, to complete the remainder of an unexpired term to end on June 30, 2018.
2. **BETTY ANN KANE**, who was nominated by the Mayor on May 29, 2014, and approved by the Council pursuant to Resolution 20-0812, on July 14, 2014 is reappointed to the Commission as a member, and as Chairman of the Commission for a term to end on June 30, 2018.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
 MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-180
July 25, 2014

SUBJECT: Reappointment – Public Charter School Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 4082 of the Fiscal Year 2011 Budget Support Act of 2010, effective September 24, 2010, D.C. Law 18-223, D.C. Official Code § 38-1802.14 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **DARREN WOODRUFF**, who was nominated by the Mayor on June 10, 2014, and approved by the Council pursuant to Resolution 20-0537 on July 14, 2014, is reappointed as a member of the Public Charter School Board, for a term to end February 24, 2018.
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 2014-181
July 28, 2014

SUBJECT: Reappointment and Appointment – District of Columbia Housing Authority Board of Commissioners


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 12 of the District of Columbia Housing Authority Act of 1999, effective March 9, 2000, D.C. Law 13-105, D.C. Official Code § 6-211 (2012 Repl.), it is hereby **ORDERED** that:

1. **TERRI THOMPSON MALLETT**, who was nominated by the Mayor on May 7, 2014, and approved by the Council pursuant to “District of Columbia Housing Authority Board of Commissioners Ms. Terri Thompson Mallett Confirmation Resolution of 2014,” passed on July 14, 2014, is reappointed as a public Commissioner member of the District of Columbia Housing Authority Board of Commissioners (“Board”), for a term to end July 12, 2017.
2. **SHELORE L. FISHER**, who was nominated by the Mayor on May 7, 2014, and approved by the Council pursuant to “District of Columbia Housing Authority Board of Commissioners Ms. Shelore L. Fisher Confirmation Resolution of 2014,” passed on July 14, 2014, is appointed as a housing choice voucher recipient Commissioner member of the Board, for a term to end July 12, 2016.
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 2014-182
July 28, 2014

SUBJECT: Appointments - District of Columbia Commission on Human Rights


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.), pursuant to Title IV, section 2(b) of the Commission on Human Rights Establishment Amendment Act of 2004, effective December 7, 2004, D.C. Law 15-216, D.C. Official Code 2-1404.03 (2012 Repl.), and in accordance with the advice and consent of the Council of the District of Columbia, it is hereby **ORDERED** that:

1. **MICHELLE MCLEOD**, who was nominated by the Mayor on May 7, 2014, and approved by the Council on July 14, 2014 pursuant to Resolution 20-0539, is appointed as a member of the District of Columbia Commission on Human Rights ("Commission"), for a term to end December 31, 2016.
2. **ALI MUHAMMAD**, who was nominated by the Mayor on May 7, 2014, and approved by the Council on July 14, 2014 pursuant to Resolution 20-0540, is appointed as a member of the Commission, for a term to end December 31, 2016.
3. **DR. ALBERTO FIGUEROA-GARCIA**, who was nominated by the Mayor on May 7, 2014, and approved by the Council on July 14, 2014 pursuant to Resolution 20-0541, is appointed as a member of the Commission, for a term to end December 31, 2016.
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 2014-183
July 28, 2014

SUBJECT: Reappointments – Board of Trustees of the University of 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 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 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974, 88 Stat. 1424, D.C Official Code § 38-1202.01 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **REGINALD M. FELTON**, who was nominated by the Mayor on May 19, 2014, and approved by the Council of the District of Columbia pursuant to Resolution 20-0531 on July 14, 2014, is reappointed as a member of the Board of Trustees of the University of the District of Columbia (“Board”), for a term to end May 15, 2019.
2. **REV. KENDRICK E. CURRY**, who was nominated by the Mayor on May 19, 2014, and approved by the Council of the District of Columbia pursuant to Resolution 20-0532 on July 14, 2014, is reappointed as a member of the Board, for a term to end May 15, 2019.
3. **JAMES W. DYKE, JR.**, who was nominated by the Mayor on May 19, 2014, and approved by the Council of the District of Columbia pursuant to Resolution 20-0530 on July 14, 2014, is reappointed as a member of the Board, for a term to end May 15, 2019.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, AUGUST 6, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On August 6, 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-00097 Aria, 1300 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-074742

2. Case#14-CC-00100 Fogo De Chao Churrascaria, 1101 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-074173

3. Case#14-CC-00090 7TH L Street Market, 700 L ST SE Retailer B Retail - Class B, License#: ABRA-088611

4. Case#14-CC-00102 Michigan Liquors, 3934 12TH ST NE Retailer A Retail - Liquor Store, License#: ABRA-023640

5. Case#14-251-00165 Daily Grill, 1200 18TH ST NW Retailer C Restaurant, License#: ABRA-024105

6. Case#14-CC-00093 Little Fountain Cafe/Angles, 2339 18TH ST NW Retailer C Restaurant, License#: ABRA-020251

7. Case#14-CMP-00324 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

8. Case#14-CC-00096 Acacia Wellness Bistro, 4340 Connecticut AVE NW Retailer C Restaurant, License#: ABRA-080916

9. Case#14-CC-00098 Eatonville, 2121 14TH ST NW Retailer C Restaurant, License#: ABRA-078882

10. Case#14-251-00193 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Nightclub, License#: ABRA-083133

11. Case#14-CC-00095 Desperados Pizza, 1342 U ST NW Retailer C Tavern, License#: ABRA-084731

12. Case#14-251-00194 Sign of the Whale, 1825 M ST NW Retailer C Tavern, License#: ABRA-085120

13. Case#14-PRO-00004 Rock N Roll Hotel, 1353 H ST NE Retailer C Tavern, License#: ABRA-072777

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, AUGUST 6, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Challenge of Standing of Takoma Triangle Community Association, Inc. dated July 22, 2014 from Ronald Austin Chairman of ANC 4B. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, Lic#: 79370.*

2. Review of Challenge of Standing of Takoma Triangle Community Association, Inc. dated July 22, 2014 from Craig A. Butler, Esq Counsel for Applicant. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, Lic#: 79370.*

3. Review of letter dated July 23, 2014 from Sara Green of ANC 4B01. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, Lic#: 79370.*

4. Review of letter dated July 23, 2014 from Faith Wheeler of ANC 4B02. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, Lic#: 79370.*

5. Review of letter dated July 24, 2014 from Susan B. (Dodie) Butler President of Takoma Triangle Community Association. *Takoma Station Tavern*, 6914 4th Street NW, Retailer CT, Lic#: 79370.*

6. Review of letter dated July 25, 2014 from Michael Fonseca Counsel for Drizly, Inc.

7. Review of Settlement Agreement dated July 14, 2014 between M & I, LLC, ANC 1B and Ridenor Group. *M & I*, 637 Florida Avenue NW, Retailer CT, Lic#: 094673.*

8. Review of five (5) requests 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, AUGUST 6, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review letter from Attorney Nathan I. Finkelstein requesting the involuntary transfer of retailer license and safekeeping of license. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Capitol Prague*, 3277 M Street NW, Retailer CR01, License No. 091613.

2. Review Request to extend safekeeping status of license for an additional six months. ANC 4B. SMD 4B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Alemeshet Bayou*, 2203 14th Street NW, Retailer B Grocery, License No. 090459.

3. Review request for extension of safekeeping of license for an additional six months. ANC 1A. SMD 1A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *D’Vines*, 3103 14th Street NW, Retailer B Grocery, License No. 077775.

4. Review letter from Attorney Paul L. Pascal requesting extension of safekeeping of license for an additional six months. ANC 6E. SMD 6E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *DC Eagle*, 639 New Your Avenue NE, Retailer CT01, License No. 086397.

5. Review request to remove license from Safekeeping. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. Settlement Agreement. *Blue Gin*, 1206 Wisconsin Avenue NW, Retailer CR02, License No. 017458.

6. Review letter from Attorney Paul L. Pascal requesting extension of safekeeping of license for an additional six months. ANC 1C. SMD 1C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. Settlement Agreement. *Duchess and the Queen*, 2102 18th Street NW, Retailer CR02, License No. 089545.

7. Review Application for Safekeeping of license. ANC 6E. SMD 1C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Variety Market*, 1511 7th Street NW, Retailer B Grocery, License No. 001111.

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8. Review Application for License Class Change. Retailer Class B to Retailer Class A. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Eleven Market**, 1936 11th Street NW, Retailer B Grocery, License No. 060236.

9. Review Application for License Class Change. Retailer Class B to Retailer Class A. ANC 8A. SMD 8A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Good Hope Market and Deli**, 1738 Good Hope Road SE, Retailer B Grocery, License No. 093974.

10. Review Application for License Class Change. Retailer Class CT to Retailer Class DR. ANC 2C. SMD 2C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Azur**, 405 8th Street NW, Retailer CT02, License No. 091036.

11. Review Application for Summer Garden Endorsement. **Proposed Hours of Operation**: Sunday-Thursday 6am to 2am. Friday and Saturday 6am to 3am. **Proposed Hours of Alcoholic Beverage Sales and Consumption**: Sunday 10am to 11pm. Monday-Thursday 8am to 11pm. Friday and Saturday 8am to 12am. ANC 2C. SMD 2C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **The Fairmont Washington DC**, 2401 M Street NW, Retailer CH02, License No. 060618.

12. Review letter from Attorney Steven J. O'Brien seeking approval for renovations and substantial expansion of premises for Summer Gardens. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **The Dancing Crab**, 4615 41st Street NW, Retailer CR02, License No. 090297.

13. Review letter from Paul L. Pascal with revised drawing seeking approval for expansion of Summer Garden seating. ANC 5D. SMD 5D01. . No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Bidwell**, 1309 5th Street NE, Retailer CT02, License No. 092990.

14. Review letter requesting review of Public Space Permit in order to amend capacity load of Sidewalk Café. ANC 2B. SMD 2B01. No outstanding fines or citations. No pending enforcement matters. No Settlement Agreement. **Glen's Garden Market**, 2001 S Street NW, Retailer DR, License No. 090078.

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15. Review Application for new On-site Sales and Consumption Permit. ANC 4B. SMB 4B07. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **DC Brau Brewing**, 3178 Bladensburg Road NE, Manufacturer B, License No. 085083.
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16. Review application for Entertainment Endorsement with Cover Charge. **Approved Hours of Operation, Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 10am to 12am. **Proposed Hours of Live Entertainment:** Sunday-Saturday 6pm to 11pm. ANC 4B. SMD 4B01. No outstanding fines or citations. No pending enforcement matters. No conflict with Settlement Agreement. **Evolve Vegan Restaurant**, 341 Cedar Street NW, Retailer CT01, License No. 095047.
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17. Review application for Change of Hours. **Approved Hours of Operation, Alcoholic Beverage Sales and Consumption:** Sunday 3pm to 1:30am. Monday-Thursday 10am to 1:30am. Saturday 10am to 2:30am. **Approved Hours of Live Entertainment:** Sunday-Thursday 6pm to 1:30am. Friday-Saturday 6pm to 2:30am. **Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption:** Sunday 3pm to 2am. Monday-Thursday 10am to 2am. Friday and Saturday 10am to 3am. **Proposed Hours of Live Entertainment:** Sunday-Thursday 6pm to 2am. Friday and Saturday 6pm to 3am. ANC 5E. SMD 5E04. No outstanding fines or citations. No pending enforcement matters. No Conflict with Settlement Agreement. **The Showtime**, 112 Rhode Island Avenue NW, Retailer CT01, License No. 089186.
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18. Review Change of Hours Application. **Approved Hours of Operation and Sales:** Sunday 11am to 9pm. Monday-Wednesday 9am to 10pm. Thursday-Saturday 9am to 11pm. **Proposed Hours of Operation and Sales:** Sunday-Saturday 9am to 12am. ANC 4C. SMD 4C07. No outstanding fines or citations. No pending enforcement matters. No Settlement Agreement. **Town & Country Market**, 823 Upshur Street NW, Retailer B, License No. 060453.
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19. Review Change of Hours Application for Premises and Summer Garden. **Approved Hours of Operation, Alcoholic Beverage Sales and Consumption for Premises:** Sunday 11am to 2am. Monday –Thursday 4pm to 2am. Friday 4pm to 3am. Saturday 11am to 3am. **Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption for Premises:** Sunday-Thursday 11am to 2am. Friday-Saturday 11am to 3am. **Approved Hours of Operation, Alcoholic Beverage Sales and Consumption for Summer Garden:** Sunday 11am to 2am. Monday –Thursday 4pm to 2am. Friday 4pm to 3am. Saturday 11am to 3am. **Proposed Hours of Operation, Alcoholic Beverage Sales and Consumption for Summer Garden:** Sunday-Thursday 11am to 2am. Friday-Saturday 11am to 3am. ANC 1B. SMD 1B02. No outstanding fines or citations. No pending enforcement matters. No conflict with Settlement Agreement. **American Ice Company**, 917 V Street NW, Retailer CT01, License No. 084577.
-

Board's Agenda –August 6, 2014 - Page 4

20. Review request for approval to provide gifts more than \$50.00 but do not exceed \$500.
Washington Wholesale Liquor, 2800 V Street NE, Wholesaler A, License No. 060518.
-

21. Review request for approval to provide gifts more than \$50.00 but do not exceed \$500. *Heineken USA*.
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22. Review Application for Manager's License. *Vincent J. Linzie II*-ABRA-096138.

23. Review Application for Manager's License. *Franklin D. Kammer*-ABRA-096128.

24. Review Application for Manager's License. *Colin J. Laverty*-ABRA-096149

***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.**

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF MORATORIUM ON ISSUANCE OF NEW MHCRF LICENSES**

The Director of the D.C. Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117 and 5118 of the “Department of Behavioral Health Establishment Act of 2013,” effective December 24, 2013, D.C. Law 20-0061, 60 DCR 12523, hereby gives notice that effective August 1, 2014, DBH will not accept applications from business entities or individuals seeking licensure for a mental health community residence facility pursuant to Title 22-B of the D.C. Municipal Regulations, Chapters 31 and 38. Applications submitted on or after August 1, 2014 will be returned to the provider and will not be reviewed or processed by DBH.

Applications that are currently under review by the Office of Accountability, Division of Licensure will be processed in accordance with applicable laws and regulations.

DBH is in the process of reviewing housing support needs for persons within its system of care in order to better align services and housing options with the needs of consumers, in the least restrictive environment. A part of this process is a rate review for mental health community residence facilities that receive contract support from DBH. After the rate review is completed, the Department plans to publish new per diem rates for licensed mental health community residence facilities. The Department will evaluate the need for additional mental health community residence facilities in the new fiscal year after completion of the rate review and publication of new per diem rates.

DBH also reserves the right to temporarily lift this moratorium to receive a specified number of applications, if there is an immediate need to license additional mental health community residence facilities in order to meet the needs of persons within the DBH system of care.

If you have any questions, you may contact Ms. Atiya Frame-Shamblee, Deputy Director of Accountability, Department of Behavioral Health, 64 New York Avenue, NE, Third Floor, Washington, D.C. 20002, telephone (202) 673-2245, or atiya.frame@dc.gov.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**August 1, 2014
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 27 June 2014
- 5) Old Business
 - a) NASBA Annual Meeting
 - i) Ideas for keynote speaker
 - ii) DC intro presentation
 - b) Mobility law changes
 - c) Accountancy regulations update
- 6) New Business
- 7) Pursuant to § 2-575(4)(a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
- 8) Action on applications discussed in executive session
 - a) FOALE, WILLIAM
 - b) MACARTHUR, MICHAEL
- 9) Adjournment

Next Scheduled Meeting – Friday, 5 September 2014
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Professional Engineering
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**August 28, 2014
11:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 24 July 2014
- 5) Old Business
- 6) New Business
- 7) Executive Session
 - a) Pursuant to § 2-575(13) the Board will enter executive session to review application(s) for licensure
 - b) Pursuant to § 2-575(9) the Board will enter executive session to discuss a possible disciplinary action
- 8) Application Committee Report
- 9) Adjournment

Next Scheduled Meeting – Thursday, 25 September 2014
Location: 1100 4th Street SW, Conference Room E300

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

August 2014

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Daniel Burton	Board of Accountancy	1	8:30 am-12:00pm
Lisa Branscomb	Board of Appraisers	RECESS	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	RECESS	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	RECESS	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	RECESS	9:30am-2:00 pm
Daniel Burton	Board of Professional Engineering	28	11:00am-1:30 pm
Leon Lewis	Real Estate Commission	RECESS	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	RECESS	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL**NATIONAL SCHOOL LUNCH PROGRAM****Public Notification**

Democracy Prep Congress Heights Public Charter School is operating the National School Lunch Program during the 2014-2015 school year and will abide by all rules and regulations outlined by the United States Department of Agriculture (USDA). Democracy Prep Congress Heights is participating in the Community Eligibility Provision program.

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:

Pertinent section of DC Code § 2-1402.11:

It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-3545.

DEMOCRACY PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS (RFP)****Special Education Services**

Democracy Prep Congress Heights is seeking proposals from companies to provide the following services: Speech Therapy, Occupational Therapy, and Physical Therapy. For a full copy of the RFP please send an e-mail to:

DPCongressHeights_Ops@democracyprep.org

All bids not addressing all areas as outlined in the RFP and/or received past the deadline will not be considered. Bids must be received by 10:00AM, Friday, August 8, 2014 via e-mail or to the following location:

Democracy Prep Public Charter School
Attention: Amanda Poole
3100 Martin Luther King Jr Ave SE
Washington, DC 20032

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Healthy Schools Act Evaluation Grant

Announcement Date: **August 1, 2014**

Request for Application Release Date: **August 15, 2014**

Pre-Application Question Period Ends: **August 29, 2014**

Application Submission Deadline: **September 12, 2014**

The Office of the State Superintendent of Education (OSSE) Wellness and Nutrition Services Division (WNS) is soliciting grant applications for the District of Columbia Healthy Schools Act Evaluation Grant. The purpose of this grant is to (1) document the behavioral, health, and academic impact of the Healthy Schools Act (HSA), (2) identify promising practices for HSA implementation and education, and (3) add to the body of evidence on the effectiveness of policies that promote healthy school environments.

Eligibility: OSSE will accept applications from institutions of higher education, research-based companies, and research-based nonprofit organizations.

Length of Award: This is a three-year award that either party can cancel with cause.

Available Funding for Award: The total funding available for this period is \$2,400,000. Eligible applicants may apply for any amount up to the full amount.

Award Period: The funds must be used between October 1, 2014 and September 30, 2017.

Anticipated Number of Awards: OSSE has funding available for one award.

For additional information regarding this grant competition, please contact:

Nancy Brenowitz Katz
Manager, Healthy Schools Act Initiatives
Wellness and Nutrition Services Division
Office of the State Superintendent of Education
Government of the District of Columbia
810 1st Street NE, 4th Floor
Washington, DC 20002
Phone: 202-724-7893
Email: nancy.katz@dc.gov

More information will be available August 15th at <http://osse.dc.gov/service/healthy-schools-act-assessment-and-evaluation-program-aep> or by contacting Nancy Brenowitz Katz at nancy.katz@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit #6537-R1 to the Department of the Navy, Naval Facilities Engineering Command, Washington to operate a 250 kW diesel fuel fired emergency generator set at 1013 O Street SE, Bldg. 183, Washington Navy Yard, DC 20374. The contact person for facility is Erica Belton, Environmental Coordinator at 202 433-2003. The applicant’s mailing address is 1013 O Street SE, Bldg. 166, Suite 100N, Washington Navy Yard, DC 20374.

Emissions:

Maximum emissions from the 200 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.017
Sulfur Oxides (SOx)	0.313
Nitrogen Oxides (NOx)	0.499
Volatile Organic Compounds (VOC)	0.018
Carbon Monoxide (CO)	0.148

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 2, 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 an air quality permit (#6851) to Advance Auto Inc., to operate an auto body paint spray booth located at 1850 Adams Street NE. The contact person for the facility is Asfaw Woldegebriel at (202) 636-8080.

Emissions:

The maximum estimated potential emissions of volatile organic compound (VOC) from the auto body paint spray booth equipment, operating fifty two weeks (52) per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Volatile Organic Compounds (VOC)	5.85

The proposed emission limits are as follows:

- a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]
- b. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in Table I below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 718.3]

Table I: Allowable Content of VOCs in Mobile Equipment Repair and Refinishing Coatings (*as applied*)

Coating Type	Weight	Limit*
	(Pounds per gallon)	(Grams per liter)
Automotive pretreatment primer	6.5	780
Automotive primer-surfacer	4.8	575
Automotive primer-sealer	4.6	550
Automotive topcoat:		
single stage-topcoat	5.0	600
2 stage basecoat/clearcoat	5.0	600
3 or 4-stage basecoat/clearcoat	5.2	625
Automotive multi-colored topcoat	5.7	680
Automotive specialty coating	7.0	840

*Weight of VOC per volume of coating (minus water and non-VOC solvents)

- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- d. Visible emissions shall not be emitted into the outdoor atmosphere from the paint spray booth. [20 DCMR 201.1, 606.1 and 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 2, 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**AIR QUALITY TITLE V OPERATING PERMIT AND
GENERAL PERMIT FOR
VIRGINIA ELECTRIC AND POWER CO. DBA DOMINION VIRGINIA POWER AT
JOINT BASE MYER-HENDERSON HALL**

Notice is hereby given that the Virginia Electric and Power Co. dba Dominion Virginia Power has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate twelve (12) diesel fired emergency generators ranging in size from 150 kW to 2,700 kW at Joint Base Myer-Henderson Hall (Fort Lesley J. McNair), located at 4th and P Streets SW, Washington DC. The contact person for the applicant is Mr. Andy Gates, at (804) 273-2950.

The equipment owned by Virginia Electric and Power Co. at Joint Base Myer-Henderson Hall has the potential to emit 51.77 tons per year (TPY) of oxides of nitrogen (NO_x), 0.03 TPY of sulfur dioxide (SO₂), 0.44 TPY of particulate matter (PM), 0.84 TPY of volatile organic compounds (VOC), 5.21 TPY of carbon monoxide, and 3,734.82 TPY of carbon dioxide.

With the potential to emit approximately 51.77 tons per year of NO_x, the source has the potential to emit greater than the District's major source threshold of 25 tons per year of NO_x. Additionally, these units constitute a support facility for Joint Base Myer-Henderson Hall, which is a separately permitted major source. Therefore, the facility is classified as a major source of air pollution and is subject to 20 DCMR Chapter 3 and must obtain an operating permit under that regulation.

The District Department of the Environment (DDOE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #043 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the District Department of the Environment, 1200 First Street NE, 5th Floor, Washington DC 20002.

A public hearing on this permitting action will not be held unless DDOE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be directed to Stephen S. Ours, DDOE Air Quality Division, 1200 First Street NE, 5th Floor, Washington DC 20002. Questions about this permitting action should be directed to Stephen S. Ours at (202) 535-1747 or stephen.ours@dc.gov. Comments or hearing requests will not be accepted after September 2, 2014, unless they have been postmarked by that date.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT**

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, Friendship PCS hereby submits this Notice of Intent to award the following Sole Source Contracts:

Vendor: Centerplate.

Description of Good or Service Procured: Centerplate will provide for catering/banquet services for FPCS annual staff professional development convocation at the Walter E Washington Convention & Sports Authority.

Amount of Contract: \$80,000

Selection Justification: The Walter E Washington Convention & Sports Authority will not allow any other company to come in to provide catering/banquet services which therefore, make this requirement sole source.

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide:

BREAD PRODUCTS: [Friendship Public Charter School](http://www.friendshipschools.org) is advertising the opportunity to bid on the delivery of Bread Items to school sites for the 2014-2015 school year with a possible extension of (2) one year renewals. All food items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Snack, and At Risk Supper meal pattern requirements. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 2:00 P.M., EST, August 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

MILK PRODUCTS: [Friendship Public Charter School](http://www.friendshipschools.org) is advertising the opportunity to bid on the delivery of Milk Items to school sites for the 2014-2015 school year with a possible extension of (2) one year renewals. All food items must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Snack, and At Risk Supper meal pattern requirements. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 2:00 P.M., EST, August 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

SUPPLIER AND INSTALLATION OF DOUBLE STACKED CONVECTION OVENS: [Friendship Public Charter School](http://www.friendshipschools.org) is advertising the opportunity to bid on the supply and installation of double stacked convection ovens. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 2:00 P.M., EST, August 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

COMPREHENSIVE SYSTEM TO INCREASE COLLEGE ENROLMENT RATE [Friendship Public Charter School](http://www.friendshipschools.org) is soliciting proposals from qualified vendors to provide a comprehensive system intended to increase college enrolment rate. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 2:00 P.M., EST, August 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

VIDEO PRODUCTION SERVICES: [Friendship Public Charter School](http://www.friendshipschools.org) is soliciting proposals from qualified vendors to provide video production services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 2:00 P.M., EST, August 18, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

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 held via teleconference on **Thursday, July 31, 2014 at 4:00 pm**. The call in number is 1-877-668-4493, Access code 732 394 873.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETINGDepartment of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, September 4, 2014, at 2:30 PM** in the **10th Floor Main Conference Room 1028** at **441 Fourth Street NW, Washington, DC 20001**. Please note that government issued ID is needed to access the building. Use the North Lobby elevators to access the 10th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Alzheimer's Agents	Fluoroquinolones
Anticonvulsants	GI-Antibiotics
Anti-depressants Others	Immunosuppressants
Anti-depressants SSRIs	Multiple Sclerosis Agents
Antifungals	Neuropathic Pain
Anti-Parkinson Agents	Sedative Hypnotics
Atypical Antipsychotics	Stimulants
Cytokine and CAM Antagonists	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Wednesday, August 27, 2014**. The person or organization must also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45pm on Wednesday, August 27, 2014**. **Handouts are limited to no more than two standard 8½ by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than Wednesday, August 27, 2014** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
One Judiciary Square
441 4th Street NW, Suite 900S
Washington, DC 20001

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 13-18: District Pound and Stable

820 South Capitol Street/9 I Street SW (Square 644, Lot 810 and Part of Lot 812)
Designated June 26, 2014

Designation Case No. 14-07: Standard Materials Company/Gyro Motor Company

770-774 Girard Street NW (Square 2885, Lot 883 (former Lots 820 and 821))
Designated June 26, 2014

Designation Case No. 14-08: Park View Christian Church (Trinity A.M.E. Zion Church)

625 Park Road NW (Square 3038, Part of Lot 97 (former Lot 806))
Designated June 26, 2014

Designation Case No. 13-05: Capitol Park Towers

301 G Street SW (Square 540, Lot 97 110)
Designated July 10, 2014

Designation Case No. 14-17: Terminal Refrigerating and Warehousing Company

300 D Street SW (Square 536, Lot 53)
Designated July 24, 2014

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL OF
MATHEMATICS AND SCIENCE**

NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS

Howard University Public Charter Middle School of Mathematics and Science in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, hereby posts notices that it will be accepting bids for the following services:

1. Retirement Plan Audit Service:
Four year audit of the school's 401(K) employee retirement plan (Form 5500)
2. Computer Purchase:
The purchase of 185 rebuilt Apple Macbook C2D computers
3. Technology Support Service:
Tier I & II support for the School's extensive information systems platform

Interested parties should contact:

Ms. Leslie Boler
Howard University Public Charter Middle School of Mathematics and Science
405 Howard Place, NW
Washington, DC 20059
(202) 806-7725
leslie@universitymiddleschool.org

DEADLINE FOR SUBMISSIONS IS CLOSE OF BUSINESS FRIDAY, AUGUST 8TH, 2014 AT 5:00 PM.

Please forward proposals and supporting documents to Leslie Boler at the address above.

ALL BIDS NOT ADDRESSING ALL AREAS AS OUTLINED IN THE IFB (RFP) WILL NOT BE CONSIDERED.

INSPIRED TEACHING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS:****Physical Education Services**

The Inspired Teaching Public Charter School requests proposals for a physical education program that will provide physical education classes during the school day to all of our students to meet requirements of the Healthy Schools Act. The provider will work with all of our students, PreSchool (age 3) – 6th grade; in school year 2014-2015 we will have approximately 318 students. RFP details and response requirements can be obtained by contacting imani.taylor@inspiredteachingschool.org.

Proposals will be accepted until 5pm, August 8, 2014. Proposals should be submitted as PDF or Microsoft Word documents to Kate Keplinger, Director of School Operations, at kate.keplinger@inspiredteachingschool.org with PHYSICAL EDUCATION SERVICES RFP in the subject line.

MUNDO VERDE PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Community Playthings**

Mundo Verde Public Charter School intends to enter into a sole source contract with Community Playthings for elementary furniture for approximately \$25,000.

- Mundo Verde PCS has a need for elementary school furniture that uses environmentally sustainable manufacturing processes.
- Community Playthings constitutes the sole source for Community Playthings products.

For further information regarding this notice contact Elle Carne at ecarne@mundoverdepcs.org no later than **4:00 pm August 8, 2014**.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****HVAC Preventative Maintenance**

Mundo Verde PCS seeks bids for HVAC preventative maintenance. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for application submission is August 22, 2014 no later than 4:00pm

PERRY STREET PREP PUBLIC CHARTER SCHOOL**NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

The Perry Street Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Professional development and supporting materials

Please go to www.pspdc.org/bids to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Monday, August 11, 2014.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
psp_bids@pspdc.org

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Service). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

**POTOMAC PREPARATORY PUBLIC CHARTER SCHOOL (PPPCS)
REQUEST FOR PROPOSALS**

Well Qualified Charter Schools to Acquire the Assets of the School

Potomac Preparatory Public Charter School seeks proposals from qualified charter schools to acquire the assets of The Potomac Preparatory Public Charter School (the "School") located in Northeast (Ward 5), Washington, DC, taking over the provision of educational services at the school building and serving all or most of the existing students.

To request more information and to request a full RFP please contact Elijah Robinson at elijah.e.robinson@gmail.com.

Full Proposals are due to the Board of Trustees by 15 August 2014

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

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 tariffing action taken in the above-captioned proceeding.

2. On May 21, 2014, pursuant to D.C. Official Code Section 10-1141.06,² WGL filed its annual District of Columbia Rights-of-Way (ROW) Fee Surcharge Reconciliation Factor (Surcharge Update).³ 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 Reconciliation Factor would become effective commencing with the June 2014 billing cycle.⁴ WGL's Surcharge shows that the ROW Current Factor is 0.0317.⁵ When the ROW Current Factor is combined with the ROW Reconciliation Factor of (0.0037) for the prior period, it yields a net factor of

¹ D.C. Code § 2-505 (2001) and D.C. Code § 34-802 (2001).

² 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."

³ *GT00-2*, Washington Gas Energy Services, Inc. Annual District of Columbia Rights-of-Way (ROW) Fee Surcharge Reconciliation Factor (Surcharge Update), filed May 21, 2014.

⁴ *Id.*

⁵ On May 30, 2014, the Commission released Order No. 17502 which approved WGL's Rights-of-Way Surcharge Update and the ROW Current Factor of 0.0317. In that Order, the Commission combined the approved ROW Current Factor of 0.0317 with the ROW Reconciliation Factor of (0.0051) for the prior period; yielding a net factor of 0.0266. See *GT00-2*, Order No. 17502, ¶ 3, rel. May 30, 2014.

0.0280.⁶ Based on our review of the Surcharge Update, the Commission finds that WGL's calculations for the ROW Reconciliation 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 Tariff (NOPT) regarding WGL's Surcharge Filing was published in the *D.C. Register* on June 27, 2014.⁷ In the NOPT, the Commission stated that WGL has a statutory right to implement its filed surcharge; however, if the Commission discovers any inaccuracies in the calculation of the proposed reconciliation factor, then WGL could be subject to reconciliation of the surcharge. No comments were filed in response to the NOPT and the Commission is satisfied that the reconciliation factor proposed by WGL complies with D.C. Code § 10-1141.06. Consequently, the Commission approves WGL's Surcharge Update.

⁶ *Id.*

⁷ *61 D.C. Reg.* 6692-6693 (June 27, 2014).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF SPECIAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold a Special Commission Meeting on Wednesday, August 6, 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 must register to speak. The time limit for registered speakers is five (5) minutes. **A registered speaker must submit ten (10) copies of his or her statement to the Assistant Secretary to the Commission. A registered speaker will not be allowed to speak if the copies are not submitted.** Registration to speak closes at 3:30 pm the day prior to the meeting. Contact the Assistant Secretary to the Commission, Ms. Mixon, on 202-645-6018, selection 4. Registration consists of your name; your phone number or email contact; and your subject matter.

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

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSAL****Food Service Management Services**

The Next Step Public Charter School 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 Friday, August 1, 2014 from **Jennifer Edwards** 202.319.2277 or jennifer@nextsteppcs.org

Bids must be received by August 19, 2014 by 1:00 pm. Bids must be submitted in person between 10:30 am and 2:30 pm at 3047 15th Street, NW, Washington, DC 20009 or by mail to 3047 15th Street, NW, Washington, DC 20009.

All bids not addressing all areas as outlined in the RFP will not be considered.

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The Next Step Public Charter School is advertising the opportunity to bid on the following services:

EVENING PORTER JANITORIAL SERVICES for the 2014-2015 school year (September 1, 2014 – June 30, 2015), for up to 1906 hours (5 days a week, 8 hours a day, excluding or including some holidays and breaks) with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The Request for Proposals (RFP) specifications such as; cleaning schedule and responsibilities can be obtained on Friday, August 1, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 20, 2014 by 3 pm at the address listed below.**

SECURITY SERVICES to provide an evening security guard, and when needed, substitute security guards, for the 2014-2015 school year (September 1, 2014 – June 30, 2015), with a possible extension of (4) one year renewals (July 1, 2015-June 30, 2019). The Request for Proposals (RFP) specifications such as schedule and responsibilities can be obtained on Friday, August 1, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 20, 2014 by 3 pm at the address listed below.**

SPECIAL EDUCATION CONSULTANT to be responsible for coordinating services for students with disabilities as indicated by IEP or 504 plan by following all procedural safeguards. The Request for Proposals (RFP) specifications such as; student data and days of service may be obtained beginning on Friday, August 1, 2014 from Jennifer Edwards via email listed below. **Bids must be received by August 20, 2014 by 3 pm.**

All bids not addressing all areas as outlined in the IFB (RFP) will not be considered.

BIDS MUST BE SUBMITTED electronically, by mail, or in person between 11:00 am and 3 PM to:

Jennifer Edwards
Next Step Public Charter School
3047 15th Street, NW,
Washington, DC 20009

jennifer@nextsteppcs.org or rfp@nextsteppcs.org

OFFICE ON WOMEN'S POLICY AND INITIATIVES
DISTRICT OF COLUMBIA COMMISSION FOR WOMEN

NOTICE OF PUBLIC MEETING

Thursday, August 7, 2014

6:45 PM – 8:45 PM

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Room 301

Washington, DC 20004

The District of Columbia Commission for Women will hold its monthly meeting on Thursday, August 7, 2014 at 6:45 p.m. The meeting will be held at the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room G-9, Washington, DC 20004.

For additional information, please contact Latisha Atkins, Executive Director at (202) 724-7690 or women@dc.gov.

AGENDA

- I. Call to Order
- II. Debrief from the NACW Conference/ Share NACW 2014-2017 Strategic Plan
- III. Listening Session Debriefing
- IV. 2014 Women's Policy Conference Updates
 - Sponsorship/Exhibitor Recruitment
- V. Committee Updates
- VI. Adjournment

**YOUTHBUILD PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS**

Education Consulting Services (Special Education)

YouthBuild Public Charter is seeking bids for a consultant with expertise in special education administration and compliance procedures. For additional information and the complete RFP, please contact Karla Gant at hr@youthbuildpcs.org or by telephone at (202) 319-2467.

The deadline for application submission is August 12th, 2014 at 5pm

Bilingual Career Readiness Instructor

YouthBuild Public Charter School is seeking bids for a bilingual (English and Spanish) candidate to provide career readiness instruction during the 2014-2015 school year. For additional information and the complete RFP, please contact Karla Gant at hr@youthbuildpcs.org or by telephone at (202) 319-2467.

The deadline for application submission is August 12th, 2014 at 5pm

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18772 of MR Gallery Square LLC, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variances from the court (§ 776), parking (§ 2101.1), loading (§ 2201) requirements and special exceptions from the roof structure (§§ 770.6 and 411) and the rear yard (§ 774) requirements to allow the construction of a new hotel with retail use in the DD/C-3-C District at premises 627 H Street, N.W. (Square 453, Lot 59).

HEARING DATES: June 10, 2014 and July 22, 2014

DECISION DATE: July 22, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 9.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 2C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2C, which is automatically a party to this application. The ANC did not submit a resolution on the application and did not testify at the public hearing. No party in opposition appeared at the public hearing, although persons in opposition did testify.

The Office of Planning ("OP") submitted a timely report on June 3, 2014, recommending approval of the application (Exhibit 29) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on June 3, 2014, indicating that it had no objection to the Applicant's requests for variance and special exception relief, subject to certain conditions. (Exhibit 30.) DDOT set forth modified conditions in an email dated June 9, 2014. (Exhibit 32.) With these conditions, DDOT indicated that it no longer had any concerns with the parking and loading variances requested. DDOT appeared at the July 22, 2014, public hearing and testified in support of the application.

Variance Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 776, 2101.1, and 2201. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

BZA APPLICATION NO. 18772

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Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking variances from §§ 776, 2101.1, and 2201, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the roof structure (§§ 770.6 and 411) and the rear yard (§ 774) requirements. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 411, 770.6, and 774 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE REVISED PLANS AT EXHIBIT 28C AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide free daily Capital Bikeshare passes as a part of Capital Bikeshare's Bulk Membership program for hotels upon request for hotel guests in perpetuity, not to exceed in value of \$5,000 per year.
2. The Applicant shall provide an annual Capital Bikeshare membership or car-sharing membership for each new employee for the first three years.
3. The Applicant shall provide a minimum of two short-term bicycle parking racks (i.e., four spaces), the location of which shall be addressed in the public space permitting process.

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4. Trash containers shall not obstruct the use of the alley.
5. The Applicant shall ensure that there is no on-street guest loading or unloading.

VOTE: **3-0-2** (Lloyd J. Jordan, Anthony J. Hood, and Jeffrey L. Hinkle to APPROVE; S. Kathryn Allen and Marnique Y. Heath, not participating nor voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: July 28, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE

BZA APPLICATION NO. 18772

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BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18783 of Vitaliy Kurbatskiy, pursuant to 11 DCMR § 3104.1, for a special exception to allow a garage addition serving a one-family row dwelling under section 223, not meeting the lot occupancy (section 403) requirements in the R-4 District at premises 1809 Kenyon Street, N.W. (Square 2599, Lot 53).

DECISION DATE: June 24, 2014
July 22, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing. The Board waived the late filing of the affidavit of posting.

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") 1D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1D, which is automatically a party to this application. ANC 1D submitted a report in support of the application. The Office of Planning ("OP") submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a letter of no objection.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 18783

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Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 8 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath and Anthony J. Hood to APPROVE. S. Kathryn Allen not present, not voting.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 22, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE 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

BZA APPLICATION NO. 18783

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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. 18800 of 633 Park, Inc., pursuant to 11 DCMR § 3103.2, for variances from the lot area requirements (§ 401.3), court requirements (§ 406), rear yard requirements (§ 404.1), and nonconforming structure provisions (§ 2001.3) to allow the conversion of a church and to construct an addition into a 38-unit apartment building in an R-4 District at premises 625 Park Road, N.W. (Square 3038, Lot 97).¹

HEARING DATE: July 22, 2014

DECISION DATE: July 22, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 9.)

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 the Applicant, Advisory Neighborhood Commission (“ANC”) 1A, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC’s report of July 18, 2014, indicated that at a regularly scheduled, duly noticed meeting held on July 17, 2014, with a quorum present, the ANC met and considered the application and voted unanimously (7:0) to support it. (Exhibits 39 and 40E.) Both the Chair of ANC 1A and Single Member District (“SMD”) 1A09 were present and participated at the hearing as well.

The Office of Planning (“OP”) submitted a timely report in which OP stated that it could not recommend approval of the area variance relief. (Exhibit 37.) After the Applicant revised its plans (Exhibit 40A) and presented witness testimony regarding the issues raised by OP in its report, OP changed its recommendation to one of support.² The

¹ The Applicant amended the application by adding variance relief under § 404.1 (Exhibit 35) and submitted revised plans which, in response to the Office of Planning and HPRB reports, reduced the number of units to 38 units instead of the advertised 41 units, reduced the lot occupancy, and increased the front yard setback. (Exhibit 40.) The Board waived the regulations and allowed the late submission of the supplemental filing containing the revised plans. The caption has been revised to reflect these changes accordingly.

² The property is occupied by a church that was designated as a historic landmark following its acquisition by the Applicant. The Historic Preservation Office (“HPO”) staff for the Historic Preservation Review Board (“HPRB”) reviewed the project for compatibility with the landmarked church property. The HPO staff report recommended that the HPRB approve the concept’s site plan, height and general massing as

BZA APPLICATION NO. 18800

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District's Department of Transportation ("DDOT") submitted a timely report indicating it had no objection to the application. (Exhibit 38.)

Twenty-seven signed form letters from neighbors were submitted for the record. (Exhibit 35.) A neighbor from across the street testified in support of the project. SMD ANC 1A09 also spoke in support of the project.

The Board denied a Party Status application in opposition from Judi Jones, the owner of 3536 6th Street, N.W. (Exhibit 30.) Ms. Jones testified as a person in opposition at the hearing. (Exhibit 41.)

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 variances under § 3103.2 from the strict application of the lot area requirements (§ 401.3), court requirements (§ 406), rear yard requirements (§ 404.1), and nonconforming structure provisions (§ 2001.3) to allow the conversion of a church and to construct an addition into a 38-unit apartment building in an R-4 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances under §§ 401.3, 406, 404.1, and 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the 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, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 40A.**

VOTE: **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood to APPROVE; S. Kathryn Allen, not present, not voting.)

compatible with the character of the landmark and defer further review until the project has received zoning approvals. (Exhibit 40B.)

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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: July 24, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18808 of Thomas Trotter, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to an existing flat under section 223, not meeting the lot area (section 401), lot occupancy (section 403), court (section 406) and nonconforming structure (subsection 2001.3) requirements in the CAP/R-4 District at premises 425 New Jersey Avenue, S.E. (Square 693, Lot 44).

DECISION DATE: July 22, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing. The Board waived the late filing of the affidavit of posting.

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") 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a report in support of the application. The Office of Planning ("OP") submitted a report and testified at the hearing in support of the application. The Department of Transportation submitted a letter of no objection. The Capitol Hill Restoration Society submitted a letter in support of the application.

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under subsection 223.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

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that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibits 8 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath and Anthony J. Hood to APPROVE. S. Kathryn Allen not present, not voting.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 22, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

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FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission for the District of Columbia
Zoning Commission Order No. 06-11K/06-12K
Z.C. Case No. 06-11K/06-12K
The George Washington University
(Minor Modification to the Approved Planned Unit Development for the
Milken Institute School of Public Health @ Square 39, Lot 4)
April 15, 2014

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on April 15, 2014. At the meeting, the Commission approved an application of The George Washington University (“Applicant”) for a minor modification to the approved plans for the property consisting of Lot 4 in Square 39 (“Property”), which is within the boundaries of the 2007 Foggy Bottom Campus Plan and First-Stage Planned Unit Development (“Campus Plan / PUD”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under § 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Z.C. Order No. 06-11C/06-12C, dated July 25, 2011, (“Order”), the Commission approved the design for the construction of a new seven-story academic and administrative building on the Property as a new school of public health (“Project”).

In this proceeding, the Applicant requested minor changes to the approved plans to incorporate a new sign on the upper portion of the Project. The purpose of the sign is to recognize milestone gifts received by the University that will support public health research and student scholarships through activities in the Project. The proposed changes do not impact the overall design that was originally approved by the Commission. Rather, they are minor changes that are consistent with the purposes and intent of the original approval.

The Applicant served the minor modification request on Advisory Neighborhood Commission (“ANC”) 2A as well as the Office of Planning (“OP”). OP recommended approval of the modification.

On April 15, 2014, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modification to the approved plans.

The Commission finds that the requested modification is of little consequence to the approved design as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its original approval.

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Z.C. CASE NO. 06-11K/06-12K
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CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 06-11C/06-12C. Furthermore, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan.

The Commission also concludes that the modification is of little or no consequence, and is therefore appropriate for consideration on the Consent Calendar, without a public hearing. (11 DCMR § 3030.2.)

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification of approved plans to allow the modification as shown on the plans included with the application. All other provisions and conditions of Z.C. Order No. 06-11C/06-12C shall remain in effect.

On April 15, 2014, upon the motion of Chairman Hood, as seconded by Commissioner May, the Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*, that is, on August 1, 2014.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-34E
Z.C. Case No. 08-34E
Center Place Holdings, LLC and Property Group Partners
(Modification to Consolidated Planned Unit Development @ Square 564)
June 30, 2014

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 15, 2014, to consider an application from Center Place Holdings, LLC and Property Group Partners (collectively the "Applicant") for approval of a modification to a Consolidated Planned Unit Development ("Consolidated PUD") ("Application") for development of the North Block as approved in Z.C. Order No. 08-34 under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR ("Zoning Regulations"). The project site includes Lots 858 and 859 in Square 564 ("Site"). The Commission considered the Application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

FINDINGS OF FACT

Application, Parties, and Hearing

1. On December 20, 2013, the Applicant filed the Application, including architectural plans and drawings, for approval of a modification to the Consolidated PUD for the Site as approved by Z.C. Order No. 08-34 ("PUD Modification Submission"). (Exhibit ["Ex."] 1-3).
2. At its January 27, 2014, public meeting, the Commission set the case for hearing.
3. The Applicant filed a Prehearing Submission on February 18, 2014, including a Prehearing Statement and supporting exhibits. (Ex. 12.) The Applicant then filed additional materials in its Supplemental Prehearing Submission on April 24, 2014, ("Supplemental Prehearing Submission") along with fully re-issued plans and elevations ("North Block Modification Plans¹"). (Ex. 18,19A.)
4. A Notice of Public Hearing was published in the *D.C. Register* on March 14, 2014. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Site as well as to Advisory Neighborhood Commission ("ANC") 2C and ANC 6C.
5. The Commission held a public hearing on the Application on May 15, 2014. The parties to the case were the Applicant as well as ANC 2C and ANC 6C, the ANCs within which the Site is located.

¹ North Block Modification Plans were later supplemented by the additional plan pages dated May 29, 2014, submitted with the Post-Hearing Submission. (Ex. 30A.)

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6. The Applicant presented the following witnesses: Robert Braunohler, representing the Applicant; Rod Garrett, architect with the firm of Skidmore, Owings and Merrill LLP ("SOM"); and Jami Milanovich, traffic consultant with the firm of Wells & Associates. Mr. Garrett and Ms. Milanovich were accepted as experts in their respective fields.
7. The Office of Planning ("OP") submitted a report dated May 5, 2014 ("OP Report"), in support of the Application. (Ex. 21.) The OP Report stated that the proposed modification is not inconsistent with the Comprehensive Plan and incorporates a number of enhancements to advance the dynamic project. In its testimony at the hearing, OP reiterated its support for the Application.
8. The District Department of Transportation ("DDOT") submitted a report dated May 5, 2014 ("DDOT Report") stating that it did not object to the Application. (Ex. 20.) DDOT testified generally in support of the Application at the hearing.
9. ANC 2C submitted a letter dated May 11, 2014, indicating that with a quorum present, ANC 2C voted 2-1-0 to support the Application. (Ex. 22.) ANC 6C did not submit a letter and did not appear at the hearing.
10. There were no persons or parties in opposition to the Application.
11. At the conclusion of the hearing, the Commission took proposed action to approve the Application, including the North Block Modification Plans. The Commission requested that the Applicant file updated drawings showing the height and the setback of the penthouses and attached trellises. On May 29, 2014, the Applicant submitted its Post-Hearing Submission ("Post-Hearing Submission") with this information as well as a with Revised Sheet 8 to the Kit of Parts providing a minor correction for the design guidelines. (Ex. 30A, 30B.) The Commission stated that because the project's public benefits were not changing, it was waiving the requirement that the Applicant submit a list of its final proffers and draft conditions required by 11 DCMR § 2403.15-2403.22.
12. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC's Executive Director, by delegated action dated June 10, 2014, found that the Application would not have an adverse effect on federal interests nor be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 32.)
13. The Commission took final action to approve the Application at its public meeting held on June 30, 2014.

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The Site and the Area

14. The Site includes Lots 858 and 859 in Square 564, which comprise Record Lot 59 in Square 564. Square 564 is bounded by Massachusetts Avenue to the north, 2nd Street to the east, the proposed extension of G Street to the south, and 3rd Street to the west in Northwest Washington. The Site contains approximately 107,506 square feet of land area.
15. Development of the Site, known as the North Block, was approved as part of the Consolidated PUD in Z.C. Order No. 08-34. Z.C. Order No. 08-34 approved a first-stage PUD for the entire area of development in the air rights above the Center Leg Freeway, a zoning map amendment to C-4 for the entire site, and a consolidated PUD for the following: (1) the construction of the entire platform; (2) the proposed mix of uses, the height and density of each building, and site plan for the overall project; (3) the construction of the office building in the North Block; (4) the construction of all below-grade parking, concourse and service levels; and (5) the proposed landscaping and streetscape design for the overall Site.
16. The North Block was approved to incorporate a single building that reads as three towers, separated by the Pedestrian Way constructed generally above the I-395 Center Leg Freeway ("Freeway"). The east portion of the building extends from Massachusetts Avenue along 2nd Street to G Street and has a maximum height of 130 feet ("East Tower"). The west portion of the building fronts on Massachusetts Avenue, extending along 3rd Street to G Street, and incorporates two distinct floor plates above the fourth-floor level, each having a maximum height of 130 feet ("Northwest Tower" and "Southwest Tower" or collectively "West Towers").
17. Z.C. Order No. 08-34 approved the North Block to have an approximate gross floor area of 957,700 square feet, or 8.91 FAR based on the land area of the North Block, with approximately 935,636 square feet of gross floor area devoted to office use and approximately 22,064 square feet of gross floor area devoted to retail use.
18. The Site is zoned C-4 by virtue of Z.C. Order No. 08-34.

Summary of Modifications

19. As the design of the North Block has progressed and the proposed building has been taken to the marketplace for potential leases, the Applicant determined that a variety of design refinements were necessary. These modifications reflect enhanced urban design practices and design refinements for the North Block that are necessary for construction, efficiency and leasing purposes.

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20. The modifications generally include the following: redesign of the west lobby and entrance from 3rd Street; replacement of the covered pedestrian connection at the ground floor with a pedestrian bridge at the second floor; refinements to the Pedestrian Way; relocation of the entrance to the below-grade parking facility from 3rd Street to the proposed extension of G Street; redesign of the roof structures; and refinements to architectural features. All other minor refinements are identified on Sheet 1.5 of the North Block Modification Plans. (Ex. 19A1.)
21. At set down, the Commission requested that the Applicant consider the design of the pedestrian bridge and the eco-chimneys and how each relates to the Pedestrian Way. The Commission also requested additional information regarding the size of the roof structures and regarding certain architectural modifications.

West Lobby and 3rd Street Entry

22. With the relocation of the parking garage entrance from 3rd Street to G Street and the relocation of the Freeway southbound entry portal from 3rd Street to eastbound Massachusetts Avenue just beyond 4th Street, the 3rd Street entry becomes a prominent "front door" for the North Block, providing access to the one million square feet of office and retail use within the single building. This new entry is designed to be the primary entry for pedestrians coming to the project.
23. The enhanced lobby entry on 3rd Street is a four-story, light-filled glass entry. The building face and entry doors are set back 10 feet from the property line at the lobby to enhance and better define the entry area. A large, open glass canopy begins at the roof of the fourth floor and extends to the edge of the property line and down to create a highly visible and transparent space.
24. The enhanced lobby links the Northwest and Southwest Towers and connects through to the East Tower via the pedestrian bridge. The lobby also enhances the connection at the ground level with retail on 3rd Street through to the retail lining the Pedestrian Way.

Pedestrian Bridge

25. A pedestrian bridge replaces the previously approved canopy connection between the East and West Towers. In the original Application, the pedestrian bridge was proposed to be 15 feet and then widen to 30 feet as it approached the East and West Towers. The pedestrian bridge was a focal point within the Pedestrian Way.
26. The Commission expressed concern regarding the impact of the pedestrian bridge and requested more information as to why it was required for the project.

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27. In its Supplemental Prehearing Submission, the Applicant proposed a slightly revised pedestrian bridge. It continues to have a width of 15 feet, but no longer widens as it approaches the East and West Towers. The revised pedestrian bridge now uses a minimalist and sculptural truss framing structure that maximizes transparency with state-of-the-art glass roof and walls. It also creates an opportunity for the integration of a public art installation to the underside of the structure, adding visual interest to the Pedestrian Way.
28. The pedestrian bridge is critical to the success of the project for the following reasons: (1) it provides enclosed pedestrian circulation between the two lobbies of the East and West Towers; (2) it enables enclosed, all-weather access from the East Tower to the below-grade parking garage located in the West Tower; and (3) it allows deliveries and servicing for the East Tower through an enclosed, all-weather space which cannot occur below grade given the Freeway below the project.
29. The Commission finds the pedestrian bridge is a necessary element of the project. The bridge is one element within the Pedestrian Way and fits within the overall palette created by the Kit of Parts.

Modifications to the Pedestrian Way and the Kit of Parts

30. In reviewing and evaluating the impact of the pedestrian bridge, the Applicant reconceived the Pedestrian Way to become an urban zone with retail users instead of a linear street-like area. The width of the Pedestrian Way between the East and West Towers continues to be 55 feet.
31. A "Kit of Parts" is incorporated to allow for different dimensions between the buildings and structures and to incorporate a variety of materials to define different spaces. The Kit of Parts will be tenant-specific to allow different, but aesthetically complimentary, materials to help identify, enhance, and highlight retail tenants' own branding within the Pedestrian Way. The Kit of Parts includes canopies, enclosures, and secondary entries as well as accessories such as planters, benches, trash receptacles, and lighting elements. The Kit of Parts is shown in detail on Exhibit B to the Supplemental Prehearing Submission. (Ex. 18B.)
32. The Kit of Parts is governed by specific design guidelines to ensure that certain design standards are met and an open and accessible environment is created. These design guidelines are set forth on the Revised Sheet 8 submitted with the Post-Hearing Submission. (Ex. 30B.)
33. The walking surface of the Pedestrian Way is made up of a system of east-west oriented paving bands in natural and man-made materials that are located to respond to the retail entries and activities in the space.

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34. The Commission finds that the Kit of Parts creates an enhanced retail environment within the Pedestrian Way and provides flexibility to accommodate needs for future tenants. In addition, the design guidelines ensure that the variations in retail design do not create zones that are too narrow and ensure that visibility and access are maintained.

Eco-Chimneys

35. In the Consolidated PUD, the North Block included four eco chimneys, with two located on each side of the Pedestrian Way. Based on the advancement in the technology since that time, the further design of the below-grade garage, and the location of the decks, bridges, and Freeway portals, the number and location of the eco-chimneys changed. Accordingly, only two eco-chimneys are proposed, and they are located within the center of the Pedestrian Way.
36. The Commission requested that additional information regarding the basis for the location of the eco-chimneys as well as the interaction of the eco-chimneys and the Pedestrian Way.
37. In its Prehearing Submission, the Applicant provided additional information regarding the eco-chimneys. Specifically, the placement of the eco-chimneys is based on the location of the Freeway tunnel and associated structures and the perimeter wall of the below-grade parking facility. The eco-chimney draws in garage exhaust at all garage levels and vents it through the plantings to the surface. The above-grade portion of the eco-chimney then shifts slightly to be centered (as opposed to off-centered) within the Pedestrian Way and to coordinate with the structure for the deck.
38. The location of the eco-chimneys within the Pedestrian Way has become an element within the Kit of Parts; benches and seating elements surround the eco-chimneys. In addition to the unique filtering function that the eco-chimneys will provide through the venting process starting below-grade, the eco-chimneys will also provide greenery and an interesting aesthetic to the Pedestrian Way at grade.
39. The Commission finds that the eco-chimneys are an important sustainable design element of the project and have been incorporated into the palette of the urban zone through the Kit of Parts.

Relocation of Parking Entrance

40. As a result of the relocation of the southbound entrance portal to the Freeway and the operation of the centralized below-grade parking and loading facilities serving the entire project, the entrance to the below-grade parking garage in the North Block was relocated from 3rd Street to the proposed G Street extension.

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41. The relocation of the curb cut to G Street provides many benefits for the project, including the following: furthering urban design goals for the Site by eliminating a vehicle-pedestrian conflict point immediately adjacent to a pedestrian entry; enabling a more prominent pedestrian entry on 3rd Street; providing more and better retail opportunities on 3rd Street; and significantly improving the pedestrian experience on 3rd Street.
42. The Applicant's traffic consultant, Wells & Associates, reviewed the proposed access change and determined that it would not significantly impact the operation of the surrounding roadway network, with certain identified adjustments. These findings were set forth in the Transportation Analysis submitted as Exhibit A to the Supplemental Prehearing Submission. (Ex. 18A.)
43. In the DDOT Report, DDOT raised concerns regarding the potential negative impact to the intersection of 3rd and G Streets due to the additional vehicle trips. While the Applicant's traffic consultant recommending modification to the signal phasing at the G and 3rd Street intersection, DDOT did not agree to the proposed mitigation.
44. The Applicant's traffic consultant testified that with the signal phasing as proposed by DDOT at the G and 3rd Street intersection, the additional vehicle trips and resulting queuing would be accommodated within the private property and would not result in adverse impact on the operation of the surrounding roadway network.
45. At the hearing, DDOT testified that it did not object to the Application. DDOT further stated that signal phasing and mitigation would be ultimately determined as part of the much larger redesign of the roadway network in this area.
46. The Commission finds that there will be positive benefits from the relocation of the parking entrance from 3rd Street to G Street. In addition, the Commission finds that there will be no significant impact on the operation of the roadway network. Signal phasing and further mitigation, if necessary, will be determined in consultation with DDOT as part of the larger roadway network improvements.

Roof Structure Size and Design

47. The size of the roof structures have increased as the design of the North Block has evolved and the space needed for mechanical equipment has been better defined. In addition, in the East Tower, two atriums have been incorporated to allow for better light within the building which results in a larger roof structure on the East Tower.
48. The Commission requested additional information regarding the increased size of the roof structures.

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49. In its Prehearing Submission, the Applicant provided detailed information regarding the types of equipment and functions required for the roof structures given the limitations of the below-grade space due to construction above the Freeway. While there are many additional facilities and functions included in the roof structures, each roof structure complies with height and setback requirements, and no flexibility is requested from the Zoning Regulations.
50. At the public hearing, the Commission requested additional details regarding the height of the proposed trellis structures extending from the roof structures and evidence of compliance with the setback requirements. The Applicant provided this information in the Post-Hearing Submission. (Ex. 30.)
51. The Commission finds that the roof structures comply with the height and setback requirements of the Zoning Regulations.

Modification to Architectural Features and Other Elements of the North Block

South Façade Corner Notches

52. The Applicant eliminates the corner notches on the south façade of the East Tower and the south façade of the Southwest Tower. The elimination of the notches allows for more efficient structural design at the south end of the North Block and creates better public spaces on each floor at the corners. To articulate these corners, a flush, structurally glazed curtainwall will be used instead of the revealed mullions shown on the building faces.
53. The Commission requested additional renderings to better understand the visual impact of the change. Such renderings were provided by the Applicant when it submitted the North Block Modification Plans on April 24, 2014.
54. The Commission finds that that a modification is an acceptable design element of the project.

Pilaster Design

55. The stone-clad pilasters along the base of the building have been refined to provide a column reveal detail. In addition, the number of pilasters on the ground level of the south façade of the Southwest and East Towers have been reduced to coordinate with the structural design due to the Freeway below
56. The Commission finds that this slight architectural refinement is acceptable.

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Relocation of Tech Space

57. Condition No. 23 of Z.C. Order No. 08-34 provides that a minimum of 5,700 square feet of gross floor area along portions of G Street be reserved as space for technology incubators. The Applicant agreed to charge reduced rent as an incentive. Based on the relocation of the parking garage entry to G Street and the desire to create an open and large retail space at the southwest corner of the East Tower, the space proposed for the tech space moved from this area on the ground floor along G Street to the 2nd floor of the project. The size of the space will not change, and the space will be offered at the reduced rent as previously approved.
58. The Commission finds that the relocation of the Tech Space is acceptable and does not impact the public benefit provided.

Modification to Retail Height

59. Condition No. 19 of Z.C. Order No. 08-34 provided for specified heights of the retail space within the North Block. A portion of the retail space within the East Tower, generally at the corner of G Street and the Pedestrian Way, was originally shown as having a slab to slab height of 14.25 feet. However, due to requirements associated with the Freeway and the structural design of the transfer and girder columns, this area has lost approximately two feet in height and is now shown as having a slab to slab height of 12.25 feet.
60. The Commission finds that this slight reduction in height is acceptable.

Compliance with PUD Standards

61. The Application complies with the standards for a PUD set forth in Chapter 24 of the Zoning Regulations.
62. The overall project, including the North Block, provides important public benefits and project amenities which are described in detail in Z.C. Order No. 08-34. These public benefits and project amenities have not changed with this Application. Accordingly, the Commission's finding that the relative value of the project amenities and public benefits offered is sufficient given the degree of development incentives requested and any potential adverse effects of the overall project, including the modification to the North Block, should not change
63. The modifications to the North Block have been evaluated under the PUD guidelines for the C-4 Zone District. The density of the North Block has not changed and is as approved in Z.C. Order No. 08-34. The density is less than what is permitted as a matter-of-right and for a PUD within the C-4 Zone District. The maximum height of the North

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Block has also not changed and is as approved in Z.C. Order No. 08-34. The maximum height is within that permitted as a matter-of-right and for a PUD in the C-4 Zone District.

64. The Application has been evaluated by the relevant District agencies and has been found to have no unacceptable adverse impact. The Commission finds that the modifications to the North Block will have a positive impact on the city and will have no unacceptable adverse impacts.
65. In Z.C. Order No. 08-34, the Commission found that the North Block advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The Commission finds that the modifications to the North Block do not change these findings and that such modifications are not inconsistent with the Comprehensive Plan of 2006.

Office of Planning

66. In the OP Report, and through testimony presented at the public hearing, OP recommended approval of the Application. (Ex. 21.)
67. In the OP Report and its testimony at the hearing, OP concluded that the proposed modification is not inconsistent with the Comprehensive Plan and incorporates a number of enhancements to advance the dynamic project. OP recommended approval of the Application.

District Department of Transportation

68. DDOT filed the DDOT Report summarizing DDOT's assessment of the impacts of the Application on the District's transportation network and stated that it did not object to the Application. In its testimony, DDOT testified generally in support of the Application.
69. In its report and at the hearing, DDOT raised concerns regarding the potential negative impact to the intersection of 3rd and G Streets by the additional vehicle trips and the proposed signal phasing and mitigation. These issues are addressed in Finding Nos. 40 through 46.

ANC 2C Report

70. By letter dated May 11, 2014, ANC 2C indicated that it voted to support the Application by a vote of 2-1-0. (Ex. 22.)
71. The Commission afforded the views of ANC 2C the "great weight" to which they are entitled.

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CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve this application for a modification to the approved Consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. The development of the North Block as modified carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The modification to the Consolidated PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations. The modified PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed-use project which serves to reconnect the city is appropriate for the Site. The impacts of the project are not unacceptable.
5. The Application can be approved with conditions to ensure that the potential adverse effects on the surrounding area from the development will be mitigated.
6. The number and quality of the project benefits and amenities offered are a more than sufficient trade-off for the flexibility and development incentives requested.
7. Approval of the Application is not inconsistent with the Comprehensive Plan.
8. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The Commission has carefully considered ANC 2C's support for the project and has given that support great weight.

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9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. The Commission has carefully considered OP's support for the project and has given that support great weight.
10. The approval of the Application will promote the orderly development of the Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
11. Notice was provided in accordance with the Zoning Regulations and applicable case law.
12. The Application is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the Application for a modification to a consolidated PUD for the North Block, originally approved through Z.C. Order No. 08-34 and orders the following modifications to the conditions of approval stated in Z.C. Order No. 08-34.

Condition A.2 shall read as follows:

2. The Consolidated PUD shall be developed in accordance with the plans prepared by SOM, dated May 23, 2011, in the record at Exhibit 67 (the "Final Consolidated PUD Plans"), as modified by the guidelines, conditions and standards herein. The North Block shall be developed substantially in accordance with the plans dated April 24, 2014 (Ex. 19A of Case No. 08-34E), as supplemented by the additional plan pages dated May 29, 2014, submitted with the Post-Hearing Submission (Ex. 30A of Case No. 08-34E) (collectively, the "North Block Modification Plans"), all as modified by the guidelines, conditions, and standards herein.

Condition A.5 shall read as follows:

5. The North Block shall have an approximate gross floor area of 957,700 square feet, or 8.91 FAR based on the land area of the North Block. As shown on the North Block Modification Plans, the North Block shall include approximately 935,636 square feet of gross floor area devoted to office use and approximately 22,064 square feet of gross floor area devoted to retail use.

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Condition A.7 shall read as follows:

7. The maximum height of the structures in the Center and South Blocks shall be 130 feet, as shown on the Final First-Stage PUD Plans. The maximum height of the structures in the North Block shall be 130 feet, as shown on the North Block Modification Plans.

Condition A.10 shall read as follows:

10. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total number of parking spaces provided meets the number of spaces required by Z.C. Order No. 08-34 (i.e., 1,146 spaces in the below-grade, consolidated parking area);
 - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials.
 - d. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the project to comply with the requirements of and the approval by the District Department of Transportation Public Space Division.
 - e. To locate retail entrances in accordance with the needs of the retail tenants and to vary the façades in accordance with the specifications for the Kit of Parts identified in Condition Nos. A.11 and A.12 and to locate retail or service uses where "retail" is identified and to locate retail, service or office uses where "retail/office" is identified.
 - f. To vary components of the project to coordinate or comply with modifications to the I-395 ramp systems resulting from the environmental review process required by the National Environmental Policy Act, including but not limited to modifications to ramp systems and freeway configuration, so long as such changes do not change the exterior configuration of the buildings or modify the site plan for the Overall Project.

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- g. To make minor refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals.

By adding new Conditions A.11 and A.12 to read as follows:

11. The Kit of Parts, as shown on Exhibit B to the Supplemental Prehearing Submission (Ex. 18B of Z.C. Case No. 08-34E) and as modified by the Revised Sheet 8 attached as Exhibit B to the Post-Hearing Submission (Ex. 30B of Z.C. Case No. 08-34E) shall be permitted as an element of the Pedestrian Way.
12. The incorporation of the Kit of Parts is subject to the following conditions and guidelines:
 - a. Retail entry portals shall be available in five-foot modular increments, not to exceed 15-feet in depth:
 - i. Canopies may be allowed to extend beyond the 15-foot wall module limit, up to a maximum projection of 22 feet from the building face. Pillar supports for the canopies shall be held back as to not interrupt the 20-foot minimum pedestrian path. Where canopies face each other across the Pedestrian Way, no more than 40% of the Pedestrian Way (i.e., 22 feet) may be covered by canopies; and
 - ii. Solid wood box assemblies shall not exceed 10 feet in depth;
 - b. Whenever retail entry portals are facing an eco-chimney or planter, the depth shall not exceed 10 feet;
 - c. Retail entry portals shall only be available in 10-foot, 20-foot, and 30-foot widths. They must line up with the 10-foot mullion module.
 - d. A minimum 20-foot clear path must be maintained throughout the length of the Pedestrian Way. Retail entry portals shall not encroach upon the pedestrian travel path;
 - e. All retail entrance doors in the Pedestrian Way must be within a retail entry portal or under a canopy;

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- f. If the retail entry portal is used for display (with no door), the glass face shall be set back 12 inches from edge of the box;
- g. If the retail entry portal includes an entrance into tenant space, the door and glass face storefront shall be set back a minimum of five feet from edge of box;
- h. There shall be four canopy module types and four wall types of incremental transparencies available to create flexible and customizable retail entry portals;
- i. Signage above retail entry portals shall be 12 inches tall; and
- j. Signage extending beyond the face of the retail entry portals shall be at least 10 feet above the finished pavers and will extend no more than 18 inches.

Condition B. 19 is revised to read as follows:

19. **During the life of the project**, the Overall Project shall include a minimum of 62,687 square feet of gross floor area devoted to retail uses generally in the locations shown on the Retail Diagram attached as Sheet 2.4 of the Final First-Stage PUD Plans. The North Block shall include available ceiling heights as shown on Sheet 5.1 of the North Block Modification Plans. The Applicant shall not locate banks in the retail space fronting on Massachusetts Avenue.

Condition B. 23 is revised to read as follows:

23. **For a period of 10 years following the issuance of a certificate of occupancy for the North Block**, the Applicant shall reserve a minimum of 5,700 square feet of gross floor area in the North Block to be devoted to space for one or more technology incubators. The Applicant shall rent this space at below-market levels, equal to 50% of the average achieved rent charged for the third-floor office space in the North Block or, in the event that the third-floor office space in the North Block is vacant, equal to 50% of the asking rent for the third-floor office space in the North Block. The space for one or more technology incubators may be located in any of the 2nd floor space of the North Block so long as it totals a minimum of 5,700 square feet and is rented at the proposed reduced rate.

On May 15, 2014, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **APPROVED** the Application at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, not present, not voting).

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On June 30, 2014, upon the motion of Vice Chairman Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to adopt; Michael G. Turnbull, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 1, 2014.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-32B
Z.C. Case No. 10-32B
Georgetown University
(Medstar Georgetown University Hospital
Proton Therapy Addition)
July 17, 2014

Application of the President and Directors of Georgetown College (“Georgetown University”), pursuant to 11 DCMR §§ 210 and 3104.1, for amendment to the 2010-2017 Campus Plan and further processing of the 2010-2017 Campus Plan, to permit the construction of a new Proton Therapy addition to the Lombardi Cancer Center on the University’s Main Campus, located at 3800 Reservoir Road, N.W., (Square 1321, Lot 824)¹. The proposed Proton Therapy addition is located in the interior of the Campus to the south of the Lombardi Cancer Center and to the north of the Leavey Center. In accordance with §§ 210 and 3035.5 of the Zoning Regulations, this case was heard and decided by the Zoning Commission for the District of Columbia (“Commission”) using the rules of the Board of Zoning Adjustment (“BZA”) at 11 DCMR § 3100 *et. seq.* For the reasons stated below, the Commission hereby approves the application, subject to conditions.

HEARING DATE: June 26, 2014

DECISION DATE: July 17, 2014

PRELIMINARY MATTERS

1. As authorized by Georgetown University (“University” or “Applicant”), MedStar Georgetown University Hospital (“MGUH”) filed an application on July 31, 2013 for an amendment and further processing of the Georgetown University 2010-2020 Campus Plan (“Campus Plan”) to permit the construction and use of a Proton Therapy building addition to the existing Lombardi Cancer Center on the University’s Main Campus.²
2. By letter dated September 20, 2013, MGUH requested that the originally scheduled public hearing date of October 24, 2013 be postponed so to afford MGUH, the University, and the Georgetown Community Partnership (“GCP”) time to discuss and seek agreement on the proposed Proton Therapy Addition. Later, at the request of MGUH, a public hearing was scheduled and held on June 26, 2014.
3. MGUH filed its Prehearing Submission on June 13, 2014. The prehearing submission supplemented the initial application.
4. Revised notice of the rescheduled public hearing was published in the *D.C. Register* on May 9, 2014 and was mailed to Advisory Neighborhood Commission (“ANC”) 2E and to owners of all property within 200 feet of the subject property.

¹ Lot 824 was previously known as Lot 817.

² By Order dated July 16, 2012, the Georgetown University Campus Plan 2010-2017 was approved, with conditions, for the period January 1, 2011 through December 31, 2017.

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5. The public hearing on the application was conducted on June 26, 2014. The hearing was conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
6. In addition to the Applicant, ANC 2E was automatically a party in this proceeding. By letter dated June 11, 2014, ANC 2E requested that the case record be left open for 10 days after the June 26, 2014 public hearing to receive its report and recommendation. The Commission granted this request. On July 3, 2014, ANC 2E submitted a report and resolution in support of the application.

FINDINGS OF FACT

1. The site is located on the University's main campus in the R-3 Zone District. College and university uses, such as those proposed here, are permitted with the approval of the Commission. (11 DCMR § 210.)
2. MGUH proposes to construct a three level concrete vault "Proton Therapy Center" building addition ("Project") as a horizontal two-story addition to the existing Lombardi Comprehensive Cancer Center ("LCCC") (identified as Building #10/MHC6 on the 2010-2017 approved Campus Plan).
3. The Proton Therapy will have a footprint of 2,700 square feet and increase the gross floor area ("GFA") of the Lombardi Cancer Center by 5,000 s.f. The Proton Therapy Center also extends two stories below grade.
4. The Campus Plan amendment is necessary for two reasons. Condition 35 of the approved Campus Plan authorizes the University to apply for further processing to expand the Lombardi Cancer Center and Exhibit J of the 2010-2017 Campus Plan Program Development Summary establishes a GFA limit of 102,000 square feet. However, that exhibit states that the additional square footage must be on top of the existing structure.
5. As noted, the proposed addition is comprised of a horizontal addition to the south side of the building that increases the building's footprint. Although the proposed addition is within additional GFA allowed, the Campus Plan must be amended to permit this horizontal addition.
6. Second, the location of the proposed addition was one of the locations proposed for a bus turnaround. The Applicant now proposes to relocate the proposed bus turnaround to a site that is south of McDonough Gymnasium and west of the Athletic Training Facility.
7. The Proton Therapy Center is designed to update the entrance to the Lombardi building by incorporating materials and design elements from the newest buildings on the

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- Georgetown University campus. The concrete proton therapy vault is clad with a limestone veneer.
8. The scale of the Proton Therapy Center is designed to fit appropriately with the existing Lombardi building and other campus buildings. The Lombardi building is 38 feet tall and the Proton Therapy Center is 29'-9" tall.
 9. Areas around the Proton Therapy Center are to be landscaped with a combination of evergreens, flowering shrubs, and trees and ornamental grasses.
 10. The principal objectives of this project are to: (1) increase the clinical service capabilities of the Department of Radiation Medicine and the LCCC by providing access for Washington metropolitan area residents to advanced cancer therapies for complex cases; (2) improve and build on MGUH's existing expertise in stereotactic radiosurgery and maximize the capabilities of existing programs and clinical infrastructure; (3) advance knowledge about proton therapy through research and provide for the training of future health professionals in these life-saving procedures; and (4) educate the local medical community and residents of the availability and benefits of proton therapy as a treatment option.
 11. MGUH presented testimony and written evidence into the record from a University official, a MGUH official, and expert witnesses in the fields of architecture and land planning, and transportation planning and traffic engineering in support of the application at the June 26, 2014 public hearing.
 12. By report dated June 19, 2014, and by testimony at the public hearing, the D.C. Office of Planning ("OP") recommended approval of the application. In so doing, it noted that the proposed addition to the hospital would not result in an increase in the number of students, noise, traffic or other objectionable conditions and that any increase in the number of employees would be negligible. OP also indicated that the aforementioned Exhibit J would have to be revised to allow for this proposed horizontal addition. The Commission concurs and amends the Exhibit through this Order.
 13. On June 16, 2014, the Commission received a report from DDOT finding that the Proton Addition would have no adverse impact to the transportation system.
 14. By Order dated May 31, 2013, the District of Columbia State Health Planning and Development Agency ("SHPDA") approved MGUH's application for a Certificate of Need as consistent with the District of Columbia Certificate Need Statute, D.C. Official Code § 44-401 *et. seq.* In so doing, it found that MGUH "...has demonstrated the need for the establishment of proton therapy services. Proton therapy services will provide an alternative treatment modality for cancer patients. As an academic, teaching, and research facility, the MGUH Hospital has demonstrated the need to establish the services

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to help train medical students and fellows as well as to participate in clinical trials and research on utilization and effectiveness of the modality.”

15. The proton beam therapy center will be fully accessible and ADA-compliant.
16. With regard to transportation, MGUH facilities are easily accessible. For visitors and patients using DC Metro, Georgetown provides free shuttle service for patients, visitors and families to and from the Dupont Circle and Rosslyn Metro stations. All of its shuttle buses are ADA accessible and operate from Monday to Friday. The D6 bus stops in front of the hospital. All vehicles with a disability tag are provided valet parking services at no cost beyond the standard parking rates.
17. MGUH is a 24/7 operation with services available to patients in a timely manner as medically necessary. It is its intention, however, to operate the proton beam therapy center for 14 hours per day/five days per week.

CONCLUSIONS OF LAW

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for an amendment to, and further processing of a campus plan for universities.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

The Commission accorded the recommendation of OP the “great weight” to which it was entitled pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code §6-623.04). As discussed in this Order, OP recommended approval of the University’s proposed application.

The Commission accorded the issues and concerns raised by ANC 2E the “great weight” to which the ANC is entitled pursuant to § 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)). In doing so, the Commission fully credited the unique vantage point that ANC 2E holds with respect to the impact of the proposed residence halls on the ANC’s constituents. As discussed in this Order, ANC 2E recommended approval of the University’s proposed application.

The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia concludes that the University has met the burden of proof pursuant to 11 DCMR §§ 210 and 3104 and it is therefore **ORDERED** that Georgetown University's proposed campus plan amendments, and further processing approval be **GRANTED**³, subject to the following conditions:

1. The Project shall be constructed in accordance with the plans included as Exhibit 3A.
2. 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.

Accordingly, it is **ORDERED** that the application for amendment to the Campus Plan and further processing approval is **GRANTED**.

VOTE: 4-0-1 (Anthony J. Hood, Robert E. Miller, Marcie I. Cohen, and Peter G. May (by absentee ballot) to approve; Michael G. Turnbull, not having participated, not voting).

BY ORDER OF THE D.C. ZONING COMMISSION

The majority of the Commission members approved the issuance of this Order.

FINAL DATE OF ORDER: July 31, 2014

³ As recommended by OP, the Commission amends Exhibit J of the Program Development Summary of the 2010-2017 Campus Plan, to allow for a 2,700 square foot increase in building coverage for the Lombardi Cancer Center, building MHC-6.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Fraternal Order of Police/Metropolitan)	
Police Department Labor Committee,)	
		)	PERB Case No. 09-U-50
Petitioner,)	
		)	Opinion No. 1316
v.)	
		)	Motion for Reconsideration
District of Columbia)	
Metropolitan Police Department,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

In Slip Op. No. 1005, the Board found that the District of Columbia Metropolitan Police Department (“MPD”) violated D.C. Code §§ 1-617.04(a)(1) and (5) by failing to produce relevant and necessary documents to the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”). MPD timely filed its Motion for Reconsideration (“Motion”), alleging that: 1) the Complaint in the underlying case contained no such allegation of failure to produce relevant and necessary documents; 2) FOP never amended its Complaint to include this charge; and 3) consideration of the allegation is precluded as untimely. (Motion at 1).

FOP opposes the Motion (“Opposition”), stating that MPD’s “disagreement with PERB’s Order does not constitute a valid basis for reconsideration.” (Opposition at 4).

The issue before the Board is whether MPD’s allegations constitute a “mere disagreement” with the Board’s initial decision in this case. *See, e.g., AFGE Local 2725 v. D.C. Dept. of Consumer and Regulatory Affairs*, __ D.C. Reg. __, Slip Op. No. 969, PERB Case No. 06-U-43 (August 26, 2009).

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II. Discussion

A. Slip Opinion Number 1005

In Slip Op. No. 1005, the Board considered the Hearing Examiner's Report and Recommendation ("Report"), FOP's exceptions, MPD's exceptions, and MPD's Opposition to FOP's exceptions. (Slip Op. No. 1005 at 1). As the Board summarized:

This matter arises out of an e-mail sent by Chief of Police Cathy Lanier on May 21, 2009. On July 1, 2009, FOP filed an unfair labor practice complaint ("Complaint") alleging that Chief Lanier's communication constituted direct dealing, in violation of D.C. Code § 1-617.04(a)(1) and (5). The Complaint asserted that "MPD attempted to undermine FOP members' support for the Union and urge withdrawal of a Complaint and Request for Preliminary Relief in a separate case charging the MPD with a failure to bargain over, *inter alia*, the unilateral imposition of various requirements for the exams." In addition, the Complaint alleged that MPD "applied its e-mail distribution procedures in a manner that discriminated, interfered with and restrained the Union's protected rights." The Respondent filed a timely response, denying it violated the CMPA. On December 29, 2009, the Board directed that a hearing be held to develop a factual record and denied the Complainant's request for preliminary relief. On April 28, 2010, a hearing was held before Hearing Examiner Arline Pacht. On June 25, 2010, FOP and MPD submitted post-hearing briefs. On November 3, 2010, FOP moved to reopen the hearing and stay Hearing Examiner Pacht's decision so that the Union could introduce additional documents that came into its possession as the result of a separate Freedom of Information Act (FOIA) request. In addition, the Union sought sanctions against MPD, alleging that the documents should have been produced prior to the hearing. Respondent opposed the Motion to Reopen, arguing that the non-production of documents was unintentional. Moreover, Respondent opposed the production of an interoffice memorandum on the grounds of attorney-client privilege. On November 3, 2010, the Hearing Examiner granted FOP's motion, and, on February 26, 2011, the hearing was reopened. After testimony concerning the relevance of the documents, the parties submitted briefs. On August 28, 2011, the Hearing Examiner submitted her Report and Recommendations.

In her Report and Recommendations, the Hearing Examiner identified the issues as:

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- 1) Did the MPD engage in direct dealing by:
 - a. Issuing an e-mail to all members of the police force which implied that the FOP had delayed the promotional process by filing a complaint and seeking preliminary relief from PERB in order to discredit the Union so as to discourage its members' support and thereby undermine the FOP's right to challenge the MPD's refusal to bargain in violation of Article 1.617.04(a)(1) and (5)?
 - b. Extending the dates required for exam eligibility in response to a written request made on behalf of 30 otherwise ineligible sergeants?
- 2) Was the FOP prevented from communicating with its members in response to Chief Lanier's May 21 message by the manner in which the MPD applied its orders governing use of the e-mail system in order to prevent the FOP from responding effectively to Chief Lanier's May 21 e-mail message?
- 3) Did the MPD purposefully withhold documents that were responsive to the FOP's subpoena in the above-captioned case, and if so, should fees and costs be assessed?

Slip Op. No. 1005 at 2-3 (internal citations omitted).

The Hearing Examiner found that the May 21, 2009, e-mail did not constitute direct dealing, but the change in exam eligibility dates did constitute direct dealing. (Report at 12). On the second issue, the Hearing Examiner found that FOP was "not prevented from utilizing the e-mail system effectively to respond to Chief Lanier's e-mail message." (Report at 17). Finally, the Hearing Examiner found that "although the MPD's response to the FOP's subpoena was far from adequate, the discovered materials that were admitted into evidence did not provide sufficient substance to the Union's cause" and no unfair labor practice was committed. (Report at 18).

FOP filed nine exceptions to the Report. Of the nine, the exception that concerns this Motion for Reconsideration is FOP's assertion that "MPD purposefully withheld relevant and responsive documents." (Report at 4). The Board found merit to this exception, stating that:

[t]he Board previously held that materials and information relevant and necessary to its duty as a bargaining unit representative must be provided upon request. See *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department*, __ D.C. Reg. __, Slip Op. No. 835, PERB Case No. 06-U-10 (March 28, 2006). The Board's precedent is that an agency is obligated to furnish requested information that is both relevant and necessary to a union's role in: (1) processing of a grievance; (2) an arbitration proceeding; or (3)

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collective bargaining. See *Id.*; see also (citations omitted). The Hearing Examiner found that the materials were relevant and necessary and should have been produced when requested. Therefore, the Board finds that [MPD] violated the CMPA by failing to produce the materials.

Slip Op. No. 1005 at 10.

MPD submitted one exception to the Report: “[s]ince the Complaint in this matter did not allege that the Respondent committed direct dealing by unilaterally expanding the eligibility dates for the promotional examination, any determination regarding that allegation is extra-jurisdictional and cannot be used to sustain the Complaint.” (Respondent’s Exceptions at 4). In considering this exception, the Board found that “the Hearing Examiner erred in determining that it was an issue for evaluation” because “the Complainant never alleged Respondent engaged in direct dealing by expanding the eligibility dates for the promotional examination.” (Slip Op. No. 1005 at 10-11). The Board stated that:

Board Rule 520.11 describes the role of a hearing as establishing a full and factual record upon which the Board may make a decision concerning the allegations of a complaint. After reviewing the FOP’s unfair labor practice complaint, the Board finds that the Union failed to allege Respondent engaged in direct dealing by extending the dates in response to the sergeant’s e-mail. Rather, the Complaint focuses on Chief Lanier’s [May] 21, 2009, e-mail to the entire police force, including FOP members.

Slip Op. No. 1005 at 10.

B. MPD’s Motion for Reconsideration

The Board will not grant a motion for reconsideration that is based upon a “mere disagreement” with its initial decision. *E.g., University of the District of Columbia Faculty Association/NEA. v. University of the District of Columbia*, __ D.C. Reg. __, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (Dec. 30, 2009).

In its Motion, MPD alleges that the Board erred in finding that MPD committed an unfair labor practice by failing to provide requested documents because the Complaint in the underlying matter does not make this allegation. (Motion at 4). In its Opposition, FOP contends that MPD “[has] cited only a mere disagreement with PERB’s order, alleging that an unfair labor practice finding is not appropriate because [MPD’s] failure to comply with the subpoena occurred after the Complaint was filed, and as a result, was not included in the Complaint.” (Opposition at 6).

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As explained below, MPD's argument is not a "mere disagreement" with the Board's initial decision. To the contrary, the Motion raises a procedural issue which merits further review by the Board.

MPD alleges, and FOP does not dispute, that "all of the allegations contained in the Complaint, including the factual allegations and legal analysis, were based upon Chief Lanier's May 21, 2009, e-mail sent to the entire Department and the claim that this e-mail constituted direct dealing." (Motion at 4). Further, "[w]ith the exception of the first three introductory paragraphs regarding the parties and background, all of the factual paragraphs in the [C]omplaint specifically relate to Chief Lanier's May 21, 2009, e-mail." *Id.* This allegation is not surprising, given that the Complaint was filed in July 2009, and the responsive information uncovered by FOP's FOIA request was not discovered until July 2010. (Opposition at 3).

After the FOIA documents were discovered, FOP did not amend its Complaint to include a charge of withholding documents, nor did FOP file a new unfair labor practice complaint regarding MPD's failure to turn over all documents responsive to the FOP subpoena. Instead, FOP had the hearing record re-opened to introduce the additional documents in support of its case. (Report at 2). The Hearing Examiner found that "although the MPD's response to the FOP's subpoena was far from adequate, the discovered materials that were admitted into evidence did not provide sufficient substance to the Union's case." (Report at 18). Although the Hearing Examiner framed one of the issues before her as "[d]id the MPD purposefully withhold documents that were responsive to the FOP's subpoena in the above-captioned cases," she did not actually answer that issue. Instead, she found that "with but one exception involving Chief Lanier's altering the eligibility requirements for the examinations, I conclude that the FOP failed to [carry] its burden of proving that the Respondents violated [D.C. Code §§ 1-617.04(a)(1) and (5)]." (Report at 18).

It is an unfair labor practice for an Agency to withhold requested materials and information relevant and necessary to a Union's duty as a bargaining unit representative. *See, e.g., FOP/MPDLC v. MPD*, __ D.C. Reg. __, Slip Op. No. 835, PERB Case No. 06-U-10 (March 28, 2006); *Council of School Officers v. DC Public Schools*, __ D.C. Reg. __, Slip Op. No. 1257, PERB Case No. 11-U-28 (March 27, 2012); *FOP/MPDLC v. MPD*, __ D.C. Reg. __, Slip Op. No. 1131, PERB Case No. 09-U-59 (September 15, 2011).

Nevertheless, the Board may not rule on allegations that are not properly before it. *See, e.g., FOP/Dept. of Corrections Labor Committee v. Dept. of Corrections*, 49 D.C. Reg. 8933, Slip Op. No. 679, PERB Case Nos. 00-U-36 and 00-U-40 (May 17, 2002) (hearing examiner was correct in not making a finding on an issue not raised in the amended complaint); *Teamsters Local Unions 639 and 730 v. D.C. Board of Education*, 49 D.C. Reg. 803, Slip Op. No. 667 at FN 1, PERB Case No. 00-U-27 (October 15, 2001) (Board did not consider issue of attorneys' fees and interest because the issue was not raised in the original complaint). Board Rule 520.11 clearly states that the purpose of an evidentiary hearing "is to develop a full and factual record upon which the Board may make a decision. The party asserting a violation of the CMPA shall have the burden of proving **the allegations of the complaint** by a preponderance of the evidence." (emphasis added). The Hearing Examiner and the Board may not determine the

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existence of an unfair labor practice where no unfair labor practice was alleged. Whether MPD committed an unfair labor practice by withholding relevant and responsive documents was an issue never placed before the Board in the Complaint. (Complaint at Although the Hearing Examiner proposed to take up the issue of purposefully withholding relevant documents in her Report, she never actually resolved that issue. Even if she had, it would have been improper because the issue was never alleged in the Complaint.

FOP contends that if the Board grants MPD's Motion, the Board "must provide for some other sanction against the Respondents as relief for the FOP." (Opposition at 5-6). There are several available courses of action when a party fails to comply with a subpoena. One option is Board Rule 552.5: "In the case of contumacy or failure to obey a subpoena issued, the Board, pursuant to D.C. Code § 1-605.2(16), may request enforcement of the subpoena in the Superior Court of the District of Columbia." Additionally, a party may request that the Hearing Examiner avail herself of any of the sanctions listed in Rules 550.17 and 550.18. Any allegation that MPD failed to comply with the subpoena should have been brought to the Board for enforcement, not raised as an exception to the Report. Upon discovering that MPD had not fully complied with the subpoena, FOP had multiple options: file a new unfair labor practice complaint, amend the existing Complaint, apply to the Hearing Examiner for sanctions, or apply to the Board for enforcement of the subpoena. FOP did none of these things, and the Board erred in failing to address this deficiency in Slip Op. No. 1005, and by granting FOP's exception.

In its Opposition, FOP asserts that if FOP files a "new and completely duplicative" unfair labor practice complaint with the Board, MPD may file a motion for sanctions similar to the one filed in PERB Case Nos. 12-E-01/08-U-19, where MPD alleged that FOP filed "'redundant' and 'duplicative pleadings' by filing a Petition for Enforcement which was purportedly 'a repackaging of a previously filed unfair labor practice complaint.'" (Opposition at 6). If "FOP awaits a decision by PERB on the matter in this case, only to receive a ruling by PERB that an independent action was required, the MPD will assert that a subsequent filing is untimely." *Id.*

Notwithstanding FOP's frustration, it remains that multiple procedures exist for handling a party's failure to turn over relevant documents. The Board cannot validate actions brought outside these procedures. The Board acknowledged this later in Slip Op. No. 1005 on the issue of FOP's exception that MPD engaged in direct dealing by unilaterally expanding the eligibility dates for the promotional examination. In that instance:

the Board determines that the Hearing Examiner erred in determining that it was an issue for evaluation. Board Rule 520.11 describes the role of a hearing as establishing a full and factual record upon which the Board may make a decision concerning the allegations of the complaint. After reviewing the FOP's unfair labor practice complaint, the Board finds that the Union failed to allege Respondent engaged in direct dealing by extending the dates in response to the sergeant's e-mail. Rather, the Complaint focuses on Chief Lanier's [May] 21, 2009, e-mail to the entire police force, including FOP members.

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* * *

Because the Complainant never alleged Respondent engaged in direct dealing by expanding the eligibility dates for the promotional examination, Hearing Examiner Pacht was mistaken in identifying the expansion as an issue to be addressed in her Report and Recommendations. Therefore, the Board declines to adopt Hearing Examiner Pacht's recommendation that Respondent violated the CMPA by expanding the eligibility dates for the examination.

Slip Op. No. 1005 at 10-11. The same reasoning applies to the issue of failure to fully respond to the subpoena: the Complainant never alleged that MPD purposefully withheld relevant and responsive documents, and that issue should not have been identified as an issue to be addressed by the Hearing Examiner or by the Board. Rule 520.11.

Therefore, MPD's Motion is granted and the Board's determination that MPD committed an unfair labor practice by failing to produce relevant and necessary documents is overturned.

III. Remedy

Ordinarily, a determination that an agency failed to turn over relevant documents to a collective bargaining agent would result in the finding of an unfair labor practice violation, a notice posting, and other appropriate relief. See *AFGE Local 631 v. WASA*, __ D.C. Reg. __, Slip Op. No. 924, PERB Case No. 08-U-04 (2007) (agency must turn over requested documents that are relevant and necessary to a legitimate collective bargaining function); *AFGE Local 2978 v. Dept. of Health*, __ D.C. Reg. __, Slip Op. No. 1275, PERB Case No. 11-U-21 (2012) (notice posting furthers the CMPA goal of protecting employee rights). In the instant matter, such a violation was not properly alleged, so no determination can be made. Any unfair labor practice complaint regarding this matter filed today would be untimely based on Board Rule 520.4, which requires unfair labor practice complaints to be filed no later than 120 days after the date on which the alleged violations occurred. Thus, no remedy is available.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Metropolitan Police Department's Motion for Reconsideration is granted.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

August 24, 2012.

CERTIFICATE OF SERVICE

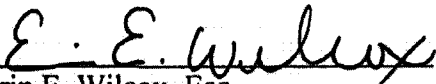
This is to certify that the attached Decision and Order in PERB Case No. 09-U-50 was transmitted via U.S. Mail and e-mail to the following parties on this the 24th day of August, 2012.

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Erin E. Wilcox, Esq.
Attorney-Advisor

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and interfering with a FOP member's exercise of his right to seek legal assistance from FOP. (Report at 9). The Hearing Examiner recommended that the Board order MPD to cease and desist further violations of the CMPA, and to post a remedial notice. *Id.* The Report is now before the Board for disposition.

II. Discussion

A. Findings of Fact

In his Report, the Hearing Examiner found that on December 17, 2008, Detective Kevin McConnell was instructed to report to MPD's Human Resource Management Division's office. (Report at 3). McConnell requested FOP Chief Steward Hiram Rosario to accompany him to the meeting. *Id.* The meeting was held in the office of Lieutenant Gregory Stroud, and attended by Stroud, McConnell, Rosario, and Officer Ava Cole. *Id.*

At the meeting, McConnell was handed an investigative report and a memorandum stating that MPD proposed to terminate McConnell's employment for dereliction of duty. *Id.* The memorandum explained that McConnell could request a hearing on the proposed termination, and that he "may be represented by an attorney licensed to practice in the District of Columbia, or by a Union attorney." (Report at 4).

McConnell testified that in the course of the discussion, Stroud stated that "[i]f I were you, I wouldn't use the FOP attorneys. I would get my own." *Id.* Rosario's testimony substantially corroborated McConnell's recollection of Stroud's remarks. *Id.* Stroud denied warning McConnell against using FOP representation at the adverse action hearing and testified that he may have told McConnell that he had "an option as to who you want to use." *Id.* Cole first testified that Stroud said "you don't have to use the Union," but later stated that she could not "remember specifically" what Stroud had said at the December 17, 2008, meeting. (Report at 4-5).

The Hearing Examiner credited McConnell's testimony regarding the December 17 meeting, stating that "McConnell's sincere demeanor as he revisited his encounter with Lieutenant Stroud on December 17 convinced me that he was a reliable witness." (Report at 5). Further, the Hearing Examiner noted that Rosario's "frank testimony" corroborating McConnell's version of the events reinforced his impression of McConnell's credibility. *Id.*

The Hearing Examiner found that Article 12, Section 5 of the parties' collective bargaining agreement entitled McConnell to be represented by an attorney licensed to practice in the District of Columbia, or by a FOP representative. (Report at 6). Further, if McConnell chose to be represented by a private attorney instead of a FOP representative, "he would not have access to the grievance procedure, including arbitration, as set forth in Article 19 of the current collective bargaining agreement between FOP and MPD." *Id.* The Hearing Examiner credited McConnell's testimony that Stroud's advice against using FOP representation caused him to think that "the FOP attorneys weren't qualified." (*Id.*, quoting T. at 18).

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B. Analysis and Conclusions

The Hearing Examiner rejected MPD's allegation that the Complaint should be dismissed because FOP failed to satisfy the evidentiary test set forth in *Wright Line v. Lamoreaux*, 251 NLRB 1083 (1980). (Report at 7). In support of his finding, the Hearing Examiner quoted the National Labor Relations Board ("NLRB") in *ITT Federal Services Corporation, et al.*, 335 NLRB 998, 1000 (2001): "In *Wright Line*...the [NLRB] set forth a test of causation for all cases alleging violations of Section 8(a)(3) or Section 8(a)(1) turning on employer motivation." (Report at 7). The Hearing Examiner noted that the instant case does not involve a question of motivation, but rather a supervisor's conduct in the presence of employees. *Id.* Thus, the Hearing Examiner concluded that the *Wright Line* test is inapplicable. *Id.*

The Board will affirm a hearing examiner's findings if they are reasonable and supported by the record. *See American Federation of Government Employees, Local 872 v. D.C. Water and Sewer Authority*, Slip Op. No. 702, PERB Case No. 00-U-12 (March 14, 2003).

As the Hearing Examiner correctly noted, the Complaint alleges that MPD violated the CMPA by "repudiating the services of [FOP] to a member of the FOP who was being served with a Notice of Proposed Adverse Action." (Complaint at 1). The Complaint does not allege that MPD was motivated to terminate McConnell for a protected union activity. In the absence of such an allegation, a *Wright Line* analysis is inapplicable, and the Hearing Examiner's conclusion to this effect is both reasonable and supported by the record. Therefore, this conclusion is affirmed.

Additionally, the Hearing Examiner found no merit to MPD's contention that Stroud's testimony shows his remarks to McConnell were lawful. (Report at 7). The Hearing Examiner chose to credit McConnell and Rosario's testimony about Stroud's remarks at the December 17 meeting, instead of Stroud's testimony about his remarks. (Report at 5, 7). Further, the Hearing Examiner noted that "McConnell's membership in the bargaining unit described in the parties' current collective bargaining agreement afforded him the protection of D.C. Code §§ 1-617.06(a)(2) and 1-617.04(a)(1) when he opted to seek FOP's assistance in defending himself from MPD's proposed adverse action." (Report at 7). Relying on NLRB precedent regarding Section 7 of the National Labor Relations Act, whose language is mirrored in D.C. Code § 1-617.06(a)(2), the Hearing Examiner concluded that McConnell was engaged in concerted activity during the December 17 meeting, that Stroud's conduct "demean[ed] FOP in front of McConnell," and that Stroud's remarks were "aggravated by the fear [they] engendered in [McConnell], who understood [Stroud's] remarks as a warning that FOP's representatives were incompetent." (Report at 8). Therefore, the Hearing Examiner determined that Stroud's remarks violated D.C. Code § 1-617.04(a)(1). *Id.*

It is the function of the hearing examiner to determine issues of credibility. *Doctors Council*, Slip Op. No. 636 at p. 4. The Hearing Examiner found that McConnell and Rosario's testimony regarding Stroud's remarks was more credible than Stroud's testimony, and that the remarks constituted a violation of D.C. Code § 1-617.04(a)(1). (Report at 9). Further, the

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Hearing Examiner believed McConnell's testimony that Stroud's statements made him believe that FOP attorneys were not qualified. (Report at 6). In reaching his conclusion, the Hearing Examiner made credibility determinations and assessed the evidence presented to him. *Id.* The Board finds that this conclusion is reasonable and supported by the record. Therefore, the conclusion is affirmed.

C. Remedy

In his Report, the Hearing Examiner found FOP's demand that MPD post a cease and desist order to be unwarranted. (Report at 9). Instead, the Hearing Examiner noted that the Board's "usual remedial order and notice to employees is sufficient to remedy the violations in this case." *Id.*

The Board adopts the Hearing Examiner's recommended remedy, and MPD will post a notice acknowledging its violation of the CMPA. The Board has recognized that "when a violation is found, the Board's order is intended to have therapeutic as well as remedial effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices is the protection of rights and obligations." *Nat'l Assoc. of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority*, 47 D.C. Reg. 7551, Slip Op. No. 635 at pp. 15-16, PERB Case No. 99-U-04 (2000). "It is in the furtherance of this end, *i.e.*, the protection of employee rights,...[that] underlies our remedy requiring the post of a notice to *all employees* concerning the violations found and the relief afforded, notwithstanding the fact that all employees may not have been directly affected." *Bagentose v. D.C. Public Schools*, 38 D.C. Reg. 4154, Slip Op. No. 270 at p. 3-4, PERB Case Nos. 88-U-33 and 88-U-34 (1991).

D. Conclusion

Pursuant to Board Rule 520.14, the Board finds the Hearing Examiner's conclusions and recommendations to be reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's Report, and the Complaint is granted.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Unfair Labor Practice Complaint is granted.
2. The District of Columbia Metropolitan Police Department, its agents, and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(1) of the CMPA by interfering with, restraining, or coercing employees in the exercise of the rights guaranteed under the CMPA.

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3. The District of Columbia Metropolitan Police Department, its agents, and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(1) of the CMPA by warning FOP members against exercising their right to have Union representation at adverse action hearings.
4. The District of Columbia Metropolitan Police Department shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to employees are normally posted. The Notice shall remain posted for thirty (30) consecutive days.
5. The District of Columbia Metropolitan Police Department shall notify the Public Employee Relations Board, in writing, within fourteen (14) days from the issuance of this Decision and Order that the Notice has been posted accordingly.
6. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 31, 2013

CERTIFICATE OF SERVICE

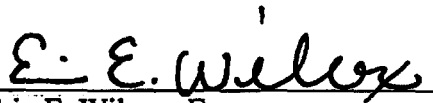
This is to certify that the attached Decision and Order in PERB Case No. 09-U-12 was transmitted via U.S. Mail and e-mail to the following parties on this the 4th day of February, 2013.

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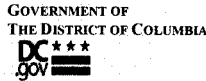
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Erin E. Wilcox, Esq.
Attorney-Advisor



Public Employee Relations Board



1100 4th Street S.W. Suite E630 Washington, D.C. 20024 Business: (202) 727-1822 Fax: (202) 727-9116 Email: perb@dc.gov

NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT ("MPD"), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1359, PERB CASE NO. 09-U-12 (January 31, 2013)

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered MPD to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) by the actions and conduct set forth in Slip Opinion No. 1359.

WE WILL cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act ("CMPA").

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) of the CMPA by warning Fraternal Order of Police/Metropolitan Police Department Labor Committee ("FOP") members against exercising their right to have Union representation at adverse action hearings.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

WE WILL NOT, in any like or related manner, warn FOP members against exercising their right to have Union representation at adverse action hearings.

District of Columbia Metropolitan Police Department

Date: _____ By: _____

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4th Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

February 4, 2013

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:	)	PERB Case Nos. 09-U-41
	)	09-U-42
Fraternal Order of Police/Metropolitan	)	09-U-43
Police Department Labor Committee,	)	09-U-44
	)	10-U-01
Complainant,	)	10-U-14
)	
v.)	
	)	Opinion No. 1397
District of Columbia)	
Metropolitan Police Department,	)	Motion for Reconsideration
)	
Respondent.)	
)	

DECISION AND ORDER

I. Statement of the Case

On June 29, 2009, Complainant Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP” or “Complainant”) filed four pleadings styled “Unfair Labor Practice Complaint and Request for Preliminary Relief,” alleging violations of the Comprehensive Merit Personnel Act (“CMPA”) by Respondent District of Columbia Metropolitan Police Department (“MPD” or “Respondent”). The four unfair labor practice complaints were assigned the case numbers 09-U-41, 09-U-42, 09-U-43, and 09-U-44. On September 30, 2009, the Board issued decisions and orders in these four cases (slip opinions 972, 974, 985, and 986). In these decisions and orders, the Board denied FOP’s requests for preliminary relief, consolidated the four cases, and referred the cases to a hearing examiner. On November 23, 2009, PERB Case No. 10-U-01 was administratively consolidated with the other unfair labor practice complaints. On April 10, 2010, PERB Case No. 10-U-14 was administratively consolidated with the group.

Hearings in the consolidated cases were held on January 25-28, February 1-4, and February 23, 2010. The parties submitted post-hearing briefs, and on October 4, 2010, Hearing Examiner Sean Rogers issued a Report and Recommendation (“Report”). FOP and MPD filed exceptions to the Report (“FOP Exceptions” and “MPD Exceptions”), and FOP filed an Opposition to Respondent’s Exceptions (“FOP Opposition”). On January 30, 2013, FOP filed a

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PERB Case No. 10-U-01, *et al.*
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Line Withdrawing Complainant's Exceptions to Hearing Examiner's Report and Recommendations.

On February 4, 2013, the Board issued a decision and Order in this case. *Fraternal Order of Police/Metropolitan Police Dep't Labor Committee v. D.C. Metropolitan Police Dep't*, 60 D.C. Reg. 2283, Slip Op. No. 1361, PERB Case Nos. 09-U-41, 09-U-42, 09-U-43, 09-U-44, 10-U-01, and 10-U-14 (2013).¹ In the portion relevant to the instant Motion for Reconsideration, the Board held that in PERB Case No. 10-U-14, MPD could not raise the argument that PERB Case No. 10-U-14 was not timely filed for the first time on appeal. (*FOP/MPDLC*, Slip Op. No. 1361 at p. 20). Additionally, the Board declined to overturn the Hearing Examiner's conclusion that a labor relations privilege existed between the FOP Chairman and Vice-Chairman. *Id.*

On February 19, 2013, MPD filed a Motion for Reconsideration ("Motion"), alleging that the Board erred in concluding that MPD may not raise for the first time on appeal that the defense that PERB Case No. 10-U-14 was untimely, and for supporting the Hearing Examiner's conclusion that a labor relations privilege existed between the FOP Chairman and Vice-Chairman. (Motion at 3-9). FOP opposed the Motion, arguing in its Opposition to Motion for Reconsideration ("Opposition") that Board Rule 520.6 required MPD to raise its timeliness argument in its Answer, and that the Complaint in PERB Case No. 10-U-14 was filed less than 120 days after the date that the Notice of Proposed Adverse Action was served on the FOP Vice-Chairman. (Opposition at 4-7). Further, FOP alleged that MPD's Motion merely disagreed with the Board's Decision and Order, and that MPD misconstrued the Hearing Examiner's Report. (Opposition at 8-9). Specifically, FOP states that the Hearing Examiner's conclusions "do not turn on the existence and violation of the labor relations privilege, but instead explicitly hold that the questioning interfered with internal union business and was done to intimidate and coerce Vice-Chairman Cunningham in violation of the CMPA." (Opposition at 9). In addition, FOP alleges that the labor relations privilege exists in the District of Columbia. (Opposition at 10).

On May 14, 2013, MPD filed a Supplement to its Motion ("Supplement"), citing to the Decision and Order issued in PERB Case No. 11-U-52 as "directly on point to the timeliness issues in PERB Case 11-U-14..." (Supplement at 1). FOP opposed this allegation in its Opposition to Respondent's Supplement to its Motion for Reconsideration ("Opposition to Supplement"), reiterating its earlier assertion that PERB Case No. 10-U-14 was timely filed. (Opposition to Supplement at 4-5).

II. Discussion

The pleadings related to MPD's Motion for Reconsideration coalesce around two issues – timeliness and the existence of a labor relations privilege in the District of Columbia. (Motion at 3-9; Opposition at 4-11).

¹ For a statement of the facts of this consolidated case, see the Board's Decision and Order in *Fraternal Order of Police/Metropolitan Police Dep't Labor Committee v. D.C. Metropolitan Police Dep't*, 60 D.C. Reg. 2283, Slip Op. No. 1361, PERB Case Nos. 09-U-41, 09-U-42, 09-U-43, 09-U-44, 10-U-01, and 10-U-14 (2013)

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PERB Case No. 10-U-01, *et al.*
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Board Rule 520.4 states that “[u]nfair labor practice complaints shall be filed not later than 120 days after the date on which the alleged violations occurred.” The 120 day period for filing an unfair labor practice complaint begins when the complainant knew or should have known of the acts giving rise to the violation. *Pitt v. D.C. Dep’t of Corrections, et al.*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009).

In its Motion, MPD contends that the alleged violation occurred on June 9, 2009, which was the date that Vice Chairman Cunningham attended his internal affairs interview and signed the confidentiality agreement at issue in the underlying case. (Motion at 3-4). MPD states that in his Report and Recommendation, the Hearing Examiner concluded that the questioning that occurred during the internal affairs interview and the confidentiality agreement violated the CMPA, and therefore June 9, 2009, is the date that starts the 120-day time period for purposes of Board Rule 520.4. *Id.* The Complaint in PERB Case No. 10-U-14 was filed on January 20, 2010, which is 225 days after June 9, 2009. (Motion at 4).

Further, MPD alleges that by rejecting the timeliness argument raised in MPD’s exceptions, PERB effectively extended the mandatory and jurisdictional 120-day deadline established in Board Rule 520.4. (Motion at 4). In its Supplement, MPD cites to a recent Board ruling in PERB Case No. 11-U-52, where the Board held that “parties cannot waive subject matter jurisdiction by their conduct or confer it...and the absence of jurisdiction can be raised at any time.” (Supplement at 4; citing *Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee v. Metropolitan Police Dep’t*, 60 D.C. Reg. 5322, Slip Op. No. 1372 at p. 2-3, PERB Case No. 11-U-52 (2013)).

In its Opposition, FOP asserts that the 120-day time period began to run on October 9, 2009, which was the date Vice Chairman Cunningham was served with the Notice of Proposed Adverse Action. (Opposition at 5). Further, FOP states that although Vice Chairman Cunningham advised the internal affairs agents at his interview that he would be speaking with Chairman Baumann regarding the interview, the agents did not advise Vice Chairman Cunningham that he could be disciplined for such communications. (Opposition to Supplement at 5). As a result, Vice Chairman Cunningham had no knowledge of the discipline imposed and the resulting CMPA violation until he was served with the Notice of Proposed Adverse Action on October 9, 2009. *Id.*

MPD is correct that the 120-day time period of Board Rule 520.4 is mandatory and jurisdictional, and that the absence of jurisdiction may be raised at any time. *See Hoggard v. D.C. Public Schools and AFSCME Council 20, Local 1959*, D.C. Reg. 1297, Slip Op. No. 352, PERB Case No. 93-U-10 (1993), *aff’d sub nom.*, *Hoggard v. Public Employee Relations Board*, MPD-93-33 (D.C. Super. Ct., 1994), *aff’d* 655 A.2d 320 (D.C. 1995); *District of Columbia v. American Federation of Government Employees, Local 1403*, 19 A.3d 764, 766 (D.C. 2011) (citing *Chase v. Pub. Defender Serv.*, 956 A.2d 651, 654 (D.C. 1989)). Further, the absence of jurisdiction may be raised by the Board *sua sponte*. *Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee v. D.C. Metropolitan Police Dep’t*, 60 D.C. Reg. 5322, Slip Op. No. 1372 at p. 2-3, PERB Case No. 11-U-52 (2013). As the Board noted in that case, “[l]ack of jurisdiction may be raised at any time. Whenever it affirmatively appears that the jurisdiction

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PERB Case No. 10-U-01, *et al.*
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fails, the objection may be raised by the parties or the court itself.” *Id.* at 3, *citing In re Estate of Dapolito*, 331 A.2d 327, 328 (D.C. 1975). Therefore, the Board erred in denying MPD’s exception alleging that PERB Case No. 10-U-14 was untimely filed because MPD raised the timeliness argument for the first time on appeal. *See FOP/MPD Labor Committee*, Slip Op. No. 1361 at p. 20. Thus, the Board will address this allegation and its application to PERB Case No. 10-U-14.

As stated by the Hearing Examiner, “[t]he essence of FOP’s ULP allegations in this case is that MPD violated D.C. Code § 1-617.04(a) by asking Cunningham questions concerning internal union business and representational activities, and then by disciplining Cunningham for discussing his [internal affairs] interview with Baumann.” (Report at 42). The Hearing Examiner concluded that MPD’s questioning of Vice Chairman Cunningham “about his discussions with Baumann...constituted impermissible interference in internal union business and representational activities” in violation of D.C. Code § 1-617.94(a). *Id.* The Hearing Examiner went on to find that the MPD’s confidentiality requirement regarding internal affairs interviews violated the CMPA because it “interferes with and amounts to intimidation of internal union business, and protected representational activities and speech,” and that MPD’s discipline of Vice Chairman Cunningham violated D.C. Code § 1-617.04(a) “because the discipline constitutes interference, intimidation and coercion of Cunningham in the exercise of his rights to form, join, and assist the FOP.” (Report at 43).

In short, the Hearing Examiner’s findings identify three (3) violations of the CMPA in PERB Case No. 10-U-14: the questioning at the internal affairs interview, the confidentiality agreement Vice Chairman Cunningham was required to sign at the internal affairs interview, and the discipline of Cunningham for violating the confidentiality agreement by discussing the internal affairs interview with Chairman Baumann. (Report at 42-43). The “act giving rise” to these violations was the internal affairs interview on June 9, 2009, at which Vice Chairman Cunningham was questioned about discussions with Chairman Baumann, and at which Vice Chairman Cunningham signed the confidentiality agreement. (Report at 4-5).

Further, although the Notice of Adverse Action was issued four (4) months later, the discipline of Vice Chairman Cunningham stemmed from the illegal actions which occurred at the internal affairs interview. The Board has held that “the time for filing a complaint with the Board concerning the alleged violations as a statutory cause of action commence[s] when the basis of those violations occur[s],” and that “proof of the occurrence of an alleged statutory violation is not necessary to commence the time limit for initiating a cause of action before the Board.” *Jackson and Brown v. American Federation of Government Employees, Local 2741*, 48 D.C. Reg. 10959, Slip Op. No. 414 at p. 3, PERB Case No. 95-S-01 (1995). In other words, FOP knew or should have known of the acts giving rise to the violative conduct on June 9, 2009, when Vice Chairman Cunningham was questioned about his conversations with Chairman Baumann and required to sign a confidentiality agreement prohibiting him from speaking with Chairman Baumann about the internal affairs interview. Vice Chairman Cunningham’s rights were first violated at the internal affairs interview on June 9, 2009, and it is on that date that the 120-day statute of limitations for this unfair labor practice complaint must begin. *See Jackson and Brown*, Slip Op. No. 414 at p. 3-4; *see also Watson v. D.C. Housing Authority and AFGE*

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PERB Case No. 10-U-01, *et al.*
Page 5 of 5

Local 2725, 60 D.C. Reg. 58, Slip Op. No. 1342 at p. 2, PERB Case No. 12-U-32 (2012); *AFGE Local 631 v. D.C. Dep't of Public Works*, 59 D.C. Reg. 10755, Slip Op. No. 1279, PERB Case No. 06-U-39 (2012). The unfair labor practice complaint, filed January 20, 2010, was filed more than 120 days later and is untimely.

Therefore, as PERB Case No. 10-U-14 was filed outside of the statutory period required by Board Rule 520.4, the Board lacks jurisdiction over the matter. *See Hoggard*, 655 A.2d at 323. Without jurisdiction over this matter, FOP's unfair labor practice complaint in PERB Case No. 10-U-14 must be dismissed².

ORDER

IT IS HEREBY ORDERED THAT:

1. The Metropolitan Police Department's Motion for Reconsideration is granted in part, and PERB Case No. 10-U-14 is dismissed as untimely.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

July 1, 2013

² As the Board lacks jurisdiction over PERB Case No. 10-U-14, there is no need to address MPD's allegation that the Board erred in supporting the Hearing Examiner's determination that a labor relations privilege existed between the FOP Chairman and Vice Chairman. (Motion at 3-9).

CERTIFICATE OF SERVICE

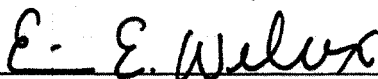
This is to certify that the attached Decision and Order in PERB Case No. 10-U-01, et al., was transmitted via File & ServeXpress to the following parties on this the 1st day of July, 2013.

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Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
American Federation of)	
Government Employees, Local 2978,)	
		)	PERB Case No. 14-U-01
Complainant,)	
		)	Opinion No. 1443
v.)	
)	
District of Columbia)	
Department Health,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

Complainant American Federation of Government Employees, Local 2978 (“Union,” “AFGE,” or “Complainant”) filed the above-captioned Unfair Labor Practice Complaint (“Complaint”), against Respondent District of Columbia Department of Health (“Agency,” “DOH,” or “Respondent”) for alleged violations of sections 1-617.04(a)(1) and (5) of the Comprehensive Merit Protection Act (“CMPA”). Specifically, the Union asserts that the Agency failed to convert bargaining unit employees from term status to career status, and furnish requested information. (Complaint at ¶¶ 12-13). Respondent filed an answer (“Answer”) in which it denies the alleged violations and raises the following affirmative defenses:

- (1) The Complaint is untimely;
- (2) The Complaint fails to allege conduct that constitutes an unfair labor practice; and
- (3) The Board lacks jurisdiction over the Complaint.

(Answer at 7). The Complaint and Answer are before the Board for disposition.

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PERB Case No. 14-U-01
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II. Background

The Union asserts that on or about March 8, 2011, it met with representatives from the Agency to demand compliance with Article 20 “Term and Temporary Employees” of the CBA between the D.C. Government and Labor Organizations Representing Compensation Units 1 and 2. (Complaint at ¶ 5). The Union states that Union president Robert Mayfield sent a follow-up e-mail on March 28, 2011, demanding that the Agency comply within five business days by converting bargaining unit employees from term status to career status. *Id.* The Union contends that several bargaining unit members are paid from federal Ryan White or Housing Opportunities for Persons with HIV/AIDS (“HOPWA”) grant money. (Complaint at ¶ 10). The Union asserts that in the HOPWA program, the Agency has “steadily received increase allotments from 2008-2011, and as other bargaining unit members have been converted, there is enough money to convert these three and others as contractually obligated to by both parties.” *Id.* Further, the Union alleges that other unions at DOH have had their bargaining unit members converted to career status, but members of Local 2978 have been denied. (Complaint at ¶ 12).

Additionally, the Union contends that it and other unions have requested impact and effects bargaining, and the reconvening of a joint labor-management committee on four different occasions during meetings with the Agency. (Complaint at ¶ 13). The Union states that the information was requested during meetings on May 7, 2012, January 25, 2013, April 19, 2013, and July 9, 2013, but never furnished by the Agency. *Id.*

For reasons which will be discussed below, the Agency’s responses to the Union’s factual allegations will not be considered.

III. Discussion

A. Timeliness of the Answer

Board Rule 520.6 requires that an answer be filed “within fifteen (15) days from service of the complaint.” Board Rule 520.7 states, in part: “A respondent who fails to file a timely answer shall be deemed to have admitted the material facts alleged in the complaint and to have waived a hearing.” In the instant case, the Complaint was filed on October 1, 2013. The Answer was filed on November 1, 2013 – thirty-one (31) days after the Complaint was filed. Therefore, the Answer is untimely, and the Agency is deemed to have admitted the material facts alleged in the Complaint, and to have waived a hearing.¹

¹ In the certificate of service attached to its Answer, the Agency states: “The undersigned certifies that by agreement with the Union the timeline for filing the Respondent’s Answer to Complainant’s Unfair Labor Practice Complaint in PERB Case No. 14-U-01 was extended to November 1, 2013...” The time period for filing an answer to an unfair labor practice complaint is set by the Board in Board Rule 520.6. Board Rule 501.2 describes the method for obtaining an extension of time to file a pleading: “A request for an extension of time shall be in writing, and made at least three (3) days prior to the expiration of the filing period. Exceptions to this requirement may be granted for good cause shown as determined by the Executive Director.” The Agency did not file a written request for an extension of time to file its Answer, pursuant to Board Rule 501.2. Therefore, the Answer is untimely, regardless of any agreement reached privately with the Union.

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PERB Case No. 14-U-01
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B. Timeliness of the Complaint

Although the Agency's affirmative defense that the Complaint is untimely cannot be considered because the Answer itself was untimely filed, the Board must raise the issue *sua sponte*. Board Rule 520.4 states: "Unfair labor practice complaints shall be filed no later than 120 days after the date on which the alleged violations occurred." This 120-day requirement is jurisdictional and mandatory. See *Hoggard v. D.C. Public Schools*, 43 D.C. Reg. 1297, Slip Op. No. 352, PERB Case No. 93-U-10 (1996).

The Agency's alleged failure to comply with the Union's March 8, 2011, and March 28, 2011, requests to convert bargaining unit members from term to career status are untimely, and cannot form a basis for an unfair labor practice complaint. See Board Rule 520.4. For these allegations to be timely, a complaint must have been filed on or before July 26, 2011. Instead, the instant Complaint was filed on October 1, 2013.

Likewise, the Union's allegation that the Agency failed to provide information requested at labor-management meetings on May 7, 2012, January 25, 2013, and April 19, 2013, are untimely. The only remaining information request allegation that is not time-barred is the Union's assertion that the Agency failed to provide information requested at a labor-management meeting on July 9, 2013. (Complaint at ¶ 13).

C. The July 9, 2013, Request for Information

The Union alleges that "AFGE Local 2978 and other Unions have requested [impact and effects] bargaining and the reconvening of the Joint Labor management committee on four (4) different occasions during Labor Management Consultation Meetings with the [Agency]. On May 7, 2012, January 25, 2013, April 19, 2013, and July 9, 2013, information was requested and promised at those meetings, but never furnished to the Unions." (Complaint at ¶ 13). The Union contends that this alleged failure to timely furnish the requested information constitutes an unfair labor practice under the CMPA. (Complaint at ¶ 12). As the Agency's Answer is untimely, the Board must deem as admitted the Union's allegation that it requested information from the Agency at a July 9, 2013, meeting, and that the information was not provided to the Union. See Board Rule 520.7.

Agencies are obligated to provide documents in response to a request made by a union. *American Federation of Government Employees, Local 631 v. D.C. Water and Sewer Authority*, 59 D.C. Reg. 3948, Slip Op. No. 924 at p. 5-6, PERB Case No. 08-U-04 (2007) (citing *Teamsters, Locals 639 and 730 v. D.C. Public Schools*, 37 D.C. Reg. 5993, Slip Op. No. 226, PERB Case No. 88-U-10 (1989) and *Psychologists' Union, Local 3758 v. D.C. Dep't of Mental Health*, 54 D.C. Reg. 2644, Slip Op. No. 809, PERB Case No. 05-U-41 (2005)). An agency fails to meet its statutory duty to bargain in good faith under D.C. Code § 1-617.04(a)(5) when it fails and refuses to produce relevant and necessary information requested by an exclusive representative. *American Federation of Government Employees, Local 2725 v. D.C. Dep't of Health*, 59 D.C. Reg. 6003, Slip Op. No. 1003 at p. 4, PERB Case No. 09-U-65 (2009). In addition, "a violation of the employer's statutory duty to bargain [under D.C. Code § 1-

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PERB Case No. 14-U-01
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617.04(a)(5)] also constitutes derivatively a violation of the counterpart duty not to interfere with the employees' statutory rights to organize a labor union free from interference, restraint, or coercion; to form, join, or assist any labor organization or to refrain from such activity; and to bargain collectively through representatives of their own choosing" found in D.C. Code § 1-617.04(a)(1). *Id.* (quoting *American Federation of State, County, and Municipal Employees, Local 2776 v. D.C. Dep't of Finance and Revenue*, 37 D.C. Reg. 5658, Slip Op. No. 245 at p. 2, PERB Case No. 89-U-02 (1990)).

Accepting as admitted that the Union's allegation that its information request made July 9, 2013, was never responded to by the Agency, the Board finds that the Agency failed and refused, without a viable defense, to produce the requested information, thereby failing to meet its statutory duty to bargain in good faith under D.C. Code § 1-617.04(a)(5). *AFGE Local 2725*, Slip Op. No. 1003 at p. 4. In so doing, the Agency derivatively violated its counterpart duty to refrain from interfering with, restraining, or coercing employees in their rights, guaranteed by D.C. Code § 1-617.04(a)(1). *Id.* Therefore, only the portion of the Union's Unfair Labor Practice Complaint pertaining to the July 9, 2013, information request is granted.

D. Remedies

In its Complaint, the Union requests the Board order the Agency to:

- a. Cease and desist from violations of D.C. Code § 1-617.04(a)(1), (2), and (5) in the manner alleged or in any similar related manner;
- b. Convert Sherita Grant, Charles Sessom, staff of the Tobacco Control Program, and the remaining Department of Health eligible term employees to career employees;
- c. Post an appropriate notice to employees of [the] violation;
- d. Pay the Union's costs in the matter; [and]
- e. Any other remedy deemed appropriate.

(Complaint at unnumbered paragraph following ¶ 14).

The Board will order the Agency to cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) in the manner alleged or in any like or related manner.² Further, the Agency will provide to the Union the information requested in the July 9, 2013, meeting.

The Board will not order the Agency to convert Ms. Grant, Mr. Sessom, the staff of the Tobacco Control Program, and the remaining eligible term employees to career employees because that allegation is untimely.

Regarding the Union's request for a notice posting, the Board has previously held that "when a violation is found, the Board's order is intended to have therapeutic as well as remedial

² The Union requests the Board order the Agency to cease and desist from violations of D.C. Code § 1-617.04(a)(2), in addition to D.C. Code § 1-617.04(a)(1) and (5). As the Union alleged no violations of D.C. Code § 1-617.04(a)(2) in its Complaint, the Board will not order the Agency to cease violating that subsection of the CMPA.

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PERB Case No. 14-U-01
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effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices is the protection of rights and obligations.” *National Association of Government Employees, Local R3-06 v. D.C. Water and Sewer Authority*, 47 D.C. Reg. 7551, Slip Op. No. 635 at pp. 15-16, PERB Case No. 99-U-04 (2000). Moreover, “it is the furtherance of this end, i.e., the protection of employee rights...[that] underlies [the Board’s] remedy requiring the posting of a notice to all employees concerning the violation found and the relief afforded.” *Bagenstose v. D.C. Public Schools*, 41 D.C. Reg. 1493, Slip Op. No. 283 at p. 3, PERB Case No. 88-U-33 (1991). Accordingly, the Union’s request that the Agency be required to post a notice is granted.

The Board has made the following findings concerning an award of costs:

First, any such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the fact of the statute that it is only those costs that are “reasonable” that may be ordered reimbursed...Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued...What we can say here is that among the situation in which such an award is appropriate are those in which the losing party’s claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive representative.

American Federation of State, County, and Municipal Employees, Local 2776 v. D.C. Dep’t of Finance and Revenue, 37 D.C. Reg. 5658, Slip Op. No. 245 at p. 4-5, PERB Case No. 89-U-02 (1990). Applying this precedent to the instant case, the Board finds that the Union did not prevail in “at least a significant part of the case,” as the majority of the allegations it raised in the Complaint were untimely. Therefore, the Board finds that an award of costs is inappropriate.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of Health, its agents, and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by failing and

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PERB Case No. 14-U-01
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refusing to respond to the information request made by the American Federation of Government Employees, Local 2978, at the July 9, 2013, meeting.

2. The District of Columbia Department of Health will provide all relevant and necessary information requested by the American Federation of Government Employees, Local 2978, at the July 9, 2013, meeting.
3. The District of Columbia Department of Health shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice where notices to bargaining-unit employees are customarily posted. The Notice shall remain posted for thirty (30) consecutive days.
4. Within fourteen (14) days from the issuance of this Decision and Order, the District of Columbia Department of Health shall notify the Board, in writing, that the Notice has been posted accordingly.
5. The remaining portions of the Complaint are dismissed.
6. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

November 26, 2013

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-U-01 was transmitted via File & ServeXpress to the following parties on this the 26th day of November, 2013.

Mr. Robert Mayfield
PO Box 76588
Washington, DC 20013

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/s/ Erin E. Wilcox

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Public Employee Relations Board



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Email: perb@dc.gov

NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH (“DOH”), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1443, PERB CASE NO. 14-U-01 (November 26, 2013):

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered DOH to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by the actions and conduct set forth in Slip Opinion No. 1443.

WE WILL cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act (“CMPA”).

WE WILL cease and desist from refusing respond to the request for bargaining information made by the American Federation of Government Employees, Local 2978, on July 9, 2013.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

District of Columbia Department of Health

Date: _____ By: _____

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4th Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

November 26, 2013

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)
In the Matter of:)
)
National Association of Government Employees,)
Local R3-07)
)
	PERB Case No. 13-CU-03)
)
	Opinion No. 1447)
)
and)
)
District of Columbia Office of Unified)
Communications,)
)
Petitioners.)
_____)

DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION

On June 11, 2013, the National Association of Government Employees, Local R3-07 (“Local R3-07”) and the District of Columbia Office of Unified Communications (“OUC”) (collectively “Petitioners”) jointly petitioned the Board to designate Compensation Unit 1¹ as the appropriate compensation unit for a bargaining unit in OUC that is represented by Local R3-07. The Petitioners filed an amended joint petition correcting a certification number in the petition and subsequently filed a second amended joint petition (“Joint Petition”) curing deficiencies that the Executive Director had called to the Petitioners’ attention.

The bargaining unit in question originated from the consolidation of bargaining units of employees of the Metropolitan Police Department and employees of the Fire and Emergency Medical Services Department who had been transferred to OUC. In *District of Columbia Office of Unified Communications and National Association of Government Employees/SEIU*, 59 D.C. Reg. 2990, Slip Op. No. 786, PERB Case No. 05-UM-01 (2005), the Board recognized the consolidated bargaining unit, assigned it to Compensation Unit 1, and ordered an election to determine the bargaining unit representative. Following the election, the Board certified the National Association of Government Employees/SEIU, Local R3-05 as the exclusive

¹ Labor organizations are initially certified by the Board under the Comprehensive Merit Personnel Act (CMPA) to represent units of employees that have been determined to be appropriate for purpose of non-compensation terms-and-conditions bargaining. Once this determination is made, the Board then determines the compensation unit in which these employees should be placed. Unlike the determination of a terms-and-conditions unit, which is governed by criteria set forth under D.C. Code§ 1-617.09, unit placement for purpose of authorizing collective bargaining over compensation is governed by D.C. Code § 1-617.16(b).

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representative of the bargaining unit. *D.C. Office of Unified Commc'ns and Nat'l Ass'n of Gov't Employees/SEIU, Local R3-05*, Certification No. 134, PERB Case No. 05-UM-01 (Aug. 5, 2005). At the request of the National Association of Government Employees/SEIU, the Board amended the certification by removing "Local R3-05" from the name of the exclusive representative of the unit. *Nat'l Ass'n of Gov't Employees/SEIU and D.C. Office of Unified Commc'ns*, 59 D.C. Reg. 3795, Slip Op. No. 892, PERB Case No. 06-AC-01 (2007).

At a time permitted by Rule 502.9(b)(i), the International Union of Public Employees filed a recognition petition seeking to represent the employees of OUC. Local R3-07 intervened as a matter of right pursuant to Rules 502.7 and 502.8(b). The Board ordered an election to determine whether the employees of OUC desired to be represented for purposes of collective bargaining by the International Union of Professional Employees, by Local R3-07, or by no representative. *Int'l Union of Pub. Employees and D.C. Office of Unified Commc'ns*, 59 D.C. Reg. 14,890, Slip Op. No. 1330, PERB Case 12-RC-02 (2012). Following the election, the Board certified Local R3-07 as the exclusive bargaining representative of the following unit:

All employees of the Government of the District of Columbia Office of Unified Communications, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-1139.

Int'l Union of Pub. Employees and D.C. Office of Unified Commc'ns, 60 D.C. Reg. 2514, Certification No. 153, PERB Case 12-RC-02 (2013).

Petitioners aver that "[a]s a result of this election, the bargaining unit changed, to include ten newly-recognized members of the bargaining unit, who work in the information technology department." (Joint Petition ¶ 5). The Petitioners request the Board to designate Compensation Unit 1 as the appropriate unit for the entire bargaining unit described above as set forth in Certification No. 153. (Joint Petition ¶ 9). A notice concerning the Joint Petition was posted. The notice solicited comments and requests to intervene concerning the appropriate compensation unit. No comments or requests to intervene were received.

The Board authorizes compensation units pursuant to D.C. Code section 1-617.16(b), which provides: "In determining an appropriate bargaining unit for negotiations concerning compensation, the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate." This provision establishes a two-part test to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes. *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

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The employees who had been in the bargaining unit before the most recent certification are already in Compensation Unit 1. (Joint Petition ¶ 6). The Board found it appropriate to place the bargaining unit with those employees in Compensation Unit 1. *D.C. Office of Unified Commc'ns and Nat'l Ass'n of Gov't Employees/SEIU*, 59 D.C. Reg. 2990, Slip Op. No. 786 at p. 6, PERB Case No. 05-UM-01 (2005). The addition of employees from the information technology department only broadens the occupational groups in the unit. The first part of the test is satisfied.

The second part of the test is satisfied as the employees share a pay system with other employees who are currently in Compensation Unit 1 (Joint Petition ¶ 6), and placing the Employees in that unit does not increase the number of different pay systems or schemes.

For the foregoing reasons, the Board grants the Joint Petition for Compensation Unit Determination and places the above-referenced bargaining unit in Compensation Unit 1.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Petitioners' "Amended Joint Petition for Compensation Unit Determination" is granted.
2. The following employees are placed in Compensation Unit 1: All employees of the Government of the District of Columbia Office of Unified Communications, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-1139.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 23, 2014

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CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 13-CU-03 was served via File & ServeXpress to the following parties on this the 23d day of January 2014.

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441 4th St. NW, suite 820 North
Washington, D.C. 20001

VIA FILE & SERVEXPRESS

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VIA FILE & SERVEXPRESS


David McFadden
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