



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing to consider legislation regarding rent control laws
- D.C. Council schedules a public oversight hearing on responsiveness of District Government Agencies to Advisory Neighborhood Commissions and individual Commissioners
- D.C. Public Charter School Board notifies the public about receiving two applications for potential new public charter schools
- Board of Elections publishes the Fictitious Ballot for the November 4, 2014 Mayoral General Election
- Department of Human Services announces the availability of the Community Services Block Grant State Plan and Application for Fiscal Years 2015 and 2016 for public inspection, review and comment
- D.C. Health Benefit Exchange Authority (HBEA) notifies the public about the Contracting and Procurement Policies and Procedures intended to establish an open and transparent procurement process for HBEA

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

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Legal Effect of Publication - Certification

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

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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VINCENT C. GRAY
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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Council of the District of Columbia
Committee on Economic Development
Notice of Public Hearing
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

REVISED

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCE A PUBLIC HEARING

On

B20-052, Rent Control Voluntary Agreement Procedure Amendment Act of 2013

B20-074, Residential Lease Omnibus Amendment Act of 2013

B20-830, the Rent Control Amendment Act of 2014

B20-837, the Rent Control Improvement and Protection Amendment Act of 2014

B20-895, the Rent Control Hardship Petition Amendment Act of 2014

OCTOBER 14, 2014

11:00 AM

ROOM 500

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On October 14, 2014, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public hearing to consider legislation regarding landlord-tenant law.

Bill 20-052, the Rent Control Voluntary Agreement Procedure Amendment Act of 2013, would require a 21-day period for affected tenants to have an opportunity to submit testimony on a proposed voluntary agreement, provide additional criteria for the Rent Administrator to deny a voluntary agreement, and eliminate automatic approval of voluntary agreements.

Bill 20-074, the Residential Lease Omnibus Amendment Act of 2013, would require that mandatory fees or services be included in the maximum rent charged, extend tenants' opportunity to purchase for a twelve month period if a unit owner takes possession for personal occupancy, establish a reasonable standard for the purpose, time, and notice of a landlord's inspection of a unit, bar lease terms that require more than 30-days' notice of a tenant's intent to vacate a unit, and bar lease terms that unreasonably restrict a tenant's ability to sublet a unit.

Bill 20-830, the Rent Control Amendment Act of 2014, would prohibit rent increases when a housing provider fails to give elderly or disabled tenants notice of their rights, to have a registered agent, or requiring unnecessary proof of a tenant's elderly or disabled status. The bill would also cap rent increases for elderly or disabled tenants to the lesser of 5%, the Consumer Price Index, or the Social Security Cost of Living Adjustment and cap rent increases for other tenants at the Consumer Price Index up to 10%. Finally, Bill 20-830 clarifies the process for proving a tenant's elderly and disabled status.

Bill 20-837, the Rent Control Improvement and Protection Amendment Act of 2014, extends the time period for the Rent Administrator to review a hardship petition, lowers the statutory rate of return to 8%, changes the standard for calculating a rate of return, provides additional protections for the review of voluntary agreements, and establishes new penalties for violations of tenant law.

Bill 20-895, the Rent Control Hardship Petition Amendment Act of 2014, requires the creation of an online search database of rental documents, bars the selective or delayed implementation of rent increases, lowers the statutory rate of return to 8%, changes the standard for calculating a rate of return, eliminates conditional approval of hardship petitions, makes changes to the capital improvement petition process, and provide additional protections for the review of voluntary agreements.

The public hearing will begin at 11:00 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of community organizations wishing to testify should contact Judah Gluckman, Legislative Counsel to the Committee on Economic Development, at (202) 724-8025, or jgluckman@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business October 13, 2014. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard. Please provide the Committee 20 copies of any written testimony.

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 by the close of business on October 28, 2014, to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

This hearing notice has been revised to reflect the new date and location.

Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
REVISED AND ABBREVIATED 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”**

Monday, October 6, 2014, 11:00 AM
Room 412 John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, D.C. 20004

On October 6, 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. **This notice is revised and abbreviated pursuant to Rule 421(c) to reflect a change in the date and location of the hearing.**

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 20, 2014.

This hearing notice was revised to reflect the change in date.

**Council of the District of Columbia
COMMITTEE ON GOVERNMENT OPERATIONS
REVISED AND ABBREVIATED - 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**

**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 B20-471 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 412 of the John A. Wilson Building, 1350 Pennsylvania Ave, NW at 11:00 AM. **This notice is revised and abbreviated pursuant to Rule 421(c) to reflect a change in the date and location of the hearing.**

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 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 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 15, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

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

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

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

Reprog. 20-244: Request to reprogram \$1,597,697 of Fiscal Year 2014 Local funds budget authority from the Department of General Services (DGS) to the Department of Employment Services (DOES) and the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on September 16, 2014. This reprogramming ensures that DOES will be able to support Student Youth Employment program activities and the OCFO will have budget authority to make the tax refund payment.

RECEIVED: 14 day review begins September 17, 2014

Reprog. 20-245: Request to reprogram \$60,000 of Fiscal Year 2014 Capital funds budget authority to the Department of General Services (DGS) was filed in the Office of the Secretary on September 16, 2014. This reprogramming is needed to support the cost of upgrading Archibus, the IT enterprise solution that includes the Property Use and Tracking (PUTS) at DGS.

RECEIVED: 14 day review begins September 17, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

RE-ADVERTISEMENT

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Roll Call Hearing Date: November 10, 2014
Protest Hearing Date: January 21, 2015

License No.: ABRA-096150
Licensee: 1832 NW LLC
Trade Name: Art Soiree House
License Class: Retailer's Class "C" Multi-Purpose Facility
Address: 1832 14th Street NW
Contact: Carlos Saenz, 301-806-7419

WARD 2 ANC 2B SMD 2B09

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 Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for January 21, 2015 at 1:30 PM.

NATURE OF OPERATION

Multipurpose arts and cultural gallery space with weekly art exhibitions, live music, jazz and piano, and performance programming, special presentations and events. Serving beverages and light snacks. Seating capacity is approximately 65. Total occupancy load is 150.

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

Sunday 10am-1am, Monday and Tuesday 12pm-1am, Wednesday and Thursday 12pm-2am, Friday and Saturday, 12pm-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 19, 2014
Petition Date: November 3, 2014
Hearing Date: November 17, 2014

License No.: ABRA-093794
Licensee: Boss Shepherd's LLC
Trade Name: Boss Shepherd's
License Class: Retailer's Class "C" Restaurant
Address: 1299 Pennsylvania Avenue, NW
Contact: Andrew Kline 202-686-7600

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request is for an Entertainment Endorsement. Entertainment will include occasional entertainment to include light music and jazz.

CURRENT HOURS OF OPERATION/ SALES/SERVICE/CONSUMPTION

Sunday through Thursday 7 am -2 am
Friday through Saturday 7 am- 3 am

CURRENT HOURS OF SALES/SERVICE/CONSUMPTION

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

PROPOSED HOURS OF ENTERTAINMENT

Sunday through Thursday 6 pm- 2 am
Friday through Saturday 6 pm- 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-076052

Applicant: Safeway Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 6E05

Premise Address: 490 L ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 hrs - 24 hrs	7 am -12 am
MON:	24 hrs - 24 hrs	7 am - 12 am
TUE:	24 hrs - 24 hrs	7 am - 12 am
WED:	24 hrs - 24 hrs	7 am - 12 am
THU:	24 hrs - 24 hrs	7 am - 12 am
FRI:	24 hrs - 24 hrs	7 am - 12 am
SAT:	24 hrs - 24 hrs	7 am - 12 am

License Number: ABRA-075686

Applicant: Safeway, Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 5D05

Premise Address: 1601 MARYLAND AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	5 am - 12 am	9 am -9 pm
MON:	5 am - 12 am	9 am - 9 pm
TUE:	5 am - 12 am	9 am - 9 pm
WED:	5 am - 12 am	9 am - 9 pm
THU:	5 am - 12 am	9 am - 9 pm
FRI:	5 am - 12 am	9 am - 9 pm
SAT:	5 am - 12 am	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-075687

Applicant: Safeway, Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 2E07

Premise Address: 1855 WISCONSIN AVE NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 Hours -	7 am -10 pm
MON:	24 Hours -	7 am - 10 pm
TUE:	24 Hours -	7 am - 10 pm
WED:	24 Hours -	7 am - 10 pm
THU:	24 Hours -	7 am - 10 pm
FRI:	24 Hours -	7 am - 10 pm
SAT:	24 Hours -	7 am - 10 pm

License Number: ABRA-060504

Applicant: Safeway, Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 7B05

Premise Address: 2845 ALABAMA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	6 am - 10 pm	10 am -10 pm
MON:	6 am - 10 pm	9 am - 10 pm
TUE:	6 am - 10 pm	9 am - 10 pm
WED:	6 am - 10 pm	9 am - 10 pm
THU:	6 am - 10 pm	9 am - 10 pm
FRI:	6 am - 10 pm	9 am - 10 pm
SAT:	6 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-077411
License Class/Type: B Retail - Groce
SMD: 8D06

Applicant: GG and SONS, Inc.
Trade Name: Elmira Grocery
Premise Address: 4401 SOUTH CAPITOL ST SW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-072708
License Class/Type: B Retail - Groce
SMD: 1C07

Applicant: Safeway, Inc.
Trade Name: Safeway
Premise Address: 1747 COLUMBIA RD NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	6 am - midnight	10 am -10 pm
MON:	6 am - midnight	9 am - 10 pm
TUE:	6 am - midnight	9 am - 10 pm
WED:	6 am - midnight	9 am - 10 pm
THU:	6 am - midnight	9 am - 10 pm
FRI:	6 am - midnight	9 am - 10 pm
SAT:	6 am - midnight	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-060647
License Class/Type: B Retail - Groce
SMD: 2F01

Applicant: Safeway, Inc.
Trade Name: Safeway
Premise Address: 322 40TH ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	6 am - 11 pm	9 am -10 pm
MON:	6 am - midnight	9 am - 10 pm
TUE:	6 am - midnight	9 am - 10 pm
WED:	6 am - midnight	9 am - 10 pm
THU:	6 am - midnight	9 am - 10 pm
FRI:	6 am - midnight	9 am - 10 pm
SAT:	6 am - midnight	9 am - 10 pm

License Number: ABRA-078591
License Class/Type: B Retail - Groce
SMD: 5E05

Applicant: Kono K. Gemechu
Trade Name: Kearney's Grocery
Premise Address: 90 O ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -9 pm
MON:	8 am - 10 pm	9 am - 9 pm
TUE:	8 am - 10 pm	9 am - 9 pm
WED:	8 am - 10 pm	9 am - 9 pm
THU:	8 am - 10 pm	9 am - 9 pm
FRI:	8 am - 10 pm	9 am - 9 pm
SAT:	8 am - 10 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-081583

Applicant: Safeway, Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 3D05

Premise Address: 4865 MACARTHUR BLVD NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	5 am - 12 am	9 am -12 am
MON:	5 am - 12 am	9 am - 12 am
TUE:	5 am - 12 am	9 am - 12 am
WED:	5 am - 12 am	9 am - 12 am
THU:	5 am - 12 am	9 am - 12 am
FRI:	5 am - 12 am	9 am - 12 am
SAT:	5 am - 12 am	9 am - 12 am

License Number: ABRA-082176

Applicant: Safeway, Inc

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 6D05

Premise Address: 1100 4TH ST SW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	5 am - 12 am	9 am -10 pm
MON:	5 am - 12 am	9 am - 12 am
TUE:	5 am - 12 am	9 am - 12 am
WED:	5 am - 12 am	9 am - 12 am
THU:	5 am - 12 am	9 am - 12 am
FRI:	5 am - 12 am	9 am - 12 am
SAT:	5 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-079023

Applicant: Yes Organic Union Row, Inc.

License Class/Type: B Retail - Groce

Trade Name: Yes Organic Market

SMD: 1B04

Premise Address: 2125 14th ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am -10 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

License Number: ABRA-077988

Applicant: Safeway, Inc.

License Class/Type: B Retail - Groce

Trade Name: Safeway

SMD: 4B03

Premise Address: 6500 PINEY BRANCH RD NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	5 am - 12 am	7 am -12 am
MON:	5 am - 12 am	7am - 12 am
TUE:	5 am - 12 am	7 am - 12 am
WED:	5 am - 12 am	7 am - 12 am
THU:	5 am - 12 am	7 am - 12 am
FRI:	5 am - 12 am	7 am - 12 am
SAT:	5 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-089069
License Class/Type: B Retail - Class
SMD: 4C03

Applicant: Askale Yaregal
Trade Name: Gedera Market
Premise Address: 4600 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 11 pm	10 am -10 pm
MON:	10 am - 11 pm	10 am - 10 pm
TUE:	10 am - 11 pm	10 am - 10 pm
WED:	10 am - 11 pm	10 am - 10 pm
THU:	10 am - 11 pm	10 am - 10 pm
FRI:	10 am - 11 pm	10 am - 10 pm
SAT:	10 am - 11 pm	10 am - 10 pm

License Number: ABRA-093822
License Class/Type: B Retail - Groce
SMD: 4C06

Applicant: Safeway, Inc
Trade Name: Safeway
Premise Address: 3830 GEORGIA AVE NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	5 am - 12 am	7 am -12 am
MON:	5 am - 12 am	7 am - 12 am
TUE:	5 am - 12 am	7 am - 12 am
WED:	5 am - 12 am	7 am - 12 am
THU:	5 am - 12 am	7 am - 12 am
FRI:	5 am - 12 am	7am - 12 am
SAT:	5 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-081925

Applicant: Yes Organic Petworth Inc.

License Class/Type: B Retail - Groce

Trade Name: Yes Organic Market

SMD: 4C07

Premise Address: 4100 GEORGIA AVE NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	7 am -10 pm
MON:	7 am - 10 pm	7 am - 10 pm
TUE:	7 am - 10 pm	7 amm - 10 pm
WED:	7 am - 10 pm	7 am - 10 pm
THU:	7 am - 10 pm	9 am - 10 pm
FRI:	7 am - 10 pm	7 am - 10 pm
SAT:	7 am - 10 pm	7 am - 10 pm

License Number: ABRA-094313

Applicant: Alexander Market, Inc.

License Class/Type: B Retail - Class

Trade Name: Newton Food Mart

SMD: 5B02

Premise Address: 3600 12TH ST NE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 9 pm	7 am -9 pm
MON:	7 am - 9 pm	7 am - 9 pm
TUE:	7 am - 9 pm	7 am - 9 pm
WED:	7 am - 9 pm	7 am - 9 pm
THU:	7 am - 9 pm	7 am - 9 pm
FRI:	7 am - 9 pm	7 am - 9 pm
SAT:	7 am - 9 pm	7 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

**POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014**

License Number: ABRA-075678

Applicant: Yes Organic Four, Inc

License Class/Type: B Retail - Groce

Trade Name: Yes Organic Market

SMD: 5B05

Premise Address: 3809 12TH ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 9 pm	8 am -9 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

License Number: ABRA-089539

Applicant: Yes Organic Eastern Market, Inc.

License Class/Type: B Retail - Groce

Trade Name: Yes Organic Market

SMD: 6B04

Premise Address: 410 8TH ST SE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	10 am -9 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-075184

Applicant: Wisdom Market, Inc.

License Class/Type: B Retail - Groce

Trade Name: R & M Market

SMD: 7D06

Premise Address: 4003 GAULT PL NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 8:30 pm	9 am -8:30 pm
MON:	9 am - 8:30 pm	9 am - 8:30 pm
TUE:	9 am - 8:30 pm	9 am - 8:30 pm
WED:	9 am - 8:30 pm	9 am - 8:30 pm
THU:	9 am - 8:30 pm	9 am - 8:30 pm
FRI:	9 am - 8:30 pm	9 am - 8:30 pm
SAT:	9 am - 8:30 pm	9 am - 8:30 pm

License Number: ABRA-072566

Applicant: Ming Wei Zhang

License Class/Type: B Retail - Groce

Trade Name: China Cafe Carryout

SMD: 7C01

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	11:30 am - midnight	11:30 am -10 pm
MON:	11:30 am - midnight	11:30 am - 10 pm
TUE:	11:30 am - midnight	11:30 am - 10 pm
WED:	11:30 am - midnight	11:30 am - 10 pm
THU:	11:30 am - midnight	11:30 am - 10 pm
FRI:	11:30 am - midnight	11:30 am - 10 pm
SAT:	11:30 am - midnight	11:30 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-078965
License Class/Type: B Retail - Groce
SMD: 5E07

Applicant: KMRY, Incorporated
Trade Name: New Reservoir Market
Premise Address: 1942 1ST ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7:30 am - 12 am	9 am -12 am
MON:	7:30 am - 12 am	9 am - 12 am
TUE:	7:30 am - 12 am	9 am - 12 am
WED:	7:30 am - 12 am	9 am - 12 am
THU:	7:30 am - 12 am	9 am - 12 am
FRI:	7:30 am - 12 am	9 am - 12 am
SAT:	7:30 am - 12 am	9 am - 12 am

License Number: ABRA-016999
License Class/Type: B Retail - Groce
SMD: 3B02

Applicant: Nicholas & Alexis Inc.
Trade Name: Glover Park Market
Premise Address: 2421 DIVISION AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8:30 am - 12 am	9 am -12 am
MON:	8:30 am - 10:30 pm	9 am - 10 pm
TUE:	8:30 am - 10:30 pm	9 am - 10 pm
WED:	8:30 am - 10:30 pm	9 am - 10 pm
THU:	8:30 am - 12 am	9 am - 12 am
FRI:	8:30 am - 12 am	9 am - 12 am
SAT:	8:30 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-086305
License Class/Type: B Retail - Groce
SMD: 6A02

Applicant: Y & H TRADING, INC.
Trade Name: 1101 Convenience Mart
Premise Address: 1101 H ST NE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8am - 10:30pm	9 am -9 pm
MON:	8 am - 10:30 pm	9 am - 10 pm
TUE:	8 am - 10:30 pm	9 am - 10 pm
WED:	8 am - 10:30 pm	9 am - 10 pm
THU:	8 am - 10:30 pm	9 am - 10 pm
FRI:	8 am - 10:30 pm	9 am - 10 pm
SAT:	8 am - 10:30 pm	9 am - 10 pm

License Number: ABRA-093974
License Class/Type: B Retail - Groce
SMD: 8A02

Applicant: S & A Deli, Inc.
Trade Name: Good Hope Deli & Market
Premise Address: 1736 Good Hope RD SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 6 pm	10am -6pm
MON:	7 am - 8 pm	7am - 8pm
TUE:	7 am - 8 pm	7 am - 8pm
WED:	7 am - 8 pm	7am - 8 pm
THU:	7 am - 8 pm	7am - 8 pm
FRI:	7 am - 9pm	7 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-074226

Applicant: ENB Enterprises, Inc.

License Class/Type: B Retail - Groce

Trade Name: New Dodge Market

SMD: 1A01

Premise Address: 3620 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am -12 am
MON:	9 am - 12 am	9 am - 12 am
TUE:	9 am - 12 am	9 am - 12 am
WED:	9 am - 12 am	9 am - 12 am
THU:	9 am - 12 am	9 am - 12 am
FRI:	9 am - 12 am	9 am - 12 am
SAT:	9 am - 12 am	9 am - 12 am

License Number: ABRA-087729

Applicant: STT Management, LLC

License Class/Type: B Retail - Class

Trade Name: U Street Wine and Beer

SMD: 1B12

Premise Address: 1351 U ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 12 am	10 am -12 am
MON:	10 am - 12 am	10 am - 12 am
TUE:	10 am - 12 am	10 am - 12 am
WED:	10 am - 12 am	10 am - 12 am
THU:	10 am - 12 am	10 am - 12 am
FRI:	10 am - 12 am	10 am - 12 am
SAT:	10 am - 12 am	10 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-080635

Applicant: El Gavilan LLC

License Class/Type: B Retail - Groce

Trade Name: El Gavilan Grocery

SMD: 1C06

Premise Address: 1646 COLUMBIA RD NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 8 pm	9 am -8 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

License Number: ABRA-077168

Applicant: DSAY Corporation

License Class/Type: B Retail - Groce

Trade Name: Adams Market

SMD: 2C01

Premise Address: 700 F ST NE A

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7:30 am - 9 pm	10 am -9 pm
MON:	7:30 am - 9 pm	9 am - 9 pm
TUE:	7:30 am - 9 pm	9 am - 9 pm
WED:	7:30 am - 9 pm	9 am - 9 pm
THU:	7:30 am - 9 pm	9 am - 9 pm
FRI:	7:30 am - 9 pm	9 am - 9 pm
SAT:	7:30 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-011247

Applicant: Lydia Assefa

License Class/Type: B Retail - Groce

Trade Name: Super Saver Grocery & Deli

SMD: 4C05

Premise Address: 4413 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 -	9 am -10 pm
MON:	24 hours -	9 am - 10 pm
TUE:	24 hours -	9 am - 10 pm
WED:	24 hours -	9 am - 10 pm
THU:	24 hours -	9 am - 10 pm
FRI:	24 hours -	9 am - 10 pm
SAT:	24 hours -	9 am - 10 pm

License Number: ABRA-090618

Applicant: Anseba GE, Inc

License Class/Type: B Retail - Groce

Trade Name: Bless 7 to 10 Market

SMD: 4C10

Premise Address: 434 SHEPHERD ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 9 pm	9 am -9 pm
MON:	7 am - 9 pm	9 am - 9 pm
TUE:	7 am - 9 pm	9 am - 9 pm
WED:	7 am - 9 pm	9 am - 9 pm
THU:	7 am - 9 pm	9 am - 9 pm
FRI:	7 am - 9 pm	9 am - 9 pm
SAT:	7 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-090417
License Class/Type: B Retail - Groce
SMD: 4D05

Applicant: MHAT & DM, LLC
Trade Name: Avenue Supermarket
Premise Address: 5010 NEW HAMPSHIRE AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 11:59 pm	7 am -11:59 pm
MON:	7 am - 11:59 pm	7 am - 11:59 pm
TUE:	7 am - 11:59 pm	7 am - 11:59 pm
WED:	7 am - 11:59 pm	7 am - 11:59 pm
THU:	7 am - 11:59 pm	7 am - 11:59 pm
FRI:	7 am - 11:59 pm	7 am - 11:59 pm
SAT:	7 am - 11:59 pm	7 am - 11:59 pm

License Number: ABRA-060661
License Class/Type: B Retail - Groce
SMD: 5A05

Applicant: Sangwon, Inc.
Trade Name: Trinity Deli & Food Market
Premise Address: 200 MICHIGAN AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	7:30 am - 10 pm	9 am - 10 pm
TUE:	7:30 am - 10 pm	9 am - 10 pm
WED:	7:30 am - 10 pm	9 am - 10 pm
THU:	7:30 am - 10 pm	9 am - 10 pm
FRI:	7:30 am - 10 pm	9 am - 10 pm
SAT:	7:30 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-075795

Applicant: Lusk's Corporation

License Class/Type: B Retail - Groce

Trade Name: Eddie's Carryout

SMD: 5D03

Premise Address: 1251 BLADENSBURG RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	12 pm - 1 am	12 pm -12midnight
MON:	10:30 am - 12 midnight	10:30 am - 12midnight
TUE:	10:30 am - 12 midnight	10:30 am - 12midnight
WED:	10:30 am - 12 midnight	10:30 am - 12midnight
THU:	10:30 am - 12 midnight	10:30 am - 12midnight
FRI:	10:30 am - 1 am	10:30 am - 12midnight
SAT:	10:30 am - 1 am	10:30 am - 12midnight

License Number: ABRA-083044

Applicant: MNS LLC

License Class/Type: B Retail - Groce

Trade Name: McKinley Market

SMD: 5E03

Premise Address: 321 T ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-060359
License Class/Type: B Retail - Groce
SMD: 5E06

Applicant: Habtmical Letckidan T.
Trade Name: Rafael Grocery Deli
Premise Address: 233 FLORIDA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-076858
License Class/Type: B Retail - Groce
SMD: 6B03

Applicant: Capit-Oh Hill Supreme Corp.
Trade Name: Capitol Supreme Market
Premise Address: 501 4TH ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 8 pm	9 am -8 pm
MON:	7:30 am - 9:30 pm	9 am - 9:30 pm
TUE:	7:30 am - 9:30 pm	9 am - 9:30 pm
WED:	7:30 am - 9:30 pm	9 am - 9:30 pm
THU:	7:30 am - 9:30 pm	9 am - 9:30 pm
FRI:	7:30 am - 9:30 pm	9 am - 9:30 pm
SAT:	7:30 am - 9:30 pm	9 am - 9:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-082665
License Class/Type: B Retail - Groce
SMD: 6D07

Applicant: 3rd & K Street Market, Inc.
Trade Name: Cornercopia
Premise Address: 1000 3RD ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 6 pm	9 am -6 pm
MON:	7 am - 10 pm	9 am - 10 pm
TUE:	7 am - 10 pm	9 am - 10 pm
WED:	7 am - 10 pm	9 am - 10 pm
THU:	7 am - 10 pm	9 am - 10 pm
FRI:	7 am - 10 pm	9 am - 10 pm
SAT:	7 am - 10 pm	9 am - 10 pm

License Number: ABRA-092202
License Class/Type: B Retail - Groce
SMD: 6E07

Applicant: Wal-Mart Stores East, LP
Trade Name: Wal-Mart
Premise Address: 99 H ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	6 am - 12 am	7 am -12 am
MON:	6 am - 12 am	7 am - 12 am
TUE:	6 am - 12 am	7 am - 12 am
WED:	6 am - 12 am	7 am - 12 am
THU:	6 am - 12 am	7 am - 12 am
FRI:	6 am - 12 am	7 am - 12 am
SAT:	6 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

**POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014**

**License Number: ABRA-014581
License Class/Type: B Retail - Groce
SMD: 7D02**

**Applicant: Parkside Associates Limited Partnership
Trade Name: Circle 7 Market
Premise Address: 740 KENILWORTH AVE NE**

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 hours -	9 am -12 am
MON:	24 hours -	9 am - 12 am
TUE:	24 hours -	9 am - 12 am
WED:	24 hours -	9 am - 12 am
THU:	24 hours -	9 am - 12 am
FRI:	24 hours -	9 am - 12 am
SAT:	24 hours -	9 am - 12 am

**License Number: ABRA-021489
License Class/Type: B Retail - Groce
SMD: 8A06**

**Applicant: P A C K Corporation
Trade Name: Martin Luther King's Grocery
Premise Address: 2420 MARTIN LUTHER KING JR AVE SE**

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 9/19/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-087621
License Class/Type: B Retail - Class
SMD: 8B06

Applicant: Shipley Supermarket, Inc
Trade Name: Shipley Supermarket
Premise Address: 2283 SAVANNAH ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am -10 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION*

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Hearing Date: November 10, 2014
Protest Date: January 21, 2015

License No.: ABRA-096523
Licensee: Juanita's Inc.
Trade Name: OKAPI
License Class: Retail Class "C" Tavern
Address: 4811 Georgia Avenue, N.W.
Contact: Jeff Jackson 202-251-1566

* WARD 4 ANC 4D SMD 4D06

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 1:30 pm on November 10, 2014.

NATURE OF OPERATION

New Tavern. The nature of operation will be restaurant dining providing El Salvadorian food. Will provide entertainment in the form of a DJ and dancing. Occupancy load is 60.

HOURS OF OPERATON

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

HOURS OF SALES/SERVICE/CONSUMPTION

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

HOURS OF ENTERTAINMENT

Sunday through Thursday 6 pm - 2 am, Friday and Saturday 6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: September 19, 2014
Petition Date: November 3, 2014
Roll Call Hearing Date: November 17, 2014
License No.: ABRA-090997
Licensee: RR4, LLC.
Trade Name: RedRocks
License Class: Retailer's Class "C" Restaurant
Address: 1348 H Street, NE
Contact: James O'Brien: 202-258-9505/ 202-621-7300

WARD 6 ANC 6A SMD 6A06

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 to Change Entertainment Endorsement hours and Addition of Sunday Hours.

REQUESTED ENTERTAINMENT ENDORSEMENT HOURS:

Sunday: 6pm-11pm, Thursday: 6pm-1:30am, Friday & Saturday: 6pm-2:30am

APPROVED ENTERTAINMENT ENDORSEMENT HOURS:

Sunday through Wednesday: Closed, Thursday through Saturday: 6pm-1am

APPROVED HOURS OF OPERATION:

Sunday through Wednesday: 11am-12am, Thursday: 11am-2am, Friday & Saturday: 11am-3am

APPROVED HOURS OFALCOHOLIC BEVERAGE SALES AND CONSUMPTION:

Sunday through Wednesday: 11am-11:45pm, Thursday: 11am-1:45pm, Friday & Saturday: 11am - 2:45am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

*CORRECTION

Posting Date: September 12, 2014
Petition Date: October 27, 2014
Hearing Date: November 10, 2014
License No.: ABRA-071793

Licensee: Partners At 723 8th Street SE, LLC
Trade Name: The Ugly Mug Dining Saloon
License Class: Retailer's Class "C" Restaurant
Address: 723 8th Street SE
Contact Person: Gaynor Jablonski 703 928-3225
gaynorj@districtrg.com

WARD 6

ANC 6B

SMD 6B03

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, NW, Washington, DC, 20009. A petition or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO THE NATURE OF OPERATIONS:

An expansion to the 2nd floor, and the addition of 144 seats, changing the total capacity to 242.

CURRENT HOURS OF OPERATION/ HOURS OF ALCOHOLIC BEVERAGE SALES/CONSUMPTION/INSIDE PREMISE AND SIDEWALK CAFE

Sunday 12 noon - 1:30 am Monday -Thursday 11:30 am -1:30 am
Friday and Saturday 11:30 - 3 am

HOURS OF LIVE ENTRTAINMENT OCCURING OR CONTINUING AFTER 6:00PM

Sunday through Thursday 6 pm - 1:30 am Friday and Saturday 6 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/19/2014

Notice is hereby given that:

License Number: ABRA-076366

License Class/Type: C Tavern

Applicant: Beg Investments LLC

Trade Name: Twelve Restaurant & Lounge

ANC: 6A

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

1123 - 1125 H ST NE, WASHINGTON, DC 20002

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

11/3/2014

HEARING WILL BE HELD ON

11/17/2014

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

ENDORSEMENTS: Cover Charge, Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Monday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Thursday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Friday:	10 am - 3 am	10 am - 2:45 am	5 pm - 3 am
Saturday:	10 am - 3 am	10 am - 2:45 am	10 am - 3 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 2 am	10 am - 2 am
Saturday:	10 am - 2 am	10 am - 2 am

DEPARTMENT OF GENERAL SERVICES
NOTICE OF PUBLIC MEETINGS REGARDING
SURPLUS RESOLUTIONS PURSUANT TO D.C. OFFICIAL CODE 10-801

The District will conduct a public hearing to receive public comments on the proposed surplus of the following properties. The date, time and location shall be as follows:

Property: Square 5295 Lots 812 & 813 and Square 5296 Lots 803 & 810 (Vacant Land Parcels with frontages on Southern Avenue SE and Drake Pl SE)

Date : October 7, 2014

Time: 6:30 pm

Location: Benning Park Recreation Center
Southern Avenue and Fable St
Washington, DC 20019

Contact: Regina Payton, Real Estate Specialist
Department of General Services
202.727.7034 or Regina.Payton@dc.gov

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF PUBLIC HEARING FOR TWO NEW SCHOOL APPLICATIONS**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated September 16, 2014, that it received two applications for potential new charter schools. PHILLIPS Public Charter School proposes to open a middle and high school program that will be managed by PHILLIPS Programs for Children and Families, and PCSB also received a proposal from the current staff and leaders at Options Public Charter School to operate Kingsman Academy Public Charter School. PCSB intends to hold a hearing on October 14, 2014 to discuss both applications. A vote will be held on November 17, 2014. Please contact Mikayla Lytton, Manager of Strategy and Analysis, at 202-328-2660 or email applications@dcpcsb.org. Please contact 202-328-2660 or email public.comment@dcpcsb.org to submit public comment.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF PUBLIC HEARING**

Small and Local Business Opportunity Commission

The Small and Local Business Opportunity Commission (SLBOC) will conduct a hearing on BALFOUR BEATTY CONSTRUCTION D.C., LLC's ("BALFOUR") appeal of the Department of Small and Local Business Development's decision to deny BALFOUR certification as a Certified Business Enterprise. The hearing will be held on September 30, 2014, at 12:00 noon at 441 4th street NW, Washington, DC 20001, Suite 850N [Potomac Room].

**BOARD OF ZONING ADJUSTMENT
REVISED* PUBLIC HEARING NOTICE
TUESDAY, DECEMBER 9, 2014
441 4TH STREET, N.W.**

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

***Note: This Notice is revised to include Application No. 18878**

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

18872 **Application of Kami Quinn and Maurion Knight**, pursuant to 11
ANC-6B DCMR § 3103.2 for variances from the requirements regarding
nonconforming structures (§2001.3), lot occupancy (§403), and rear yard
(§404) to allow the construction of a rear addition to a one-family row
dwelling in the CAP/R-4 District at 510 Independence Avenue S.E.
(Square 842, Lot 800).

WARD FIVE

18873 **Application of Deidra M. Barksdale**, pursuant to 11 DCMR §§ 3104.1
ANC-5E and 3103.2 for a variance from the lot occupancy requirements (section
403), a variance from the nonconforming structure requirements
(subsection 2001.3), and a special exception from the carport location
requirements (subsection 2300.8) to allow the additions, including a
carport to a flat in the R-4 District at premises 100 S Street, N.W. (Square
3104, Lot 804).

WARD SIX

18874 **Application of Portofino, LLC**, pursuant to 11 DCMR § 3103.2, for a
ANC-6E variance from the off-street parking requirements under subsection 2101.1,
to complete construction of a semi-detached flat in the R-4 District at
premises 1534 5th Street, N.W. (Square 478, Lot 59).

WARD ONE

18875 **Application of The Holladay Corporation**, pursuant to 11 DCMR §§
ANC-1A 3104.1 and 3103.2, for variances from the rear yard (§774) and loading
requirements (§2201), and special exception approval pursuant to §411.11
for roof structures not meeting the single enclosure and uniform height

BZA PUBLIC HEARING NOTICE

DECEMBER 9, 2014

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requirements and pursuant to §1330.1(c) for construction on a lot greater than 12,000 square feet, to construct new residential units in the GA/C-2-A District at 713-735 Lamont Street, N.W. (Square 2893, Lots 875 and 879).

WARD SEVEN

18876 **Application of Habitat for Humanity of Washington, D.C.**, pursuant to
ANC-7E §§ 3103.2 and 3104.1, for an area variance from the parking requirements
of § 2101.1 and a special exception from the new residential development
requirements of § 353, to allow the construction of a new three-story, ten
unit multiple dwelling building in the R-5-A District at 23 46th Street,
S.E. (Square 5346, Lot 4).

WARD SIX

18877 **Application of Jessica Crane**, pursuant to 11 DCMR § 3103.2, for
ANC-6B variances from the lot occupancy (section 403) and nonconforming
structure (subsection 2001.3) to allow an addition to an existing one-
family semi-detached dwelling in the R-4 District at premises 15 Brown
Court, S.E. (Square 870, Lot 853).

WARD TWO

18878 **Application of Alba 12th Street, LLC**, pursuant to 11 DCMR § 3103.2,
ANC-2F for variances from the floor area ratio (§1706); rear yard (§774); and
parking (§2101.1) requirements to allow the construct an office building in
the DD/C-2-C District at 1017 12th Street N.W.(Square 316, Lot 821).

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,

BZA PUBLIC HEARING NOTICE

DECEMBER 9, 2014

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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: Monday, December 15, 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. 07-26F (City Market at O Condo, LLC and Roadside Development – Modification of Previously Approved PUD and Zoning Map Amendment @ Square 398)

THIS CASE IS OF INTEREST TO ANC 6E

On June 26, 2014, the Office of Zoning received an application from City Market at O Condo, LLC and Roadside Development (the “Applicant”). The Applicant is requesting approval of modifications to the approved planned unit development for the O Street Market project, now known as City Market at O. The Applicant originally requested that the Zoning Commission consider the proposed modifications on the consent calendar, pursuant to § 3030 of the Zoning Regulations. The Office of Planning provided its report on July 7, 2014, in which it concluded that the modifications were not minor, but recommended that the application be set for public hearing. When the Zoning Commission considered the case at its public meeting on July 17, 2104, the Commission determined that the matter should not be considered on the consent calendar and determined to schedule a public hearing on the application. The Applicant provided its prehearing statement on August 25, 2014.

The overall property that is the subject of this application consists of approximately 149,600 square feet of land area and is located in the block bounded by 7th, 9th, O and P Streets, N.W. (Square 398, Lot 32). The subject property is zoned C-3-C.

The Applicant proposes to modify the building to be located on the western portion of the site on the south side of P Street and the east side of 9th Street. The modifications for that portion of the overall PUD include:

- Addition of bays on the interior courtyard;
- Reallocation of approximately 4,266 square feet of commercial floor area to residential use, which extends the 8th floor along the 9th Street frontage at 82 feet;
- Increase in building height from 90 feet to 91.8 feet at the P Street frontage;
- Increase in the height of roof structure (#4) on the north side from 100 to 102 feet;
- Increase in height of the mechanical penthouse from 102 feet to 108.5 feet (roof structure #4); and
- Request for flexibility from the 1:1 setback for a portion of the roof structure to allow added height at the elevator core.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 07-26F
PAGE 2

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

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include 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.

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

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

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-13 (Office of Planning – Text Amendments to Chapters 1, 4, 5, 6, 7, 8, 9, 12, 15, 19, 26, 27, 29, and 33: Definitions, Use Permissions, and Size Restrictions for Rooftop Penthouses)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 24, 2014, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning proposing several text amendments to the Zoning Regulations (11 DCMR). The Office of Zoning received a supplemental report from the Office of Planning on September 2, 2014. At a special public meeting on September 4, 2014, the Zoning Commission set down this case for a public hearing, including alternative concepts offered by the Zoning Commission. The OP report and supplemental report served as the supplemental filing described in § 3013.1.

The proposed amendment would permit the implementation of changes recently made by Congress to The Act to Regulate the Height of Buildings in the District of Columbia of 1910 (the Height Act). These changes now permit the occupancy of rooftop penthouses of one story and 20 feet or less. Because the current Zoning Regulations pertaining to penthouse are in some instances more stringent than what the amendment would permit, the changes to the Height Act cannot be given effect until corresponding changes to the Zoning Regulations are also adopted

As will be more specifically detailed in the chart that follows, the amendments proposed to the Zoning Regulations identify, among other things, the uses that may be allowed in penthouses, the height and other area limitations that apply to the structures, and the affordable housing requirements that are generated by either residential or non-residential uses. Because the one story Height Act limitation only applies if a penthouse requires a waiver to exceed the Height Act's limit, the proposed rules would permit a two-story penthouse in certain instances when its entire volume is below the Height Act maximum.

Since the petition only sought changes to the text of the Zoning Regulations, and not the zoning map, the Commission's decision to hear the petition did not change the *status quo*. Any building permit application that has or will be filed during the pendency of this proceeding will be reviewed in accordance with the Zoning Regulations now in place unless or until amendments are adopted and become effective.

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As is always the case, the Commission reserves the right not to adopt any or all of the text proposed and testimony arguing for the retention of the existing rules will be received and considered.

After consideration of the OP proposals, the Commission took action to set down the following proposed amendments and alternatives for public comment, as summarized in the following table. The chart also indicates the two instances where the Commission invited the public to comment on two alternatives for which no specific text is offered. Those alternatives are shown in underline.

The specific text of the proposed amendment appears after the summary chart.

SUMMARY OF PROPOSED AMENDMENTS AND ALTERNATIVES.

Section	Summary Amendment
199, Definitions	Amend the definition for “Story” to remove the size limitation on a penthouse, beyond which it is considered a story. Add a new definition for “Penthouse.” Add a new definition for “The Height Act.”
Chapter 4 - RESIDENTIAL	
400.7 HEIGHT OF BUILDINGS OR STRUCTURES (R)	Maintain the 1:1 setback requirement from building exterior walls. Limit height of a penthouse on the roof of a one-family dwelling or flat to 10 feet; increase the height of a penthouse on other buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.
<i>Alternative 1 (ZC)</i> <i>400.7 (b)</i>	<i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i>
<i>Alternative 2 (ZC)</i> <i>400.7(d)</i>	<i>Retain the current permitted height of 18’-6” for penthouses in zones other than R-1 through R-4, where it would be limited to 10’ in height.</i>
<i>Alternative 3 (ZC)</i> <i>400.7(e)</i>	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>
411 PENTHOUSES (R)	Allow any uses permitted within the zone to be in the penthouse, except that a penthouse located within the R-1 through R-4 zones, or on any one-family dwelling or flat in any other zone may only be used to house mechanical equipment, stairway and elevator overrides, or ancillary space directly associated with a rooftop deck. <u>The Zoning Commission invited the public to comment on whether some uses permitted within the zone, such as a restaurant or bar should be permitted within a penthouse only by special exception and, if so, whether special conditions, including radius and noise limitations, should be considered by the BZA or the Commission when considering such an application.</u>

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Section	Summary Amendment
	<p>Allow some or all penthouse walls to be of unequal height.</p> <p>Exempt penthouse square footage from building FAR calculations. <u>The Zoning Commission invited the public to comment on whether penthouse square footage should be included within the overall building FAR limit.</u></p> <p>Whether or not penthouse GFA is included in FAR, repeal the provision which currently limits the penthouse to .37 FAR.</p> <p>Repeal the provision which currently limits penthouses to 1/3 the area of the roof below, other than for the R-1 through R-4 zones or on any one-family dwelling or flat.</p> <p>Permit safety railings as required by the construction code to not be considered a penthouse.</p> <p>Permit 2 stories within a penthouse, except a penthouse would be limited to one story:</p> <ul style="list-style-type: none"> • Within the R-1 through R-4 zones; • If located on the roof of a one-family dwelling or flat; or • If any portion of the penthouse would exceed the height limit established for the building by the Height Act. <p>For a building subject to a Zoning Commission PUD or Design Review approved prior to the adoption of these penthouse text changes, permit a penthouse addition request to be filed and considered as a minor modification.</p>
<p><u>Alternative 4 (ZC)</u> <u>411.2</u></p>	<p><i>For R-1 through R-4, one family dwelling, or flat, not permit penthouses for or ancillary space directly associated with a rooftop deck, but instead permit penthouses for the more limited purpose of roof deck related storage.</i></p>
<p><u>Alternative 5 (ZC)</u> <u>411.6</u></p>	<p><i>Reword but retain provision requiring penthouse walls to be of equal height but establish a new provision allowing screening walls around open mechanical equipment to be of one, different height.</i></p>
<p><u>Alternative 6 (ZC)</u> <u>411.11</u></p>	<p><i>Add clarification to the existing provision that permits special exception relief from roof structure requirements that the type of “operating difficulties” that warrant relief involve difficulties in meeting building code requirements for roof access and stairwell separation or elevator stack location to maximize efficiencies in lower floors and similar issues.</i></p>
<p><u>Alternative 7 (ZC)</u> <u>411.18</u></p>	<p><i>Do not include the section allowing a penthouse to be two levels.</i></p>

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Section	Summary Amendment
<p>414 (new section) AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION OF PENTHOUSE NON-RESIDENTIAL GROSS FLOOR AREA</p>	<p>Establish a requirement for the provision of on-site or off-site affordable housing for any habitable penthouse non-residential space greater than 1,000 sq.ft. in area, generally consistent with the existing Housing Linkage requirement for new office space gained through a Planned Unit Development (§ 2404.6). Extent of housing to be produced would be dependent upon the adjacency of development.</p> <p>Permit flexibility in the provision of the affordable housing off-site, or permit an in lieu contribution to a housing trust fund, consistent with the existing Housing Linkage requirement.</p>
<p><i>Alternative 7 (ZC)</i> 414.2</p>	<p><i>Exempt enclosed penthouse recreation space from the housing linkage requirement.</i></p>
<p><i>Alternative 8 (ZC)</i> 414.3</p>	<p><i>Expand applicability of the affordable housing requirement by eliminating the proposed exemption for buildings subject to a DD housing requirement.</i></p>
<p><i>Alternative 9 (ZC)</i> 414.6</p>	<p><i>Increase the affordable housing requirement when new or rehabilitated housing is proposed to be provided by the developer by requiring one square foot of affordable housing for every one square foot of new habitable non-residential penthouse space.</i></p>
<p><i>Alternative 10 (ZC)</i> 414.13</p>	<p><i>Increase the housing linkage requirement for a contribution to a housing trust fund to an amount equivalent to the assessed value of the penthouse area added (rather than ½ of this amount as in the current provision).</i></p>
<p>530 HEIGHT (SP)</p>	<p>Limit height of a penthouses on the roof of a one-family dwelling or flat to 10 feet; increase the height of a penthouse on other buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.</p>
<p><i>Alternative 11 (ZC)</i> 530.5 (b)</p>	<p><i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i></p>
<p><i>Alternative 12 (ZC)</i> 530.5 (d)</p>	<p><i>Retain the current permitted height of 18'-6" for penthouses other than for a one family dwelling or flat, where it would be limited to 10' in height.</i></p>
<p><i>Alternative 13 (ZC)</i> 530.5 (e)</p>	<p><i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i></p>
<p>630 HEIGHT OF BUILDINGS OR STRUCTURES (CR)</p>	<p>Limit height of a penthouse on the roof of a one-family dwelling or flat to 10 feet; increase the height of a penthouse on other buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act of 1910.</p>
<p><i>Alternative 14 (ZC)</i> 630.4 (b)</p>	<p><i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i></p>
<p><i>Alternative 15 (ZC)</i></p>	<p><i>Retain the current permitted height of 18'-6" for penthouses other than for a one</i></p>

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Section	Summary Amendment
630.4 (d)	<i>family dwelling or flat, where it would be limited to 10' in height.</i>
Alternative 16 (ZC) 630.4 (e)	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>
770 HEIGHT OF BUILDINGS OR STRUCTURES (C)	Limit height of a penthouse on the roof of a one-family dwelling or flat to 10 feet; increase the height of a penthouse on other buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.
Alternative 17 (ZC) 770.3 (b)	<i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i>
Alternative 18 (ZC) 770.3 (e)	<i>Retain the current permitted height of 18'-6" for penthouses other than for a one family dwelling or flat, where it would be limited to 10' in height.</i>
Alternative 19 (ZC) 770.3 (f)	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>
840 HEIGHT OF BUILDINGS OR STRUCTURES (C-M, M)	Increase the height of a penthouse on buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.
Alternative 20 (ZC) 840.3 (b)	<i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i>
Alternative 21 (ZC) 840.3 (c)	<i>Retain the current permitted height of 18'-6" for penthouses.</i>
Alternative 22 (ZC) 840.3 (d)	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>
930 HEIGHT OF BUILDINGS OR STRUCTURES (W)	Limit height of a penthouse on the roof of a one-family dwelling or flat to 10 feet; increase the height of a penthouse on other buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.
Alternative 23 (ZC) 930.3 (b)	<i>Maintain 1:1 setback requirement for penthouses, but clarify that the setback would be required from any wall, except from the wall of a court not facing a public street; or from a wall along a lot line (generally a side lot line) where the building on the adjacent lot is or could by-right be taller than subject building.</i>
Alternative 24 (ZC) 930.3 (d)	<i>Retain the current permitted height of 18'-6" for penthouses other than for a one family dwelling or flat, where it would be limited to 10' in height.</i>
Alternative 25 (ZC) 840.3 (e)	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>

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Section	Summary Amendment
1203 HEIGHT, AREA, AND BULK REGULATIONS (CAP)	Retain the existing 1:1 setback and the 10’ maximum height limit for a penthouse. Limit penthouses to one story.
1563 HEIGHT, BULK, AND USE PROVISIONS (FT)	Retain the existing 80’ height limit for buildings, including the penthouse. Limit penthouses to one story.
1902 HEIGHT AND BULK (ARTS)	Retain the existing height limits for penthouses. Limit penthouses to one story.
Chapter 26 INCLUSIONARY ZONING	Establish a requirement that area devoted partially or entirely to one or more dwelling units within a penthouse shall count towards the existing Inclusionary Zoning (IZ) set-aside requirement.
<i>Alternative 26 (ZC)</i> 2603.9	<i>Increase the IZ requirement for penthouse space by requiring a set-aside of one square foot of housing for low income (50% AMI) households for every square foot of habitable residential penthouse space.</i>
<i>Alternative 27 (ZC)</i> 2603.10	<i>Allow more flexibility for providing the IZ units offsite, to address the addition of penthouse residential GFA to an existing building.</i>
2906 ROOFTOP PENTHOUSES (USN)	Increase the height of a penthouse on buildings and structures to 20 feet, consistent with recently adopted changes to The Height Act.
<i>Alternative 28 (ZC)</i> 2906.2	<i>Retain the current permitted height of 18’-6” for penthouses.</i>
<i>Alternative 28 (ZC)</i> 2906.5	<i>Clarify that solar panels and wind turbines are included within the rule prohibiting mechanical equipment from extending above the permitted penthouse height.</i>
3312 ROOF STRUCTURES (StE)	Amend terms, and clarify the applicability of § 400.7.

Public Comment is requested on the attached amendments to the Zoning Regulations and the alternatives. New text is shown in **bold underlined** type and text to be deleted is shown in **~~bold strikethrough~~** type. Where no alternative text was requested by the Zoning Commission, the Alternative Text column is left blank.

1. *AMEND § 199, DEFINITIONS AS FOLLOWS:*

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	Proposed Text	Alternative Text
199.1	<u>NEW DEFINITION:</u> <u>Height Act - Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09).</u>	
	<u>NEW DEFINITION:</u> <u>Penthouse – A structure on or above the roof of any part of a building. The terms includes all structures previously regulated as “roof structures” by § 411 prior to [THE EFFECTIVE DATE OF THIS AMENDMENT] including roof decks and mechanical equipment.</u>	
	Story - the space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing. The number of stories shall be counted at the point from which the height of the building is measured. For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars, or stairway or elevator penthouses, or other roof structures; provided, that the total area of all roof structures located above the top story shall not exceed one third (1/3) of the total roof area.	
	Story, top - the uppermost portion of any building or structure that is used for purposes other than housing for mechanical equipment or stairway or elevator penthouses. The term "top story" shall exclude architectural embellishment.	

Replace, wherever it occurs throughout the Zoning Code, the term “roof structure” with “penthouse”.

Replace, wherever it occurs throughout the Zoning Code, any long version of the title of the Height Act of 1910 with “The Height Act”.

2. *AMEND CHAPTER 4 RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, § 400 HEIGHT OF BUILDINGS OR STRUCTURES (R) AS FOLLOWS:*

	Proposed Text	Alternative Text
	CHAPTER 4 - RESIDENTIAL	CHAPTER 4 - RESIDENTIAL
400.7	If housing for mechanical equipment or a stairway or	

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	Proposed Text	Alternative Text
	elevator a penthouse is provided on the roof of a building or structure , it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;	<u>It shall provide a setback greater than or equal to its height above the roof on which it is situated, from:</u> <u>(1) Any wall facing a public street;</u> <u>(2) Any wall facing a public alley;</u> <u>(3) Any wall facing a court open to a public street;</u> <u>(4) Any wall that provides a setback from a lot line that it faces; or</u> <u>(5) Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height.</u>
(c)	<u>For one- family dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;</u>	
<u>(d)</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet <u>twenty feet (20 ft.)</u>, six inches (18 ft., 6 in.), in height above the roof upon which it is located; and</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet, six inches (18 ft., 6 in.) in height above the roof upon which it is located; and</u>
<u>(e)</u>	<u>For all buildings and structures, mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), <u>maximum permitted</u> height of the housing, <u>as specified in paragraphs (c) and (d) above.</u></u>	<u>For all buildings and structures, no mechanical equipment, <u>including solar panels or wind turbines</u>, shall not extend above the <u>maximum permitted</u> height of the <u>penthouse housing, as specified in paragraphs (c) and (d) above.</u></u>
400.8	Housing for mechanical equipment, a stairway, or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.	

3. *AMEND CHAPTER 4 RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, § 411 ROOF STRUCTURES AS FOLLOWS:*

	Proposed Text	Alternative Text
411	<u>ROOF STRUCTURES (R) PENTHOUSES</u>	
411.1	<u>A penthouse as defined in § 199.1 shall be subject to</u>	

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	Proposed Text	Alternative Text
	<p><u>the conditions specified in this section regardless of the zone district in which the structure is located.</u></p> <p>To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452; D.C. Official Code, §§ 6-601.01 to 6-601.09, on apartment building roofs, penthouses for (a) storage, showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.</p>	
<p><u>411.2</u></p>	<p><u>New provision:</u></p> <p><u>A penthouse may be used to house mechanical equipment, stairway and elevator overrides, or any use permitted within the zone in which the penthouse is located; except that a penthouse located within the R-1 through R-4 zones, or any one-family dwelling or flat in any other zone may only be used to house mechanical equipment, stairway and elevator overrides, or ancillary space directly associated with a rooftop deck.</u></p>	<p><u>A penthouse may be used to house mechanical equipment, stairway and elevator overrides, or any use permitted within the zone in which the penthouse is located; except that a penthouse located within the R-1 through R-4 zones, or any one-family dwelling or flat in any other zone may only be used to house mechanical equipment, stairway and elevator overrides, or storage space directly associated with a rooftop deck.</u></p>
<p>411.3</p>	<p>When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3 when applicable, and to the conditions and variable floor area ratio specified in this section.</p>	
<p>411.4</p>	<p>All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.</p>	
<p>411.5</p>	<p>When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.</p>	
<p>411.6</p>	<p>Deleted Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.</p>	<p><u>Except as provided in § 411.7, walls of an enclosed penthouse shall be of equal height above roof level, and shall rise vertically to a roof. Screening walls for</u></p>

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	Proposed Text	Alternative Text
		<p><u>any mechanical equipment that is not contained within a penthouse shall be of a uniform height not greater than the maximum permitted height for a penthouse, but need not be the same height as any enclosed penthouse on the same roof.</u></p>
411.7	<p>When A penthouse consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.4 3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.</p>	
411.8	<p>Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted</p> <p><u>Gross floor area within a penthouse shall not be included in the calculation of a building's FAR.</u></p>	
411.9	<p>Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories.</p> <p><u>A penthouse within the R-1 through R-4 zones, or on any one-family dwelling or flat in any other zone shall not exceed one-third (1/3) of the total roof area.</u></p>	
411.10	<p>Deleted</p> <p>In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.</p>	
411.10	<p>Repealed</p>	
411.11	<p>Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and</p>	<p><u>Except for the use restriction of § 411.2, the Board of Zoning Adjustment may grant exceptions under § 3104 from any of the requirements or limits of this section and of §§ 530.4, 630.4, 770.6, 840.3, or 930.3 upon a showing that:</u></p> <p>(a) <u>Operating difficulties such as meeting building code requirements for roof access and stairwell separation or elevator stack location to maximize efficiencies in lower floors; size of building lot; or other conditions relating to the</u></p>

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	Proposed Text	Alternative Text
	<p>purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.</p> <p><u>Except for the use restriction of § 411.2, the Board of Zoning Adjustment may grant exceptions under § 3104 from any of the requirements or limits of this section and of §§ 530.4, 630.4, 770.6, 840.3, or 930.3 upon a showing that:</u></p>	<p><u>building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;</u></p> <p><u>(b) The intent and purpose of this chapter and this title will not be materially impaired by the structure; and</u></p> <p><u>(c) The light and air of adjacent buildings will not be affected adversely.</u></p>
(a)	<u>Operating difficulties, size of building lot, or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;</u>	
(b)	<u>The intent and purpose of this chapter and this title will not be materially impaired by the structure; and</u>	
(c)	<u>The light and air of adjacent buildings will not be affected adversely.</u>	
411.12	<p><u>Deleted</u></p> <p>For purposes of this section, the rules of interpretation provided in §§ 411.13 through 411.17 shall be applicable.</p>	
411.13	<p><u>Deleted</u></p> <p>In computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floors contained within a roof structure measuring six and one-half feet (6 1/2 ft.) or more in height shall be included in the total floor area ratio permitted.</p>	
411.14	<p><u>Deleted</u></p> <p>Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio, but shall be computed as a roof structure to determine if they comply with § 411.8.</p>	
411.15	<p>For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure. Antenna equipment cabinets and antenna equipment shelters shall be regulated by chapter 27 of this title.</p>	

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	Proposed Text	Alternative Text
411.16	For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, <u>safety railings required by the construction code</u> , and plumbing vent stacks shall not be considered as roof structure <u>penthouses</u> .	
411.17	Roof structures <u>Penthouses</u> less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.	
<u>411.18</u>	<u>A penthouse shall be limited to two (2) stories maximum, except that it shall be limited to one (1) story if:</u>	Do not include this section
<u>(a)</u>	<u>The penthouse is located on a building that is located within a R-1 through R-4 zone; or</u>	Do not include this section
<u>(b)</u>	<u>The penthouse is located on a one- family dwelling or flat in any zone; or</u>	Do not include this section
<u>(c)</u>	<u>Any portion of the height or volume of the penthouse is located above the height limit established by The Height Act for the site.</u>	Do not include this section
<u>411.19</u>	<u>There shall be no limitation on the amount of gross floor area that may be occupied by a penthouse, although penthouse residential GFA is subject to the Inclusionary Zoning set-aside provisions of Chapter 26 and the construction of penthouse non-residential GFA in excess of 1,000 square feet (1,000 sq.ft) triggers the affordable housing production requirement as set forth in § 414.</u>	
<u>411.20</u>	<u>A request to add penthouse space to a building approved by the Zoning Commission as a Planned Unit Development or through the design review requirements of Chapters 16, 18, 28, or 29 prior to (EFFECTIVE DATE OF THIS AMENDMENT) may be filed as a minor modification for placement on the Zoning Commission consent calendar, pursuant to Section 3030.</u>	

4. *AMEND CHAPTER 4 RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, BY ADDING A NEW § 414 AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY CONSTRUCTION OF PENTHOUSE NON-RESIDENTIAL GROSS FLOOR AREA AS FOLLOWS:*

	Proposed Text	Alternative Text
<u>414</u>	<u>AFFORDABLE HOUSING PRODUCTION REQUIREMENT GENERATED BY</u>	

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	Proposed Text	Alternative Text
	<u>CONSTRUCTION OF PENTHOUSE NON-RESIDENTIAL GROSS FLOOR AREA.</u>	
<u>414.1</u>	<u>The owner of a building proposing to construct more than one thousand square feet (1,000 sq.ft.) of penthouse non-residential gross floor area shall produce or financially assist in the production of dwellings or multiple dwellings that are affordable to low income households, as those households are defined by § 2601.1, in accordance with this section.</u>	
<u>414.2</u>	<u>For the purposes of this section, the term “penthouse non-residential gross floor area” shall mean all of the gross floor area of a penthouse not occupied by dwelling units; space accessory to rooftop deck space such as storage, rest rooms, or change rooms; mechanical equipment; stairway; or elevator overrides.</u>	<u>For the purposes of this section, the term “penthouse non-residential gross floor area” shall mean all of the gross floor area of a penthouse not occupied by dwelling units; recreation space accessible to all occupants of the building; space accessory to rooftop deck space such as storage, rest rooms, or change rooms; mechanical equipment; stairway; or elevator overrides.</u>
<u>414.3</u>	<u>The requirements of this section shall not apply to properties:</u>	The requirements of this section shall not apply to properties :(a) Subject to the minimum residential use requirement of §§ 1706.4 through 1706.6; or (b) owned by the District government or the Washington Metropolitan Area Transit Authority and used for government or public transportation purposes.
<u>(a)</u>	<u>Subject to the minimum residential use requirement of §§ 1706.4 through 1706.6; or</u>	
<u>(b)</u>	<u>Owned by the District government or the Washington Metropolitan Area Transit Authority and used for government or public transportation purposes.</u>	
<u>414.4</u>	<u>Qualifying residential uses include one-family dwellings, flats, multiple-family dwellings, including apartment houses, rooming houses, and boarding houses, but shall not include transient accommodations, all as defined in § 199.1.</u>	
<u>414.5</u>	<u>If the owner constructs or rehabilitates the required housing, the provisions of § 414.6 through 414.10 shall apply.</u>	
<u>414.6</u>	<u>The gross square footage of new or rehabilitated housing shall equal:</u>	<u>The gross square footage of new or rehabilitated housing shall equal one square foot of density for low-income households for every one square foot of new penthouse non-</u>

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	Proposed Text	Alternative Text
		<u>residential gross floor area, other than as exempted in § 414.3.</u>
(a)	<u>Not less than one-fourth (1/4) of the proposed penthouse non-residential gross square area if the required housing is situated on an adjacent property;</u>	
(b)	<u>Not less than one-third (1/3) of the proposed penthouse non-residential gross square area if the location of the required housing does not comply with paragraph (a) of this subsection, but is nonetheless within the same Advisory Neighborhood Commission area as the property, or if it is located within a Housing Opportunity Area as designated in the Comprehensive Plan; and</u>	
(c)	<u>Not less than one-half (1/2) of the proposed penthouse non-residential gross square area if the location of the required housing is other than as approved in paragraphs (a) and (b) above.</u>	
<u>414.7</u>	<u>If the housing is provided as new construction, the average square feet of gross floor area per dwelling or per apartment unit shall be not less than eight hundred and fifty square feet (850 sq.ft.); provided, that no average size limit shall apply to rooming houses, boarding houses, or units that are deemed single-room occupancy housing.</u>	
<u>414.8</u>	<u>For purposes of this section, the word "rehabilitation" means the substantial renovation of housing for sale or rental that is not habitable for dwelling purposes because it is in substantial violation of the Housing Regulations of the District of Columbia (14 DCMR).</u>	
<u>414.9</u>	<u>In the case of rental housing, the required housing shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy for the residential development, or if for a one-family dwelling the effective date of the first lease agreement.</u>	
<u>414.10</u>	<u>If the required housing is provided for home ownership shall be the housing shall be maintained as affordable dwelling units for not less than twenty (20) years beginning on the issuance date of the first certificate of occupancy</u>	

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	Proposed Text	Alternative Text
	<u>for the residential development, or if for a one-family dwelling the effective date of the first sales agreement.</u>	
<u>414.11</u>	<u>No certificate of occupancy shall be issued for the Owner’s building to permit the occupancy of penthouse non-residential gross floor area until a certificate of occupancy has been issued for the housing required pursuant to this section.</u>	
<u>414.12</u>	<u>If the owner instead chooses to contribute funds to a housing trust fund, as defined in 2499.1, the provisions of § 414.13 through §414.16 shall apply.</u>	
<u>414.13</u>	<u>The contribution shall be equal to one-half (1/2) of the assessed value of the proposed penthouse non-residential gross floor area for office use</u>	<u>The contribution shall be equal to one-half (1/2) of the assessed value of the proposed penthouse non-residential gross floor area for office use.</u>
<u>414.14</u>	<u>The assessed value shall be the fair market value of the property as indicated in the property tax assessment records of the Office of Tax and Revenue no earlier than thirty (30) days prior to the date of the building permit application to construct the penthouse non-residential gross floor area.</u>	
<u>414.15</u>	<u>The contribution shall be determined by dividing the assessed value per square foot of land that comprises the lot upon which the building is or will be located by the maximum permitted non-residential FAR and multiplying that amount times the penthouse non-residential gross square feet to be constructed.</u>	
<u>414.16</u>	<u>Not less than one-half (1/2) of the required total financial contribution shall be made prior to the issuance of a building permit for construction of the penthouse non-residential gross floor area, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy for any or all of the building’s penthouse non-residential gross floor area.</u>	

5. *AMEND CHAPTER 5 SPECIAL PURPOSE DISTRICTS, SECTION 530 HEIGHT AS FOLLOWS:*

	Proposed Text	Alternative Text
530.4	Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over	

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	Proposed Text	Alternative Text
	elevator shafts , ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.	
530.5	If housing for mechanical equipment or a stairway or elevator a penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and	<p><u>It shall provide a setback greater than or equal to its height above the roof on which it is situated, from:</u></p> <p><u>(1) Any wall facing a public street;</u></p> <p><u>(2) Any wall facing a public alley;</u></p> <p><u>(3) Any wall facing a court open to a public street;</u></p> <p><u>(4) Any wall that provides a setback from a lot line that it faces; or</u></p> <p><u>(5) Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height.</u></p>
(c)	For one- family dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;	
(d)	For all other buildings and structures, it shall not exceed eighteen feet (18 ft.), six inches (18 ft., 6 in.), in height above the roof upon which it is located; and	<u>For all other buildings and structures,</u> it shall not exceed eighteen feet, six inches (18 ft., 6 in.) in height above the roof upon which it is located.
(e)	For all buildings and structures, mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), maximum permitted height of the housing, as specified in paragraphs (c) and (d) above.	<u>For all buildings and structures, no mechanical equipment, including solar panels or wind turbines,</u> shall not extend above the <u>maximum permitted</u> height of the <u>penthouse housing, as specified in paragraphs (c) and (d) above.</u>
530.6	Deleted Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.	

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	Proposed Text	Alternative Text
530.7	Where required by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.)) , <u>the Height Act</u> , a height in excess of that permitted shall be authorized by the Mayor.	

6. *AMEND CHAPTER 5 SPECIAL PURPOSE DISTRICTS, § 537 ROOF STRUCTURES AS FOLLOWS:*

	Proposed Text	Alternative Text
537	ROOF STRUCTURES <u>PENTHOUSES</u> (SP)	
537.1	The provisions of § 411 shall also regulate roof structures <u>penthouses</u> in SP Districts.	
537.2	The gross floor area of roof structures <u>penthouses</u> permitted under this section shall not be counted in determining the amount of off-street parking as required elsewhere in this title.	

7. *AMEND CHAPTER 6 MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 630 HEIGHT OF BUILDINGS OR STRUCTURES (CR) AS FOLLOWS:*

	Proposed Text	Alternative Text
630.3	Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts , ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.	
630.4	If housing for mechanical equipment or a stairway or elevator <u>a</u> penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and	<u>It shall provide a setback greater than or equal to its height above the roof on which it is situated, from:</u> <u>(1) Any wall facing a public street;</u>

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	Proposed Text	Alternative Text
		<p><u>(2) Any wall facing a public alley;</u></p> <p><u>(3) Any wall facing a court open to a public street;</u></p> <p><u>(4) Any wall that provides a setback from a lot line that it faces; or</u></p> <p><u>(5) Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height;</u></p>
<u>(c)</u>	<u>For one-family dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;</u>	
<u>(d)</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet <u>twenty feet (20 ft.)</u>, six inches (18 ft., 6 in.), in height above the roof upon which it is located; and</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet, six inches (18 ft., 6 in.) in height above the roof upon which it is located; and</u>
<u>(e)</u>	<u>For all buildings and structures, mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), <u>maximum permitted</u> height of the housing, as specified in paragraphs (c) and (d) above.</u>	<u>For all buildings and structures, no mechanical equipment, <u>including solar panels or wind turbines</u>, shall not extend above the <u>maximum permitted</u> height of the <u>penthouse housing</u>, as specified in paragraphs (c) and (d) above.</u>
630.5	Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located.	

8. *AMEND CHAPTER 7 COMMERCIAL DISTRICTS, § 770 HEIGHT OF BUILDINGS OR STRUCTURES (C) AS FOLLOWS:*

	Proposed Text	Alternative Text
770	HEIGHT OF BUILDINGS OR STRUCTURES (C)	
770.3	Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts , ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.	

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	Proposed Text	Alternative Text
770.6	If housing for mechanical equipment or a stairway or elevator a penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;	<p><u>It shall provide a setback greater than or equal to its height above the roof on which it is situated, from:</u></p> <p><u>(1) Any wall facing a public street;</u></p> <p><u>(2) Any wall facing a public alley;</u></p> <p><u>(3) Any wall facing a court open to a public street;</u></p> <p><u>(4) Any wall that provides a setback from a lot line that it faces; or</u></p> <p><u>(5) Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height.</u></p>
(c)	In the C-5 (PAD) District, it shall be set back from that portion of the perimeter of the roof fronting on a street a minimum distance equal to twice the height of the roof structure <u>penthouse</u> above the roof upon which it is located; and	
<u>(d)</u>	<u>For one-family dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;</u>	
<u>(e)</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet twenty feet (20 ft.), six inches (18 ft., 6 in.), in height above the roof upon which it is located; and</u>	<u>For all other buildings and structures, it shall not exceed eighteen feet, six inches (18 ft., 6 in.) in height above the roof upon which it is located; and</u>
<u>(f)</u>	<u>For all buildings and structures, mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), maximum permitted height of the housing, as specified in paragraphs (d) and (e) above.</u>	<u>For all buildings and structures, no mechanical equipment, including solar panels or wind turbines, shall not extend above the maximum permitted height of the penthouse housing, as specified in paragraphs (d) and (e) above.</u>
770.8	Where required by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.)) <u>The Height Act</u> , a height in excess of that permitted shall be authorized by the	

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	Proposed Text	Alternative Text
	Mayor.	
770.9	The height permitted for a building eligible for the additional density permitted pursuant to § 771.4 shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09) <u>The Height Act.</u>	

9. *AMEND CHAPTER 7 COMMERCIAL DISTRICTS, §777 ROOF STRUCTURES (C) AS FOLLOWS:*

	Proposed Text	Alternative Text
777	ROOF STRUCTURES <u>PENTHOUSES</u> (C)	
777.1	The provisions of § 411 shall also regulate roof structures <u>penthouses</u> in the Commercial Districts.	
777.2	The gross floor area of roof structures <u>penthouses</u> permitted under this section shall not be counted in determining the amount of off-street parking as required elsewhere in this title.	

10. *AMEND CHAPTER 8 INDUSTRIAL DISTRICTS, § 840 HEIGHT OF BUILDINGS OR STRUCTURES (C-M, M) AS FOLLOWS:*

	Proposed Text	Alternative Text
840	HEIGHT OF BUILDINGS OR STRUCTURES (C-M, M)	
840.2	Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews.	
840.3	If housing for mechanical equipment or a stairway or elevator <u>a penthouse</u> is provided on the roof of a building or structure, it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof	<u>It shall provide a setback greater than or equal to its height above the roof on which</u>

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	Proposed Text	Alternative Text
	upon which it is located; and	<u>it is situated, from:</u> (1) <u>Any wall facing a public street;</u> (2) <u>Any wall facing a public alley;</u> (3) <u>Any wall facing a court open to a public street;</u> (4) <u>Any wall that provides a setback from a lot line that it faces; or</u> (5) <u>Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height;</u>
(c)	<u>For all buildings and structures, it shall not exceed eighteen twenty feet (20 ft.) in height above the roof upon which it is located; and</u> It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.	<u>For all buildings and structures, it shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located.</u>
(d)	<u>For all buildings and structures,</u> mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), <u>maximum permitted</u> height of the housing, <u>as specified in paragraph (c) above.</u>	<u>For all buildings and structures, no</u> mechanical equipment, <u>including solar panels or wind turbines,</u> shall not extend above the <u>maximum permitted</u> height of the <u>penthouse housing,</u> <u>as specified in paragraph (c) above.</u>
840.4	Deleted Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the District in which it is located.	
840.5	Where required by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.)) , <u>The Height Act</u> , a height in excess of that permitted in that Act shall be authorized by the Council of the District of Columbia.	

11. *AMEND CHAPTER 8 INDUSTRIAL DISTRICTS, § 845 ROOF STRUCTURES (C-M, M) AS FOLLOWS:*

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	Proposed Text	Alternative Text
845	ROOF STRUCTURES PENTHOUSES (C-M, M)	
845.1	Section 411 shall be applicable to roof structures penthouses in the Industrial Districts.	
845.2	The gross floor area of roof structures penthouses permitted under § 411 shall not be counted in determining the amount of off-street parking required elsewhere in this title.	

12. *AMEND CHAPTER 9 WATERFRONT DISTRICTS, § 930 HEIGHT OF BUILDINGS OR STRUCTURES (W) AS FOLLOWS:*

	Proposed Text	Alternative Text
930.2	Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts , ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews or mayoral approvals.	
930.3	If housing for mechanical equipment or a stairway or elevator a penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:	
(a)	It shall meet the requirements of § 411;	
(b)	It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and	<p><u>It shall provide a setback greater than or equal to its height above the roof on which it is situated, from:</u></p> <p><u>(1) Any wall facing a public street;</u></p> <p><u>(2) Any wall facing a public alley;</u></p> <p><u>(3) Any wall facing a court open to a public street;</u></p> <p><u>(4) Any wall that provides a setback from a lot line that it faces; or</u></p> <p><u>(5) Any wall that abuts a lot line, and is taller than the greater of the adjacent property’s existing or matter-of-right height;</u></p>
(c)	<u>For one-family dwellings, and flats, it shall not exceed ten feet (10 ft.) in height above the roof upon which it is located;</u>	

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	Proposed Text	Alternative Text
(d)	<u>For all other buildings and structures, it</u> shall not exceed eighteen feet twenty feet (20 ft.) , six inches (18 ft., 6 in.) , in height above the roof upon which it is located; <u>and</u>	<u>For all other buildings and structures, it</u> shall not exceed eighteen feet, six inches (18 ft., 6 in.) in height above the roof upon which it is located; <u>and</u>
(e)	<u>For all buildings and structures,</u> mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.) , <u>maximum permitted</u> height of the housing, <u>as specified in paragraphs (c) and (d) above.</u>	<u>For all buildings and structures, no</u> mechanical equipment, <u>including solar panels or wind turbines,</u> shall not extend above the <u>maximum permitted</u> height of the <u>penthouse housing, as specified in paragraphs (c) and (d) above.</u>
930.4	<u>Deleted</u> Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.	
930.5	Roof structures Penthouses less than ten (10) feet in height above a roof or parapet wall of a structure in the W-0 District on Kingman Island shall not be subject to the requirements of this section when the top of the roof structure penthouse <u>penthouse</u> is below maximum building height prescribed for the W-0 District.	

13. *AMEND CHAPTER 9 WATERFRONT DISTRICTS, § 936 ROOF STRUCTURES (W) AS FOLLOWS:*

	Proposed Text	Alternative Text
936	ROOF STRUCTURES PENTHOUSES (W)	
936.1	The provisions of § 411 shall apply to roof structure <u>penthouses</u> in the Waterfront Districts.	
936.2	The gross floor area of roof structure penthouses <u>penthouses</u> permitted under this section shall not be counted in determining the required number of off-street parking spaces or loading berths as specified elsewhere in this title.	

14. *AMEND CHAPTER 12 CAPITOL INTEREST OVERLAY DISTRICT, § 1203 HEIGHT, AREA, AND BULK REGULATIONS AS FOLLOWS:*

	Proposed Text	Alternative Text
1203.1	Except as specified in § 1203.2 and in chapters 20 through 25 of this title, the height of buildings or	

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	Proposed Text	Alternative Text
	structures in the CAP Overlay District shall not exceed forty feet (40 ft.) or three (3) stories in height.	
1203.2	The height of buildings or structures as specified in § 1203.1 may be exceeded in the following instances:	
(a)	A spire, tower, dome, minaret, pinnacle, or penthouse over elevator shaft may be erected to a height in excess of that authorized in § 1203.1; and	
(b)	If erected or enlarged as provided in § 411, housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the zone district in which located; provided that: (1) the housing <u>It</u> is set back from all lot lines of the lot upon which the structure is located a distance equal to its height above the roof of the top story; <u>and</u> (2) In any case, a roof structure <u>It</u> shall not exceed ten feet (10 ft.) <u>and one story</u> in height above the roof upon which it is located.	
1203.4	All provisions of § 411 shall also apply to roof structures in the CAP Overlay District. The gross floor area of roof structure <u>penthouses</u> permitted under this subsection shall not be counted in determining the amount of off-street parking as required elsewhere in this title.	

15. *AMEND CHAPTER 15 MISCELLANEOUS OVERLAY DISTRICTS, FT TOTTEN OVERLAY § 1562 HEIGHT, BULK, AND USE PROVISIONS (FT) AS FOLLOWS:*

	Proposed Text	Alternative Text
1563.4	The maximum height and bulk of a new building for a newly established use in the underlying CR District shall be eighty-feet (80 ft.) in height, inclusive of <u>penthouse which shall be limited to one story</u> roof structure , and 5.0 floor area ratio.	
1563.5	Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of roof top and <u>penthouses structures</u> to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed. The D.C. Office of Planning shall review and provide a report with recommendation.	

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16. AMEND CHAPTER 19 UPTOWN ARTS-MIXED USE (ARTS) OVERLAY DISTRICT, § 1902 HEIGHT AND BULK AS FOLLOWS:

	Proposed Text	Alternative Text
1902.1	In the underlying C-3-A District, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.); provided:	
(a)	No roof structure penthouse permitted by this title shall exceed a height of eighty-three and one-half feet (83 1/2 ft.) above the measuring point used for the building, or exceed one story ; and	

17. AMEND CHAPTER 26 INCLUSIONARY ZONING, § 2601 DEFINITIONS AS FOLLOWS:

	Proposed Text	Alternative Text
2601.1	Unchanged	<p><u>Designated area – Any one of the following areas:</u></p> <p><u>(1) The Downtown Development or Southeast Federal Center Overlay Districts;</u></p> <p><u>(2) The Downtown East, New Downtown, North Capitol, Southwest, or Capitol South Receiving Zones on February 12, 2007;</u></p> <p><u>(3) The W-2 zoned portions of the Georgetown Historic District;</u></p> <p><u>(4) The R-3 zoned portions of the Anacostia Historic District;</u></p> <p><u>(5) The C-2-A zoned portion of the Naval Observatory Precinct District; and</u></p> <p><u>(6) The Eighth Street Overlay.</u></p>

18. AMEND CHAPTER 26 INCLUSIONARY ZONING, § 2602 APPLICABILITY AS FOLLOWS:

	Proposed Text	Alternative Text
2602.1	Except as provided in § 2602.3, the requirements and incentives of this Chapter shall apply to developments that:	

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	Proposed Text	Alternative Text
(a)	Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, and W-1 through W-3 Zone Districts; unless exempted pursuant to § 2602.3;	
(b)	Have ten (10) or more dwelling units (including off-site inclusionary units; <u>and</u>	
(c)	Are either:	
(1)	New multiple-dwellings;	
(2)	New one-family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction; or	
(3)	An existing development described in subparagraph (a) or (b) for which: <u>(A)</u> A new addition will increase the gross floor area of the entire development by fifty percent (50%) or more; <u>or</u> <u>(B) Any existing building, including one described in subparagraph (3)(A) above, that includes a penthouse with gross floor area devoted to residential uses.</u>	
2602.3	This Chapter shall not apply to:	
(a)	Hotels, motels, inns, or dormitories;	
(b)	Housing developed by or on behalf of a local college or university exclusively for its students, faculty, or staff;	
(c)	Housing that is owned or leased by foreign missions exclusively for diplomatic staff;	
(d)	Rooming houses, boarding houses, community-based residential facilities, single room occupancy developments; <u>and</u>	
(e)	Properties located in any of the following areas:	Properties located in any of the following areas:
(1)	The Downtown Development or Southeast Federal Center Overlay Districts;	The Downtown Development or Southeast Federal Center Overlay Districts;
(2)	The Downtown East, New Downtown, North Capitol, Southwest, or Capitol South Receiving Zones on February 12, 2007;	The Downtown East, New Downtown, North Capitol, Southwest, or Capitol South Receiving Zones on February

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	Proposed Text	Alternative Text
		12, 2007;
(3)	The W-2 zoned portions of the Georgetown Historic District;	The W-2 zoned portions of the Georgetown Historic District;
(4)	The R-3 zoned portions of the Anacostia Historic District; and	The R-3 zoned portions of the Anacostia Historic District; and
(5)	The C-2-A zoned portion of the Naval Observatory Precinct District; and	The C-2-A zoned portion of the Naval Observatory Precinct District.
(6)	The Eighth Street Overlay.	The Eighth Street Overlay.

19. AMEND CHAPTER 26 INCLUSIONARY ZONING, § 2603 SET-ASIDE REQUIREMENTS AS FOLLOWS:

	Proposed Text	Alternative Text
2603.1	An inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0 or W-1 District shall devote the greater of 10% of the gross floor area being devoted to residential use <u>including floor area devoted partially or entirely to one or more dwelling units within a penthouse,</u> or 75% of the bonus density being utilized for inclusionary units.	<u>In addition to the set-aside requirement of § 2603.9 if applicable,</u> an inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0 or W-1 District shall devote the greater of 10% of the gross floor area being devoted to residential use <u>exclusive of penthouse gross floor area,</u> or 75% of the bonus density being utilized for inclusionary units. <u>This requirement does not apply to a development located in a designated area. or to an existing building other than one described in § 2602.1 (c)(3)(A).</u>
2603.2	An inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, R-5-E, SP, USN, W-2 or W-3 District shall devote the greater of 8% of the gross floor area being devoted to residential use <u>including floor area devoted partially or entirely to one or more dwelling units within a penthouse,</u> or 50% of the bonus density being utilized for inclusionary units.	<u>In addition to the set-aside requirement of § 2603.9 if applicable,</u> an inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, R-5-E, SP, USN, W-2 or W-3 District shall devote the greater of 8% of the gross floor area being devoted to residential use <u>exclusive of penthouse gross floor area, or fifty percent (50%)</u> of the bonus density being utilized for inclusionary units. <u>This requirement does not apply to a development located in a designated area. or to an existing building other than one described in § 2602.1 (c)(3)(A).</u>
2603.3	Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1 Districts shall	Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0 and W-1

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	Proposed Text	Alternative Text
	set aside 50% of inclusionary units for eligible low-income households and 50% of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.	Districts shall set aside 50% of inclusionary units for eligible low-income households and 50% of inclusionary units <u>provided pursuant to § 2603.1 or 2603.2</u> for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.
2603.4	Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Districts shall set aside 100% of inclusionary units for eligible moderate-income households.	Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Districts shall set aside 100% of inclusionary units <u>provided pursuant to § 2603.1 or 2603.2</u> for eligible moderate-income households.
2603.5	The Mayor or the District of Columbia Housing Authority shall have the right to purchase up to twenty-five percent (25%) of inclusionary units <u>required by this Chapter</u> in a for-sale inclusionary development in accordance with such procedures as are set forth in the Act.	
2603.6	Notwithstanding § 2603.5, nothing shall prohibit the Mayor or the District of Columbia Housing Authority to acquire title to inclusionary units <u>required by this Chapter</u> in a for-sale inclusionary development if any of the following circumstances exist:	
(a)	There is a risk that title to the units will be transferred by foreclosure or deed-in-lieu of foreclosure, or that the units' mortgages will be assigned to the Secretary of the U.S. Department of Housing and Urban Development; or	
(b)	Title to the units has been transferred by foreclosure or deed-in-lieu of foreclosure, or the units' mortgages have been assigned to the Secretary of the U.S. Department of Housing and Urban Development.	
2603.6	An inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an StE District shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use for inclusionary units.	
2603.7	An inclusionary development of steel and concrete frame construction located in an StE District shall devote no less than eight percent (8%) of the gross floor area being devoted to residential use in an StE District.	

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	Proposed Text	Alternative Text
<u>2603.8</u>		<u>Subsections 2603.9 and 2603.10 shall apply to all Inclusionary Developments applying for a building permit to construct new residential gross floor area located within a penthouse.</u>
<u>2603.9</u>		<u>An inclusionary development described in § 2603.8 shall devote one square foot of gross floor area for inclusionary units set-aside for eligible low-income households for every square foot of residential gross floor area contained in the building’s penthouse.</u>
<u>2603.10</u>		<u>For new residential gross floor area located within a penthouse on an existing building, inclusionary units provided in accordance with § 2603 may be provided on-site; or may be provided off-site, subject to the requirements of § 2607.4 to 2607.8; and provided the off-site development meets the conditions of § 2607.2.</u>

20. AMEND CHAPTER 26 INCLUSIONARY ZONING, § 2604 BONUS DENSITY AS FOLLOWS:

	Proposed Text	Alternative Text
2604.1	Inclusionary developments subject to the provisions of this Chapter, except those located in the StE District, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by <u>The Height Act, the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, et seq. (2001 Ed.).</u>	Inclusionary developments subject to the provisions of this Chapter <u>§ 2603.1 or 2603.2,</u> except those located in the StE District, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by <u>The Height Act, the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.01, et seq. (2001 Ed.).</u>
2604.2	Inclusionary developments in zoning districts listed in the chart below may use the following modifications to height and lot occupancy in order to achieve the bonus density: <i>(table unchanged)</i>	

21. AMEND CHAPTER 26 INCLUSIONARY ZONING, § 2608 APPLICABILITY DATE AS FOLLOWS:

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	Proposed Text	Alternative Text
2608.2	The provisions of this Chapter shall not apply to any building approved by the Zoning Commission pursuant to Chapter 24 if the approved application was set down for hearing prior to March 14, 2008.	With the exception of § 2603.8 through 2603.10 , the provisions of this Chapter shall not apply to any building approved by the Zoning Commission pursuant to Chapter 24 if the approved application was set down for hearing prior to March 14, 2008.

22. *AMEND CHAPTER 27 REGULATIONS OF ANTENNAS, ANTENNA TOWERS, AND MONOPOLES, § 2707 EXEMPTED ANTENNAS AS FOLLOWS:*

	Proposed Text	Alternative Text
2707.1	The requirements of §§ 2703 through 2706 shall not apply to any antenna that is:	
(b)	Entirely enclosed on all sides by a roof structure, penthouse, or an extension of penthouse walls; this subsection shall not be interpreted to permit penthouses or roof structures in excess of the <u>permitted</u> height above a roof; limitations for roof structures;	

23. *AMEND CHAPTER 27 REGULATIONS OF ANTENNAS, ANTENNA TOWERS, AND MONOPOLES, § 2715 EQUIPMENT CABINET OR SHELTER AS FOLLOWS:*

	Proposed Text	Alternative Text
2715.2	If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged subject to the following:	
(d)	It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other roof structure or a penthouse.	

24. *AMEND CHAPTER 29 UNION STATION NORTH (USN) DISTRICT, § 2906 ROOFTOP PENTHOUSES AS FOLLOWS:*

	Proposed Text	Alternative Text
2906	ROOFTOP PENTHOUSES	
2906.1	Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway, or an elevator shaft shall be erected or enlarged pursuant to § 770.6 through 770.8.	

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	Proposed Text	Alternative Text
2906.2	<u>For all buildings and structures, it shall not exceed twenty feet (20 ft.) in height above the roof upon which it is located.</u> Such a penthouse shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.	<u>For all buildings and structures, it shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located.</u>
2906.3	A penthouse not intended for human occupancy may be erected to a height in excess of that authorized in the USN District subject to the provisions of the Height Act.	
2906.4	Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.	
<u>2906.5</u>	<u>For all buildings and structures,</u> mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), <u>maximum permitted</u> height of the housing, <u>as specified in § 2906.2 above.</u>	<u>For all buildings and structures, no</u> mechanical equipment, <u>including solar panels or wind turbines,</u> shall not extend above the <u>maximum permitted</u> height of the penthouse housing, <u>as specified in § 2906.2 above.</u>

25. *AMEND CHAPTER 33 SAINT ELIZABETHS EAST CAMPUS (StE) DISTRICT, SECTION 3312 ROOF STRUCTURE AS FOLLOWS:*

	Proposed Text	Alternative Text
3312	ROOF STRUCTURE <u>PENTHOUSES</u>	
3312.1	Roof-top A penthouse not intended for human occupation, such as penthouses over mechanical equipment, a stairway or an elevator shaft shall be erected or enlarged pursuant to <u>§§ 400.7 and</u> 411 of this title.	

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 of the District of Columbia Municipal Regulations, Title 11, Zoning. The Commission will impose time limits on testimony presented to it at the public hearing.

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All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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.

CHILD AND FAMILY SERVICES AGENCY

NOTICE OF FINAL RULEMAKING

The Director of the Child and Family Services Agency (CFSA), pursuant to Section 372 of the Prevention of Child Abuse and Neglect Act of 1977 (Act), as amended, effective April 23, 2013 (D.C. Law 19-276; 60 DCR 2060 (February 22, 2013)) and Mayor's Order 2013-145, dated August 8, 2013, hereby gives notice of the adoption of the following amendments to Chapters 60 (Foster Homes) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The amendments implement provisions of the Act regarding the care and treatment of foster youth. However, these amendments do not establish any additional private right of action beyond that which already exists under federal or District law. The implementation of specific rights and responsibilities shall be consistent with each foster child's health, welfare, age, and level of development.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 7, 2014 at 61 DCR 997. No written comments were received from the public in connection with this publication and no changes were made. The proposed rulemaking was submitted to the Council on January 29, 2014 as required by § 372(c) of the Act. Council approved the rules by resolution on April 9, 2014. Final action to adopt these rules was taken on April 10, 2014.

These rules will take effect immediately upon publication of this notice in the *D.C. Register*.

Chapter 60, FOSTER HOMES, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Subsection 6004.1 is amended to read as follows:

6004.1 The following principles and rights are to govern the care and treatment of foster children.

Each child is:

- (a) To receive (or have his or her legal representative or guardian *ad litem*) a printed copy of this section.
- (b) To be treated with fairness, dignity, and respect.
- (c) To receive appropriate and reasonable adult guidance, support, and supervision, consistent with his or her age and level of development.
- (d) Not to be abused, mistreated, threatened with harm, harassed, subjected to corporal punishment or other unusual or extreme methods of discipline.

- (e) Not to be denied the opportunity to have visits, telephone calls, or mail contact with his or her family members, social workers, guardian *ad litem*, or attorney, as a form of discipline.
- (f) To receive language translation in accordance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.*).
- (g) Not to be subjected to discrimination as provided in the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et. seq.*)
- (h) As appropriate and consistent with his or her age and level of development, to know the reason he or she came into foster care and his or her permanency goal.
- (i) As appropriate for his or her age and level of development, to be informed of decisions made on his or her behalf by the Agency and have the opportunity to participate in meetings where decisions are being made regarding him or her.
- (j) To receive a social security card, state or District identification card, and available copies of his or her birth certificate, immunization records, medical insurance information, health records, education records, and immigration documents at least 30 days before leaving care. If the foster child is not 18 years of age, copies of these documents will be given to his or her guardian *ad litem* and legal guardian.
- (k) To receive assistance in opening an individual interest bearing savings account in a financial institution that is federally insured, as appropriate and consistent with his or her age and level of development.
- (l) To have his or her records and personal information kept confidential and disclosed only in accordance with law.
- (m) To have reasonable privacy with respect to his or her person and property and when using the telephone and computer.
- (n) To receive reasonable accommodation to attend religious services, events, and activities of his or her choice.
- (o) Not to be coerced into attending religious services, events, or activities against his or her belief.

- (p) To reside in a foster home that is maintained in a safe, sanitary condition with reasonable measures being taken to keep it free from rodent and insect infestation.
- (q) To be permitted to bring personal belongings into foster care, acquire them while in care and take these belongings when he or she changes placements or exits foster care.
- (r) Subject to the availability of appropriate placements, to be placed with all or some siblings unless the placement is precluded by court order or not appropriate to the safety, best interest, or needs of the children.
- (s) To have visitation and communication with parents and siblings consistent with applicable court orders and reasonable, age and clinically appropriate visitation and communication with other relative or friends.
- (t) To have opportunities for continued connections with his or her family and others with whom he or she has meaningful relationships unless such a connection would be harmful to his or her safety or is precluded by court order.
- (u) To have the contact information of his or her current social worker, guardian *ad litem*, attorney and court-appointed special advocate, as applicable.
- (v) To have regular communication and visitation from his or her social worker and his or her telephone calls and emails to his or her social worker returned within a reasonable amount of time.
- (w) To receive adequate and healthy food in accordance with his or her religious beliefs and reasonable dietary preferences, including vegetarianism, or medically or specially prescribed dietary needs.
- (x) To have his or her own adequate and appropriate seasonable clothing and footwear as well as necessary uniforms and professional clothing. Depending on his or her age and level of development, he or she should have the opportunity to provide input on the choice of clothing and footwear.
- (y) To have his or her own appropriate personal hygiene items.
- (z) To receive timely, adequate, and appropriate medical, dental, vision, mental health services, and drug and alcohol abuse and addiction services.

- (aa) To have information and the opportunity to communicate a preference or concern regarding treatment, medication, and medication options, as appropriate and consistent with his or her age and level of development.
- (bb) To receive a free and appropriate public education if he or she is of compulsory school age.
- (cc) To remain in his or her school of origin and maintain school continuity, unless it is contrary to his or her best interests or is inconsistent with the provision of special services to the child.
- (dd) Be permitted to participate in school-related extracurricular and recreational activities, and receive appropriate educational supports, as appropriate and consistent with his or age and her level of development.
- (ee) To receive post-secondary education, job readiness, and vocational training support, as needed.
- (ff) To receive timely notice of and have the ability to attend and be heard at court hearings relating to his or her case, as applicable and consistent with his or her age and level of development.
- (gg) To be represented by a guardian *ad litem* subject to the order of appointment by the Superior Court.
- (hh) To be permitted to request the court to appoint an attorney to represent his or her interest.
- (ii) To participate in the development of service plans and a transition plan that includes or addresses specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports, and employment services as applicable, consistent with his or her age and level of development and the availability of such program services.
- (jj) To be provided with opportunities to participate in age appropriate independent living activities and programs.
- (kk) To receive assistance in applying for a state identification card or driver's license.
- (ll) To be considered for limited financial assistance for a driver's education program at age 18, as funding allows if he or she has demonstrated the maturity and personal, social, and educational responsibility necessary for the operation of a motor vehicle.

- (mm) To receive a copy of consumer credit report annually at age 16 and assistance in interpreting and attempting to resolve any inaccuracies in the report as required by 42 U.S.C. § 675(5)(I).
- (nn) To be provided reasonable transportation to and from normal daily activities, including school, after school activities, medical appointments, employment, family visitation, religious events, cultural events, and activities, as funding allows, included in his or her case plan or service plan.
- (oo) To be permitted to report concerns under this section or concerns regarding care, placement, and services to the Agency and to be free from retaliation or threats of retaliation for reporting a concern.
- (pp) To receive an explanation of the process for reporting concerns to the Agency and receive a timely response when a concern is reported to the Agency.

Subsection 6004.3 is amended to read as follows:

6004.3 This section does not establish any additional private right of action beyond that which already exists under federal or District law.

Chapter 62 (Licensing of Youth Shelters, Runaway Shelters, Emergency Care Facilities, and Youth Group Homes) is amended as follows:

Section 6203 (Statement of Resident’s Rights and Responsibilities) is amended to read as follows:

6203.1 A resident in a facility not intended exclusively for children who have been abused or neglected has the following rights. The facility shall conspicuously post the “Statement of Residents’ rights and Responsibilities” in the facility. This statement shall include all of the material contained in this section.

Each resident is:

- (a) To be treated with fairness, dignity, and respect.
- (b) To receive appropriate and reasonable adult guidance, support, and supervision, consistent with the resident's age and level of development.
- (c) Not to be abused, mistreated, threatened, harassed, or subjected to corporal punishment or to other unusual or extreme methods of discipline.
- (d) To have his or her opinion heard and to be included, to the greatest extent possible, and consistent with the resident's age and level of development,

when any major decisions, including regular case planning meetings, are being made affecting his or her life.

- (e) To have reasonable and clinically appropriate visitation, mail, and telephone communication with relatives, friends, significant others, attorneys, social workers, therapists, and guardians *ad litem*.
- (f) To have his or her relatives and designated representatives, who are authorized in writing by the contracting entity, be able to communicate with the facility, ask questions of the facility, and have their questions answered promptly by the facility.
- (g) To have language translation, if necessary.
- (h) In accordance with the District of Columbia Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38, D.C. Official Code §§ 1-2501 *et seq.*), not to be discriminated against on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income or place of residence or business.
- (i) To have all other rights specifically set forth in this chapter.

6203.2

The following principles and rights are to govern the care and treatment of a foster child who is a resident of a facility for children who have been abused or neglected. Each such foster child is:

- (a) To receive (or have his or her legal representative or guardian *ad litem*) a printed copy of this section.
- (b) To be treated with fairness, dignity, and respect.
- (c) To receive appropriate and reasonable adult guidance, support, and supervision, consistent with his or her age and level of development.
- (d) Not to be abused, mistreated, threatened with harm, harassed, subjected to corporal punishment or other unusual or extreme methods of discipline.
- (e) Not to be denied the opportunity to have visits, telephone calls, or mail contact with his or her family members, social workers, guardian *ad litem*, or attorney, as a form of discipline.
- (f) To receive language translation in accordance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.*).

- (g) Not to be subjected to discrimination as provided in D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.*).
- (h) As appropriate and consistent with his or her age and level of development, to know the reason he or she came into foster care and his or her permanency goal.
- (i) As appropriate for his or her age and level of development, to be informed of decisions made on his or her behalf by the Agency and have the opportunity to participate in meetings where decisions are being made regarding him or her.
- (j) To receive a social security card, state or District identification card, and available copies of his or her birth certificate, immunization records, medical insurance information, health records, education records, and immigration documents at least 30 days before leaving care. If the foster child is not 18 years of age, copies of these documents will be given to his or her guardian *ad litem* and legal guardian.
- (k) To receive assistance in opening an individual interest bearing savings account in a financial institution that is federally insured, as appropriate and consistent with his or her age and level of development.
- (l) To have his or her records and personal information kept confidential and disclosed only in accordance with law.
- (m) To have reasonable privacy with respect to his or her person and property and when using the telephone and computer.
- (n) To receive reasonable accommodation to attend religious services, events, and activities of his or her choice.
- (o) Not to be coerced into attending religious services, events, or activities against his or her belief.
- (p) To reside in a facility that is maintained in a safe, sanitary condition with reasonable measures being taken to keep it free from rodent and insect infestation.
- (q) To be permitted to bring personal belongings into foster care, acquire them while in care and take these belongings when he or she changes placements or exits foster care.

- (r) Subject to the availability of appropriate placements, to be placed with all or some siblings unless the placement is precluded by court order or not appropriate to the safety, best interest or needs of the children.
- (s) To have visitation and communication with parents and siblings consistent with applicable court orders and reasonable, age and clinically appropriate visitation and communication with other relative or friends.
- (t) To have opportunities for continued connections with his or her family and others with whom he or she has meaningful relationships unless such a connection would be harmful to his or her safety or is precluded by court order.
- (u) To have the contact information of his or her current social worker, guardian *ad litem*, attorney and court-appointed special advocate, as applicable.
- (v) To have regular communication and visitation from his or her social worker and his or her telephone calls and emails to his or her social worker returned within a reasonable amount of time.
- (w) To receive adequate and healthy food in accordance with his or her religious beliefs and reasonable dietary preferences, including vegetarianism, or medically or specially prescribed dietary needs.
- (x) To have his or her own adequate and appropriate seasonable clothing and footwear as well as necessary uniforms and professional clothing. Depending on his or her age and level of development, he or she should have the opportunity to provide input on the choice of clothing and footwear.
- (y) To have his or her own appropriate personal hygiene items.
- (z) To receive timely, adequate, and appropriate medical, dental, vision, mental health services, and drug and alcohol abuse and addiction services.
- (aa) To have information and the opportunity to communicate a preference or concern regarding treatment, medication, and medication options, as appropriate and consistent with his or her age and level of development.
- (bb) To receive a free and appropriate public education if he or she is of compulsory school age.
- (cc) To remain in his or her school of origin and maintain school continuity, unless it is contrary to his or her best interests or is inconsistent with the provision of special services to the child.

- (dd) To be permitted to participate in school-related extracurricular and recreational activities, and receive appropriate educational supports, as appropriate and consistent with his or her age and level of development.
- (ee) To receive post-secondary education, job readiness, and vocational training support, as needed.
- (ff) To receive timely notice of and have the ability to attend and be heard at court hearings relating to his or her case, as applicable and consistent with his or her age and level of development.
- (gg) To be represented by a guardian *ad litem* subject to the order of appointment by the Superior Court.
- (hh) To be permitted to request the court to appoint an attorney to represent his or her interest.
- (ii) To participate in the development of service plans and a transition plan that includes or addresses specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports, and employment services as applicable, consistent with his or her age and level of development and the availability of such program services.
- (jj) To be provided with opportunities to participate in age appropriate independent living activities and programs.
- (kk) To receive assistance in applying for a state identification card or driver's license.
- (ll) To be considered for limited financial assistance for a driver's education program at age 18, as funding allows if he or she has demonstrated the maturity and personal, social, and educational responsibility necessary for the operation of a motor vehicle.
- (mm) To receive a copy of consumer credit report annually at age 16 and assistance in interpreting and attempting to resolve any inaccuracies in the report as required by 42 U.S.C. § 675(5)(I).
- (nn) To be provided reasonable transportation to and from normal daily activities, including school, after school activities, medical appointments, employment, family visitation, religious events, cultural events, and activities, as funding allows, included in his or her case plan or service plan.

- (oo) To be permitted to report concerns under this section or concerns regarding care, placement, and services to the Agency and to be free from retaliation or threats of retaliation for reporting a concern.
- (pp) To receive an explanation of the process for reporting concerns to the Agency and receive a timely response when a concern is reported to the Agency.
- (qq) To be informed of the facility’s grievance procedure.

6203.3 Subsection 6203.2 does not establish any additional private right of action beyond that which already exists under federal or District law.

6203.4 A resident shall have the following responsibilities:

- (a) A resident shall accept responsibility, consistent with his or her age and level of development, for keeping his or her room(s) and possessions in good order and for completing assigned daily or weekly chores.
- (b) A resident shall comply with the policies and procedures governing his or her conduct.
- (c) A resident shall participate in the facility's programs and activities.
- (d) A resident of school age shall attend school or other alternative education programs, except in extenuating circumstances and such circumstances shall be documented in the resident's case record.
- (e) A resident shall follow appropriate minimum personal care and hygiene standards established by the facility, consistent with each resident's physical and developmental capabilities.

Chapter 63, Independent Living Programs, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Subsection 6303.1 is amended to read as follows:

6301.1 The following principles and rights are to govern the care and treatment of residents.

Each resident is:

- (a) To receive (or have his or her legal representative or guardian *ad litem*) a printed copy of this section.

- (b) To be treated with fairness, dignity, and respect.
- (c) To receive appropriate and reasonable adult guidance, support, and supervision, consistent with his or her age and level of development.
- (d) Not to be abused, mistreated, threatened with harm, harassed, subjected to corporal punishment or other unusual or extreme methods of discipline.
- (e) Not to be denied the opportunity to have visits, telephone calls, or mail contact with his or her family members, social workers, guardian *ad litem*, or attorney, as a form of discipline.
- (f) To receive language translation in accordance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.*).
- (g) Not to be subjected to discrimination as provided in D.C. Human Rights Act of 1977, as amended, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.*).
- (h) As appropriate and consistent with his or her age and level of development, to know the reason he or she came into foster care and his or her permanency goal.
- (i) As appropriate for his or her age and level of development, to be informed of decisions made on his or her behalf by the Agency and have the opportunity to participate in meetings where decisions are being made regarding him or her.
- (j) To receive a social security card, state or District identification card, and available copies of his or her birth certificate, immunization records, medical insurance information, health records, education records, and immigration documents at least 30 days before leaving care. If the foster child is not 18 years of age, copies of these documents will be given to his or her guardian *ad litem* and legal guardian.
- (k) To receive assistance in opening an individual interest bearing savings account in a financial institution that is federally insured, as appropriate and consistent with his or her age and level of development.
- (l) To have his or her records and personal information kept confidential and disclosed only in accordance with law.
- (m) To have reasonable privacy with respect to his or her person and property and when using the telephone and computer.

- (n) To receive reasonable accommodation to attend religious services, events, and activities of his or her choice.
- (o) Not to be coerced into attending religious services, events or activities against his or her belief.
- (p) To reside in a facility that is maintained in a safe, sanitary condition with reasonable measures being taken to keep it free from rodent and insect infestation.
- (q) To be permitted to bring personal belongings into foster care, acquire them while in care and take these belongings when he or she changes placements or exits foster care.
- (r) Subject to the availability of appropriate placements, to be placed with all or some siblings unless the placement is precluded by court order or not appropriate to the safety, best interest or needs of the children.
- (s) To have visitation and communication with parents and siblings consistent with applicable court orders and reasonable, age and clinically appropriate visitation and communication with other relative or friends.
- (t) To have opportunities for continued connections with his or her family and others with whom he or she has meaningful relationships unless such a connection would be harmful to his or her safety or is precluded by court order.
- (u) To have the contact information of his or her current social worker, guardian *ad litem*, attorney and court-appointed special advocate, as applicable.
- (v) To have regular communication and visitation from his or her social worker and his or her telephone calls and emails to his or her social worker returned within a reasonable amount of time.
- (w) To receive adequate and healthy food in accordance with his or her religious beliefs and reasonable dietary preferences, including vegetarianism, or medically or specially prescribed dietary needs.
- (x) His or her own adequate and appropriate seasonable clothing and footwear as well as necessary uniforms and professional clothing. Depending on his or her age and level of development, he or she should have the opportunity to provide input on the choice of clothing and footwear.
- (y) To have his or her own appropriate personal hygiene items.

- (z) To receive timely, adequate, and appropriate medical, dental, vision, mental health services, and drug and alcohol abuse and addiction services.
- (aa) To have information and the opportunity to communicate a preference or concern regarding treatment, medication, and medication options, as appropriate and consistent with his or her age and level of development.
- (bb) To receive a free and appropriate public education if he or she is of compulsory school age.
- (cc) To remain in his or her school of origin and maintain school continuity, unless it is contrary to his or her best interests or is inconsistent with the provision of special services to the child.
- (dd) To be permitted to participate in school-related extracurricular and recreational activities, and receive appropriate educational supports, as appropriate and consistent with his or age and her level of development.
- (ee) To receive post-secondary education, job readiness, and vocational training support, as needed.
- (ff) To receive timely notice of and have the ability to attend and be heard at court hearings relating to his or her case, as applicable and consistent with his or her age and level of development.
- (gg) To be represented by a guardian *ad litem* subject to the order of appointment by the Superior Court.
- (hh) To be permitted to request the court to appoint an attorney to represent his or her interest.
- (ii) To participate in the development of service plans and a transition plan that includes or addresses specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports, and employment services as applicable, consistent with his or her age and level of development and the availability of such program services.
- (jj) To be provided with opportunities to participate in age appropriate independent living activities and programs.
- (kk) To receive assistance in applying for a state identification card or driver's license.
- (ll) To be considered for limited financial assistance for a driver's education program at age 18, as funding allows if he or she has demonstrated the

maturity and personal, social, and educational responsibility necessary for the operation of a motor vehicle.

- (mm) To receive a copy of consumer credit report annually at age 16 and assistance in interpreting and attempting to resolve any inaccuracies in the report as required by 42 U.S.C. § 675(5)(I).
- (nn) To be provided reasonable transportation to and from normal daily activities, including school, after school activities, medical appointments, employment, family visitation, religious events, cultural events, and activities, as funding allows, included in his or her case plan or service plan.
- (oo) To be permitted to report concerns under this section or concerns regarding care, placement, and services to the Agency and to be free from retaliation or threats of retaliation for reporting a concern.
- (pp) To receive an explanation of the process for reporting concerns to the Agency and receive a timely response when a concern is reported to the Agency.
- (qq) To be informed of the facility's grievance procedure.

A new Subsection 6303.7 is added to read as follows:

6303.7 Section 6303 does not establish any additional private right of action beyond that which already exists under federal or District law.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of Health, pursuant to the authority set forth in Section 6(a) of the Athletic Concussion Protection Act of 2011 (“Act”), effective October 20, 2011 (D.C. Law 19-22, D.C. Official Code § 7-2871.05 (2012 Repl.)), and Mayor’s Order 2013-110, dated June 20, 2013, hereby gives notice of the adoption of the following amendments to Chapter 6 (Protection of Minors) of Subtitle B (Public Health & Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The rules establish the concussion protection training program, as required by Section 4(a) of the Act.

A Notice of Proposed Rulemaking was published February 14, 2014, at 61 DCR 1309. The Director received two comments in response to the proposed rulemaking. One commenter was generally supportive of the proposed rule but raised concerns that the training requirement for coaches may give the false impression that they are as well-trained as athletic trainers, who receive much more rigorous training regarding traumatic brain injury as part of their certification. The commenter did not have any recommendations for change to the rule. The second commenter was also supportive of the rule, but urged that the requirements be expanded to include all youth development workers, and to other health, safety, and youth development aspects. The commenter did not have specific recommendations to change the rule. Expanding the training requirements to other health, safety and youth development aspects would go beyond the scope of the legislation authorizing promulgation of the rule.

The Director took final rulemaking action on May 20, 2014 and the final rules will become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

Chapter 6, PROTECTION OF MINORS of Subtitle B, PUBLIC HEALTH & MEDICINE, of Title 22, HEALTH, is amended as follows:

Amend the table of contents by adding a new section heading and section number to read as follows:

B-620 CONCUSSION PROTECTION

Amend Chapter 6 by adding a new Section 620 to read as follows:

620 CONCUSSION PROTECTION

620.1 The provisions of this section shall apply to:

- (a) Any athletic activity sponsored by a school;

- (b) Any athletic activity sponsored by the Department of Parks and Recreation
 - (c) Any athletic activity sponsored by a private for-profit or nonprofit organization regardless of where that activity occurs in the District.
- 620.2 Each sponsor of athletic activity shall provide to the entity authorizing use of a recreation area for an athletic activity written verification that each coach, trainer, or Physical Education (PE) teacher for the athletic activity is in compliance with concussion protection training requirements of this section.
- 620.3 Each coach, athletic trainer, and PE teacher for an athletic activity shall take online concussion training and provide to her or his sponsoring organization a certificate of completion from either of the following online training resources:
- (a) Concussion in sports—v2.0
<http://www.nfhslearn.com/electiveDetail.aspx?courseID=38000>; or
 - (b) CDC Concussion in sports—Heads Up
<http://cdc.gov/concussion/headsup/training/>.
- 620.4 The training and certificate of completion required by § 620.3 shall be completed by each coach, athletic trainer, and PE teacher before the athletic activity they are supervising begins practice.
- 620.5 Each coach and athletic trainer shall renew concussion training and provide the sponsoring organization with a certificate of completion every two years.
- 620.6 A school that offers an athletic activity shall provide training to school personnel to recognize the signs and symptoms of concussion and their manifestations in a school setting.
- 620.7 School personnel that interact with an athlete removed from athletic activity due to head injury shall receive information of the athlete’s injury and its specific symptom manifestations, including physical, cognitive, emotional, and sleep disturbance, and the checklist of signs and symptoms of concussion. The training and certification identified in § 620.3 shall satisfy the minimal training requirements of this subsection.
- 620.99 When used in this section, the following words and phrases shall have the meanings ascribed:
- Athlete**—a person who engages in an athletic activity who is eighteen (18) years of age or younger.
- Athletic activity**—a program or event, including practice and competition, organized as part of a school-sponsored, interscholastic-athletic program,

an athletic program sponsored by the Department of Parks and Recreation, or an athletic program sponsored by a nonprofit or for-profit organization. This term includes participation in physical education classes that are part of a school curriculum.

Concussion—a traumatic injury to the brain that causes a change in a person’s mental status at the time of injury, such as feeling dazed, disoriented, or confused, which may involve a loss of consciousness, resulting from:

- (a) A fall;
- (b) A blow or jolt to the head or body;
- (c) Shaking or spinning of the head or body; or
- (d) Acceleration and deceleration of the head.

Department—the Department of Health.

School—a public school operated under authority of the Mayor, a public charter school, a parochial school, or a private school.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives adoption of the following newly proposed Chapter 91 (Housing Choice Voucher Program: Rent Reform Demonstration Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The regulations contain a new chapter establishing the United States Department of Housing and Urban Development (HUD) Moving to Work Housing Choice Voucher Rent Reform Demonstration. The proposed regulations are designed to implement and evaluate an alternative rent policy. Upon HUD's approval of the Moving To Work Rent Reform Demonstration Activity the proposed regulations will be adopted as final regulations.

The proposed rulemaking was published in the *D.C. Register* on July 18, 2014, at 61 DCR 007258. This rulemaking was adopted as final at the Board of Commissioners' regular meeting on September 10, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Title 14, HOUSING, of the DCMR is amended by adding a new Chapter 91 as follows:

CHAPTER 91

**HOUSING CHOICE VOUCHER PROGRAM: RENT
REFORM DEMONSTRATION PROGRAM**

Secs.

9100	Program Purpose
9101	Selection of Study Group and Control Group
9102	Enrollment
9103	Annual Income
9104	Utility Payments and Reimbursement
9105	Applying Utility Allowances
9106	Utility Allowances
9107	Adjusted Income and Determination of Rent
9108	Overview of Rent and Subsidy Calculations
9109	DCHA's Housing Assistance Payment
9110	Delayed Family Share at Initial Certification Under the Rent Reform Demonstration
9111	Changes in Family Share and Housing Assistance Payments
9112	Triennial Recertification of Income
9113	Recertification Notice to the Family
9114	Interim Recertifications
9115	Assets
9116	Family Moves
9117	Portability Procedures
9118	Hardship Waiver Policy

9999 Definitions

9100 PROGRAM PURPOSE

9100.1 The United States Department of Housing and Urban Development (HUD) is conducting the Moving to Work (MTW) Housing Choice Voucher Program Rent Reform Demonstration program (Rent Reform Demonstration or Program), designed to implement and evaluate an alternative rent policy, implemented by several MTW agencies. DCHA has been selected to participate in the study, and as such, shall modify its policies and rent calculations for a group of program participants (study group), and shall compare the results to a group of program participants who are assisted under the rent policies used for all other DCHA assisted households (control group). The HUD Rent Reform Demonstration Program is designed to implement and study an alternative strategy to standard HUD operating rules for HCVP. The proposed alternative rent policies shall include the following five key features:

- (a) Simplify income determination and rent calculation of the household's Total Tenant Payment (TTP) and subsidy amount by:
 1. Eliminating deductions and allowances,
 2. Changing the percent of income used to calculate the total tenant payment from 30% of adjusted income to a maximum of 28% of gross income,
 3. Ignoring income from assets when the asset value is less than \$25,000, and
 4. Using retrospective income, *i.e.*, 12-month "look-back" period and, in some cases, current/anticipated income in estimating a household's TTP and subsidy.
- (b) Conduct triennial income recertification rather than biennial recertification with provisions for interim recertification and hardship waivers if income decreases.
- (c) Streamline interim certifications to eliminate income review for most household composition changes and moves to new units.
- (d) Require that the family rent to owner is the greater of 28% of gross monthly income or at least the minimum rent of \$75.
- (e) Simplify the policy for determining utility allowances.

- (f) Additionally, the program shall offer appropriate hardship protections to prevent any participant in the study group from being unduly impacted as discussed in Section 9118.

9101 SELECTION OF STUDY GROUP AND CONTROL GROUP

9101.1 Program participants shall be selected from among current HCVP participant families, using a random assignment methodology. Households shall be selected for either the study or control groups prior to their scheduled recertification interview.

9101.2 The following households shall be excluded from the study:

- (a) Elderly as defined in this chapter
- (b) Disabled
- (c) Project Based Voucher
- (d) VASH (Veteran’s Administration Supportive Vouchers) Voucher
- (e) Enhanced Voucher
- (f) Moderate Rehabilitation/Single Room Occupancy (SRO)
- (g) Family Self-Sufficiency (FSS) program participants
- (h) Households exercising the portability option
- (i) Households who end participation in the program (either voluntarily or involuntarily)
- (j) Mixed households of eligible and non-eligible household members

9102 ENROLLMENT

9102.1 Once a participant is enrolled in the study group and has begun receiving assistance using the alternative rent policy, the following regularly scheduled events shall occur:

- (a) Triennial recertification, at which time income is calculated and total tenant payment and family rent to owner are determined,
- (b) Interim recertifications, limited to no more than one participant initiated interim per year except in the case of a hardship waiver.

9102.2 At initial enrollment, the household may be provided with a temporary Total Tenant Payment, pursuant to Section 9110.

9103 ANNUAL INCOME

9103.1 For the purposes of determining all forms of income for families participating in the program, DCHA shall follow HUD requirements to verify income, but shall calculate and treat gross annual income as follows:

- (a) To establish annual gross income for the three year certification period, DCHA shall review the total household income without deductions for the twelve-month period prior to recertification, *i.e.*, the “retrospective income.” The household’s TTP shall depend on its retrospective income during a 12 month “look back” period.
- (b) If, at the initial enrollment/ recertification, the household’s current/ anticipated income is less than its retrospective income by more than 10%, a “temporary” TTP based on current income alone shall be set for a six month grace period.
- (c) If, at the initial triennial certification only (this is a one-time reduction for a household), the childcare expense exceeds \$200 per month, the gross income shall be reduced by a deduction of reasonable childcare costs above the \$200 per month, to create a “temporary” TTP for a six month grace period. After the grace period, the TTP shall revert to the amount based upon the previously determined average retrospective income.
- (d) Income recalculations shall be initiated by DCHA only triennially.
- (e) If the household reports a decrease in income or a change in household composition that requires a recalculation of the family’s share of rent, the annual income can be recalculated once per year pursuant to Section 9113.

9104 UTILITY PAYMENTS AND REIMBURSEMENTS

9104.1 DCHA, under its MTW Authority, established its “Simplified Utility Allowance Schedule.” The calculation of the Utility Allowance and Reimbursements shall be in accordance with Sections 5311 and 5322 of Title 14, pursuant to DCHA Moving To Work authority.

9104.2 If, when the utility allowance is subtracted from the household’s TTP, the family rent to owner is lower than the minimum rent of \$75; the utility allowance shall be partially reimbursed to the family through a deposit on the utility reimbursement debit card provided by DCHA. The amount of the deposit on the utility reimbursement debit card shall be the total utility allowance minus the difference between the TTP and the minimum rent of \$75. Under these

circumstances the family shall be responsible to pay the owner \$75 rent each month.

9105 APPLYING UTILITY ALLOWANCES

9105.1 A DCHA-established utility allowance schedule is used in determining Family Share and HAP. DCHA shall use the appropriate utility for the lesser of the dwelling unit actually leased by a family or the voucher unit size for which the Family qualifies using DCHA subsidy standards.

9105.2 When utility schedules are updated to reflect rate changes, utility allowances (and UAPs) shall be adjusted only when HAP subsidies or TTPs are recalculated for other reasons. More specifically, updated utility schedules shall be applied when households: (1) face a contract rent change, (2) have their TTPs recalculated during interim or triennial recertifications, (3) move to new units, **or** (4) have a change in household composition requiring a change in voucher size.

9106 UTILITY ALLOWANCES

9106.1 Pursuant to 14 DCMR Section 5311, the allowances are based on actual rates and average consumption estimates, not on a family's energy consumption.

9106.2 The utility allowance is applied as follows:

- (a) As a reduction in the family's portion of rent;
- (b) As a subsidy allowance to the family through the use of a utility debit card; or
- (c) In some cases, both.

9106.3 When the family's TTP minus the utility allowance plus any amount of gross rent above the payment standard exceeds the minimum rent of \$75, the utility allowance is given as a reduction in TTP.

9106.4 If, when the utility allowance is subtracted from the family's TTP, the family rent to owner is less than the minimum rent of \$75, the family is required to pay the minimum rent of \$75, and the utility allowance shall be partially provided to the family through the use of a utility debit card. The amount of the deposit on the utility reimbursement debit card shall be the total utility allowance minus the difference between the TTP and the minimum rent of \$75.

9107 ADJUSTED INCOME AND DETERMINATION OF RENT

9107.1 The alternative rent policy does not use adjusted income to calculate rent and Housing Assistance Payment (HAP); therefore there are no deductions or

allowances applied to the gross income calculated in accordance with Section 5306, and with the following exception:

- (a) As provided under Subsection 9103.1 at the initial triennial recertification only, households whose child care expenses exceed \$200 a month, gross income is reduced temporarily (for 6 months), by the amount of reasonable childcare costs above the \$200 per month.

9108 OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

9108.1 In order to calculate family rent to owner for the Rent Reform Demonstration, DCHA shall calculate annual income and the TTP pursuant to Section 9107, but shall require the family rent to owner to be at least 28% of gross income, or the minimum rent of \$75, whichever amount is greater.

9108.2 DCHA has established a hardship policy that shall provide relief to families experiencing hardship in paying their rent. The hardship policy is described in Section 9118.

9109 DCHA’S HOUSING ASSISTANCE PAYMENT

9109.1 DCHA shall pay a monthly HAP for a family that is equal to the lower of the applicable payment standard or the gross rent, minus the greater of the family’s TTP or the minimum rent of \$75.

9109.2 If a Family chooses a unit with a gross rent that exceeds DCHA’s applicable payment standard, the family rent to owner shall include the amount by which the gross rent exceeds the payment standard.

9109.3 At initial occupancy, DCHA may not approve the tenancy if it would require the family share to exceed forty percent (40%) of the family’s gross monthly income.

9110 DELAYED FAMILY SHARE AT INITIAL CERTIFICATION UNDER THE RENT REFORM DEMONSTRATION

9110.1 To help protect households from unreasonable increases in TTP when the alternative rent policy is implemented, the following safeguards shall apply:

- (a) When a household’s anticipated monthly income for the coming year is substantially lower (*i.e.*, by more than 10 percent) than its retrospective monthly income for the past year, a “temporary” TTP based on the anticipated income (or the minimum rent, whichever is higher) shall be set for a six-month “grace period.” This grace period shall only apply, at the beginning of the three-year period and at any subsequent triennial recertifications.

- (b) At the end of the six-month grace period, unless the household qualifies for an interim recertification (see below), the temporary TTP shall expire, and the household shall be switched automatically to the “regular” TTP amount that was previously determined based on retrospective income. No interim is required or offered.
- (c) If, however, at the end of the grace period, the household has not fully restored its income to the original retrospective gross income level, the household may request and shall be granted an interim recertification interview. The new 12-month look-back period for that interim recertification (counting back from the end of the grace period) shall take into account the more recent period of lower income. The new TTP calculated at this interim shall apply until the next triennial recertification, unless an intervening interim recertification is required or the family receives a lower TTP as part of a hardship waiver.
- (d) If this interim recertification (after the grace period) results in a new TTP that is higher than the grace-period temporary TTP, the Family may qualify for a hardship waiver pursuant to Section 9118.
- (e) If a working-age/non-disabled household that is enrolled in the Rent Reform Demonstration subsequently becomes a fixed-income household due to disability by the time of its next triennial recertification, its new TTP shall be based on its fixed current/anticipated gross income.

9111 CHANGES IN FAMILY SHARE AND HOUSING ASSISTANCE PAYMENTS

- 9111.1 Households are not required to report changes in income during the three-year period between recertifications; however, they must report changes in household composition. This includes both additions and removals of members (including the death of any member) to the household, so that DCHA may determine continued eligibility for housing assistance.
- 9111.2 Unless the addition or change in members results in a required change in the voucher bedroom size, no income information shall be requested.
- 9111.3 If the removal of a household member results in a decrease in income, the household may request an interim certification to reset the TTP. If the loss of income causes the household’s retrospective income to drop by more than 10 percent of its previously established retrospective income level, the TTP shall be reset.
- 9111.4 If the addition or removal of a household member results in a change in the appropriate voucher bedroom size, DCHA shall review the income of the new or removed member only, apply the appropriate utility allowance for the bedroom

size and shall reset the TTP. If there is a reduction in subsidy or increase in family share, DCHA shall automatically grant a one-time hardship for six months to allow the Family to move to an affordable unit.

9112 TRIENNIAL RECERTIFICATION OF INCOME

9112.1 Families shall be required to provide information on household income, assets valued at \$25,000 or more and family composition triennially (every three years).

9112.2 Triennial recertification for midmonth move-ins (*e.g.*, September 15th) shall be conducted no later than the third following year by the first of the move-in month (*e.g.*, September 1).

9112.3 When families move to another dwelling unit, the family shall not be required to complete an interim recertification unless the household composition has changed and the family member who was added or removed had income counted in the last triennial recertification. The family rent to owner shall be the TTP calculated using the family's most recent interim or scheduled recertification, together with the utility allowance and contract rent applicable to the new dwelling unit.

9113 RECERTIFICATION NOTICE TO THE FAMILY

9113.1 In accordance with Subsection 5313.1, DCHA shall maintain a recertification tracking system that shall ensure that at least one hundred fifty (150) days in advance of the scheduled triennial recertification effective date, the Head of Household shall be notified by mail that she or he is required to attend a recertification interview on a specified date, or rearrange a date in advance, if the scheduled date is unacceptable. The notice shall tell the participant which documents to bring. Except for the timing of the recertification appointment, all other procedures required by Sections 5313 and 5805 shall be followed.

9114 INTERIM RECERTIFICATIONS

9114.1 Interim recertifications in the Rent Reform Demonstration are limited in frequency and scope.

9114.2 Families are not required to report increases in income between triennial recertifications.

9114.3 Family's may request and receive an interim reduction in rent:

- (a) When their income falls, households may request, an interim recertification of their income. An interim shall be conducted only when a household has a reduction in income of 10% or more from the retrospective income used to calculate their TTP.

- (b) DCHA shall re-calculate the household TTP based on a new retrospective income to determine the greater of 28% of gross income or the minimum rent of \$75. This new TTP shall remain in effect until the next triennial certification unless an interim recertification is required or the family receives a lower TTP as part of a hardship waiver.
- (c) The household may request and receive one interim recertification per year, unless an additional interim recertification is granted as part of a hardship waiver.

9114.4 Households are required to report changes in household composition within thirty (30) calendar days of the change in household composition.

9114.5 Households seeking to move to a new unit shall not be required to complete an interim review of income and have TTP recalculated, unless the move is the result of a change in household composition and voucher size (as described above), or when the tenant requests an interim due to a decrease in income. The family rent to owner shall be calculated using the family’s most recent interim or scheduled recertification TTP, together with the utility allowance and contract rent applicable to the new dwelling unit.

9114.6 When the utility allowance schedule is updated to reflect rate changes, utility allowances and utility allowance payments (UAPs) shall be adjusted only when HAP subsidies or TTPs are recalculated for other reasons. More specifically, updated utility schedules shall be applied when households:

- (a) Experience a change in unit rent; or
- (b) Recertify and the TTP is recalculated during interim or triennial; or
- (c) Move to a new units, or
- (d) Change the household composition and qualify for a different voucher size.

9114.7 DCHA shall conduct a third party verification every ninety days for those families who report zero income and initiate an interim recertification.

9115 ASSETS

9115.1 Households shall not be required to report the value or income from assets that are valued at less than \$25,000, but shall be required to certify that their combined asset value is under \$25,000. This income shall not be included in the income calculated to determine TTP. If a household has assets that are \$25,000 or more, they shall be required to report this information, and the income from assets shall be calculated.

9116 FAMILY MOVES

9116.1 Family moves for participants (Control and Study Group) who are in the MTW Rent Reform Demonstration shall be governed by this chapter only.

9116.2 DCHA shall not approve requests to move a Family more than once in a twelve (12) month period unless one of the following exceptions applies:

- (a) A victim or Family seeks to move under the protections enumerated in the VAWA;
- (b) DCHA terminates the HAP contract with the owner;
- (c) The move is necessary to grant a request for a reasonable accommodation;
- (d) A transfer voucher is granted as part of a hardship waiver; or
- (e) DCHA has determined, in its sole discretion, that one or more of the following emergency situations applies:
 - (1) There is a credible threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;
 - (2) There are serious unresolved Housing Quality Standard landlord violations in the Participant Household's existing leased unit;
 - (3) Other emergency factors acceptable to DCHA have been identified by the Participant Household.

9116.3 Families may only request a Voucher transfer briefing if the Family:

- (a) Has lived in their unit for at least a year;
- (b) Has not been terminated or is not currently being recommended for termination;
- (c) Is in good standing with the lease in the current unit (no outstanding rent or tenant-responsible utility bills); and
- (d) Does not have any current tenant-caused HQs violations in their existing unit.

9116.4 If the request is timely and granted, a Family shall receive no more than two (2) transfer vouchers and two (2) transfer briefings between every triennial

recertification.

9116.5 Notwithstanding Subsections 9116.2, 9116.3 and 9116.4, Families shall be issued an emergency transfer voucher if one (1) or more of the following conditions apply:

- (a) The Family has demonstrated a need based on the protections for victims of intrafamily violence as explained in Section 4907 of Title 14;
- (b) DCHA has terminated the HAP contract with the Family's landlord;
- (c) The Owner has initiated eviction proceedings against the Family;
- (d) Emergency Transfer was granted after request from the Office of the Attorney General or the United States Attorney's Office as a matter of safety;
- (e) If DCHA determines the family voucher size is too large, and the Family is not within the first year of tenancy; or
- (f) The family has been granted a transfer voucher as part of a hardship waiver.

9116.6 Transfer Vouchers.

- (a) For a Family that qualifies for a move under this section, the Participant Household shall be offered a Transfer Voucher to search for another unit.
- (b) The Transfer Voucher shall expire at the earlier of 180 days from the date of its issuance, or the date DCHA has terminated the Housing Assistance Contract on the Family existing unit with notice to the Household,
- (c) Any denial or refusal to issue a Transfer Voucher shall be issued in writing and state the reasons for such denial, including the specific nature of any denial due to any violation of Family Obligations or failure to be in good standing.

9116.7 Processing the Move. After issuance of a Transfer Voucher, if the Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

- (a) Provision of a lease-up packet when the Transfer Voucher is issued;
- (b) Inspection of the new unit for compliance with HQS; and
- (c) Approval of the lease-up lease package, including the lease and the lease

terms including the gross rent and the contract rent subject to a rent reasonableness determination.

9116.8 Failure to Relocate. After a Transfer Voucher is issued, if the Family does not locate a new dwelling unit to move to:

- (a) The Family may continue on where it is currently leasing, provided that:
 - (1) The Family has not yet given notice to terminate their lease to the owner; or
 - (2) The Family has delivered to the owner a notice rescinding the earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
 - (3) The HAP Contract has not otherwise been terminated by DCHA.
- (b) The Family is not required to provide new lease-up or other documents to DCHA and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the Transfer Voucher.
- (c) The Family’s prior Total Tenant Payment continues in effect.

9116.9 Future Moves. If a Family decides to move at a future date while the Transfer Voucher is still in effect, or upon obtaining another Transfer Voucher, the Family is required to:

- (a) Give the Owner notice as provided under the lease or otherwise by mutual consent with the Owner permitting termination of the existing lease; or
- (b) If the Transfer Voucher has expired, the Family is required to request a Transfer Voucher under the conditions identified in Subsection 9116.3.

9117 PORTABILITY PROCEDURES

9117.1 If, at the time of their triennial certification, households report that they are interested in exercising their portability option to move to another jurisdiction, they shall be referred to the appropriate receiving PHA, and shall not be included in the rent reform study. Another family shall be selected to replace the household porting out.

9118 HARDSHIP WAIVER POLICY

9118.1 A Family may request a Hardship waiver at any time if the family can demonstrate one of the following circumstances listed below. If the family receives a temporary TTP during the initial grace period, then the family may request a hardship waiver within 15 days before the expiration of the initial grace period or thereafter.

- (a) After the effective date of the TTP, the new TTP has put the Family at imminent risk of eviction as a result of non-payment of rent, and the hardship cannot be remedied by the one interim recertification permitted each year (which cannot reduce a household's TTP below the minimum level);
- (b) The Family is at an income level or experiences a loss of income and/or a TTP increase such that its total monthly TTP exceeds 40 percent of its current monthly gross income. Any amount by which the gross rent exceeds the payment standard must be paid by the family and is not used in determining this 40% rent burden. The gross income shall include imputed income in the same manner as current calculations;
- (c) Zero household income;
- (d) Loss of eligibility for a federal state, or local assistance program which reduces the Family income such that the total monthly TTP exceeds 40 percent of its current monthly gross income;
- (e) Temporary or permanent disability, incapacitation or illness, or death of a household member, which reduces the Family income such that the total monthly TTP exceeds 40 percent of its current monthly gross income; or
- (f) Significant income loss because of other changed circumstances, including the loss of employment, reduction in work hours or pay, or loss of public benefits.
- (g) Other circumstances as determined by DCHA.

9118.2 The process for requesting a Hardship Waiver is as follows:

- (a) The Head of Household must initiate a request for a Hardship Waiver by completing and submitting a written hardship request to the Housing Choice Voucher Program within 30 days of a Notice to Cure or Vacate or a Complaint for possession of the unit received showing an eviction risk (or negative impact on the Family);
- (b) The Head of Household must supply information and documentation that supports a hardship claim with their written request. For example, a household must provide proof of the following: loss of eligibility for a

federal state, or local assistance program; loss of employment, reduction in work hours, or loss of federal, state or local assistance; or the temporary or permanent disability, incapacitation or illness, or death of a household member and amount of lost income;

- (c) If the Head of Household claims zero household income as part of its hardship request, it must provide a detailed accounting of funds used to cover basic costs of living (food, personal/family care necessities, etc.);
- (d) To receive hardship based on the risk of eviction for non-payment of rent, a household must provide a copy of a rent ledger showing an accruing balance, a notice from the landlord, a 30 day Notice to Vacate or Cure or a Summons and Complaint from the landlord for non-payment of rent or any other proof acceptable to DCHA;
- (e) To receive hardship based on the risk of utility shut-off, a household must provide a copy of a shut-off notice, a recent bill from the utility company showing an accruing balance, a notice from the landlord, or any other proof acceptable to DCHA.

9118.3 The Hardship Review Process is as follows:

- (a) DCHA shall review the Hardship Request in accordance with this section and provide written notice to the Head of Household within ten (10) business days of its decision to grant the Hardship requests;
- (b) DCHA shall complete all information regarding the request for Hardship and the outcome in the Head of Household file;
- (c) Where a hardship waiver is denied, the household may request an independent review of DCHA's denial to the Director of the Housing Choice Program or his/her designee.
- (d) For hardship claims related to imminent risk of eviction or utility shut-off, DCHA shall conduct an expedited independent review.

9118.4 At the sole discretion of DCHA, the Hardship Remedies may include any of the following:

- (a) Allowing an additional interim recertification beyond the normal one-per-year option. This could lower household's TTP, which includes lowering the minimum rent until the next triennial recertification;
- (b) Setting the household's TTP below the minimum, at 28 percent of current income, for up to 180 days;

- (c) Offering a “transfer voucher” to support a move to a more affordable unit (including a unit with lower utility expenses); or
- (d) Any combination of the above remedies.

9118.5 During the 180 day period when the TTP is reduced, DCHA shall recalculate the subsidy payment based on the reduced TTP. DCHA shall notify the Landlord and the Head of Household of the change in subsidy payment.

9118.6 In addition to the remedy or remedies offered, the Head of Household may be referred to federal, state or local assistance programs to apply for assistance, or to obtain verification that they are ineligible to receive benefits.

9118.7 The Hardship remedies are subject to the following limitations:

- (a) The new Family rent to owner shall be effective on the 1st of the following month after approval;
- (b) Remedies shall not affect any rent attributable to a gross rent that exceeds the applicable payment standard;
- (c) Opting out of the alternative rent policy is not a remedy option.

9118.8 Expiration of the Hardship Waiver Period:

- (a) If after the 180-day Hardship period expires and the Family’s hardship continues, the Family may submit a request for an extension of the hardship remedy. However, the hardship waiver shall never go past the triennial recertification date;
- (b) At the end of the hardship waiver period, the household’s regular TTP shall be reinstated.

9999 DEFINITIONS

Control Group – HCVP participants who are randomly selected for the program, but have their vouchers administered pursuant to the existing DCHA HCVP Administrative Plan. These families shall be followed for the entire length of the program and their progress toward self-sufficiency shall be compared to the study group.

Current/Anticipated Income – Prospective annual income based upon the earnings and benefits received at the time of the certification. It may be used in calculating income used to determine TTP in certain circumstances.

Elderly Household - Elderly households are defined, for the purposes of participation in the Rent Reform Demonstration, (both the experimental and control groups), as households whose head, spouse or sole member is 56 years or older at the time the family would enter the study group.

Family Share - The Family Share is calculated by subtracting the amount of the total housing assistance payment (HAP) from gross rent.

Interim Recertification – a certification of a household’s income that occurs in between regularly scheduled triennial recertification. Households may request one interim recertification if they experience a reduction in income each year.

Minimum Rent – The minimum amount a Head of Household must contribute toward their lease rent. This amount must be paid directly to the owner each month, even if 28% of monthly income is less than the minimum rent. The minimum rent for study participants is \$75.

Rent Reform Demonstration – a study commissioned by the U.S. Department of Housing and Urban Development (HUD) to evaluate a Housing Choice Voucher (HCVP) alternative rent reform policy. The demonstration implements alternative rent calculations and recertification strategies at several PHAs across the country in order to fully test the policies. DCHA is one of the participants in the study.

Rent Burden – When a family is initially certified for the Rent Reform Demonstration, and when they move to a new unit, the maximum rent burden is 40% of the household’s gross monthly income. If the family’s TTP exceeds this amount, the unit shall be disapproved. This maximum rent burden does not apply in future certifications if the household remains in the same unit.

Rent to Owner - The amount payable monthly by the Family as rent to the unit owner which equals the TTP minus the utility allowance, if applicable. However, if the Family Share is less than the Minimum Rent the rent to owner equals minimum rent.

Retrospective Income – Total household income that was received in the 12 month (look-back) period prior to the recertification being conducted.

Study Group - HCVP Participants who are randomly selected for the program and shall have the alternative rent policies of the Rent Reform Demonstration applied to their subsidy participation. This family shall be followed for the entire length of the program and their progress toward self-sufficiency shall be compared to the control group.

Temporary Total Tenant Payment – a Total Tenant Payment set for a six-month grace period.

Total Tenant Payment (TTP) – The TTP is 28% of the Family gross income or minimum rent, whichever is higher.

Triennial Recertification – certification of a household's income and family composition that is used to establish the household's TTP three years from the date of the initial recertification for entry into this program.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) (2012 Repl.) and D.C. Official Code § 34-2202.16 (2012 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking), of Title 21 (Water and Sanitation), of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on September 4, 2014, took final action through adoption of Board Resolution #14-58 to amend Section 112 (Fees), of Chapter 1 (Water Supply), and Sections 4100 (Rates for Water Service), and 4101 (Rates for Sewer Service), of Chapter 41, (Retail Water and Sewer Rates), of Title 21 (Water and Sanitation) of the DCMR.

Pursuant to Board Resolutions #13-120, DC Water's Notice of Proposed Rulemaking was published in the *D.C. Register* on January 17, 2014 at 61 DCR 438. Further, a notice of public hearing was published in the *D.C. Register* on April 4, 2014 at 61 DCR 3543, and a public hearing was held on May 14, 2014. The record of the public hearing remained open until June 14, 2014, to receive written comments on the proposed rulemaking. DC Water also conducted eight (8) town hall meetings from April 1, 2014 through April 30, 2014 to receive comments on the proposed rulemaking. On July 22, 2014 and September 3, 2014, the Retail Water and Sewer Rates Committee met to consider the comments offered at the May 14, 2014 public hearing and during the public comment period and recommendations from the DC Water General Manager.

On September 4, 2014, the Board, through Resolution #14-58, after consideration of all comments received and the report of the Retail Water and Sewer Rates Committee, voted to amend the DCMR to: increase the retail metered water service rates from \$3.61 per One Hundred Cubic Feet of water used to \$3.88 per One Hundred Cubic Feet of water used; increase the retail sewer service rates from \$4.41 per One Hundred Cubic Feet of water used to \$4.74; increase the annual Clean Rivers Impervious Surface Area Charge from \$142.20 to \$201.00 per Equivalent Residential Unit; maintain the Right of Way Occupancy Fee Pass Through Charge at \$0.17 per One Hundred Cubic Feet of water used; and decrease the PILOT Fee from \$0.53 per One Hundred Cubic Feet of water used to \$0.46 per One Hundred Cubic Feet of water used.

No changes were made to the substance of the proposed regulations.

These rules will become effective October 1, 2014.

Section 112, FEES, of Chapter 1, WATER SUPPLY, of Title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 112.8 is amended to read as follows:

- 112.8 Effective October 1, 2014, the District of Columbia Right of Way Occupancy Fee Pass Through Charge and the Payment in Lieu of Taxes (PILOT) Fee, shall be decreased from seventy cents (\$0.70) for each one hundred cubic feet (1 Ccf) (or the equivalent of ninety-three cents (\$0.93) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) to sixty-three cents (\$0.63) for each one hundred cubic feet (1 Ccf) (or the equivalent of eighty-four cents (\$0.84) for each one thousand gallons (1,000 gals.)) of water used, divided as follows:
- (a) District of Columbia Right of Way Fee, assessed to recover the cost of fees charged by the District of Columbia to D.C. Water and Sewer Authority for use of District of Columbia public space and rights of way shall be:
 - (1) Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used;
 - (2) Multi-Family Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
 - (3) Non-Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
 - (b) Payment in Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia, assessed to cover the amount which D.C. Water and Sewer Authority pays each fiscal year to the District of Columbia, consistent with D.C. Water and Sewer Authority's enabling statute for public goods and services received from the District of Columbia: A decrease from fifty-three cents (\$0.53) per Ccf (or the equivalent of seventy-one cents (\$0.71) per one thousand gallons (1,000 gals.)) of water used to:
 - (1) Residential Customers: forty-six cents (\$0.46) per Ccf (or the equivalent of sixty-two cents (\$0.62) per one thousand gallons (1,000 gals.)) of water used;

- (2) Multi-Family Customers: forty-six cents (\$0.46) per Ccf (or the equivalent of sixty-two cents (\$0.62) per one thousand gallons (1,000 gals.)) of water used; and
- (3) Non-Residential Customers: forty-six cents (\$0.46) per Ccf (or the equivalent of sixty-two cents (\$0.62) per one thousand gallons (1,000 gals.)) of water used.

Section 4100, RATES FOR SEWER SERVICE, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 4100.3 is amended to read as follows:

4100 RATES FOR WATER SERVICE

4100.3 Effective October 1, 2014, the rate for retail metered water service shall be increased from three dollars and sixty-one cents (\$3.61) for each one hundred cubic feet (1 Ccf) (or the equivalent of four dollars and eighty-three cents (\$4.83) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:

- (a) Residential Customers: three dollars and eighty-eight cents (\$3.88) per Ccf (or the equivalent of five dollars and nineteen cents (\$5.19) for each one thousand gallons (1,000 gals.)) of water used;
- (b) Multi-Family Customers: three dollars and eighty-eight cents (\$3.88) per Ccf (or the equivalent of five dollars and nineteen cents (\$5.19) for each one thousand gallons (1,000 gals.)) of water used; and
- (c) Non-Residential Customers: three dollars and eighty-eight cents (\$3.88) per Ccf (or the equivalent of five dollars and nineteen cents (\$5.19) for each one thousand gallons (1,000 gals.)) of water used.

Section 4101, RATES FOR SEWER SERVICE, of Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 4101.1 is amended to read as follows:

4101 RATES FOR SEWER SERVICE

4101.1 Effective October 1, 2014, the rates for sanitary sewer service shall be:

- (a) The retail sanitary sewer service rate shall be increased from four dollars and forty-one cents (\$4.41) for each one hundred cubic feet (1 Ccf) (or

five dollars and eighty-nine cents (\$5.89) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:

- (1) Residential Customers: four dollars and seventy-four cents (\$4.74) per Ccf (or the equivalent of six dollars and thirty-three cents (\$6.33) for each one thousand gallons (1,000 gals.)) of water used;
 - (2) Multi-Family Customers: four dollars and seventy-four cents (\$4.74) per Ccf (or the equivalent of six dollars and thirty-three cents (\$6.33) for each one thousand gallons (1,000 gals.)) of water used; and
 - (3) Non-Residential Customers: four dollars and seventy-four cents (\$4.74) per Ccf (or the equivalent of six dollars and thirty-three cents (\$6.33) for each one thousand gallons (1,000 gals.)) of water used; and
- (b) The annual Clean Rivers Impervious Surface Area Charge (IAC) shall be increased from one hundred forty-two dollars and twenty cents (\$142.20), billed monthly at eleven dollars and eighty-five cents (\$11.85), per Equivalent Residential Unit (ERU), to two hundred one dollars and zero cents (\$201.00) per ERU, billed monthly as follows:
- (1) Residential Customers: sixteen dollars and seventy-five cents (\$16.75) per month for each ERU;
 - (2) Multi-Family Customers: sixteen dollars and seventy-five cents (\$16.75) per month for each ERU; and
 - (3) Non-Residential Customers: sixteen dollars and seventy-five cents (\$16.75) per month for each ERU.

DEPARTMENT OF HEALTH
NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (“the Act”), effective October 5, 1985, (D.C. Law 6-42; D.C. Official Code § 2-1801.05 (2012 Repl.)), Sections 4902(a) and (b) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(5) and (b) (2012 Repl.)), and Mayor’s Order 2004-46, dated March 22, 2004, hereby gives notice of amendments to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, & Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends the Section 3620 schedule of fines for food operations, to correspond with the new Notice of Final Rulemaking for Food and Food Operations in Subtitle A of Title 25 of the DCMR, which were published in the *D.C. Register* on November 30, 2012 at 59 DCR 013690.

The Director also gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, & CIVIL INFRACTIONS, is amended as follows:

3620 FOOD AND FOOD OPERATIONS INFRACTIONS

3620.1 RESERVED

3620.2 Violation of the following Imminent Health Hazards of Title 25-A of the DCMR as determined by the Department of Health shall be a Class 2 infraction:

- (a) Operating a food establishment without a valid Certificate of Occupancy in violation of § 4408.1(i)^P;
- (b) Operating a food establishment without a license in violation of §§ 4300.1^{Pf} and 4408.1(k)(1)^P;
- (c) Operating a food establishment with an expired license in violation of §§ 4300.2^{Pf} and 4408.1(k)(2)^P;
- (d) Operating a food establishment with a suspended license in violation of §§ 4300.3^{Pf}, 4718, and 4408.1(k)(3)^P;

- (e) Operating a depot, commissary or service support facility that services a mobile food unit without a valid license to operate issued by the Mayor in violation of §§ 3700.7^P, 4300.1^{Pf}, and 4408.1(1)(7)^P;
- (f) Operating a depot, commissary or service support facility that services a mobile food unit with a license that has been suspended for violations of this chapter and applicable provisions of this Code in violation of §§ 3700.8^P, 4300.3^{Pf}, 4718, and 4408.1(1)(8)^P;
- (g) Operating a mobile food unit without a valid Health Inspection Certificate issued by the Department in violation of §§ 3700.5^P, 3706.1(a) – (f)^P, and 4408.1(1)(5)^P;
- (h) Operating as a food vendor without a license in violation of §§ 3700.1^P, 4300.1^{Pf}, and 4408.1(1)(1);
- (i) Operating as a food vendor with an expired license in violation of §§ 3700.2^{Pf}, and 4408.1(1)(2)^P;
- (j) Operating as a food vendor with a suspended license in violation of §§ 3700.3^{Pf}, 4718, and 4408.1(1)(3)^P;
- (k) Operating a residential kitchen in a bed and breakfast without a license in violation of §§ 3800.1^P and 4300.1^{Pf};
- (l) Operating a residential kitchen in a bed and breakfast with an expired license in violation of §§ 3800.1^P and 4300.1^{Pf};
- (m) Operating a residential kitchen in a bed and breakfast with a suspended license in violation of §§ 3800.3^P, 4300.3^{Pf} and 4718;
- (n) Operating as a caterer without a license in violation of §§ 3900.1^P and 4300.1^{Pf};
- (o) Operating as a caterer with an expired license in violation of § 3900.2^{Pf};
- (p) Operating as a caterer with a suspended license in violation of §§ 3900.3^P and 4718;
- (q) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department in violation of §§ 203.1^P and 203.3^P;
- (r) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department and

who is present at the food establishment during all hours of operation in violation of §§ 200.1^{Pf}, 200.2, 200.3, 203, 4408.1(k)(4)^P, or 4408.1(k)(5)^P;

- (s) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department and who is able to demonstrate knowledge in violation of §§ 201 and 4408.1(k)(6)^P;
- (t) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit without a Food Protection Manager Certificate and a DOH-Issued Certified Food Protection Manager Identification Card during all hours of operation in violation of §§ 203^P, 3700.4^P, 3800.2^P, 3900.4^P, and 4408.1(k)(4)^P;
- (u) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with extensive fire damage that affects the establishment's ability to operate in compliance with this Code^P in violation of § 4408.1(a)^P;
- (v) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit with a flood or serious flood damage that affects the establishment's ability to operate in compliance with this Code^P in violation of § 4408.1(b)^P;
- (w) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with an extended interruption of electrical services that affects the establishment's ability to operate in compliance with this Code in violation of § 4408.1(c)^P;
- (x) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with an interruption of water service resulting in insufficient capacity to meet water demands throughout the establishment that affects the establishment's ability to operate in compliance with this Code in violation of §§ 2305.1^P, and 4408.1(d)^P;
- (y) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with a sewage backup that affects the establishment's ability to operate in with this Code in violation of § 4408.1(e)^P;

- (z) Misuse of poisonous or toxic materials in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of § 4408.1(f)^P;
- (aa) Onset of an apparent foodborne illness outbreak in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of § 4408.1(g)^P;
- (bb) Operating a food establishment in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with gross insanitary occurrence or condition or other circumstances that may endanger public health in violation of § 4408.1(h)^P;
- (cc) Failing to minimize or eliminate the presence of insects, rodents, or other pests in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of §§ 3210.1(a) through (d)^{Pf}, and 4408.1(j)^P;
- (dd) Selling, exchanging or delivering, or having in his or her custody or possession with the intent to sell or exchange, or expose, or offer for sale or exchange, any article of food which is adulterated in violation of §§ 4408.1(k)(7)^P, 4408.1(l)(12)^P or 4408.1(m)(14)^P, and D.C. Official Code § 48-101 (2012 Repl.);
- (ee) Operating a food establishment without hot water in violation of §§ 1808.1^{Pf}, 1809.1(a) through (d)^{Pf}, 1810.1^P, 1811.1, 2002.1(a)-(b)^P, 2305.1^{Pf}, 2305.2^{Pf}, 2402.1^{Pf}, 4408.1(k)(8)^P, 4408.1(l)(13), or 4408.1(m)(15)^P;
- (ff) Operating with incorrect hot or cold holding temperatures for potentially hazardous foods that do not comply with this Code and that cannot be corrected during the course of the inspection in violation of Chapter 10^P, and §§ 4408.1(k)(9)^P, 4408.1(l)(14)^P, or 4408.1(m)(16)^P;
- (gg) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with six (6) or more PRIORITY ITEMS or six (6) or more PRIORITY FOUNDATION ITEMS, or a combination thereof, which cannot be corrected on site during the course of the inspection in violation of § 4408.1(k)(10)^P;

- (hh) Failing to hire a D.C. licensed Pesticide Operator/contractor in violation of §§ 3210.2^{Pf}, 4408.1(k)(11)^P;
- (ii) Failing to allow access to the Department's representatives during the food establishment's hours of operation and other reasonable times as determined by the Department in violation of § 4402.1, 4408.1(k)(12)^P, and 4408.1(m)(17)^P;
- (jj) Hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of §§ 4408.1(k)(13)^P, 4408.1(l)(15)^P, 4408.1(m)(18)^P, and D.C. Official Code § 48-108 (2012 Repl.); or
- (kk) Failing to designate a non-smoking area in a restaurant with a capacity of 50 or more in violation of § 4408.1(k)(14)^P, and D.C. Official Code § 7-1703.01(a) or (b) (2012 Repl.); or
- (ll) Using a deep fryer or other cooking equipment that requires a hood suppression system, except with the written approval from the District of Columbia Fire and Emergency Medical Services Department in violation of §§ 3703.1^P and 4408.1(l)(9)^P.

3620.3

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 3 (Food Employee/Applicant Health) shall be a Class 2 infraction:

- (a) Failing to notify the Department when a food employee is jaundiced or diagnosed with an illness due to a pathogen specified in § 300.4 in violation of § 301.1^{Pf};
- (b) Failing to prohibit a conditional employee who exhibits or reports a symptom or reports a diagnosed illness specified in §§ 300.3 through 300.5 from becoming a food employee until the conditional employee satisfies the requirements for reinstatement associated with specific symptoms or diagnosed illnesses as specified in § 307 in violation of § 302.1^P;
- (c) Failing to prohibit a conditional employee who will work as a food employee in a food establishment that serves a highly susceptible population when the conditional employee reports a history of exposure specified in §§ 300.6 and 300.7 from becoming a food employee until the conditional employee satisfies the requirements associated with specific symptoms or diagnosed illnesses as specified in § 307.10 in violation of § 302.2^P;

- (d) Failing to exclude a food employee as specified in § 305, and § 306.1(a) and § 306.2(a), except as provided in § 307, when the food employee exhibits or reports a symptom or reports a diagnosed illness or a history of exposure as specified in § 300.3 through 300.7 in violation of § 303.1(a)^P;
- (e) Failing to restrict a food employee as specified in § 306, except as provided in § 307, when the food employee exhibits or reports a symptom or reports a diagnosed illness or a history of exposure as specified in §§ 300.3 through 300.7 in violation of § 303.1(b)^P;
- (f) Failing to exclude food employee from a food establishment when the food employee is symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin Producing *Escherichia coli* in violation of § 305.1^P;
- (g) Failing to exclude a food employee who is jaundiced from the food establishment when the onset of jaundice occurred within seven (7) calendar days in violation of § 305.2(a)^P;
- (h) Failing to exclude a food employee who is diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days after the onset of any illness symptoms, or within seven (7) calendar days after the onset of jaundice in violation of § 305.2(b)^P;
- (i) Failing to exclude a food employee who is diagnosed with an infection from hepatitis A virus without developing symptoms in violation of § 305.2(c)^P;
- (j) Failing to exclude a food employee who is diagnosed with an infection from *Salmonella Typhi*, or reports a previous infection with *Salmonella Typhi* within the past three (3) months without having received antibiotic therapy in violation of § 305.3^P;
- (k) Failing to exclude a food employee, who is diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-Producing *Escherichia coli*, and is asymptomatic, from a food establishment that serves a highly susceptible population in violation of § 306.1(a)^P;
- (l) Failing to restrict a food employee, who is diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-Producing *Escherichia coli*, and is asymptomatic, from a food establishment that does not serve a highly susceptible population in violation of § 306.1(b)^P;

- (m) Failing to exclude a food employee who is ill with symptoms of acute onset of sore throat with fever from a food establishment that serves a highly susceptible population in violation of § 306.2(a)^P;
- (n) Failing to restrict a food employee who is ill with symptoms of acute onset of sore throat with fever from a food establishment that does not serve a highly susceptible population in violation of § 306.2(b)^P;
- (o) Failing to restrict a food employee who is infected with a skin lesion containing pus, such as a boil or infected wound that is open or draining and not properly covered as specifying in § 300.3(e)^P in violation of § 306.3^P; or
- (p) Failing to restrict a food employee who has been exposed to a foodborne pathogen as specified in §§ 300.6 and 300.7 from a food establishment that serves a highly susceptible population in violation of § 306.4^P.

3620.4 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 2 (Supervision & Training of Food Employees); Chapter 3 (Food Employee/Applicant Health); and Chapter 5 (Hygienic Practices of Food Employees) shall be a Class 3 infraction:

- (a) Failing to demonstrate knowledge in violation of §§ 201.1, and 201.2(a), (b), and (c)(1) through (c)(17)^{Pf};
- (b) Failing to require food employees and food employee applicants to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food in violation of § 300.1;
- (c) Failing to notify the Department when a food employee is jaundiced or diagnosed with an illness due to a pathogen specified in § 300.4 in violation of § 301.1^{Pf};
- (d) Failing to exclude or restrict food employee as specified in § 305 and § 306, except as provided in § 307, from a food establishment when the food employee exhibits or reports a symptom or reports a diagnosed illness or history of exposure as specified in § 300.3 through §300.7 in violation of § 303.1^P;
- (e) Failing to comply with an exclusion or restriction imposed pursuant to §§ 305 and 306, unless reinstated pursuant to § 307, in violation of § 304.1^P;
- (f) Failing to exclude food employee from a food establishment when the food employee is symptomatic with vomiting or diarrhea and diagnosed

with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin Producing *Escherichia coli* in violation of § 305.1^P;

- (g) Failing to exclude a food employee who is jaundiced from the food establishment when the onset of jaundice occurred within seven (7) calendar days of the in violation of § 305.2(a)^P;
- (h) Failing to exclude food employee who is diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days after the onset of any illness symptoms, or within seven (7) calendar days after the onset of jaundice in violation of § 305.2(b)^P;
- (i) Failing to exclude food employee, who is diagnosed with an infection from hepatitis A virus without developing symptoms, from a food establishment in violation of § 305.2(c)^P;
- (j) Failing to exclude a food employee, who is diagnosed with an infection from *Salmonella Typhi*, or reports a previous infection with *Salmonella Typhi* within the past three (3) months without having received antibiotic therapy, from a food establishment in violation of § 305.3^P;
- (k) Failing to exclude a food employee who is diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-Producing *Escherichia coli*, and is asymptomatic, from a food establishment that serves a highly susceptible population in violation of § 306.1(a)^P;
- (l) Failing to restrict a food employee, who is diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorrhagic or Shiga Toxin-Producing *Escherichia coli*, and is asymptomatic, from a food establishment that does not serve a highly susceptible population in violation of § 306.1(b)^P;
- (m) Failing to exclude a food employee, who is ill with symptoms of acute onset of sore throat with fever from a food establishment that serves a highly susceptible population, in violation of § 306.2(a)^P;
- (n) Failing to restrict a food employee, who is ill with symptoms of acute onset of sore throat with fever from a food establishment that does not serve a highly susceptible population, in violation of § 306.2(b)^P;
- (o) Failing to restrict a food employee who is infected with a skin lesion containing pus, such as a boil or infected wound that is open or draining and not properly covered as specified in § 300.3(e) in violation of § 306.3^P;

- (p) Failing to restrict a food employee who has been exposed to a foodborne pathogen as specified in §§ 300.6 and 300.7 and who works in a food establishment that serves a highly susceptible population in violation of § 306.4^P;
- (q) Failing to prohibit an employee from eating, drinking, chewing gum or using any form of tobacco in areas where the contamination of exposed food, clean equipment, utensils, linens, unwrapped single-service and single-use articles, or other items needing protection can result, except as in designated areas, in violation of § 500.1;
- (r) Failing to prohibit food employees who are experiencing persistent sneezing, coughing, or runny nose that causes discharges from the eyes, nose, or mouth from working with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles in violation of § 501.1; or
- (s) Failing to prohibit food employees from caring for, or handling animals that are allowed on the premises of a food establishment pursuant to §§ 3214.2(b) through (e), except as specified in § 503.2, in violation of § 503.1.

3620.5

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 6 (Characteristics of Food); Chapter 7 (Sources, Specifications, and Original Containers and Records for Food); Chapter 8 (Protection of Foods from Contamination after Receiving); Chapter 9 (Destruction of Organisms of Public Health Concern); Chapter 10 (Limitation of Growth of Organisms of Public Health Concern); Chapter 11 (Food Identity, Presentation, and On-Premises Labeling); Chapter 12 (Contamination or Adulterated Food); and Chapter 13 (Special Requirements for Food for Highly Susceptible Populations) shall be a Class 3 infraction:

- (a) Using, offering or selling prohibited food from an unapproved source in violation of § 600, or §§ 700 through 706;
- (b) Receiving potentially hazardous food that is not at the required temperature in violation of § 707.1^P through § 707.5^{Pf};
- (c) Receiving food that contains unapproved additives or additives that exceed amounts specified in 21 C.F.R. §§ 170 through 180; 21 C.F.R. §§ 181 through 186; and 9 C.F.R. Subpart C Section 424.21(b) in violation of § 708.1^P;
- (d) Receiving shell eggs that are not clean and sound, and that exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in C.F.R. United States Standards, Grades, and Weight Classes for Shell Eggs, AMS

56.200, *et seq.*, administered by the Agricultural Marketing Service of the USDA in violation of § 709.1;

- (e) Receiving egg and milk products that are not pasteurized as specified by the USDA or the C.F.R. in violation of §§ 710.1^P through 710.4^P;
- (f) Receiving food packages that are not in good condition so that the food is exposed to adulteration or potential contaminants in violation of § 711.1^{Pf};
- (g) Receiving ice for use as a food or a cooling medium that is not made from drinking water in violation of § 712.1^P;
- (h) Receiving shellstock in containers that do not bear legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the Food Code in violation of §§ 714.1^{Pf} through 714.3^{Pf};
- (i) Failing to ensure that shellstock tags remain attached to the container in which the shellstock was received until the container is empty, except as specified in § 717.4, in violation of § 717.1^{Pf};
- (j) Failing to retain shellstock tags or labels for ninety (90) calendar days from the date the container is emptied using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served as specified in § 717.2 in violation of §§ 717.3^{Pf} and 717.4(a)^{Pf};
- (k) Failing to ensure shellstock removed from one (1) container are not commingled with shellstock from another container with certification numbers, different harvest dates, or different growing areas as identified on the tag or label before being ordered by the consumer in violation of § 717.4(b)^{Pf};
- (l) Failing to prominently display easily understood pull dates on the containers of all pasteurized fluid milk, fresh meat, poultry, fish, bread products, eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products, and potentially hazardous foods sold in food-retail establishments which are pre-wrapped foods and not intended for consumption on premises in violation of § 718.1;
- (m) Failing to retain the original pull date on food that is rewrapped and prominently display the word “REWRAPPED” on the new package in violation of § 718.2;

- (n) Failing to obtain pre-packaged juice from a processor with a HACCP system as specified in 21 C.F.R. Part 120 Hazard Analysis and Critical Control (HACCP) Systems in violation of § 719.1(a)^{Pf};
- (o) Failing to obtain pre-packaged juice that has been pasteurized or otherwise treated to attain a five (5)-log reduction of the most resistant microorganism of public health significance as specified in 21 C.F.R. Part 120.24 Process Controls in violation of § 719.1(b)^P;
- (p) Failing to prevent food employees from contaminating ready-to-eat food with his or her bare hands in violation of §§ 800.1 through 800.4;
- (q) Failing to prevent food employees from contaminating food by using a utensil more than once to taste food that is to be sold or served in violation of § 801.1^P;
- (r) Failing to protect food from cross contamination, except as provided for by § 802.2, in violation of §§ 802.1(a) through (h);
- (s) Failing to substitute pasteurized eggs or egg products for raw shell eggs in the preparation of foods as specified in violation of §§ 804.1(a) or (b)^P;
- (t) Failing to protect food from contamination that may result from the addition of unsafe or unapproved food or color additives, or unsafe or unapproved levels of approved food and color additives as specified in § 708 in violation of §§ 805.1(a) and (b)^P;
- (u) Applying sulfiting agents to fresh fruit and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B₁ in violation of § 805.2(a)^P;
- (v) Serving or selling food specified in § 805.2(a) that is treated with sulfiting agents before receipt by the food establishment, except for grapes, which are not included in this subsection, in violation of § 805.2(b)^P;
- (w) Failing to prevent contamination of food through contact with equipment and utensils that are not cleaned as specified in Chapter 19 and sanitized as specified in Chapter 20 of the Food Code, or are not single-serve and single-use articles in violation of §§ 809.1(a) or (b)^P;
- (x) Failing to protect food from contamination by consumers in violation of §§ 822.1 through 822.3 or §§ 823.1 through 823.2;
- (y) Failing to cook raw animal foods such as eggs, fish, meat, poultry, and foods containing raw animal foods at required temperatures and holding times in violation of §§ 900.1^P through 900.4;

- (z) Failing to properly cook raw animal foods in a microwave as specified in violation of §§ 901.1(a) through (d);
- (aa) Failing to freeze throughout raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish at required temperatures and time controls, except as specified in § 903.2, in violation of § 903.1^P;
- (bb) Failing to heat ready-to-eat foods or to reheat potentially hazardous foods for hot holding at required temperatures and time controls, except as provided, in violation of §§ 906.1^P through 906.5;
- (cc) Failing to comply with required temperatures and time controls for cooling methods for hot and cold holding and for food display in violation of §§ 1003 through 1006;
- (dd) Failing to clearly date mark at the time of preparation ready-to-eat, potentially hazardous foods held refrigerated at required temperatures and time controls for more than twenty-four (24) hours in violation of §§ 1007.1^{Pf} through 1007.6;
- (ee) Failing to discard ready-to-eat, potentially hazardous foods, prepared and held refrigerated at required temperatures and time controls for more than twenty-four (24) hours, which was not consumed within the time specified in § 1007.1 in violation of § 1008.2^P;
- (ff) Failing to comply with requirements when using time as a public health control in violation of § 1009;
- (gg) Failing to obtain a variance before smoking food as a flavor enhancement, curing food, brewing alcoholic beverages, using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous in violation of § 1010.1;
- (hh) Failing to obtain a variance before packaging food using a reduced oxygen method of packaging except as specified in section 1011 where a barrier to *Clostridium botulinum* in addition to refrigeration exists, before custom processing animals that are for personal use as food and not for sale or service in a food establishment, or before preparing food by another method that is determined by the Department to require a variance in violation of § 1010.1;
- (ii) Failing to control the growth and toxin formation of *Clostridium botulinum* where a food establishment packages foods using a reduced

oxygen method of packaging and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form in violation of § 1011.1^P;

- (jj) Failing to have a HACCP Plan and maintain specific information as required where a food establishment packages foods using a reduced oxygen packaging methods and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form in violation of §§ 1011.2^{Pf} and 4205.1(d)^{Pf};
- (kk) Failing to provide written notification to consumers of the potential health risks associated with eating animal food that is raw, undercooked, or not otherwise processed to eliminate pathogens where the food establishment offers such foods in ready-to-eat form or as a raw ingredient in another ready-to-eat food), (except as specified in §§ 900.3, 900.4 and 1300.1), in violation of § 1105.1;
- (ll) Failing to discard or recondition food that is unsafe, adulterated, or not honestly presented as specified in § 600 in violation of § 1200.1;
- (mm) Failing to discard food that is not from an approved source as specified in §§ 700 through 706, in violation of § 1200.2;
- (nn) Failing to discard ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified in § 301 in violation of § 1200.3;
- (oo) Failing to discard food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means in violation of § 1200.4; or
- (pp) Failing to comply with specialized requirements for serving, re-serving or offering for sale food to a highly susceptible population in violation of § 1300.

3620.6

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 14 (Materials Used for Construction and Repair of Equipment, Utensils and Linens); Chapter 15 (Design and Construction of Equipment, Utensils, and Linens);; Chapter 18 (Maintenance and Operation of Equipment and Utensils); Chapter 19 (Cleaning of Equipment and Utensils); and Chapter 20 (Sanitization of Equipment and Utensils); shall be a Class 3 infraction:

- (a) Failing to use utensils or food-contact surfaces of equipment that are constructed of materials in violation of §§ 1400.1(a) through (e)^P;

- (b) Using ceramic, china and crystal utensils, and decorative utensils, such as hand painted ceramic or china that are in contact with food that are not lead-free or contain excessive levels of lead in violation of § 1402.1^P;
- (c) Using pewter alloys containing lead in excess of five hundredth of a percent (0.05%) as a food contact surfaces in violation of § 1402.2^P;
- (d) Using copper and copper alloy such as brass in contact with acidic food that has a pH below six (6) such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator, except as specified in § 1403.2, in violation of § 1403.1^P;
- (e) Using galvanized metal for utensils or food-contact surfaces of equipment that are used in contact with acidic food that has a pH below (six) 6 such as vinegar, fruit juice or wine) in violation of § 1404.1^P;
- (f) Using single-service and single-use articles made of materials in violation of § 1409.1^P;
- (g) Using food temperature measuring devices with sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used, in violation of § 1501.1^P;
- (h) Failing to use multi-use food-contact surfaces that are smooth; free of breaks, open seams, cracks, chips, pits, and similar imperfections; free of sharp internal angles, corners, and crevices; and that have smooth welds and joints in violation of § 1502.1^{Pf};
- (i) Failing to use multi-use food-contact surfaces that are accessible for cleaning and inspection in violation of §§ 1502.2(a) through (c)^{Pf};
- (j) Using a machine that vends potentially hazardous food that is not equipped with an automatic control that prevents the machine from vending food if there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in Chapters 6 through 13, and until the machine is serviced and restocked with food that has been maintained at temperatures specified in Chapters 6 through 13 in violation of § 1523.1^P;
- (k) Failing to maintain hot water temperature at 77°C (171°F) or above when immersion of equipment in hot water is used for sanitizing equipment in a manual operation in violation of § 1810.1^P;

- (l) Failing to use a chemical sanitizer in a sanitizing solution for a manual or mechanical operation at contact times specified in § 2002.2 that meets criteria specified in § 3404 Sanitizer, Criteria in accordance with the EPA-registered label use instructions, in violation of § 1813.1^P;
- (m) Failing to use a chlorine solution that has a minimum temperature based on the concentration and pH of the solutions in violation of § 1813.2^P;
- (n) Failing to use an iodine solution in violation of §§ 1813.3(a) through (c)^P;
- (o) Failing to use a quaternary ammonium compound solution in violation of §§ 1813.4(a) through (c)^P;
- (p) Failing to use a test kit or other device to accurately determine the concentration of a sanitizer solution in violation of § 1815.1^{Pf};
- (q) Failing to provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers in a food establishment that operates without facilities specified in Chapters 19 and 20 for cleaning and sanitizing kitchenware and tableware in violation of § 1817.1^P;
- (r) Re-using single-service and single-use articles in violation of § 1818.1;
- (s) Re-using serving containers for mollusk and crustacean shells in violation of § 1819.1;
- (t) Failing to keep equipment food-contact surfaces and utensils clean to sight and touch in violation of § 1900.1^{Pf};
- (u) Failing to keep food-contact surfaces of cooking equipment and pans free of encrusted grease deposits and other soil accumulations in violation of § 1900.2;
- (v) Failing to keep nonfood-contact surfaces of equipment free of an accumulation of dust, dirt, food residue, and other debris in violation of § 1900.3;
- (w) Failing to clean equipment food-contact surfaces and utensils as specified in violation of §§ 1901.1 through 1901.5^P;
- (x) Failing to return empty containers to a regulated food processing plant for cleaning and refilling with food in violation of § 1910.1; or

- (y) Failing to sanitize equipment, food-contact surfaces, and utensils before use after cleaning at the required temperature and hold time, frequency, and methods in violation of §§ 2001.1 through 2002^P.

3620.7

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 23 (Water); Chapter 24 (Plumbing System); Chapter 25 (Mobile Water Tank and Mobile Food Establishment Water Tank); Chapter 26 (Sewage, Other Liquid Waste, and Rainwater); Chapter 27 (Refuse, Recyclables, and Returnables); Chapter 29 (Design, Construction, and Installation of Physical Facilities); Chapter 30 (Numbers and Capacities of Physical Facilities); and Chapter 31 (Location and Placement of Physical Facilities) shall be a Class 3 infraction:

- (a) Use drinking water from a system other than the District of Columbia public water system or other approved sources in violation of §§ 2300.1, 2302.1, or 2304.1^P;
- (b) Failing to flush and disinfect drinking water system before placing it in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system in violation of § 2301.1^P;
- (c) Failing to use nondrinking water for non-culinary purposes only in violation of § 2304.2^P;
- (d) Failing to use a water source and system that is of sufficient capacity to meet peak water demands of the food establishment in violation of § 2305.1^{Pf};
- (e) Failing to use a hot water generation and distribution systems that are of sufficient capacity to meet peak hot water demands throughout the food establishment in violation of § 2305.2^{Pf};
- (f) Failing to provide hot or cold water under pressure to all fixtures, equipment, and nonfood equipment that are required to use hot or cold water, (except as specified in § 2308), in violation of § 2306.1^{Pf};
- (g) Receiving water from a source that is not from an approved public water main, or is not from a water source constructed, maintained, and operated according to 40 C.F.R. § 141 – National Primary Drinking Water Regulations and District of Columbia drinking water quality standards in violation of §§ 2307.1(a)- (b)^{Pf};
- (h) Failing to provide water meeting the requirements specified in §§ 2300 through 2306 to a mobile facility, temporary food establishment without a

permanent water supply, or a food establishment with a temporary interruption of its water supply in violation of §§ 2308.1(a) through (e)^{Pf};

- (i) Conveying water through a plumbing system and hoses that are not constructed and repaired with approved materials according to the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of §§ 2400.1, or 2401.1^P;
- (j) Using a water filter that is not made of safe materials in violation of § 2400.2^P;
- (k) Failing to use an air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment that is at least twice the diameter of the water supply inlet and that is not less than twenty-five millimeters (25mm) or one inch (1 in.) in violation of § 2403.1^P;
- (l) Failing to install a backflow or backsiphonage prevention device on a water supply system that meets American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device in violation of § 2404.1^P;
- (m) Failing to provide hand washing sinks for employees' use as specified in § 2411, in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2406.1^{Pf};
- (n) Failing to provide toilets for employees' use and convenience in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of §§ 2407.1^P;
- (o) Failing to install a plumbing system that precludes backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment in violation of § 2409.1^P;
- (p) Failing to locate a handwashing sink to allow convenient use by employees in food preparation, food dispensing, and warewashing areas and in, or immediately adjacent to, toilet rooms in violation of § 2411.1^{Pf};

- (q) Failing to provide areas in which fresh meat is handled with its own handwashing sink located not more than twenty feet (20 ft.) or less from where the meat is handled in violation of § 2411.5^P;
- (r) Failing to maintain a handwashing sink so that it is accessible at all times for employees' use in violation of § 2414.1^{Pf};
- (s) Using a handwashing sink for purposes other than for handwashing in violation of § 2414.2^{Pf};
- (t) Failing to use an automatic handwashing facility in accordance with the manufacturer's instructions in violation of § 2414.3^{Pf};
- (u) Operating with a prohibited cross-connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality in violation of § 2415.1^P;
- (v) Failing to durably identify piping of nondrinking water system so that it is distinguishable from piping that carries drinking water in violation of § 2415.2^{Pf};
- (w) Failing to schedule inspection and service of water treatment device or backflow preventer in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and failing to maintain records demonstrating inspection and service by person in charge in violation of § 2416.1^{Pf};
- (x) Failing to clean and maintain a reservoir that is used to supply water to a device such as a produce fogger in accordance with manufacturer's specifications or in accordance with the procedures specified in § 2712.2, whichever is more stringent in violation of §§ 2417.1 through 2417.2^P;
- (y) Failing to repair and maintain a plumbing system in good repair in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2418.1;
- (z) Failing to install a filter that does not pass oil or oil vapors in the air supply line between the compressor and drinking water system when compressed air is used to pressurize a water tank system in violation of § 2507.1^P;
- (aa) Failing to flush and sanitize a water tank, pump, and hoses before placing items in service in service after construction, repair, modification, and periods of nonuse in violation of § 2510.1^P;

- (bb) Using a water tank, pump, and hoses used for conveying drinking water for other purposes, except as provided in § 2513.2, in violation of § 2513.1^P;
- (cc) Using a direct connection between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed, except as specified in §§ 2602.2 through 2602.4, in violation of § 2602^P;
- (dd) Failing to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2604.1^P;
- (ee) Failing to remove sewage and other liquid waste, including grease collection, from an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created in violation of §§ 2605.1 or 2605.2^{Pf};
- (ff) Failing to maintain copies of the food establishment's professional service contract in violation of § 2605.1 (a) through (c)^{Pf};
- (gg) Failing to dispose of sewage through an approved facility that is a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained, and operated in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2607.1^P;
or
- (hh) Failing to have and use one (1) or more food waste grinders that are conveniently located near an activity or activities which generate food wastes in violation of § 2607.2^P;
- (ii) Operating commercial food waste grinders that are not connected to a drain that is a minimum of two inches (2 in.) fifty-one millimeters (51 mm) in diameter in violation of § 2607.3^P;
- (jj) Operating commercial food waste grinders that are not connected and trapped separately from any other fixture or sink compartments, and that is not provided with a supply of cold water in accordance the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code

of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2607.3^{Pf};

- (kk) Failing to maintain copies of the food establishment's professional service contract in violation of §§ 2717.2(a) through (c)^{Pf};
- (ll) Operating a food establishment with toilet rooms that open directly into a room used for the preparation of food for service to the public in violation of § 2911.1^{Pf};
- (mm) Operating a food establishment with toilet rooms that are not provided with tight-fitting and self-closing doors in accordance the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR) (excepted as specified in § 2911.2), in violation of § 2911.1^{Pf};
- (nn) Failing to provide each handwashing sink or group of two (2) adjacent sinks with a supply of hand cleaning liquid, powder, or bar soap in violation of § 3001.1^{Pf};
- (oo) Failing to provide each handwashing sink or group of adjacent sinks with required items in violation of §§ 3002.1(a) through (d)^{Pf};
- (pp) Failing to provide a supply of toilet tissue to each toilet in violation of § 3007.1^{Pf};
- (qq) Failing to maintain restrooms consisting of a toilet room or toilet rooms, proper and sufficient water closets, and sinks that are conveniently located and readily accessible to all employees as specified in § 3101.3 in violation § 3101.1;
- (rr) Failing to display gender-neutral signs on the door of all single-occupancy toilet rooms that read "Restroom," or that have a universally recognized pictorial indicating that persons of any gender may use each restroom, in accordance with 4 DCMR § 802.2 in violation of § 3101.2; or
- (ss) Failing to segregate and hold products held by the licensee for credit, redemption, or return to the distributor, including damaged, spoiled, or recalled products in designated areas that are separated from food, equipment, utensils, linen, and single-service and single-use articles in violation of § 3103.1^{Pf};

3620.8

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 32 (Maintenance and Operation of Physical Facilities), (Chapter 33 (Certifications, Labeling and Identification of Poisonous or Toxic Materials);

Chapter 34 (Operational Supplies and Applications of Poisonous or Toxic Materials; and Chapter 35 (Stock and Retail Sale of Poisonous or Toxic Materials) shall be a Class 3 infraction:

- (a) Using food preparation sinks, hand washing lavatories, and warewashing equipment to clean maintenance tools, to prepare or hold maintenance materials, or disposal of mop water and similar liquid wastes in violation of § 3204.1^{Pf};
- (b) Failing to maintain copies of the food establishment's professional service contract and service schedule, which includes the documents specified in §§ 3210.1(a) through (c), in violation of § 3210.2^{Pf};
- (c) Failing to maintain the premises free of insects, rodents, and pests and to minimize the presence of insects, rodents, and pests on the premises in violation of § 3210.1^{Pf};
- (d) Failing to maintain the premises of a food establishment free of unnecessary items and litter in violation of § 3213.1;
- (e) Failing to prohibit live animals on the premises, except as specified in §§ 3214.2 and 3214.3, in violation of § 3214.1^{Pf};
- (f) Failing to store live or dead fish bait so that contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot occur in violation of § 3214.3;
- (g) Using a pest extermination service that does not possess a current certification as a District Licensed Pesticide Operator issued by the District's Department of the Environment, Toxic Substances Division, Pesticide Program in violation of § 3300.1^{Pf};
- (h) Allowing the application of restricted-use pesticides by an individual who is not a licensed certified commercial applicator or a registered employee working under the direct supervision of a licensed commercial or public applicator in violation of § 3300.2^{Pf};
- (i) Using containers of poisonous or toxic materials and personal care items that do not bear a legible manufacturer's label in violation of § 3301.1^{Pf};
- (j) Failing to clearly and individually identify working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies with the common name of the material in violation of § 3302.1^{Pf};

- (k) Failing to properly store poisonous or toxic materials so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles in violation of §§ 3400.1(a) and (b)^P;
- (l) Allowing poisonous or toxic materials that are not required for the operation and maintenance of the food establishment on the premises of a food establishment, except as specified in § 3401.2, in violation of § 3401.1^{Pf};
- (m) Using poisonous or toxic materials in violation of D.C. pesticide laws in violation of §§ 3402.1 and 3402.2^P;
- (n) Using a container previously used to store poisonous or toxic materials to store, transport, or dispense food in violation of § 3403.1^P;
- (o) Applying chemical sanitizers and other chemical antimicrobials to food-contact surfaces that do not meet the requirements of 40 C.F.R. § 180.940 – Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), in violation of § 3404.1^P;
- (p) Using chemicals to wash peel raw, whole fruits and vegetables that do not meet the requirements of 21 C.F.R. § 173.315 – Chemicals used in washing or to assist in the peeling of fruits and vegetables, in violation of § 3405.1^P;
- (q) Using ozone that does not meet the requirements of 21 C.F.R. § 173.368 – Ozone, as an antimicrobial agent in a food establishment for the treatment, storage, and processing of fruits and vegetables that do not meet the requirements of 21 C.F.R. § 173.368 – Ozone, in violation of § 3405.2;
- (r) Using chemicals as boiler water additives that do not meet the requirements of 21 C.F.R. § 173.310 – Boiler water additives, in violation of § 3406.1^P;
- (s) Using drying agents in conjunction with sanitization that contain components not approved in violation of §§ 3407.1(a) through (e), and § 3407.2^P;
- (t) Using lubricants that do not meet the requirements specified in 21 C.F.R. § 178.3570 – Lubricants with incident food contact, in violation of § 3408.1^P;

- (u) Using restricted- use pesticides that do not meet the requirements specified in 40 C.F.R. part 152 subpart I – Classification of Pesticides, in violation of § 3409.1^P;
- (v) Using rodent bait that is not contained in a covered, tamper-resistant bait station in violation of § 3410.1^P;
- (w) Using tracking powder pesticide in a food establishment, except as specified in § 3411.2, in violation of § 3411.1^P;
- (x) Allowing medicines not necessary for the health of the employees in a food establishment, except for medicines that are stored or displayed for retail sale, in violation of § 3412.1^{Pf};
- (y) Failing to properly label, as specified in § 3301, and locate medicines that are for employees’ use in a food establishment to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3412.2^P;
- (z) Failing to label, as specified in § 3301, first aid supplies that are for employees’ use in a food establishment in violation of § 3414.1(a)^{Pf};
- (aa) Failing to store first aid supplies that are for employees’ use in a food establishment in a kit or container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3414.1(b)^P;
- (bb) Failing to meet the requirements for medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator in violation of § 3413.1^P;
- (cc) Storing and displaying poisonous or toxic materials for retail sale without physically separating or partitioning by a wall or structure to prevent the contamination of food, equipment, utensils, and single-service and single-articles in violation § 3500.1(a)^P; or
- (dd) Locating poisonous or toxic materials above food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3500.1(b)^P.

3620.9

Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 37 (Mobile Structures & Temporary Stands); Chapter 38 (Residential Kitchens in Bed And Breakfast Operations); Chapter 39 (Caterers); Chapter 40 (Catered Establishments); Chapter 41 (Code Applicability); and Chapter 42 (Plan Submission and Approval) shall be a Class 3 infraction:

- (a) Possessing, preparing or vending any food requiring further processing from its original state aboard a mobile food unit without meeting the requirements of §§ 3700.4 and 3701 in violation of § 3700.6^P;
- (b) Possessing, preparing, selling, offering to sale, or giving away any food requiring further processing from its original state without the submission of a HACCP Plan, Parasite Destruction Letter, or Risk Control Plan depending on the food and/or process as requested by the Department in violation of § 3701.1^P;
- (c) Failing to submit to the Department an original and one (1) copy of a “Hazard Analysis Work Sheet” and a “HACCP Plan” on forms provided by the Department in accordance with chapter 42 in violation of §§ 3701.2, or 3701.3^P;
- (d) Failing to submit HACCP Plans for review every six (6) months in conjunction with the issuance of a vendor’s Health Inspection Certificate in violation of § 3701.4^P;
- (e) Implementing changes to a HACCP Plan’s operating procedures, menu, ingredients or other products without the Department’s approval in violation of § 3701.5^P;
- (f) Using propane in violation of § 3702.1(a)-(d)^P;
- (g) Operating a mobile food unit without a current motor vehicle registration that is conspicuously displayed on the mobile food unit in violation of §§ 3704.1 and 3713.1(h)^P;
- (h) Failing to prepare and protect food in a depot, commissary, or service support facility in accordance with the Food Code Regulations in violation of § 3708.1^P;
- (i) Failing to obtain food from approved sources in sound condition and safe for human consumption in violation of § 3708.2^P;
- (j) Failing to maintain food temperature requirements in violation of §§ 3708.5(a)-(b), 3708.6^P;
- (k) Failing to comply with employee health and hygiene requirements in Chapter 3 and 4 in violation of § 3709.1^P;
- (l) Failing to construct and maintain food service preparation and storage areas to prevent the entry of pests and other vermin in accordance with §§ 3210, 3211, and 3213 in violation of § 3711.1^P;

- (m) Failing to comply with § 700 and all applicable provisions of the Food Code Regulations in violation of § 3712.1(a)-(x)^P;
- (n) Failing to conspicuously display on the vending vehicle, vending cart or vending stand, all required documents in violation of §§ 3713.1(a)-(h)^P;
- (o) Failing to comply with all applicable provisions of the Food Code Regulations in violation of §§ 3714.2(a)-(d)^P;
- (p) Failing to operate residential kitchens in bed & breakfast operations in compliance with § 700 and all applicable provisions of the Food Code Regulations in violation of §§ 3806.1(a)-(x)^P;
- (q) Failing to use a currently licensed and inspected food establishment, which complies with the Food Code Regulations, as the caterer's base of operations in violation of § 3901.1^P;
- (r) Failing to comply with § 700 and all applicable provisions of the Food Code Regulations in violation of § 3903.1^P;
- (s) Failing to maintain a catered establishment's contract with a licensed caterer or licensed food establishment and other required documents on the premises in violation of §§ 4000.2(a)-(e) and (f)(1)-(8)^P;
- (t) Failing to provide an approved refrigerator for the storage of potentially hazardous food (time/ temperature control for safety food) in violation of § 4001.1^P;
- (u) Failing to remove potentially hazardous food (time/temperature control for safety food) from transport container and store in an approved refrigerator until served in violation of § 4001.1^P;
- (v) Maintaining potentially hazardous food (time/temperature control for safety food) temporarily in transport containers that do not maintain proper temperatures in accordance with Chapters 7 through 13 in violation of § 4001.1^P;
- (w) Failure of catered establishment to obtain a "Food Establishment License" in violation of § 4000.1(a);^P
- (x) Failure of catered establishment to maintain a current copy of its contract on the premises in violation of §§ 4000.2(a) through (f);^P
- (y) Failing to serve milk in original individual commercially filled containers received from the distributor, or from an approved bulk milk dispenser, or

poured from a commercially filled container of not more than one gallon (1 gal.) capacity in violation of § 4001.2^P;

- (z) Failing to immediately refrigerate milk in violation of § 4001.2^P;
- (aa) Operating a catered establishment which receives food that is prepared elsewhere and transported hot or cold in individually portioned and protected servings without meeting the requirements set forth in §§ 4002.1(a)-(g) in violation of § 4002.1^P;
- (bb) Operating a catered establishment which receives and distributes hot or cold food that is prepared elsewhere and transported ready-to-serve in bulk containers without meeting the requirements set forth in §§ 4003.1(a)-(j) in violation of §§ 2305 and 4003.1^P;
- (cc) Operating a catered establishment which reheats food that is prepared elsewhere and transported in bulk containers without meeting the requirements set forth in §§ 4003.1(a)-(k) in violation of 4004.1^P;
- (dd) Failing to comply with a variance granted by the Department in violation of § 4104.2(a)^P; or
- (ee) Failing to maintain and provide to the Department upon request records in violation of §§ 4101, 4104.2(b), 4201.1, or 4202^P.

3620.10 Violations of Title 25-A DCMR that are not cited elsewhere in Section 3620 shall be Class 4 infractions.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 547, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black on (202) 442-5977 or email Angli.Black@dc.gov.

D.C. OFFICE OF HUMAN RIGHTS**NOTICE OF PROPOSED RULEMAKING**

The Director of the Office of Human Rights, pursuant to Section 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c)), Section 10 of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*) (“Youth Bullying Prevention Act”), and Mayor’s Order 2013-062, dated April 5, 2013, and Mayor’s Order-2014-135, dated June 6, 2014, hereby gives notice of the intent to amend Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 15 (Youth Bullying Prevention).

The purpose of this new chapter is to provide guidelines for implementation of the Youth Bullying Prevention Act. Specifically, this new chapter would provide information with respect to covered entities, bullying prevention policies, codes of conduct, bullying investigations and appeals, the role of the Office of Human Rights (OHR), the role of the Youth Bullying Prevention Task Force, the OHR complaint procedure, and related matters.

The Director gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Title 4, HUMAN RIGHTS AND RELATIONS, of the DCMR is amended by adding a new Chapter 15, YOUTH BULLYING PREVENTION, to read as follows:

CHAPTER 15 YOUTH BULLYING PREVENTION

Section

- 1500 Purpose
- 1501 Covered Entities
- 1502 Adoption of a Bullying Prevention Policy
- 1503 Code of Conduct
- 1504 Reporting Requirements
- 1505 Investigations
- 1506 Appeals
- 1507 Dissemination of Bullying Prevention Policy
- 1508 Submission and Review of Bullying Prevention Policy
- 1509 Bullying Prevention Programs
- 1510 Training Requirements
- 1511 Reporting Requirements of Educational Institutions
- 1512 Complaint to the Office of Human Rights
- 1513 Other Responsibilities of the Office of Human Rights
- 1599 Definitions

1500 PURPOSE

1500.1 The purpose of this chapter is to provide guidance on, and procedures and standards for, the implementation of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*).

1501 COVERED ENTITIES

1501.1 The requirements of this chapter apply in whole or in part to the following entities, which are referred to collectively in this chapter as “covered entities”:

- (a) Covered agency, as defined in § 1501.2(a);
- (b) Educational institutions, as described in § 1501.2(b); and
- (c) Grantees of covered agencies and local educational agencies (“covered grantees”), as described in § 1501.2(c).

1501.2 For the purposes of this chapter, the terms “covered agency”, “educational institution”, and “covered grantee” are defined as follows:

- (a) A “covered agency” means a District government agency that provides services, activities, or privileges directly or indirectly to youth, and includes the following:
 - (1) Child and Family Services Agency;
 - (2) Department of Behavioral Health;
 - (3) Department of Employment Services, including, but not limited to, the following activities and programs:
 - (A) In-School Program;
 - (B) Mayor’s Youth Leadership Institute;
 - (C) One City High School Internship Program;
 - (D) Out-of-School Internship Program;
 - (E) Out-of-School Program;
 - (F) Pathways for Young Adults;
 - (G) Summer Youth Employment Program; and

- (H) Youth Connection Center;
 - (4) Department of Health, including, but not limited to, the following activities and programs:
 - (A) School-based health centers;
 - (B) Violence prevention programs in public schools and public charter schools; and
 - (C) College Student Internship Program;
 - (5) Department of Parks and Recreation;
 - (6) Department of Youth Rehabilitation Services;
 - (7) District of Columbia Public Library;
 - (8) Metropolitan Police Department, including, but not limited to the following activities and programs:
 - (A) Summer with the Metropolitan Police Department;
 - (B) Youth Advisory Council;
 - (C) Junior Police Academy; and
 - (D) Fun and Safe Kids;
 - (9) Office of the State Superintendent of Education; and
 - (10) University of the District of Columbia.
- (b) An “educational institution” means:
- (1) The District of Columbia Public Schools (DCPS); and
 - (2) Each local education agency, as defined in Section 101 of the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code §§ 38-771.01 *et seq.*), that receives funds from the District.
- (c) A “covered grantee” means an entity or contractor of an entity that provides services, activities, or privileges to youth on behalf of the District government or through District funding.

1501.3 Each covered entity and educational institution shall ensure that when hiring or contracting with a contractor or vendor to provide services, activities, or privileges to youth that the contractor or vendor will comply with the requirements of this chapter and the Act.

1501.4 Each covered entity and educational institution shall ensure that when it issues a grant to a grantee to provide services, activities, or privileges to youth on behalf of the District or through District funding that the grantee will comply with the requirements of this chapter and the Act.

1502 ADOPTION OF A BULLYING PREVENTION POLICY

1502.1 Each covered entity shall adopt a bullying prevention policy by September 14, 2013; provided, that a covered entity that did not exist as of September 14, 2013, shall promulgate a bullying prevention policy by the later of September 14, 2014, or the date on which it begins to provide services, activities, or privileges to youth.

1502.2 A covered entity's bullying prevention policy shall at a minimum include the following elements:

- (a) The legal definition of bullying set forth in § 1599;
- (b) A statement prohibiting bullying, including cyberbullying, and retaliation for reporting bullying;
- (c) A statement that the policy applies at all of the locations listed in §1502.3;
- (d) A code of conduct;
- (e) A list of consequences that can result from an identified incident of bullying. The consequences shall be designed to:
 - (1) Appropriately correct the bullying behavior;
 - (2) Prevent another occurrence of bullying or retaliation;
 - (3) Protect the target of the bullying; and
 - (4) Be flexible in application , appropriate to the individual incident, and varied in method and severity based on the:
 - (A) Nature of the incident;
 - (B) Developmental age of the person bullying; and

(C) Any history of problem behavior from the person bullying;

- (f) A procedure for reporting bullying, retaliation for reporting bullying (“retaliation”), or other violations of the bullying prevention policy that permits anonymous reporting;
- (g) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for people responsible for investigating bullying and retaliation;
- (h) An appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505;
- (i) A statement that retaliation against any person for reporting an incident of bullying is prohibited and a description of the possible consequences for a person who engages in retaliatory behavior.

1502.3 Each covered entity’s bullying prevention policy shall apply at the following locations:

- (a) On the covered entity’s property, including buildings, fields, parking lots, and walkways;
- (b) At events sponsored by the covered entity, including sponsored events held off the property of the covered entity;
- (c) On any vehicle used for transportation by or on behalf of the covered entity, including transportation for sponsored events of youth; and
- (d) At any transit stop at which youth wait to be transported to the covered entity or an event sponsored by the covered entity.

1502.4 Each covered entity’s bullying prevention policy shall apply to electronic communications sent from or to someone at a location listed in § 1502.3, whether or not the communications device is owned or leased by the covered entity.

1502.5 Bullying prohibited on non-covered-entity property includes, but is not limited to, conduct which creates a hostile environment at the covered entity for the target or witnesses, impedes or interferes with a youth’s ability to participate at the covered entity, or materially and substantially disrupts the orderly operation of the covered entity.

1503 CODE OF CONDUCT

- 1503.1 The code of conduct required by § 1502.2(d) may state that:
- (a) The covered entity expects youth to behave in a way that supports the covered entity's objective to provide a safe and welcoming environment for other youth;
 - (b) Youth who are part of the covered entity community are expected to:
 - (1) Treat all other youth at the covered entity with respect;
 - (2) Respect the property of other youth at the covered entity; and
 - (3) Respond appropriately to instructions from covered entity staff regarding behavior toward other youth.

1504 REPORTING REQUIREMENTS

- 1504.1 Employees and volunteers of covered entities shall promptly report incidents of bullying or retaliation that they witness and incidents of bullying or retaliation about which they have reliable information.
- 1504.2 Each covered entity may encourage youth, parents, guardians, and community members to report any incidents of bullying or retaliation that they witness or of which they are aware.
- 1504.3 Reports of bullying, retaliation, and other violations of the bullying prevention policy shall be made to the person designated by the covered entity to investigate incidents of bullying and retaliation. The covered entity shall allow reports to be made in person, by mail, or through an anonymous drop box at the covered entity.
- 1504.4 Information about reporting bullying and retaliation shall be communicated to youth connected with the covered entity in an age-appropriate manner.
- 1504.5 Each covered entity shall ensure that there are reporting materials available in a wide variety of languages as required by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.* (2012 Repl.))
- 1504.6 Reporting materials may include brochures, pamphlets, and questionnaires which are used to report acts of bullying or retaliation.
- 1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy shall create a written description of each incident of bullying, retaliation, or other violation of the bullying

prevention policy that was reported to him or her and shall include the description in the annual report required by § 1511.3.

1505 INVESTIGATIONS

1505.1 Each covered entity shall promptly investigate each report of bullying, retaliation, or other violation of the bullying prevention policy.

1505.2 Within two (2) days of receiving a report of bullying, retaliation, or other violation of the bullying prevention policy the investigator shall:

- (a) Take appropriate action to ensure, to the extent possible, the safety of the alleged target referenced in the report. Appropriate actions may include contacting relevant parties, intercepting the target or alleged perpetrator if information is received regarding a pending act of bullying or retaliation, or ascertaining that teachers or other employees are present at a location that has been identified as the site of a pending act of bullying or retaliation;
- (b) Inform the target, and the parents and guardians of the target of the alleged incident if the target is less than eighteen (18) years of age, of the planned investigation; and
- (c) Notify each alleged perpetrator, the parents and guardians of the alleged perpetrator if the alleged perpetrator is less than eighteen (18) years of age, and, if applicable, witnesses to the alleged incident of bullying or retaliation of the planned investigation.

1505.3 The covered entity shall provide confidentiality if possible to individuals interviewed as part of the investigation and inform them retaliation for reporting acts of bullying is prohibited.

1505.4 If the covered entity determines as part of its investigation that the reported incident may involve criminal activity, information about the incident shall be conveyed to the appropriate law enforcement authorities.

1505.5 The investigation shall be completed within thirty (30) days after receipt of a report of bullying, retaliation, or other violation of the bullying prevention policy.

1505.6 The investigator or a designee of the covered entity shall issue a written report setting forth his or her findings and recommendations within thirty (30) days after receiving a report of bullying, retaliation, or other violation of the bullying prevention policy.

1505.7 The written report shall be provided to the:

- (a) Target, if the target is eighteen (18) years of age or older; otherwise to the target’s parents or guardians; and
- (b) Perpetrator, if the perpetrator is eighteen (18) years of age or older; otherwise to the alleged perpetrator’s parents or guardians.

1506 APPEALS

- 1506.1 Each covered entity shall have an appeals process in place that mandates that the covered entity conduct a secondary investigation within thirty (30) days after the conclusion of an initial investigation if a party dissatisfied with the outcome of the initial investigation submits a written request for a secondary investigation.
- 1506.2 The secondary investigation shall be conducted by an employee who has a higher-level authority in the covered entity than the one who conducted the investigation and who was not involved in the initial investigation.
- 1506.3 The secondary investigation shall be completed within thirty (30) days after receipt of the request for a secondary investigation; unless the higher-level authority requires additional time to complete a thorough investigation and the higher-level authority sets forth those circumstances in writing. Under those circumstances, he or she may extend the thirty (30) day period by fifteen (15) days.
- 1506.4 After completing the secondary investigation, the higher-level authority shall notify the party in writing of the results of the investigation and of the party’s ability to seek additional redress under the District of Columbia Human Rights Act.

1507 DISSEMINATION OF BULLYING PREVENTION POLICY

- 1507.1 Each covered entity shall develop and implement a plan to publicize its bullying prevention policy. The plan shall include actions to:
 - (a) Discuss its bullying prevention policy with youth; and
 - (b) Publicize the fact that the policy also applies to functions sponsored by the covered entity.

1508 SUBMISSION AND REVIEW OF BULLYING PREVENTION POLICY

- 1508.1 Each covered entity shall submit its bullying prevention policy, upon its adoption, to the Office of Human Rights and the Mayor’s Bullying Prevention Task Force established by Mayor’s Order 2012-150, dated September 20, 2012.

1508.2 Within one hundred eighty (180) days after receiving a bullying prevention policy submitted pursuant to Section 3(c)(5) of the Act, the Director of Bullying Prevention and the Task Force shall review the policy for compliance with the requirements of this chapter and the Act.

1508.3 As part of the review, the Director of Bullying Prevention and the Task Force shall:

- (a) Determine whether the covered entity adopted a bullying prevention policy consistent with § 1502;
- (b) Determine whether the covered entity’s bullying prevention policy is adequate and appropriate; and
- (c) Make any recommendations deemed necessary for improvement of the bullying prevention policy.

1509 BULLYING PREVENTION PROGRAMS

1509.1 Each covered entity is encouraged to:

- (a) Establish an ongoing bullying prevention program for youth, which educational institutions should align with established health-education standards;
- (b) Inform youth about their right to be free from discrimination in public accommodations and education and of the redress available for a violation of their rights under the Human Rights Act;
- (c) Provide training on bullying prevention to all volunteers who have significant contact with youth.

1510 TRAINING REQUIREMENTS

1510.1 Each covered entity shall provide bullying prevention training to all of its employees on an annual basis.

1510.2 Each covered entity shall incorporate information on its bullying prevention policy into new employee training.

1511 REPORTING REQUIREMENTS OF EDUCATIONAL INSTITUTIONS

1511.1 Each educational institution shall report to OHR by September 15 of each year to the aggregate number of incidents of bullying, retaliation, and other violations of the bullying prevention policy at the educational institution during the prior school year (including the prior summer term), a brief description of each of each

such incident (as required by § 1504.7) and the results of the investigation of the incident.,

1511.2 The annual report of each educational institution shall also include any other information that OHR deems necessary or appropriate and requests from the educational institution.

1512 COMPLAINT TO THE OFFICE OF HUMAN RIGHTS

1512.1 A person may file a complaint with the Office of Human Rights (“OHR”) alleging a violation of the provisions of the Act within one (1) year after the alleged violation occurred or an investigation regarding the alleged violation concluded, whichever is later.

1512.2 A complaint to OHR may include, but is not limited to:

- (a) Adequacy of an investigation of bullying, retaliation, or another violation of a bullying prevention policy;
- (b) Unreasonable delay in the processing of a report of bullying, retaliation, or another violation of a bullying prevention policy; or
- (c) Other failures by the covered entity to follow the requirements of the Act.

1512.3 The complaint shall state the name and address of the covered entity, the name and title (if known) of the person alleged to have committed the violation, a detailed description of the substance of the complaint and alleged violation, and such other information as may be required by OHR.

1512.4 OHR shall conduct an investigation of the complaint within thirty (30) days after a complaint is filed with OHR and shall determine as part of the investigation whether there was a violation of the Act.

1512.5 OHR shall report the results of its investigation to the complainant and covered entity and provide recommendations, if appropriate.

1512.6 If a complaint alleges discriminatory conduct, OHR shall investigate the complaint pursuant to Chapter 7 (Private Sector Complaints) of this title.

1513 OTHER RESPONSIBILITIES OF THE OFFICE OF HUMAN RIGHTS

1513.1 OHR shall assist covered entities with developing bullying prevention policies and programs.

1513.2 OHR, through its Director of Citywide Bullying Prevention Program (hereafter, Director of Bullying Prevention), shall compile, and make available to each

covered entity a list of free or low-cost methods for establishing the bullying prevention programs described in § 1509.

- 1513.3 OHR shall conduct training for covered entities on bullying and techniques for investigating allegations of bullying within one (1) year after the effective date of this chapter.

1599 DEFINITIONS

- 1599.1 As used in this chapter, the follow words and phrase shall have the meanings ascribed:

Bullying – any severe, pervasive , or persistent act or conduct, whether physical, electronic, or verbal that: (a) is based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and (b) can be reasonably predicted to: (1) place the youth in reasonable fear of physical harm to his or her person or property; (2) cause a substantial detrimental effect on the youth’s physical or mental health; (3) substantially interfere with the youth’s academic performance or attendance; or (4) substantially interfere with the youth’s ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.

Covered agency – shall have the meaning set forth in § 1501.2(a);

Covered entity – shall have the meaning set forth in § 1501.1;

Covered grantee – shall have the meaning set forth in § 1501.2(c)

Cyberbullying – any bullying done through electronic means including, but not limited to the Internet, electronic mail (email), texting or “tweeting”.

Educational institution – shall have the meaning set forth in § 1501.2(b).

Employee – an individual who receives compensation for performing a function for a covered entity.

Human Rights Act – the District of Columbia Human Rights Act of 1977, effective December 17, 1977 (D.C. Law 13-38; D.C. Official Code §§ 2-1401.01 *et seq.*).

Retaliation – to coerce a person, or attempt to coerce a person, to not report an act of bullying; to threaten to harm a person or otherwise subject the person to an adverse action because the person has reported or may report bullying; or to interfere with a person’s right or obligation to report an act of bullying under the Act.

Youth – (a) an individual of twenty-one (21) years of age or less who is enrolled in an educational institution or who uses the services or programs provided by an agency or grantee, or an individual of twenty-two (22) years of age or less who is receiving special education services from an educational institution; or (b) individuals as described paragraph (a) of this definition considered as a group.

Persons desiring to comment on these proposed rules should submit comments in writing to the Office of Human Rights, Office of the General Counsel, 441 4th Street, N.W., Suite 570N, Washington, D.C. 20001, or jewell.little@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Questions may be directed to Jewell Little, Attorney Advisor at (202) 727-6910. Copies of these proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-214
September 11, 2014

SUBJECT: Appointment – Interim Director, Mayor’s Office of Legal Counsel


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 section 101(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective October 23, 2013, D.C. Law 20-60, to be codified at D.C. Official Code § 1-608.51a, it is hereby **ORDERED** that:

1. **IRVIN B. NATHAN** is appointed Interim Director of the Mayor’s Office of Legal Counsel and shall serve in that capacity for the duration of the period in which he serves as Attorney General for the District of Columbia.
2. The Interim Director is authorized to delegate all or part of his authority to subordinates under the jurisdiction of the Interim Director, such delegation to be effective for the period in which he serves as Interim Director.
3. **EFFECTIVE DATE:** This Order shall become effective on October 1, 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 2014-215
September 12, 2014

SUBJECT: Adoption of the District Preparedness Framework

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 the Disaster Relief Act of 1974, 42 U.S.C. § 5121; the Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code §§ 7-2301, *et seq.* (2012 Repl.) and the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007, D.C. Law 16-262, D.C. Official Code §§ 7-2202, *et seq.* (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **Adoption of the *District Preparedness Framework*:**

All District of Columbia agencies shall adopt the *District Preparedness Framework* ("Framework") prepared by the District of Columbia Homeland Security and Emergency Management Agency ("HSEMA") and incorporate it into each agency's emergency programming and planning.

2. **Background and Purpose:**

- a. The Nation has experienced dramatic changes in the practices of homeland security and emergency management. The greatest advancement has been the systematic, integrated, and energetic approach to preparedness. Preparedness is no longer considered to be only the pre-disaster phase of emergency management. Rather, it is a continuous process incorporated throughout a comprehensive emergency management program.
- b. HSEMA is the lead agency designated to coordinate emergency preparedness efforts in the District of Columbia pursuant to D.C. Official Code §§ 7-2205, 7-2231.03. As such, HSEMA is the entity responsible for preparing a comprehensive homeland security and emergency management program for the District that integrates with the civil defense plans of the federal government and the surrounding jurisdictions comprising the National Capital Region, and coordinates with non-governmental and private sector partners. HSEMA is responsible for developing and maintaining comprehensive emergency management plans

and establishing emergency management training and exercise programs to sustain a cadre of well-trained emergency personnel to implement efficient and effective prevention/protection, mitigation, response, and recovery capabilities before, during, and after disasters.

- c. The Framework is a guide to how the District prepares for all types of disasters and emergencies. It is based upon legal guidance and homeland security and emergency management best practices, and directly aligns the District's preparedness protocols with Presidential Policy Directive 8: National Preparedness (PPD-8), signed by President Obama on March 30, 2011. The Framework describes the overall organizational and operational concepts for District preparedness and provides strategic guidance and guiding principles. It is built to be scalable, flexible, and adaptable.
- d. The Framework is designed to prepare the District by providing strategic direction that will enable all of the District's emergency management and homeland security partners to achieve the collective goals of implementing a coordinated, all hazards approach to planning, organization, training, and exercises. The Framework describes the overall organizational and operational concepts for District preparedness and provides strategic guidance and guiding principles for:
 1. Prevention of and protection against human-caused incidents;
 2. Building and sustaining scalable, flexible, and adaptable core capabilities; and
 3. Building a community that is resilient to the impacts of all hazards and is empowered to rapidly recover from all hazards.


3. **Agency Responsibilities:**

- a. Each District agency shall:
 1. Support the Framework's concepts and guiding principles and integrate them into all preparedness efforts;
 2. Conduct operations in accordance with the National Incident Management System (May 2010) and its Incident Command System (adopted pursuant to Mayor's Order 2005-146, dated September 30, 2005), and applicable Presidential Policy Directives, in accordance with applicable District, federal, and regional directives;
 3. Develop, maintain, and implement operational and tactical plans, training, and exercises to support the Framework;

- 4. Maximize the use of existing authorities, organizations, resources, systems, and programs to reduce preparedness costs; and
 - 5. Integrate planning and operational contingencies for addressing special requirements for vulnerable populations (including those with access and functional needs; the very young and elderly; those from religious, racial, and ethnically diverse backgrounds; and people with limited English proficiency) within all District emergency plans and procedures.
- b. The Mayor's Emergency Preparedness Council, established by Mayor's Order 2002-01, dated January 2, 2002, shall monitor and evaluate each agency's compliance with this Order.
- 4. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency.
 - 5. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-216
September 12, 2014

SUBJECT: Reappointments – Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender 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.), and section 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2012 Repl.), and in accordance with Mayor's Order 2006-52, dated May 3, 2006, it is hereby **ORDERED** that:

1. **EARL FOWLKES** is reappointed as a member of the Advisory Committee to the Office of Gay, Lesbian, Bisexual, and Transgender Affairs ("Advisory Committee"), for a term to end June 30, 2016.
2. **EARL FOWLKES** is reappointed as the Chairperson of the Advisory Committee, for a term to end June 30, 2015.
3. **BARBARA HELMICK** is reappointed as the Vice Chairperson of the Advisory Committee, for a term to end June 30, 2015.
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 PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 24, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

- Protest Hearing (Status)** **9:30 AM**
Case # 14-PRO-00062; B Washington, LLC, t/a Plan B Burger Bar, 801
Pennsylvania Ave NW, License #95796, Retailer CR, ANC 2C
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00157; P Street Gourmet Empanadas, LLC, t/a Panas Gourmet
Empanadas, 2029 P Street NW, License #88954, Retailer DR, ANC 2B
**No Manager on Duty, Failed to File Quarterly Statements (4th Quarter
2013)**
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00194; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
No Manager on Duty, Interfered with an Investigation
- Show Cause Hearing (Status)** **9:30 AM**
Case # 11-CMP-00385(NCBO); Saigon Bistro, LLC, t/a Saigon Bistro, 2153 P
Street NW, License #81175, Retailer CR, ANC 2B
Failed to Comply with Board Order No. 2014-082
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00159; Saki, Inc., t/a Federal Lounge, 2477 18th Street NW
License #91249, Retailer CT, ANC 1C
Operating After Board Approved Hours, Failed to Post Window Lettering
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-251-00054; Hak, LLC, t/a Midtown, 1219 Connecticut Ave NW
License #72087, Retailer CR, ANC 2B
Failed to Follow Security Plan

Board's Calendar
September 24, 2014

Show Cause Hearing (Status) 9:30 AM
Case # 14-AUD-00022; WA-ZA-BIA Entertainment, Inc., t/a WA-ZO-BIA
618 T Street NW, License #79306, Retailer CR, ANC 6E
**Failed to Qualify as a Restaurant, Failed to Maintain Books and Records,
Failed to Post License in Conspicuous Place, Failed to Post Pregnancy Sign,
Failed to Post Minimum Age Required for the Purchase of an Alcohol
Beverage**

Show Cause Hearing* 10:00 AM
Case # 13-251-00032, # 13-251-00045, # 13-251-00046 and # 13-251-00047
Superclub Ibiza, LLC, t/a Ibiza, 1222 First Street NE, License #74456, Retailer
CN, ANC 6C
Failed to Follow Security Plan

Show Cause Hearing* 11:00 AM
Case # 14-CMP-00090; Madarin Palace, Inc., t/a Tian Tian Fang, 5540
Connecticut Ave NW, License #12671, Retailer CR, ANC 3G
Failed to Maintain Books and Records

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

Protest Hearing* 1:30 PM
Case # 14-PRO-00025; Yfe, Inc., t/a 18th Street Lounge, 1212 18th Street NW
License #21211, Retailer CT, ANC 2B
Application to Renew the License-(Re-Placard)

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, SEPTEMBER 24, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On September 24, 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-AUD-00072 El Camino Real Restaurant I I, 5217 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-074996

2. Case#14-AUD-00063 The Westin Grand Washington, DC, 2350 M ST NW Retailer C Hotel, License#: ABRA-075025

3. Case#14-251-00197 Rumors Restaurant, 1900 M ST NW Retailer C Nightclub, License#: ABRA-071717

4. Case#14-251-00248 Layla Lounge, 501 MORSE ST NE Retailer C Tavern, License#: ABRA-079238

5. Case#14-CC-00112 1905, 1905 9TH ST NW Retailer C Restaurant, License#: ABRA-077350

6. Case#14-CC-00156 Samber Food Store, 3243 MOUNT PLEASANT ST NW Retailer B Retail - Grocery, License#: ABRA-024753

7. Case#14-AUD-00065 Sweet Mango Cafe, 3701 NEW HAMPSHIRE AVE NW Retailer C Restaurant, License#: ABRA-072512

8. Case#14-CMP-00473 Smith Point, 1338 WISCONSIN AVE NW Retailer C Tavern,
License#: ABRA-060131

9. Case#14-CMP-00494 The Front Page Restaurant & Grille, 1333 NEW HAMPSHIRE AVE
NW Retailer C Restaurant, License#: ABRA-001910

10. Case#14-CC-00120 Dean & Deluca, 3276 M ST NW Retailer B Retail - Grocery, License#:
ABRA-018083

11. Case#14-CC-00164 El Sol Restaurant, 3911 14TH ST NW Retailer C Restaurant, License#:
ABRA-094995

12. Case#14-CC-00128 Northeast Supermarket, 1201 MOUNT OLIVET RD NE Retailer B
Retail - Grocery, License#: ABRA-094097

13. Case#14-251-00195 Fairmont Liquor & Grocery, 2633 SHERMAN AVE NW Retailer A
Retail - Liquor Store, License#: ABRA-080900

14. Case#14-CC-00126 Kushi Izakaya, 465 K ST NW Retailer C Restaurant, License#: ABRA-
082439

15. Case#14-AUD-00038(a) Donovan House/Zentan, 1155 14TH ST NW Retailer C Hotel,
License#: ABRA-082474

16. Case#14-CC-00122 Graffiato, 707 6TH ST NW Retailer C Restaurant, License#: ABRA-
086500

17. Case#14-AUD-00067 Fuel Pizza & Wings, 600 F ST NW Retailer C Restaurant, License#:
ABRA-088727

18. Case#14-AUD-00056 EL DON Restaurant, 4403 14th ST NW Retailer C Restaurant,
License#: ABRA-088757

19. Case#14-AUD-00066 Panas Gourmet Empanadas, 2029 P ST NW Retailer D Restaurant, License#: ABRA-088954

20. Case#14-AUD-00071 Heritage India/ The Zanzibar, 1901 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-090050

21. Case#14-CC-00127 Best-in Liquors, 1450 P ST NW, Retailer A Retail - Liquor Store License #ABRA-011823

22. Case#14-CC-00108 Colony Liquors, 4901 GEORGIA AVE NW Retailer A Retail - Liquor Store, License#: ABRA-091371

23. Case#14-PRO-00025 18th Street Lounge, 1212 18TH ST NW Retailer C Tavern, License#: ABRA-021211

24. Case#14-PRO-00002 H Street Country Club, 1335 H ST NE Retailer C Tavern, License#: ABRA-076649

25. Case#13-PRO-00180 District, 2473 18TH ST NW Retailer C Restaurant, License#: ABRA-092742

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, SEPTEMBER 24, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Amendment to Settlement Agreement dated September 15, 2014 between ANC 3E and Public Tenley. **Public Tenley**, 4611 41st Street, NW, Retailer C, License No.: 085626.

2. Review of Settlement Agreement dated July 29, 2014 between ANC 6E and Beau Thai. **Beau Thai**, 1550 7th Street, NW, Retailer C, License No.: 095815.

3. Review of Settlement Agreement dated September 8, 2014 between ANC 6D and Harris Teeter. **Harris Teeter**, 401 M Street, SE, Retailer B, License No.: 095112.

4. Review of Amendment to Settlement Agreement dated September 8, 2014 between ANC 6D and Cap Liquors. **Cap Liquors**, 1301 South Capitol Street, SW, Retailer A, License No.: 024522.

5. Review of Amendment to Settlement Agreement dated August 1, 2014 among ANC 4A, Protestants Jourdinia Brown and Thomas Black, and Geranium Market. **Geranium Market**, 7350 Georgia Avenue, NW, Retailer B, License No.: 060723.

6. Review of Amendment to Settlement Agreement dated September 13, 2014 between ANC 8A and Cedar Bar and Grill. **Cedar Bar and Grill**, 2200 Martin Luther King Jr. Ave., SE, Retailer C, License No.: 091887.

7. Review of Amendment to Settlement Agreement dated September 16, 2014 between ANC 6A and H Street Country Club. **H Street Country Club**, 1335 H Street, NE, Retailer CT, License No.: 076649.

8. Review of Amendment to Settlement Agreement dated September 9, 2014 among ANC 2B, Protestant Group of Seven, Protestant Group of Eight and Penthouse Bar. **Penthouse Bar**, 1612 U Street, NW, Retailer CT, License No.: 086789.

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9. Review of Request for Off-Premises Storage, dated September 7, 2014, submitted by Gary Hang, General Manager of Sizzling Express III, Inc. *Sizzling Express*, 600 Pennsylvania Ave. SE, Retailer CR, License No.: 026739.
-
10. Review of Settlement Agreement dated September 9, 2013 between ANC 6D and Nando's Peri Peri. *Nando's Peri Peri*, 300 Tingey Street, SE, Retailer CR, License No.: 092802.
-
11. Review of Request for Off-Premises Storage, submitted by Ari Gejdenson, Owner of Denson. *Denson*, 600 F Street, NW, License No.: 94801.
-
12. Review of Petition to Unilaterally Amend or Terminate a Settlement Agreement, dated September 11, 2014, submitted by 1101 Convenience Mart. *1101 Convenience Mart*, 1101 H Street, NE, License No.: 086305.
-

*** 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, SEPTEMBER 24, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Cancellation of License Effective Immediately. License currently in Safekeeping. ANC 3D. SMD 3D10. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Berkshire Food & Drug Inc.*, 4201 Massachusetts Avenue NW, Retailer B Grocery, License No. 013769.

2. Review Application for Class Change from Retailer B to Retailer A. ANC 7D. SMD 7D03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Kenilworth Market*, 1612 Kenilworth Avenue NE, Retailer B Grocery, License No. 087818.

3. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 8am to 10pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 7am to 10pm. ANC 1B. SMD 1B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Yes Organic Market*, 2125 14th Street NW, Retailer B Grocery, License No. 079023.

4. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 8am to 10pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 7am to 10pm. ANC 4C. SMD 4C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Yes Organic Market*, 4100 Georgia Avenue NW, Retailer B Grocery, License No. 081925.

5. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 8am to 10pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Monday-Saturday 7am to 10pm. ANC 5B. SMD 5B05. No outstanding fines/citations. No outstanding violations. No pending enforcement

matters. No Settlement Agreement. *Yes Organic Market*, 3809 12th Street NE, Retailer B Grocery, License No. 075678.

6. Review Request for Change of Hours. ***Approved Hours of Operation:*** Monday-Friday 7am to 8pm. Saturday-Sunday 8am to 8pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption:*** Monday-Saturday 9:30am to 8pm. Sunday 9am to 8pm. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Saturday 8am to 12am. ANC 5B. SMD 5B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Brown Street Market*, 3320 Brown Street NW, Retailer B Grocery, License No. 090871.
-

7. Review Application for Sidewalk Café Endorsement. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Chinatown Express*, 746 6th Street NW, Retailer CR, License No. 011479.
-

8. Review Request to Expand Sidewalk Café Seating from 38 to 99 seats. ANC 5E. SMD 5E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Big Bear Cafe*, 1700 1st Street NW, Retailer CR, License No. 084379.
-

9. Review Request to Provide On-site Alcoholic Beverage Service at Private Catered Events under the Caterer's License held by the Parent Company, Compass Group USA, Inc., License No. 083052. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Bon Appetit Management Co.*, 3700 O Street NW, Retailer CR, License No. 096001.
-

10. Review Application for Manager's License. *Whitney K. Satra*-ABRA 096670.

***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.**

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Playground**

AppleTree Early Learning PCS is seeking proposals for a playground within a 25ft x 50ft surface area. Please contact Rita Hackel Chapin, Chief Operating Officer, for details on the RFP. The deadline for responding to the RFP is October 3, 2014 at 4pm Eastern. Contact - Rita Hackel Chapin, Chief Operating Officer, 415 Michigan Avenue NE, Washington, DC 20017, (202) 488-3990, Rita.Chapin@appletreeinstitute.org

CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Marketing and Professional
Development Services - SY 2014-15**

Cedar Tree Academy Public Charter School invites proposals for Marketing and Professional Development Contracts for the 2014-15 school year.

Bid specifications may be obtained on our website at www.cedartree-dc.org. Any questions regarding this bid must be submitted in writing to lhenderson@cedartree-dc.org before the RFP deadline. Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS, 701 Howard Road SE Washington, DC 20020.

Cedar Tree Academy will receive bids until Friday, October 3, 2014, no later than 2:00PM.

CHILD AND FAMILY SERVICES AGENCY

Mayor's Advisory Committee on Child Abuse and Neglect (MACCAN)

Tuesday – September 30, 2014

10:30 a.m. – 12:00 p.m.

Child and Family Services Agency

200 I Street SE, Conference Lobby Room B

Washington, DC 20003

Agenda

1. Call to Order
2. Ascertainment of Quorum
3. Acknowledgement of Adoption of the Minutes of the June 29, 2014, meeting
4. Report by the Chair and Co-Chair of MACCAN
 - a. Review of MACCAN mission
 - b. Review of Membership of MACCAN/Welcome of new members/ Vacancies
5. Member updates on agency training/activities
6. D.C. Department of Behavioral Health Co-Occurring Training Series
7. D.C. Child and Family Services Agency New Trauma Systems Therapy Blog
8. Opportunity for Public Comment
9. **Next Meeting: December 3, 2014 from 10:30 am to 12:00 pm at CFSA**
10. Adjournment

If any questions/comments, please contact Roni Seabrook at (202) 724-7076 or roni.seabrook@dc.gov.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**PUBLIC NOTICE****APPOINTMENT OF BRYSON K. NITTA AS LAW CLERK FOR
THE D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (c) (2013) that Bryson K. Nitta was appointed as Law Clerk for the D.C. Sentencing and Criminal Code Revision on September 8, 2014. This is an excepted service position.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be on Tuesday, September 16, 2014 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Meeting Minutes from June 10, 2014 Action Item, Judge Weisberg.
2. Director's Report, Informational Item, Barb Tombs-Souvey
 - (a) Introduction of new Commission Member – Honorable Robert E. Morin
 - (b) Introduction of new Staff: LaToya Wesley, Statistician and Bryson Nitta, Law Clerk
 - (c) Status Report on Bi-Directional Interface with CSOSA - Grid Score System (GSS)
 - (d) Five Year Evaluation Study of Sentencing Guidelines
3. Announce and Solicit Topics for Ranking Committees Meetings, Informational Item, Linden Fry.
4. Proposed Project Schedule Change and Approval of Report to the Council for the Criminal Code Revision Project, Action Item, Richard Schmechel.
5. Discussion and Action on Agency Personnel Manual – Executive Session, Linden Fry and Barb Tombs-Souvey.
6. Next Meeting – October 21, 2014.
7. Adjourn

EAGLE ACADEMY PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR QUALIFICATIONS****Strategic Communications – Public Relations Services****Project Summary**

Your firm is invited to submit qualifications to provide strategic communications and public relations services for Eagle Academy Public Charter School. We are seeking a contractor who can assist us in enhancing our brand reputation, craft our success stories and develop messages that sets Eagle Academy Public Charter School apart from its competitors. The successful firm will have well-established media relationships and understand the communities in which Eagle Academy Public Charter School operates and its core demographics base. Please include in your proposal submission detailed fee structure for the following: Message Development, Media Training, Public Relations Outreach, Story Development and Media Counsel. The proposal should be based on twelve months of service to Eagle Academy Public Charter Schools. Please limit your proposal to under ten pages.

Date and Location Submittal is Due: Friday, September 26, 2014 by 5:00 p.m.

For submittal requirements, send request to the attention of Karen Maria Alston, kalston@eagleacademypcs.org.

**FICTITIOUS BALLOT
MAYORAL GENERAL ELECTION
DISTRICT OF COLUMBIA
TUESDAY, NOVEMBER 4, 2014**

INSTRUCTIONS TO VOTER

1. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY.
An oval (●) darkened to the left of any choice indicates a vote for that choice.
2. Use only a pencil or blue or black medium ball point pen.
3. If you make a mistake DO NOT ERASE. Ask for a new ballot.
4. For a Write-in candidate, write the name of the person on the line and darken the oval.

FEDERAL	DISTRICT OF COLUMBIA	DISTRICT OF COLUMBIA
DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES VOTE FOR NOT MORE THAN ONE (1)	AT-LARGE MEMBER OF THE COUNCIL VOTE FOR NOT MORE THAN TWO (2)	UNITED STATES SENATOR VOTE FOR NOT MORE THAN ONE (1)
○ Candidate A ○ Candidate B ○ Candidate C ○ Write-in _____	○ Candidate A ○ Candidate B ○ Write-in _____ ○ Write-in _____	○ Candidate A ○ Candidate B ○ Candidate C ○ Write-in _____
DISTRICT OF COLUMBIA	MEMBER OF THE COUNCIL WARDS (1, 3, 5 & 6) VOTE FOR NOT MORE THAN ONE (1)	UNITED STATES REPRESENTATIVE VOTE FOR NOT MORE THAN ONE (1)
MAYOR OF THE DISTRICT OF COLUMBIA VOTE FOR NOT MORE THAN ONE (1)	○ Candidate A ○ Candidate B ○ Write-in _____	○ Candidate A ○ Candidate B ○ Candidate C ○ Write-In _____
	ATTORNEY GENERAL VOTE FOR NOT MORE THAN ONE (1)	
CHAIRMAN OF THE COUNCIL VOTE FOR NOT MORE THAN ONE (1)	○ Candidate A ○ Candidate B ○ Write-in _____	MEMBER OF THE STATE BOARD OF EDUCATION (WARDS 1, 3, 5 & 6) VOTE FOR NOT MORE THAN ONE (1)
○ Candidate A ○ Candidate B ○ Write-in _____	○ Candidate B ○ Write-in _____	○ Candidate A ○ Candidate B ○ Write-in _____
VOTE BOTH SIDES OF BALLOT		

<p>ADVISORY NEIGHBORHOOD COMMISSIONER xx VOTE FOR NOT MORE THAN ONE (1)</p>		
<p><input type="radio"/> Candidate A</p> <p><input type="radio"/> Candidate B</p> <p><input type="radio"/> Candidate C</p> <p><input type="radio"/> Write-in _____</p>		
<p>DISTRICT OF COLUMBIA</p>		
<p>INITIATIVE MEASURE NO. 71</p>		
<p>Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014</p> <p><u>SUMMARY STATEMENT</u></p> <p>This initiative, if passed, will make it lawful under District of Columbia law for a person 21 years of age or older to:</p> <ol style="list-style-type: none"> (1) possess up to two ounces of marijuana for personal use; (2) grow no more than six cannabis plants with 3 or fewer being mature, flowering plants, within the person's principal residence; (3) transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older; and (4) use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis. <p><input type="radio"/> FOR INITIATIVE 71</p> <p><input type="radio"/> AGAINST INITIATIVE 71</p>		
<p>VOTE BOTH SIDES OF BALLOT</p>		

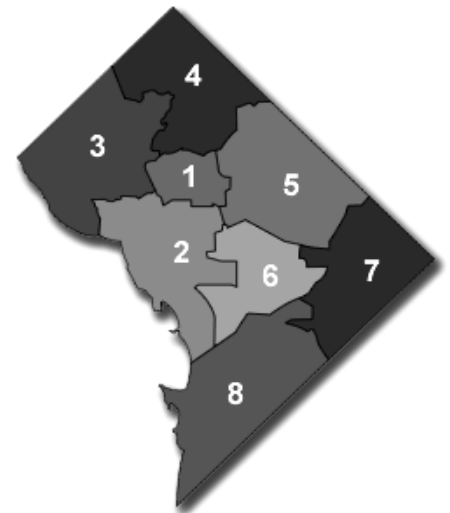
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of AUGUST 31, 2014**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	42,595	2,697	715	60	120	11,252	57,439
2	29,196	5,571	206	78	122	10,683	45,856
3	36,321	6,790	350	68	95	11,122	54,746
4	47,008	2,173	507	42	130	8,700	58,560
5	49,500	1,966	550	44	148	8,343	60,551
6	50,437	6,160	499	87	157	12,213	69,553
7	49,224	1,255	430	9	113	6,925	57,956
8	43,358	1,173	376	13	150	6,902	51,972
Totals	347,639	27,785	3,633	401	1,035	76,140	456,633
Percentage By Party	76.13%	6.08%	.80%	.09%	.23%	16.67%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF AUGUST 31, 2014**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,291	30	6	2	7	192	1,528
22	3,595	313	30	6	7	945	4,896
23	2,716	174	52	5	5	697	3,649
24	2,385	226	32	6	5	737	3,391
25	3,686	408	62	5	6	1,096	5,263
35	3,341	213	61	4	6	942	4,567
36	4,190	267	64	2	10	1,126	5,659
37	3,079	128	51	4	6	694	3,962
38	2,690	139	56	4	8	703	3,600
39	4,114	213	85	5	13	984	5,414
40	3,841	203	96	5	19	1,090	5,254
41	3,307	186	63	8	15	1,010	4,589
42	1,761	65	31	2	6	456	2,321
43	1,659	69	18	2	3	366	2,117
137	940	63	8	0	4	214	1,229
TOTALS	42,595	2,697	715	60	120	11,252	57,439

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	670	149	6	0	8	409	1,242
3	1,338	365	13	5	13	603	2,337
4	1,671	460	9	4	6	776	2,926
5	2,156	672	13	6	11	829	3,687
6	2,303	920	21	6	15	1,260	4,525
13	1,349	260	7	2		460	2,078
14	2,770	461	23	7	11	1,005	4,277
15	2,950	320	22	7	10	870	4,179
16	3,461	368	25	8	12	898	4,772
17	4,778	645	38	14	18	1,598	7,091
129	1,991	325	10	8	5	737	3,076
141	2,197	243	10	7	8	648	3,113
143	1,562	383	9	4	5	590	2,553
TOTALS	29,196	5,571	206	78	122	10,683	45,856

D.C. BOARD OF ELECTIONS

009679

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

WARD 3 REGISTRATION SUMMARY

As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,201	400	18	1	2	546	2,168
8	2,343	610	24	5	7	731	3,720
9	1,100	485	8	2	6	459	2,060
10	1,689	420	13	3	7	621	2,753
11	3,292	945	39	5	7	1,366	5,654
12	457	192	2	0	2	206	859
26	2,820	354	26	3	3	894	4,100
27	2,399	281	18	6	4	592	3,300
28	2,266	528	33	8	5	758	3,598
29	1,192	238	9	1	7	366	1,813
30	1,245	220	15	3	3	271	1,757
31	2,335	308	22	2	8	554	3,229
32	2,659	313	22	3	3	609	3,609
33	2,841	334	32	6	9	724	3,946
34	3,494	474	27	10	7	1,139	5,151
50	2,044	289	14	5	9	468	2,829
136	845	120	7	2	1	310	1,285
138	2,099	279	21	3	5	508	2,915
TOTALS	36,321	6,790	350	68	95	11,122	54,746

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,141	76	32	5	6	420	2,680
46	2,773	69	30	3	9	508	3,392
47	2,896	135	40	4	10	695	3,780
48	2,695	131	30	2	6	536	3,400
49	857	35	15	0	4	183	1,094
51	3,232	545	20	2	6	630	4,435
52	1,270	176	5	0	3	219	1,673
53	1,232	72	19	1	6	261	1,591
54	2,300	89	30	2	4	469	2,894
55	2,360	65	22	1	7	420	2,875
56	3,025	83	32	1	11	659	3,811
57	2,489	72	34	3	13	426	3,037
58	2,262	55	17	2	4	361	2,701
59	2,553	81	32	5	9	402	3,082
60	2,127	76	23	2	6	668	2,902
61	1,596	49	12	0	1	277	1,935
62	3,118	126	27	1	2	346	3,620
63	3,402	128	50	1	12	605	4,198
64	2,203	52	15	3	5	311	2,589
65	2,477	58	22	4	6	304	2,871
Totals	47,008	2,173	507	42	130	8,700	58,560

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,002	185	61	7	6	923	5,184
44	2,812	208	30	4	13	638	3,705
66	4,464	99	39	2	9	490	5,103
67	2,962	99	25	0	7	390	3,483
68	1,880	137	25	6	8	381	2,437
69	2,098	67	14	2	11	258	2,450
70	1,432	63	21	1	3	208	1,728
71	2,347	55	25	1	8	331	2,767
72	4,364	110	25	3	17	727	5,246
73	1,880	85	27	4	6	341	2,343
74	4,088	199	57	2	9	772	5,127
75	3,262	141	57	5	6	707	4,178
76	1,338	62	13	0	4	246	1,663
77	2,747	90	29	2	9	468	3,345
78	2,869	79	35	0	8	431	3,422
79	1,918	73	15	1	9	315	2,331
135	2,931	174	44	3	11	508	3,671
139	2,106	40	8	1	4	209	2,368
TOTALS	49,500	1,966	550	44	148	8,343	60,551

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of AUGUST 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,919	409	47	6	15	1,002	5,398
18	4,189	251	40	6	11	886	5,383
21	1,150	59	18	1	2	248	1,478
81	4,698	353	41	3	15	940	6,050
82	2,539	252	26	5	10	558	3,390
83	3,867	457	35	12	9	952	5,332
84	1,982	424	25	4	7	537	2,979
85	2,623	500	23	5	7	729	3,887
86	2,263	275	27	1	8	485	3,059
87	2,721	231	19	1	7	543	3,522
88	2,155	299	14	3	8	532	3,011
89	2,546	653	23	10	6	763	4,001
90	1,601	268	11	3	7	470	2,360
91	4,092	358	38	5	17	960	5,470
127	3,897	272	49	8	11	784	5,021
128	2,228	204	28	4	5	599	3,068
130	808	320	9	3	3	291	1,434
131	1,823	417	12	6	6	580	2,844
142	1,336	158	14	1	3	354	1,866
TOTALS	50,437	6,160	499	87	157	12,213	69,553

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of AUGUST 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,517	83	16	0	5	255	1,876
92	1,628	40	11	1	5	244	1,929
93	1,571	43	15	1	5	219	1,854
94	2,062	48	17	0	3	288	2,418
95	1,729	41	17	0	1	302	2,090
96	2,398	67	23	0	8	370	2,866
97	1,541	37	16	0	3	196	1,793
98	1,829	43	22	0	4	257	2,155
99	1,488	40	15	1	5	239	1,788
100	2,214	43	17	1	4	279	2,558
101	1,699	31	18	0	5	188	1,941
102	2,515	50	21	0	4	318	2,908
103	3,674	97	38	2	11	566	4,388
104	3,069	79	24	0	11	446	3,629
105	2,424	61	22	1	3	387	2,898
106	3,021	67	23	0	8	458	3,577
107	1,945	58	15	0	5	295	2,318
108	1,143	27	6	0		124	1,300
109	955	33	7	0	1	90	1,086
110	3,787	92	25	2	7	405	4,318
111	2,520	58	24	0	8	363	2,973
113	2,256	58	21	0	3	274	2,612
132	2,239	59	17	0	4	362	2,681
TOTALS	49,224	1,255	430	9	113	6,925	57,956

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of AUGUST 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,032	53	9	0	7	281	2,382
114	3,058	105	25	1	19	516	3,724
115	2,754	64	19	4	9	589	3,439
116	3,674	96	34	1	13	544	4,362
117	1,784	40	13	0	9	286	2,132
118	2,537	59	27	1	7	387	3,018
119	2,816	105	43	0	9	538	3,511
120	1,789	28	13	0	5	277	2,112
121	3,171	73	31	1	9	466	3,751
122	1,645	39	13	0	5	229	1,931
123	2,230	91	26	3	12	351	2,713
124	2,528	53	13	1	4	349	2,948
125	4,499	116	34	0	11	727	5,387
126	3,649	117	33	1	17	668	4,485
133	1,334	39	13	0	3	176	1,565
134	2,085	37	21	0	4	263	2,410
140	1,773	58	9	0	7	255	2,102
TOTALS	43,358	1,173	376	13	150	6,902	51,972

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY**

For voter registration activity between 7/31/2014 and 8/31/2014

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	341,764	27,630	3,750	358	1,060	75,907	450,469
Board of Elections Over the Counter	84	5	0	0	2	22	113
Board of Elections by Mail	79	14	0	2	2	34	131
Board of Elections Online Registration	7	0	0	0	0	2	9
Department of Motor Vehicle	1,715	284	24	32	7	585	2,647
Department of Disability Services	3	0	0	0	0	0	3
Office of Aging	1	0	0	0	0	0	1
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	1	0	1	0	0	0	2
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	109	4	2	0	0	54	169
+Total New Registrations	1,999	307	27	34	11	697	3,075

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	270	24	1	1	2	63	361
Administrative Corrections	6,852	2	0	0	0	619	7,473
+TOTAL ACTIVATIONS	7,122	26	1	1	2	682	7,834

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	2,883	102	31	2	17	608	3,643
Moved Out of District (Deleted)	121	6	1	0	0	20	148
Felon (Deleted)	5	0	0	0	0	1	6
Deceased (Deleted)	0	1	0	0	0	0	1
Administrative Corrections	562	70	118	26	1	170	947
-TOTAL DEACTIVATIONS	3,571	179	150	28	18	799	4,745

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	483	75	20	41	13	142	
- Changed From Party	-158	-74	-15	-5	-33	-489	
ENDING TOTALS	347,639	27,785	3,633	401	1,035	76,140	456,633

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Proposed Polling Place Relocation

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its September 10, 2014 meeting in relocating Precinct #6, Ward 2 Polling Place.

The public is advised that the proposed voting area for Precinct #6 will be changed from:

**Duke Ellington School of the Arts
3500 R Street, N.W.
“Gallery”**

and moved to:

**Georgetown Neighborhood Library
3260 R Street, N.W.
“Large Meeting Room”**

The relocation was proposed when the Board learned that the facility would not be available for use on the dates requested due to scheduled renovations of the site.

Please note that the relocation will be effective beginning with the upcoming November 4, 2014, Mayoral General Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Tuesday, September 30, 2014** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, October 1, 2014. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Proposed Polling Place Relocation

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its September 10, 2014 meeting in relocating Precinct #28, Ward 3 Polling Place.

The public is advised that the proposed voting area for Precinct #28 will be changed from:

St. Sophia's Greek Orthodox Cathedral Church
3600 Massachusetts Avenue, N.W.
"Church Hall"

and moved to:

Church of the Annunciation
3810 Massachusetts Avenue, N.W.
"Parish Center"

The relocation was proposed when the Board learned that the facility would be available for use on the dates requested.

Please note that the relocation will be effective beginning with the upcoming November 4, 2014, Mayoral General Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Tuesday, September 30, 2014** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, October 1, 2014. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board's final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Proposed Polling Place Relocation

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its September 10, 2014 meeting in relocating Precinct #49, Ward 4 Polling Place.

The public is advised that the proposed voting area for Precinct #49 will be changed from:

**Raymond Elementary School
915 Spring Road, N.W.
“Science Room”**

and moved to:

**Raymond Recreation Center
3725 10th Street, N.W.
“Gymnasium”**

The relocation was proposed due to limited space at the current site and the completed renovations at the new site.

Please note that the relocation will be effective beginning with the upcoming November 4, 2014, Mayoral General Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Tuesday, September 30, 2014** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, October 1, 2014. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Proposed Polling Place Relocation

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its September 10, 2014 meeting in relocating Precinct #99, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #99 will be changed from:

Ward Memorial AME Church
241 42nd Street, N.E.
“Church Hall”

and moved to:

Smothers Elementary School
4400 Brooks Street, N.E.
“Multi-Purpose Room”

The relocation was proposed when the Board learned that the facility would not be available for use on the dates requested due to scheduled renovations of the site.

Please note that the relocation will be effective beginning with the upcoming November 4, 2014, Mayoral General Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Tuesday, September 30, 2014** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, October 1, 2014. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

Public Notice of Proposed Polling Place Relocation

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of proposed action taken at its September 10, 2014 meeting in relocating Precinct #101, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #101 will be changed from:

**River Terrace Elementary School
420 34th Street, N.E.
“Multi-Purpose Room”**

and moved to:

**Beyond the Veil Worship Center
3433 Benning Road, N.E.
“Church Hall”**

The relocation was proposed when the Board learned that the facility would not be available for use on the dates requested due to scheduled renovations of the site.

Please note that the relocation will be effective beginning with the upcoming November 4, 2014, Mayoral General Election. If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Tuesday, September 30, 2014** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for 10:30 a.m. Wednesday, October 1, 2014. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit Nos. 6745, 6746, and 6747 to the US Navy, Joint Base Anacostia-Bolling Public Works Department to construct and operate three boilers rated at 30.25 MMBtu per hour heat input when operating using natural gas and 28.8 MMBTU/hr heat input when operating using No. 2 fuel oil. These boilers are located at Joint Base Anacostia-Bolling, Building 18. The base is located at 370 Brookley Avenue SW, Washington, DC 20332. The contact person for the facility is Madina Alharazim-Plummer, Installation Environmental Program Director, Joint Base Anacostia-Bolling, at (202) 404-8204.

Emissions:

Maximum emissions from the three units with operating constraints (total combined boiler operations of 13,872 hours per year) are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	2.857
Oxides of Sulfur (SO _x)	0.629
Oxides of Nitrogen (NO _x)	23.971
Volatile Organic Compounds (VOC)	7.591
Carbon Monoxide (CO)	7.763

The proposed overall emission limits for the equipment are as follows:

- a. Each of the three boilers shall not emit pollutants in excess of those specified in the following tables [20 DCMR 201]:

Boiler Emission Limits			
Pollutant	Each Boiler Individually		Total Combined Annual Emissions Limit From the Three Boilers (ton/yr)
	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (#2 Fuel Oil) (lb/hr)	
Carbon Monoxide (CO)	1.119	1.094	7.763
Oxides of Nitrogen (NO _x)	0.877	3.456	23.971
Total Particulate Matter (PM Total)*	0.145	0.412	2.857

Boiler Emission Limits			
Pollutant	Each Boiler Individually		Total Combined Annual Emissions Limit From the Three Boilers (ton/yr)
	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (#2 Fuel Oil) (lb/hr)	
Volatile Organic Compounds (VOC)	0.091	1.094	7.591
Oxides of Sulfur (SO _x)	0.015	0.091	0.629

*PM Total includes both filterable and condensable fractions.

- b. Total suspended particulate matter emissions from each of the boilers shall not be greater than 0.08 pounds per million BTU. [20 DCMR 600.1].
- c. Visible emissions shall not be emitted from these units except that discharges not exceeding 40% opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minutes period and for an aggregate of twelve (12) minutes in any twenty-four (24) hours period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1].
- d. In addition to the requirements of Condition II(c), no greater than 20% opacity shall be permitted except for one six minute period per hour of not more than 27% opacity when burning No. 2 fuel oil. [40 CFR Subpart Dc, 60.43c(c) and 20 DCMR 205]
- e. 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 likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property is prohibited. [20 DCMR 903.1]
- f. Emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.8(a) and (b)]:
 - 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 - 3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 - 4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in this section.

The permit applications and supporting documentation, along with the draft permit document are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 20, 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 Permit #6857 to New Cingular Wireless PCS, LLC dba AT&T Mobility, to construct and operate one diesel-fired emergency generator set, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Standby Rating (Engine Size)	Generator Model	Permit No.
2000 Connecticut Ave. NW Washington, DC	2000 Connecticut Ave. NW Washington, DC 20008	80 kW (131 bhp/98 kW)	Generac/ SD080	6857

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found 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)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.0
CO	5.0
PM	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 estimated maximum emissions the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.27
Oxides of Nitrogen (NO _x)	0.22
Volatile Organic Compounds (VOC)	0.22
Total Particulate Matter , PM (Total)	0.02
Sulfur Dioxide (SO _x)	0.07

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 20, 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 Permit #6858 to New Cingular Wireless PCS, LLC dba AT&T Mobility, to construct and operate one diesel-fired emergency generator set, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Standby Rating (Engine Size)	Generator Model	Permit No.
1140 North Capitol St. NW Washington, DC	1140 North Capitol St. NW Washington, DC 20002	80 kW (131 bhp/98 kW)	Generac/SD080	6858

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found 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)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.0
CO	5.0
PM	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 estimated maximum emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.27
Oxides of Nitrogen (NO _x)	0.22
Volatile Organic Compounds (VOC)	0.22
Total Particulate Matter , PM (Total)	0.02
Sulfur Dioxide (SO _x)	0.07

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 20, 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 Permit #6859 to New Cingular Wireless PCS, LLC dba AT&T Mobility, to construct and operate one diesel-fired emergency generator set, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Standby Rating (Engine Size)	Generator Model	Permit No.
4301 13 th Street NW Washington, DC	4301 13 th Street NW Washington, DC 20011	100 kW (152 bhp/113 kW)	Generac/ SD100	6859

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found 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)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.0
CO	5.0
PM	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 estimated maximum emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.31
Oxides of Nitrogen (NO _x)	0.25
Volatile Organic Compounds (VOC)	0.25
Total Particulate Matter (PM Total)	0.02
Sulfur Dioxide (SO _x)	0.08

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 20, 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 Permit #6860 to New Cingular Wireless PCS, LLC dba AT&T Mobility, to construct and operate one diesel-fired emergency generator set, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Standby Rating (Engine Size)	Generator Model	Permit No.
1229 G Street SE Washington, DC	1229 G Street SE Washington, DC 20003	130 kW (198 bhp/148 kW)	Generac/ SD130	6860

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found 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)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.0
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 estimated maximum emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.28
Oxides of Nitrogen (NO _x)	0.33
Volatile Organic Compounds (VOC)	0.33
Total Particulate Matter , PM (Total)	0.02
Sulfur Dioxide (SO _x)	0.10

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after October 20, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF FORENSIC SCIENCES

NOTICE OF PUBLIC MEETING

On October 7, 2014, the Department of Forensic Sciences will be hosting a meeting of the Science Advisory Board in the Hayward Bennett Room at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202.7278267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

DC Department of Forensic Sciences Science Advisory Board Meeting

07 OCT 14

9:00 a.m. - 9:30 a.m.	Welcome Approval of Minutes from Last Meeting
9:30 a.m. - 11:00 a.m.	Meetings with Various Unit Employees in Groups
11:00 a.m. - Noon	Presentation of Science and Research Issues
Noon - 1:00 p.m.	Deputy Directors, Quality, Training, IT Working Lunch
1:00 p.m. - 2:30 p.m.	Presentation of Science and Research Issues (Continued)
2:30 p.m. - 3:30 p.m.	Reports to Advisory Board
3:30: p.m. - 4:00 p.m.	Scheduling of Next Meeting
4:00 p.m.	Adjournment

Times are Approximate.

DISTRICT OF COLUMBIA HEALTH BENEFIT EXCHANGE AUTHORITY
CONTRACTING AND PROCUREMENT POLICIES AND PROCEDURES

I. INTRODUCTION AND STATEMENT OF PURPOSE

These Contracting and Procurement Policies and Procedures are intended to establish an open and transparent procurement process for the District of Columbia Health Benefit Exchange Authority (“Authority”) that (1) promotes public confidence in the Authority’s procurements; (2) ensures the fair and equitable treatment of all persons and entities that participate in the Authority’s procurement system; (3) fosters appropriate competition and provides safeguards for maintaining a procurement system of quality and integrity; (4) promotes increased economic efficiency and responsibility on the part of the Authority; (5) achieves the maximum benefit from the Authority’s purchasing power; and (6) provides clarity and simplicity in the rules and procedures governing the Authority’s procurements.

Under D.C. Official Code § 31-3171.04(a)(5) and § 2-351.05(c)(17), the Authority has procurement authority independent of the Office of Contracting and Procurement, but is subject to certain provisions of Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-0371; D.C. Official Code § 2-352.01 *et seq.*) (“PPRA”). These Contracting and Procurement Policies and Procedures, and the applicable provisions of the PPRA, govern all procurements for goods and services undertaken by the Authority for its own benefit in furtherance of operational needs. These policies and procedures do not apply to financial interactions in which the Authority is performing a pass-through function, such as, but not limited to, the transfer of premiums and advanced payments of premiums tax credits to an insurance carrier.

II. PRE-SOLICITATION NOTICES

- A. The Executive Director or a contracting officer designated by the Executive Director (designee) may, when applicable and in consideration of the Authority’s best interest, issue a Request for Information or other pre-solicitation notices.
- B. The Executive Director or designee may hold informal discussions for information gathering purposes with outside parties, including contractors, regarding Authority operations and operational needs. The Authority will not take remedial actions under Paragraph X. against parties for activities solely related to informational discussions described in this Paragraph.

III. METHODS OF PROCUREMENT

All procurements by the Authority shall be awarded by one of the following methods:

- A. Competitive Procurement

- B. Emergency Procurement
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Subject to the limitations set forth below, the Executive Director of the Authority shall have authority to select the method of procurement that best serves the needs of the Authority and achieves the purposes of these Contracting and Procurement Policies and Procedures.

A. Competitive Procurement

1. Competitive Sealed Bidding

- i. Competitive sealed bidding is a competitive method of procurement and shall be used where (i) there is an adequate and realistic specification or purchase description available; (ii) the award will be made on the basis of price and other price-related factors; (iii) it will not be necessary to conduct negotiations with offerors; (iv) time permits the solicitation, submission, and evaluation of sealed bids; and (v) there is a reasonable expectation of receiving more than one bid.
- ii. Each invitation for bids shall be in writing, shall be in a form approved by the Executive Director, shall establish a process for the evaluation of bids, and shall identify the factors on which the contract will be awarded.
- iii. Each invitation for bids shall be published on the website of the Authority and shall be advertised in any other reasonable manner that would promote competition and transparency in the procurement process as determined by the Executive Director or designee.
- iv. Contracts shall be awarded with reasonable promptness after the date of bid opening according to the process established in the invitation for bids and based on the factors identified in the invitation for bids.
- v. All bids may be rejected if the Executive Board or the Executive Director determines that it is in the Authority's best interest to do so.

2. Qualification and Price Source Selection

- i. Qualification and price source selection is a competitive method of procurement and shall be used where (i) there is an adequate and realistic specification or purchase description available; (ii) the award will be made on the basis of price and other factors, including qualifications; (iii) time permits the solicitation, submission, and evaluation of sealed submissions; and (iv) there is a reasonable expectation of receiving more than one submission.
- ii. Each solicitation shall be in writing, shall be in a form approved by the Executive Director, shall establish a process for the evaluation of bids, and shall identify the factors on which the contract will be awarded.
- iii. Each solicitation shall be published on the website of the Authority and shall be advertised in any other reasonable manner that would promote competition and transparency in the procurement process as determined by the Executive Director or designee..
- iv. Proposals are evaluated based on both qualifications and pricing factors and ranked based on the overall value to the Authority.
- v. Contracts shall be awarded with reasonable promptness after the date of solicitation opening according to the process established in the solicitation and based on the factors identified in the solicitation.
- vi. All bids may be rejected if the Executive Board or the Executive Director determines that it is in the Authority's best interest to do so.

3. Competitive Sealed Proposals

- i. Competitive sealed proposals is a competitive method of procurement and may be used where the award will be made on factors that include, but are not limited to, price, best value to the Authority, and where time permits the solicitation, submission, and evaluation of sealed proposals.
- ii. Each request for proposals shall be in writing, shall be in a form approved by the Executive Director, shall establish a process for the evaluation of proposals, and shall identify the factors on which the contract will be awarded.
- iii. Each request for proposals shall be published on the website of the Authority and shall be advertised in any other reasonable manner that would promote competition and transparency in the procurement process as determined by the Executive Director or designee. The Executive Director or designee may solicit proposals directly from any vendor.

- iv. The Executive Director or designee may conduct discussions or negotiations with any offeror after the receipt of proposals. The person conducting the discussions or negotiations shall keep a record of all such communications and shall treat all offerors fairly in conducting discussions or negotiations.
- v. The Executive Director or designee may request that offerors revise their proposals by submitting a best and final offer or a series of best and final offers.
- vi. Contracts shall be awarded according to the process established in the request for proposals and based on the factors identified in the request for proposals.
- vii. All proposals may be rejected if the Executive Board or the Executive Director determines that it is in the Authority's best interest to do so.

4. Exemption from Competitive Procurement Requirements

- i. Contracts for the following procurements are exempted from the competitive procurement requirements:
 - a. Artistic services or works of art;
 - b. Commodities or contractual services if federal or District law prescribes with whom the Authority must contract;
 - c. Legal services or negotiation services in connection with proceedings before administrative agencies or state or federal courts, including experts, attorneys, and mediators;
 - d. Copyrighted or patented materials, including technical pamphlets, published books, maps, and testing or instructional materials, provided that the materials are purchased directly from the owner of the copyright or patent;
 - e. Memberships in trade or professional organizations;
 - f. Entertainers;
 - g. Job-related seminars and trainings for employees, the Executive Board, contractors and grantees;
 - h. Maintenance and support of existing software and technology to the extent that the creator of the intellectual property is still

protected and is the only source of the maintenance and support of the existing software and technology;

- i. Captive replacement parts or component parts for equipment, or specific technical equipment that is procured for standardization purposes.
- j. Utility services, including but not limited to gas and water.
- k. Public transit farecards and passes;
- l. Personal property or services provided by another public entity, agency, or authority;
- m. Postage;
- n. Purchases of advertising in all media, including electronic, print, radio, and television;
- o. Trade and career fairs for employees;
- p. Special event venues and related services;
- q. Ticket purchases for special events, tourist attractions and amusement parks; and
- r. Workers compensation insurance.

B. Emergency Procurement

1. Emergency procurement is a non-competitive procurement method and may only be used after a written determination, by the Executive Director or designee, that it is not possible to undertake another type of procurement because of an emergency condition, including but not limited to a natural disaster, riot, or imminent equipment or operational failure, requiring the Authority to (i) protect the public health, safety, or welfare; (ii) preserve or protect the Authority's property or systems; (iii) ensure the continuation of necessary governmental functions; or (iv) comply with legal requirements.
2. An emergency procurement shall be limited to the procurement of only the types and quantities of goods or services needed to meet the immediate emergency and shall not be used to meet long-term requirements.
3. The Executive Director, or designee, shall solicit responses from as many vendors as practicable and shall ensure that an emergency procurement is undertaken with

the maximum amount of transparency consistent with the circumstances of the emergency.

4. The Executive Director or designee shall seek the most favorable price and the most favorable terms and conditions that can be obtained under the circumstances of the emergency.
5. Contracts shall be awarded to the offeror whose response is deemed most advantageous to the Authority under the circumstances of the emergency.

C. Sole Source Procurement

1. Sole source procurement is a non-competitive procurement method and may only be used after a written determination, by the Executive Director or a designee, that there is only one source for goods or services that the Authority requires. Sole source procurement includes situations where there is only a single available source that is capable of providing the required goods or services.
2. The Executive Director or designee shall ensure that sole source procurement is used only in circumstances in which it is both necessary and in the best interest of the Authority.
3. The Executive Director or designee shall use a letter to request a proposal for sole source procurement. The letter shall refer to, or attach, a description of the tasks and the time and duration of a proposed contract.
4. The Executive Director or designee shall negotiate with the source of the procurement for the most favorable price and the most favorable terms and conditions that can be obtained.
5. A contract may be awarded where, based on the negotiated price and terms and conditions, it is in the best interest of the Authority to award the contract.
6. The Executive Director or designee shall take action whenever possible to avoid the need to continue to procure the same goods or services without competition.

D. Simplified Methods for Small Procurements

1. For contracts valued at \$100,000 or less, a simplified competitive method may be used that does not incorporate all of the elements of a formal competitive procurement.
2. Each solicitation shall be in writing and shall be in a form approved by the Executive Director or designee.

3. The Executive Director or designee shall obtain or request three (3) written quotations for each procurement in an amount over \$25,000 but less than or equal to \$100,000. The Executive Director or designee may determine that more or fewer quotations are required based on the following factors:
 - i. The nature of the item or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or if it is relatively non-competitive;
 - ii. Information obtained in making recent purchases of the same or similar item;
 - iii. The urgency of the proposed purchase;
 - iv. The dollar value of the proposed purchase; and
 - v. Past experience concerning specific contractor prices.
4. The Executive Director or designee shall ensure that responses are received and evaluated in a manner that promotes competition and transparency and that is fair to all offerors.
5. The Executive Director or designee may conduct discussions or negotiations with any offeror after the receipt of responses and shall attempt to treat all offerors fairly in conducting discussions or negotiations.
6. Contracts shall be awarded to the offeror whose response is deemed most advantageous to the Authority in accordance with any evaluation factors identified in the solicitation.
7. All responses may be rejected if the Executive Director or designee determines that it is in the Authority's best interest to do so.
8. For contracts valued at \$25,000 or less, competitive selection is preferred, but not required. For such contracts, the procurement shall be considered a competitive procurement if the Executive Director, or designee, orally solicits and obtains responses from at least two vendors. The Executive Director or designee may award a contract when it is in the best interest of the Authority to do so.
9. Contracts may not be split, artificially divided or purchased over a period of time for the purpose of bringing them within the dollar ranges in which these Procurement Policies and Procedures permit the use of simplified procurement methods.
10. The Authority may participate in the District of Columbia Purchase Card Program (P-Card) as determined by the Executive Director. The Authority shall designate

who shall be a card holder, the Agency Program Coordinator (APC) and an Approving Official (AO), if the Authority elects to participate in the P-Card program. Spending limits under the P-Card program are set by the Office of Contracting and Procurement (OCP).

E. Inter-Governmental and Intra-Governmental Contracting and Procurement

1. When it is in the best interest of the Authority, the Authority may, without competition, enter into an agreement to procure goods or services from an agency or unit of (i) the District of Columbia, (ii) the federal government, (iii) another state government or unit thereof, or (iv) another health benefits exchange established under sections 1311 or 1321 of the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148 & 111-152).
2. The Authority may participate in, sponsor, conduct or administer cooperative purchasing agreements for the procurement of goods, services, or construction, provided that such agreements are consistent with applicable law.
3. The Authority may use the District of Columbia supply schedule and the General Services Administration supply schedule.
4. When it is in the best interest of the Authority, the Authority may, without competition, enter into a memorandum of agreement.

F. Unsolicited Proposals

1. The Authority may, but is not required to, review unsolicited proposals and may consider the whether they would benefit the Authority and further the Authority's mission. Unsolicited proposals that are not reviewed may be retained or disposed of by the Authority.
2. An unsolicited proposal is a written proposal that:
 - i. Is innovative or unique;
 - ii. Is independently originated and developed by the offeror;
 - iii. Is prepared without Authority knowledge, supervision, direction or participation;
 - iv. Includes sufficient details to permit a determination that the proposed product, services or work could benefit the Authority's operational needs and mission;
 - v. Is not an advance proposal for a known or anticipated Authority requirement that can be procured by competitive methods; and

- vi. Does not address a previously published Authority requirement.
3. Unsolicited proposals in response to a publicized general statement of Authority needs are considered to be independently originated.
4. An unsolicited proposal may be the basis of a competitive procurement if it is in the best interest of the Authority. The offeror of the proposal shall not be disqualified from participating in a competitive procurement process under the provisions set forth in Paragraph X. for activities related solely to the submission of an unsolicited proposal.
5. The Authority may begin negotiations to enter into a contract if:
 - i. The proposal meets the requirements set forth in Paragraph III.F.2; and
 - ii. The Executive Director has determined that the proposal is in the best interest of the Authority.

G. Pilot Procurements

1. The Authority may, with prior public notice, award a contract without a competitive process if it is determined that an unusual or unique situation exists that makes the application of all requirements of competitive procurement not in the public interest.
2. A special pilot procurement under this Paragraph shall be made with as much competition as is practicable under the circumstances.
3. A special pilot procurement shall require a determination and findings by the Executive Director or designee setting forth the reasons warranting the special procurement and approval of a special pilot procurement and for the selection of the particular contractor.
4. The Authority shall post the notice of award and the determination and findings on the website of the Authority within seven (7) days after the execution and approval of a special pilot procurement.
5. An unusual or unique situation justifying a special pilot procurement shall include a contract made to:
 - i. Satisfy a new and unique Authority requirement; or
 - ii. Obtain a new technology.

H. Blanket Purchase Agreements

1. A blanket purchase agreement is not a contract and may be established without a purchase requisition of the obligation of funds.
2. The Executive Director or designee may use a blanket purchase agreement to fill anticipated repetitive needs for goods or services by establishing charge accounts with sources of supply if at least one of the following criteria apply:
 - i. There is a wide variety of items in a broad class of goods or services that are generally purchased, but the exact items, quantities and delivery requirements are not known in advance and may vary considerably; or
 - ii. The administrative cost of writing numerous purchase orders can be avoided through the use of this procedure.
3. The Contracting Officer shall not use a blanket purchase agreement to procure goods or services for which a requirements type contract has been issued by the District government.
4. The Contracting Officer shall include the following information in each blanket purchase agreement:
 - i. A statement that the supplier will furnish goods or services, described in general terms, if and when requested by the Contracting Officer during a specified period of time and within a stipulated total amount;
 - ii. A statement that the Authority is obligated only to the extent that authorized purchases are actually made under the blanket purchase agreement;
 - iii. A statement that the prices to the Authority shall be low or lower than those charged to the supplier's most favored customer for comparable quantities under similar terms and conditions, in addition to any discounts for prompt payment;
 - iv. A statement that specifies the dollar limitation for purchases under the blanket purchase agreement; and
 - v. A requirement that all deliveries or shipments under the blanket purchase agreement shall be accompanied by delivery tickets or sales slips which contain the following minimum information:
 - a. The name of the supplier;

- b. The agreement number;
 - c. The purchase order number;
 - d. An itemized list of goods or services furnished;
 - e. The quantity, unit price, and extension of each item, less applicable discounts; and
 - f. The date of delivery or shipment.
5. To the extent practicable, blanket purchase agreements for items of the same type shall be placed concurrently with more than one supplier. All competitive sources shall be given an equal opportunity to furnish goods, services, or other items under a blanket purchase agreement.
 6. When there are an insufficient number of vendors, with blanket purchase agreements to ensure maximum practicable competition for a particular purchase, the Contracting Officer shall:
 - i. Solicit quotations from other sources and make the purchase as appropriate; and
 - ii. Establish additional blanket purchase agreements to facilitate future purchases when recurring requirements for the same or similar items or services seem likely, when qualified sources are willing to accept a blanket purchase agreement, or when it is otherwise practical to do so.
 7. A blanket purchase agreement shall be considered terminated when the procurements under it are equal to its total dollar limitation or when the stated time period expires.

IV. CONTRACT APPROVAL AUTHORITY, REPORTING AND TRANSPARENCY REQUIREMENTS

A. Contract Approval Authority and Reporting Requirements

1. The Executive Director or designee shall have authority to award any contract valued at \$100,000 or less; any contract valued at more than \$100,000 may only be awarded with approval by the Finance Committee and the Executive Board.
2. A contract valued at \$25,000 or less may be awarded by a designee with prior notice to the Executive Director. Contracts valued at \$25,000 or less for office operations, including purchases of office supplies, do not require prior notice to the Executive Director.

3. On a regular basis, the Chief Financial Officer shall present to the Finance Committee a report of all purchase orders made by the Authority.

B. Transparency Requirements

1. All competitive solicitations shall be published on the website of the Authority and other government websites to promote competition and transparency in the procurement process.
2. The Authority shall publish a notice of contract award, including the name of the contractor, the date of the award and amount of the award, for all contracts under Paragraphs III.A, B, C, D, G and H on the website of the Authority.

V. Pre-Award Review

- A. For all contracts valued at over \$100,000, the Contracting Officer shall establish a process to certify that each prospective contractor:
1. Is able to comply with the required or proposed delivery or performance schedule, based on existing commercial and government contract commitments;
 2. Has or will have the ability to obtain the necessary organization, experience, accounting, operational control, technical skills, production, technical equipment, and facilities;
 3. Has a satisfactory performance record, based on information available to the contracting officer;
 4. Has a satisfactory record of integrity and business ethics based on information available to the contracting officer;
 5. Has not been suspended or barred under D.C. Official Code §2-359.07 and does not appear on the U.S. Department of Health and Human Services List of Excluded Individuals and Entities;
 6. Does not have outstanding fines, penalties, interest, taxes or other debts with the District government in a delinquent status as described in D.C. Official Code §47-2862; and
 7. Is otherwise qualified and is eligible to receive an award under applicable law.

VI. CONTRACT REQUIREMENTS

- A. All contracts shall be in writing and shall be in a form approved by the Executive Director.
- a. Contracts valued at \$25,000 or less may be in the form of only a purchase order.
 - b. In case of an emergency procurement under Paragraph III.B, a contractor may be given a verbal authorization by the Contracting Officer to provide services or goods to the Authority, provided that the directive shall be reduced to writing within three (3) business days after issuance. A verbal authorization may only be used with prior approval from the Executive Director and certification of funding for the services or goods by the Chief Financial Officer.
- B. A letter contract may be used only after the Executive Director or designee determines that: (1) it is in the Authority's best interest that a contractor be given a binding commitment so that work can start immediately; (2) negotiating a definitive contract is not possible in sufficient time to meet the requirement; and (3) the contract is valued at \$1 million or less. The Contracting Officer shall execute a definitive contract no later than ninety (90) days after the date of execution of the letter contract. The Contracting Officer may authorize the letter contract for an additional period of time only with approval of the Executive Director.
- C. All contracts shall include a provision stating that contracts awarded in violation of these Contracting and Procurement Policies and Procedures shall be voidable at the election of the Authority.
- D. The Executive Board may from time to time identify additional mandatory provisions for all contracts or for certain categories of contracts and may do so either by amending these Contracting and Procurement Policies and Procedures or by adopting a separate policy concerning contract terms.

VII. MULTI-YEAR CONTRACTS

- A. All contracts that, by their terms, are to last for more than one year must be approved by the Executive Board.
- B. Prior to the award of a multi-year contract, the Executive Director must submit the proposed contract to the Office of the Secretary to the D.C. Council for review and approval in accordance with the criteria and procedure established in §202 of the Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code §2-352.01 *et seq.*) ("PPRA").

VIII. CONTRACTS IN EXCESS OF \$1 MILLION

- A. All contracts in excess of \$1 million during a 12-month period must be approved by the Executive Board.
- B. Prior to the award of a contract in excess of \$1 million during a 12-month period, the Executive Director must submit the proposed contract to the Office of the Secretary to the D.C. Council for review and approval in accordance with the criteria and procedure established in §202 of the Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-352.01 *et seq.*) (“PPRA”).

IX. CONTRACT MODIFICATIONS

The Executive Director or designee may agree on behalf of the Authority to the modification of the terms and conditions of a contract consistent with these requirements.

- A. The Executive Director, or designee with prior approval by the Executive Director, may approve any modification to the terms of a contract that is budget neutral.
- B. For modifications that would increase the total cost of the contract, prior approval by the Finance Committee is required.
- C. For modifications that would increase the total cost of the contract to more than \$100,000 or that would increase the cost of the contract by more than \$100,000 a vote by the Executive Board is required.

X. CONFLICTS OF INTEREST

Notwithstanding any other policy or procedure contained herein, the Executive Director may take remedial action if an offeror, bidder, or contractor is determined to have a conflict of interest, the appearance of a conflict of interest, or has engaged in impropriety in connection with the contracting process or the execution of a contract.

A. Remedial Actions

The Executive Director has broad discretion to select among remedial actions. If the Executive Director determines that there is a conflict of interest, the appearance of a conflict of interest, or another ethical consideration, the Executive Director may:

1. Disqualify a contractor at any point during the procurement process;
2. Rescind or terminate a contract subsequent to contract award;
3. Cancel a pending solicitation; or
4. Condition contract award or contract continuation on compliance with remedial conditions, including contract modification or the disqualification of a subcontractor.

B. Range of Remedial Conditions Permitted

The Executive Director has broad discretion to fashion remedial conditions for the purpose of eliminating or mitigating conflicts of interest, the appearance of a conflict of interest, or another ethical consideration. Generally, remedial conditions should eliminate or mitigate conflicting roles that might bias a contractor's judgment and other circumstances that may give that contractor an unfair advantage in future contracts or procurements. Non-exhaustive examples include the following:

1. A contract to assist the Authority in developing requirements for a future procurement ordinarily should include a clause prohibiting the contractor from participating in the future procurement.
2. A contract in which the contractor gains access to proprietary information of other companies (or non-public information on the Authority's procurement plans) should include an appropriate clause that prevents the contractor from using such information in any manner that might give it an unfair advantage and prohibits the contractor from disclosing this proprietary information.

C. Writings Required

1. *Determinations* - A determination by the Executive Director of a conflict of interest, the appearance of a conflict of interest, or an engagement in impropriety under this section shall be made in writing and provided to the affected offeror(s), bidder(s), or contractor(s) and other parties determined to be involved and placed in the contract file(s). Copies of this writing shall be provided to the Executive Board members where Executive Board approval is required and a copy shall be kept in the official records of the Authority.
2. *Remedial Conditions* - A writing detailing the remedial conditions placed on a contractor under this section shall be provided to the affected contractor(s) and other parties determined to be involved and placed in the contract file(s). Copies of this writing shall be provided to the Executive Board members and a copy shall be kept in the official records of the Authority.

D. Conflicts and Ethical Considerations Defined

The Executive Director may properly take remedial action whenever necessary or prudent to avoid the appearance of impropriety or otherwise eliminate doubts about the integrity and fairness of procurement. The ethical considerations that may authorize remedial action are not limited to the ethics rules of the Authority or the prospective contractor, if any. Ethical considerations include those set forth in 6-B DCMR §1800 *et seq.* Examples of situations in which corrective measures might be warranted include, but are not limited to:

1. Cases where a member of the Executive Board or Authority staff has a prohibited conflict of interest under D.C. Official Code §31-3171.10(a) or (b) and that conflict impacted the contract or procurement award or performance.
2. Cases where a member of the Executive Board or Authority staff has a prohibited conflict of interest under D.C. Official Code §31-3171.10(c), has not disclosed it under the procedures enumerated in the Authority's by-laws, and that conflict impacted the contract or procurement award or performance.
3. Other cases where a member of the Executive Board or Authority staff had an affiliation with an offeror, bidder, or contractor and it raised questions about the contract or procurement's integrity.
4. Cases where there is clear evidence suggesting collusive bidding or similar anti-competitive practices by prospective offerors, bidders, or contractors.
5. Cases where the offeror, bidder, or contractor would be unable to render impartial and objective assistance or advice to the Authority.
6. Cases where an offeror, bidder, or contractor may have an unfair advantage over potential competitors, including but not limited to where a prospective offeror, bidder, or contractor received preferential treatment in relation to its competitors in the contracting or procurement process or was privy to non-public information about the procurement.

E. Appeal

An offeror, bidder, or contractor may appeal any determination, remedial action, or remedial condition to the Executive Board under the processes enumerated in Paragraph XI.D of these policies and procedures. Determinations of the Executive Board are final.

XI. PROTESTS

A. Time Restrictions

1. A protest based upon alleged improprieties in a solicitation that are apparent before bid opening or the closing date for receipt of proposals must be submitted to the Executive Director before bid opening or the closing date for receipt of proposals.
2. In all other cases, protests must be submitted to the Executive Director not later than seven days after the basis for protest is known, or should have been known, whichever is earlier.

B. Form and Content of Protest

1. Any protest must be submitted in writing and must be addressed to the Executive Director.
2. Any protest must include: (i) the name and address of the protestor; (ii) appropriate identification of the procurement; a (iii) statement of the reasons for the protest; and (iv) supporting exhibits, evidence, or documents to substantiate the reasons for the protest.

C. Decision of Executive Director or Procurement Officer

1. The Executive Director may deny any bid protest (i) received after the time periods set forth in Paragraph XI.A, or (ii) lacking the required elements set forth in Paragraph XI.B.
2. With regard to all other bid protests, the Executive Director or designee shall resolve the protest.
3. The Executive Director or designee may: (i) notify other interested parties of the existence of the protest and may obtain the views of other interested parties and (ii) conduct discussions or negotiations with the protestor or with other interested parties and attempt to resolve the protest by agreement.
4. The Executive Director or designee shall issue a written decision resolving any bid protest that cannot be resolved by agreement.
5. For bid protests associated with contracts valued at \$100,000 or less, or with a procurement in which the contract is reasonably anticipated to be valued at \$100,000 or less, the decision of the Executive Director or designee is final.

D. Appeal

1. Except in cases where, as set forth in Paragraph XI.C, the decision of the Executive Director or designated procurement officer is final, a protestor may appeal from the decision of the Executive Director or designee to the Executive Board Business Operations Committee. The appeal must be in writing, must be addressed to the Chair of the Business Operations Committee, must identify each ground on which the protestor claims that the protest was resolved in error, and must include a copy of the initial protest and the decision of the Executive Director or designee resolving the protest. Appeals must be filed within ten (10) days after issuance of the decision resolving the protest. Four copies of all required materials must be submitted.
2. The Business Operations Committee may deny any appeal that s (i) received after the time periods set forth in Paragraph XI.D.1, or (ii) lacking the required elements set forth in Paragraph XI.D.1.

3. Upon the request of two (2) Executive Board members, the Executive Board shall hold a hearing. Either the full Executive Board or the Business Operations Committee may hold the hearing.
4. A final decision resolving the appeal will be issued by a majority vote of the Business Operations Committee within thirty (30) calendar days of the appeal being received by the Chair.

E. Award Pending Protest

The Business Operations Committee may vote to award a contract before there is a final decision of the Authority resolving a bid protest. Otherwise, a contract shall not be awarded during the pendency before the Authority of a bid protest related to that contract.

F. Resolution of Protest

In resolving a bid protest, the Business Operations Committee, Executive Director, or designee may (1) deny the protest; (2) sustain the protest but nonetheless determine that the procurement should proceed, consistent with Paragraph XII.A.1, below; or (3) sustain the protest and declare a contract to be void, order that all bids be re-evaluated for award, order that a solicitation be re-issued, or require that any other action be taken that fairly addresses the protest.

XII. PROHIBITED CONDUCT AND REMEDIES

A. Contracts Voidable for Noncompliance

1. If the Executive Director or designee finds that a procurement violates these Policies and Procedures, or that a contract has been awarded in violation of these Policies and Procedures, excluding unauthorized commitments, the Executive Director may order that any action be taken to resolve the violation and may declare void a contract awarded in violation of these Policies and Procedures. An unauthorized commitment is an agreement that is not binding solely because the Authority representative who made it lacked the authority to enter into that agreement on behalf of the Authority.
2. Alternatively, the Executive Director may determine that a procurement should proceed, or that a contract should not be declared void, notwithstanding a violation of these Contracting and Procurement Policies and Procedures, if:
 - i. The parties acted in good faith;
 - ii. Proceeding with the procurement or ratification of the contract would not undermine the purposes of these Policies and Procedures;

- iii. The violation was insignificant or otherwise did not prevent substantial compliance with these Policies and Procedures; and
 - iv. Proceeding with the procurement would be in the best interested of the Authority.
3. Ratifications of unauthorized commitments.
- i. The Executive Director or designee may ratify an unauthorized commitment only when:
 - A. Supplies or services have been provided to and accepted by the Authority, or the Authority otherwise has obtained a benefit from the performance of the unauthorized commitment;
 - B. The resulting contract would otherwise have been proper if made by an appropriate contracting officer;
 - C. The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;
 - D. The contracting officer recommends payment and the General Counsel concurs in the recommendation;
 - E. Funds are available and were available at the time the unauthorized commitment was made; and
 - F. The ratification is in accordance with any other limitations set forth in these Contracting and Procurement Policies and Procedures.
 - ii. An individual making unauthorized commitments will be subject to disciplinary action under D.C. Official Code §1-616.51.

B. Termination of Contracts

- 1. The Executive Director or designee may terminate, without liability, any contract if the contractor has been convicted of a crime arising out of or in connection with the procurement of any work to be done or any payment to be made under the contract. If a contract is terminated under this section, the contractor shall:
 - i. Be paid only the actual costs of the work performed to the date of termination, plus any termination costs, if any;
 - ii. Refund, and the Authority shall recover, all profits or fixed fees realized under the contract; and

- iii. Refund, and the Authority shall recover, any other fee, commission, percentage, gift, compensation, or similar consideration paid, including contingent fees and brokerage fees.
- 2. The Executive Director or designee may terminate, without liability, any contract for contractor noncompliance with applicable terms and conditions.
- 3. The Executive Director or designee may terminate performance of work under a contract if the Executive Director or designee determines that a termination is in the Authority’s interest.

C. Debarment and Suspension

The Authority shall refer a contractor to the Chief Procurement Officer for review under D.C. Code §2-359.07 if any of the causes set forth under D.C. Code §2-359.07(c) exist.

XIII. AUTHORITY OF CHAIR IN ABSENSE OF EXECUTIVE DIRECTOR

Any period during which the position of Executive Director is vacant or the Executive Director is unable to take action on a specific matter because of a conflict of interest, the Chair of the Executive Board shall have authority to take any action that these Contracting and Procurement Policies and Procedures authorize the Executive Director to take, including the designation of a procurement officer in any circumstance where the Executive Director is authorized to designate a procurement officer.

XIV. Review and Update of Policies and Procedures

The Operations Committee of the Executive Board shall review these Procurement Policies and Procedures no less frequently than once every two (2) years and make updates as necessary.

Approved by HBX Executive Board on 9/10/14

DISTRICT OF COLUMBIA 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 **Friday, September 19, 2014 at 11:00 am**. The call in number is 1-877-668-4493, Access code 732 197 395.

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**PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

Due to schedule conflict, the Board’s regular meeting scheduled for Friday, September 19, 2014, will be rescheduled to Thursday, September 25, 2014, from 4:30 PM to 7:30 PM. The meeting will be open to the public from 4:30 PM until 5:30 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 5:30 PM to 7:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at www.doh.dc.gov/events to view the agenda.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

September 23, 2014
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the September 9, 2014 board meeting.
- III. Vote to close meeting to discuss the approval of the Highland Dwellings project and bond transaction, the 2321 4th Street project and bond transaction, The Brightwood Portfolio project and bond transaction, and the renewal of the contract with Goldblatt Martin Pozen LLP to serve as legal counsel to the Agency's Board of Directors.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Highland Dwellings project and bond transaction, the 2321 4th Street project and bond transaction, The Brightwood Portfolio project and bond transaction, and the renewal of the contract with Goldblatt Martin Pozen LLP to serve as legal counsel to the Agency's Board of Directors. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).
- IV. Re-open meeting.
- V. Consideration of DCHFA Final Bond Resolution No. 2014-13 for Highland Dwellings.
- VI. Consideration of DCHFA Final Bond Resolution No. 2014-14 for 2321 4th Street.
- VII. Consideration of DCHFA Eligibility Resolution No. 2014-15 for The Brightwood Portfolio.
- VIII. Consideration of DCHFA Resolution No. 2017-07(G) regarding the renewal of a contract with Goldblatt Martin Pozen LLP to serve as legal counsel to the Agency's Board of Directors.

- IX. Vote to close meeting to discuss the Agency's Fiscal Year 2015 Budget.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss the Agency's Fiscal Year 2015 Budget which includes matters regarding the employment and compensation of government appointees, employees, or officials. An open meeting would adversely affect the employment and compensation related issues affecting the Agency. (D.C. Code §2-575(b)(10)).

- X. Re-open meeting.

- XI. Consideration of DCHFA Resolution No. 2014-08(G) for the approval of the Agency's Fiscal Year 2015 Budget.

- XII. Interim Executive Director's Report.

- XIII. Other Business.

- Update - Parkway Overlook

- XIV. Adjournment.

**DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION**

COMMUNITY SERVICES BLOCK GRANT PROGRAM

**NOTICE OF AVAILABILITY OF THE COMMUNITY SERVICES BLOCK GRANT
PROGRAM STATE PLAN FOR INSPECTION,
REVIEW AND COMMENT**

The Director of the District of Columbia Department of Human Services, pursuant to the requirements outlined in the Community Services Block Grant (CSBG) Act of 1998, as amended (42 U.S.C. §9908 (e)) announces the availability of the CSBG State Plan and Application for Fiscal Years 2015 and 2016 (State Plan) for public inspection, review and comment. The State Plan presents an approach to reduce poverty within the District of Columbia through the provision of a wide range of services and activities that assist low-income families and individuals to:

- Remove obstacles and solve problems which inhibit the attainment of self-sufficiency;
- Secure and retain meaningful employment;
- Attain an adequate education;
- Make better use of available income;
- Obtain and maintain adequate housing and a suitable living environment;
- Obtain emergency assistance to meet immediate or urgent needs; and
- Achieve greater participation in the affairs of the communities in which they live.

Copies of the State Plan will be available from Wednesday, October 1, 2014 through Wednesday, December 31, 2014, at the following locations:

Department of Human Services
Family Services Administration
Community Services Block Grant Program
64 New York Avenue, N.E., 5th Floor
Washington, DC 20002

United Planning Organization
301 Rhode Island Avenue, N.E.
Washington, DC 20001

Martin Luther King, Jr. Memorial Library
Public Comments Section, 3rd Floor
901 G Street, N.W.
Washington, DC 20001

Written comments regarding the State Plan may be submitted by mail to the attention of Tunde Eboda, Ph.D., State CSBG Administrator, Community Services Block Grant Program, Department of Human Services, 64 New York Avenue, N.E., 5th Floor, Washington, DC 20002 by close of business on Wednesday, December 31, 2014.

If you have any questions or require additional information, please contact the CSBG office at (202) 698-4301.

KIPP DC PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Cellular Signal Boosting Solutions**

KIPP DC intends to enter into a sole source contract with Sprint Corporation to improve cellular coverage at its campus located at 5300 Blaine Street in NE Washington, DC. The decision to sole source is based on KIPP DC's pre-existing cellular service contract with Sprint, and Sprint's unique capability to design and guarantee a solution specific to their wireless network. Sprint will install in-building equipment at a cost of \$31,716.

DC PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****IT Management Services**

DC Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for **information technology (IT) management services**. Please email [**bids@dcprep.org**](mailto:bids@dcprep.org) for more details. All proposals must be submitted by **12:00 noon on September 29, 2014**.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

GAS TARIFF 2014-03, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S APPLICATION TO AMEND RATE SCHEDULE NOS. 3, 3A AND 5

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 ("D.C. Code") and in accordance with section 2-505 of the D.C. Code,¹ of its intent to act upon the proposed tariff amendment of Washington Gas Light Company's ("WGL" or "Company")² in not less than thirty days from the date of publication of this Notice of Proposed Tariff ("NOPT") in the *D.C. Register*.

2. WGL seeks to amend Rate schedule Nos. 3, 3A and 5 to enhance the terms and conditions of Interruptible Sales Service, Interruptible Delivery Service, and Firm Delivery Service. Pursuant to 15 DCMR §3500 et seq., the Company "requests expedited review of the Application prior to the height of the winter season."³

3. WGL seeks approval of tariff changes that will strengthen the requirements of customers receiving Interruptible Sales Service and Interruptible Delivery Service, under Rate Schedule Nos. 3 and 3A.⁴ WGL states that "[i]n the wake of the past winter where this area experienced unusually low temperatures that increased demand on the Company's natural gas system, more stringent measures need to be taken to ensure that Interruptible customers are equipped to receive the Company's notices to curtail or interrupt gas usage and to make Interruptible customers aware of significant penalties for failure to comply with interruption notices to ensure the integrity of the Company's natural gas system."⁵ The Company asserts that "Interruptible customers receive natural gas service at a much lower rate than Firm Service customers, based on the requirement that these customers curtail or interrupt gas usage when notified by Washington Gas."⁶ WGL submits that "[t]he proposed tariff changes are designed to

¹ D.C. Code § 34-802 (2001); D.C. Code § 2-505 (2001).

² Gas Tariff 2014-03, *In the Matter of Washington Gas Light Company's Application to Amend Rate Schedule Nos. 3, 3A and 5* ("Gas Tariff 2014-03"), Letter from Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed September 10, 2014 ("WGL's Application").

³ *Gas Tariff 2014-03*, WGL's Application. See also 15 DCMR § 3501.1, describing the Commission's expedited review process: "An application for authority to issue or amend tariffs or issue stock or evidences of indebtedness that are payable in more than one year shall be approved by the Commission within thirty (30) days after the publication date in the D.C. Register, provided that: (1) no objection is filed within thirty (30) days after the publication date; and (2) the Commission does not order additional time for review of the application."

⁴ *Gas Tariff 2014-03*, WGL's Application at 1.

⁵ *Gas Tariff 2014-03*, WGL's Application at 1-2.

⁶ *Gas Tariff 2014-03*, WGL's Application at 2.

improve Interruptible Service in the District of Columbia by holding Interruptible customers accountable for complying with the requirements of these Rate Schedules.”⁷

4. WGL is proposing related changes to Interruptible Sales Service, Rate Schedule No. 3, and Interruptible Delivery Service, Rate Schedule No. 3A. Specifically, “the Company proposes that Interruptible customers be required to provide sufficient contact information, and keep this information current, so that the Company is able to provide curtailment/interruption notices to designated contacts.”⁸ Also, WGL states that “these customers should take reasonable measures to ensure that they can accommodate receipt of curtailment/interruption notices from the Company, such as maintaining a working dedicated analog telephone line” and that “the Interruptible customer needs to have a working analog telephone line for the Company to monitor the interruptible meter usage during an interruption.”⁹ WGL asserts that “if an Interruptible customer fails to maintain a dedicated analog telephone line over a period of time, Washington Gas should be authorized to terminate service to that customer under an Interruptible Rate Schedule.”¹⁰ In addition, WGL submits that “[i]f the customer switches to Firm Service as a result of termination of service under an Interruptible Rate Schedule, the customer should be required to remain on Firm Service for at least one year” and “prior to switching back to Interruptible Service, the customer should have to demonstrate that it can comply with the requirements of Interruptible Service.”¹¹ According to the Company, “if it is necessary to dispatch personnel to read the meter of an Interruptible customer due to communication issues with the customer’s telephone line, the customer should be charged a fee for this service as outlined in the proposed tariff.”¹²

5. WGL states that “[t]o determine whether customers are able to comply with the terms and conditions of Interruptible Service, Washington Gas seeks authority to conduct random inspections and annual interruption tests” and “if a customer fails an inspection or test and does not come into compliance within timeframes designated in the proposed tariff, Washington Gas should have the ability to terminate service under an Interruptible Rate Schedule.”¹³ The Company indicates “[f]or Interruptible customers that fail for any reason to comply with an interruption notice, the Company seeks authority to discontinue gas service to those customers under an Interruptible Rate Schedule, as needed to meet operational and system reliability requirements, and/or assess a penalty of \$3.00 per therm in addition to a charge that is three times the highest incremental cost purchased for the Gas Day for all gas consumed during the scheduled interruption period.”¹⁴ The Company states that “the customer would also be

⁷ *Gas Tariff 2014-03*, WGL’s Application at 2.

⁸ *Gas Tariff 2014-03*, WGL’s Application at 2.

⁹ *Gas Tariff 2014-03*, WGL’s Application at 2.

¹⁰ *Gas Tariff 2014-03*, WGL’s Application at 3.

¹¹ *Gas Tariff 2014-03*, WGL’s Application at 3.

¹² *Gas Tariff 2014-03*, WGL’s Application at 3.

¹³ *Gas Tariff 2014-03*, WGL’s Application at 3.

¹⁴ *Gas Tariff 2014-03*, WGL’s Application at 4.

required to pay all other damages, penalties, fines and/or charges incurred by the Company attributable in whole or in part to the customer's violation of the interruption notice" and that "these charge are not subject to waiver."¹⁵ WGL asserts that it is "proposing these tariff changes in light of the significant number of Interruptible customers that failed to comply with the Company's notices of interruption during the past winter season."¹⁶

6. With respect to Rate Schedule No. 5, WGL is proposing several revisions to "enhance this service."¹⁷ First, the Company proposes that Residential customers no longer be required to execute Customer Consent Forms, given that the customer's Competitive Service Providers ("CSP") must execute a Consent Form and Gas Supplier Agreement to provide service to Residential customers.¹⁸ Also, "when a Firm Delivery Service customer has an imbalance at the time it terminates with its CSP and initiates service with a new CSP, the Company proposes that all of the customer's inventory be moved from the old CSP's Storage Contract Quantity to the new CSP's Storage Contract Quantity, at applicable charges."¹⁹

7. The Company states that it "is also removing language that would have the capacity revert back to Washington Gas and then assigned to the new CSP, because many CSPs are not accepting capacity releases during mandatory release of capacity."²⁰ The Company submits that "[d]uring months when a CSP has elected to take capacity from the Company and/or when capacity assignment is mandatory, Washington Gas is instead, proposing language that requires CSP's to accept all assigned capacity on each pipeline's electronic bulletin board before the start of the effective date of the capacity release."²¹ WGL indicates that "[f]ailure to do so may result in a penalty of \$25 per dekatherm of all volumes of capacity assigned that were not accepted by the CSP within the prescribed timeframe."²² WGL states that "[a]t the end of each month, the Company is also proposing to calculate the difference between customer's actual requirements and actual deliveries for the customer's account, as provided by the customer's CSP for the month, taking into consideration any adjustments from prior periods."²³ According to the Company, "[a]ny differences will be reconciled annually by an adjustment to the CSP's Daily Required Volumes ("DRV") for June-August" and "if the variance cannot be paid back within the three month period, both parties may agree to extend the reconciliation period for

¹⁵ *Gas Tariff 2014-03*, WGL's Application at 4.

¹⁶ *Gas Tariff 2014-03*, WGL's Application at 4.

¹⁷ *Gas Tariff 2014-03*, WGL's Application at 5.

¹⁸ *Gas Tariff 2014-03*, WGL's Application at 5.

¹⁹ *Gas Tariff 2014-03*, WGL's Application at 5.

²⁰ *Gas Tariff 2014-03*, WGL's Application at 5.

²¹ *Gas Tariff 2014-03*, WGL's Application at 5.

²² *Gas Tariff 2014-03*, WGL's Application at 5.

²³ *Gas Tariff 2014-03*, WGL's Application at 6.

another three months.”²⁴ In addition, WGL states that it is “clarifying its description of when a failure to deliver the DRV has occurred.”²⁵

8. WGL also proposes to charge CSP’s for all under/over deliveries, per Dth, at three (3) times the highest incremental commodity purchase rate for that Gas Day.²⁶ WGL states that “The purpose of this provision is to provide an incentive to each CSP to deliver its DRV each day.”²⁷

9. Finally, WGL proposed language that “has also been added to the tariff that would require CSPs to give Washington Gas a minimum of three months advance notice of a CSP’s intent to exit the Firm Delivery Service program and to hold the CSP responsible for managing the imbalance account to result in a zero balance by the month the CSP exits the program.”²⁸ WGL asserts that “[i]f the account cannot be reconciled to zero, the CSP must submit a written request for a credit or cash out for the remaining balance.”²⁹ The Company states that “If the CSP’s Imbalance Account is negative, the Company will bill the CSP for the total negative balance when exiting the program based on the weighted average cost of storage inventory gas.”³⁰ WGS indicates that “if the CSP’s Imbalance Account is positive, Washington Gas will cash out the CSP based on the same calculation.”³¹ The Company asserts that “[t]hese requirements will allow Washington Gas a reasonable period of time to manage a CSP’s imbalance account prior to the CSP exiting the Firm Delivery service program and to prepare for any potential movement of customers between Firm delivery Service and Firm Sales Service or with other CSPs.”³²

10. WGL proposes to amend the following tariff pages:

**NATURAL GAS TARIFF, P.S.C. of D.C. No. 3
Fourth Revised Page No. 17
Superseding Third Revised Page No. 17**

**P.S.C. of D.C. No. 3
First Revised Page No. 18A
Superseding Original Page No. 18A**

²⁴ *Gas Tariff 2014-03*, WGL’s Application at 6.

²⁵ *Gas Tariff 2014-03*, WGL’s Application at 6.

²⁶ *Gas Tariff 2014-03*, WGL’s Application at 7.

²⁷ *Gas Tariff 2014-03*, WGL’s Application at 7.

²⁸ *Gas Tariff 2014-03*, WGL’s Application at 7.

²⁹ *Gas Tariff 2014-03*, WGL’s Application at 7.

³⁰ *Gas Tariff 2014-03*, WGL’s Application at 7.

³¹ *Gas Tariff 2014-03*, WGL’s Application at 7.

³² *Gas Tariff 2014-03*, WGL’s Application at 7-8.

**P.S.C. of D.C. No. 3
Original Page No. 18B**

**P.S.C. of D.C. No. 3
Second Revised Page No. 22B
Superseding First Revised Page No. 22B**

**P.S.C. of D.C. No. 3
First Revised Page No. 22D
Superseding Original Page No. 22D**

**P.S.C. of D.C. No. 3
Original Page No. 22E**

**P.S.C. of D.C. No. 3
Twelfth Revised Page No. 27A
Superseding Eleventh Revised Page No. 27A**

**P.S.C. of D.C. No. 3
Tenth Revised Page No. 27B
Superseding Ninth Revised Page No. 27B**

**P.S.C. of D.C. No. 3
Fifth Revised Page No. 27C
Superseding Fourth Revised Page No. 27C**

**P.S.C. of D.C. No. 3
Second Revised Page No. 27D
Superseding First Revised Page No. 27D**

**P.S.C. of D.C. No. 3
Fourth Revised Page No. 27E
Superseding Third Revised Page No. 27E**

**P.S.C. of D.C. No. 3
Eighth Revised Page No. 27G
Superseding Seventh Revised Page No. 27G**

**P.S.C. of D.C. No. 3
Seventh Revised Page No. 27H
Superseding Sixth Revised Page No. 27H**

11. WGL’s Application may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday or may be viewed on the Commission’s website by visiting www.dcpsec.org. and, under the “eDocket System” tab, selecting “Search Current Dockets” and typing “GT2014-03” in the field labeled “Select Case Number.” A copy of the

proposed tariff amendments is available upon request to any person requesting copies at a per-page reproduction fee.

12. Any person desiring to comment on the Application or object to the expedited handling of the filing shall file written comments or objections stating the reasons for the objections no later than 30 days from the date of publication of this Notice in the *D.C. Register*. Comments and objections should be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, at the address listed in the preceding paragraph. Any responses to comments or objections shall be filed within 35 days from the date of publication of this Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final action.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, September 25, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, September 25, 2014 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|--------------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | July/ August 2014 Financial Report | Director of Finance & Budget |
| 3. | Agenda for October Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, September 23, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---------------------------------|-------------------------|
| 1. | Call to Order | Committee Chairman |
| 2. | Action Items | Chief Financial Officer |
| 3. | Retail Rates Committee Workplan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Executive Session | |
| 6. | Adjournment | Committee Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18780 of Alexander Memorial Baptist Church, pursuant to 11 DCMR § 103.2, for a variance from the use provisions under § 320 to convert a church into a three-unit dwelling in the R-3 District at premises 2709 N Street, N.W. (Square 1236, Lot 803).

HEARING DATES: June 17, 2014 and September 9, 2014

DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.¹ (Exhibits 11 and 28.)

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”) 2E, 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 2E, which is automatically a party to this application. ANC 2E submitted a timely report dated September 3, 2014, indicating that at a regular, duly noticed meeting held on September 2, 2014, with a quorum present, the ANC met and considered the application and voted unanimously (8:0) to support and not oppose the application. (Exhibit 38.)

The Office of Planning (“OP”) submitted a timely report dated September 2, 2014, recommending approval of a use variance from § 320. (Exhibit 37.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 23.)

Party status requests in opposition were withdrawn by N Street Neighbors (Exhibit 36) and Citizens Association of Georgetown (Exhibit 35). A letter of support for the application was submitted by the Foundation for the Preservation of Historic Georgetown. (Exhibit 34, Tab C.)

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 use variance under § 3103.2 from the strict application of the requirements under § 320, to convert a church into a three-unit dwelling in the R-3 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.

¹ The original hearing was scheduled for June 17, 2014. The Applicant requested a continuance to allow for further community outreach and time to work with the party status applicants. Ultimately, the party status opponents withdrew their requests for party status, having reached agreements with the Applicant.

BZA APPLICATION NO. 18780

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The Board closed the record at the conclusion of the hearing. 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 a use variance under § 320, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 28.**

VOTE: **5-0-0** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, S. Kathryn Allen, and Marcie I. Cohen to APPROVE.)

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: September 11, 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.

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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. 18810 of Christopher Schriever, pursuant to 11 DCMR § 3104.1, for a special exception under section 223, for an addition to an existing flat not meeting the lot occupancy (section 403) requirements in the R-4 District at premises 919 T Street, N.W. (Square 361, Lot 807).

HEARING DATE: September 9, 2014

DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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”) 1B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B did not participate in the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of 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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 32 – Revised Plans) be **GRANTED**.

VOTE: **5-0-0** (Lloyd J. Jordan, Jeffrey L. Hinkle, S. Kathryn Allen, Marnique Y. Heath and Marcie I. Cohen to APPROVE.

BZA APPLICATION NO. 18810

PAGE NO. 2

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 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 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. 18811 of Andrea Shinbach and Matthew Sheffer, pursuant to 11 DCMR § 3104.1, for a special exception for a rear addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403), court (section 406) and nonconforming structure (subsection 2001.3) requirements in the R-4 District at premises 234 9th Street, S.E. (Square 944, Lot 811).

HEARING DATE: September 9, 2014
DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

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 letter in support of the application. The Office of Planning (“OP”) submitted a report and testified at the hearing in support of 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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 29 - Plans) be **GRANTED**.

VOTE: **5-0-0** (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle and Marnique Y. Heath to APPROVE.

BZA APPLICATION NO. 18811

PAGE NO. 2

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 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 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. 18813 of Jemal's Holland LLC, pursuant to 11 DCMR § 3103.2, for a variance from the floor area ratio requirements under subsection 771.2, to allow the renovation and expansion of an existing office/retail building in the C-2-A District at premises 1301 Pennsylvania Avenue, S.E. (Square 1045, Lot 139, formerly Lot 821).

HEARING DATE: September 9, 2014

DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board 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”) 6B, 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 6B, which is automatically a party to this application. The ANC submitted a report dated July 12, 2014, recommending approval of the application. The ANC’s letter indicated that at a regularly scheduled, duly noticed meeting held on July 8, 2014, with a quorum present, the ANC met and considered the application and voted unanimously (9-0-0) to support it. (Exhibit 25.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 32.) The District’s Department of Transportation (“DDOT”) submitted a timely report indicating it had no objection to the application. (Exhibit 31.)

A letter of support was submitted to the record by neighbors Laura Skopec and Jeff Noel. (Exhibits 26 and 30C.)

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 floor area ratio requirements under § 771.2, to allow the renovation and expansion of an existing office/retail building in the C-2-A 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.

The Board closed the record at the conclusion of the hearing. 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

BZA APPLICATION NO. 18813

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DCMR § 3103.2 for area variances under § 771.2, 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 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 30A.**

VOTE: **5-0-0** (Lloyd L. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen to APPROVE.)

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: September 16, 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

BZA APPLICATION NO. 18813

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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. 18818 of Stephanie and Heige Berger, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear to an existing one-family detached dwelling under section 223, not meeting the rear yard (section 404 requirements in the R-1-B District at premises 3801 Jocelyn Street, N.W. (Square 1856, Lot 1).

DECISION DATE: September 9, 2014 (Expedited Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3G, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. ANC 3G submitted a letter in support of the application. The Department of Transportation submitted a report of no objection. The Office of Planning ("OP") submitted a report and testified at the hearing 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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes

BZA APPLICATION NO. 18818

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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 7 -Plans) be **GRANTED**.

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, Marnique Y. Heath and Marcie I. Cohen to APPROVE.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 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

BZA APPLICATION NO. 18818

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PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18822 of Urban Edge LLC, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing row dwelling under section 223, not meeting the lot occupancy (section 403) requirements in the R-3 District at premises 5101 7th Street, N.W. (Square 3211, Lot 80).

DECISION DATE: September 9, 2014 (Expedited Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Pursuant to 11 DCMR § 3181 this application was tentatively placed on the Board's expedited calendar for decision without hearing as a result of the applicant's waiver of their right to a hearing.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D submitted a letter in support of the application. The Office of Planning ("OP") submitted a report and testified at the hearing 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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes 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. 18822

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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 7 - Plans) be **GRANTED**.

VOTE: **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, Marnique Y. Heath and Marcie I. Cohen to APPROVE.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 9, 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 DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION,

BZA APPLICATION NO. 18822

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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.

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:)	
)	
International Federation of Professional)	
and Technical Engineers	)	PERB Case No. 12-RC-03
)	
Petitioner	)	Certification No. 158
)	
and)	
)	
Office of Administrative Hearings)	
)	
Agency)	
_____)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board, in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that the majority of the valid ballots have been cast for a representative for the purpose of exclusive recognition;

Pursuant to the authority vested in the Board by the D.C. Official Code § 1-605.02(2) and Section 515.3 of the Board Rules;

IT IS HEREBY CERTIFIED THAT:

The International Federation of Professional and Technical Engineers has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the named employer.

PERB Case No. 12-RC-03
Certification of Representative
Page 2 of 2

Unit Description:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in 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 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

August 21, 2014



Clarette Phyllis Martin
Executive Director

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 State,)	
County and Municipal Employees,)	
District Council 20, AFL-CIO)	
	)	PERB Case No. 14-RC-02
Petitioner.)	
and	)	Opinion No. 1475
)	
District of Columbia Office of)	
Administrative Hearings,)	
)	
Agency.)	
_____)	

**DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION**

On December 4, 2013, AFSCME, District Council 20 (“Petitioner” or “Union”) filed a “Petition for Recognition” (“Petition”), seeking to represent, for the purposes of collective bargaining, the following proposed bargaining unit:

All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union’s certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

Election Order
PERB Case No. 14-RC-02
Page 2 of 3

As required by Board Rule 502.1(d), the Petition was accompanied by a roster of Petitioner's officers and a copy of Petitioner's constitution and bylaws. In addition, the Petitioner submitted evidence of the employees' showing of interest in having Petitioner as their exclusive representative for collective bargaining.

On April 23, 2014, the D.C. Office of Administrative Hearings ("Agency") submitted an alphabetical list of employees. The Agency did not file comments opposing the proposed bargaining unit. PERB determined that the Union met its showing of interest, and a notice of the recognition petition was issued May 1, 2014, for conspicuous posting for fifteen (15) consecutive days where employees in the proposed unit were located at the D.C. Office of Administrative Hearings. No comments or requests for intervention were received by PERB.

The Comprehensive Merit Personnel Act ("CMPA"), as codified at D.C. Official Code § 1-617.09(a) (2001 ed.), requires that a community of interest exist among employees for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

After reviewing the Petition, the Board finds that a community of interest exists among the employees in the proposed bargaining unit and recognition of the unit would promote effective labor relations and efficiency of agency operations. In addition, there is no other labor organization currently representing this group of employees. Therefore, the Board finds that the proposed bargaining unit constitutes an appropriate unit under the CMPA.

As a result, the Board orders an election be held to determine the will of the eligible employees in the unit described above to be represented by AFSCME, District Council 20 or no representative. The Board finds that an on-site ballot election is appropriate in this case.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title 1, Chapter 6, subchapter XVII of the D.C. Official Code.

2. An on-site ballot election shall be held in accordance with provisions of D.C. Official Code § 1-617.10 (2001 ed.) and Board Rules 510, 511, 513, 514, and 515 in order to

Election Order
PERB Case No. 14-RC-02
Page 3 of 3

determine whether a majority of eligible employees in the above-described unit desire to be represented for bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees, District Council 20 or no union.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Donald Wasserman, and Member Ann Hoffman

Washington, D.C.

June 9, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-RC-02 was transmitted to the following parties on this the 9th day of June, 2014.

Brenda Zwack, Esq.
O'Donnell, Schwartz & Anderson, P.C.
1300 L Street, N.W.
Suite 1200
Washington, D.C. 20005

via File&ServeXpress

Dion E. Black, Esq.
Michael Levy, Esq.
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street, N.W., Suite 820 North
Washington, D.C. 20001

via File&ServeXpress

/s/ Erica J. Balkum
Erica J. Balkum
Attorney Advisor
Public Employee Relations Board
1100 4th Street, S.W.
Suite E630
Washington, D.C. 20024

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
Service Employees International Union,)	
Local 500)	
	)	PERB Case No. 13-RC-06
Petitioner,)	
and	)	Opinion No. 1476
)	
University of the District of Columbia)	
)	
Respondent.)	
_____)	

SUPPLEMENTAL ORDER

I. Statement of the Case

On May 1, 2014, the Board issued a Decision and Order finding that the following unit was an appropriate unit for collective bargaining over terms and conditions of employment:

INCLUDED:

All part-time faculty paid by the course, employed by the University of the District of Columbia other than through the Law School.

EXCLUDED:

All other employees, including all employees in positions within other collectively-bargained bargaining units, including all full-time faculty; all employees of the Law School including adjunct faculty of the law school; visiting faculty, full-time employees, graduate students, lab assistants, graduate assistants, teaching associates, clinical fellows, teaching fellows, teaching assistants, research assistants, librarians, registrars, volunteers and degree seeking students of the University including those with adjunct appointments, administrators and other employees whose primary position is not teaching but may have teaching responsibilities and may be

Decision and Order
PERB Case No. 13-RC-06
Page 2 of 3

classified by the University as adjuncts when they teach, office clerical employees, guards and security personnel, managerial and supervisory employees.

SEIU Local 500 and University of the District of Columbia, Slip Op. No. 1464, PERB Case No. 13-RC-06 (May 1, 2014). The Board ordered a mail ballot election be held in accordance with the provisions of D.C. Official Code §1-617.10 (2001 ed.) and Board Rules 510-515 to determine whether a majority of eligible employees desires to be represented for purposes of collective bargaining on terms and conditions of employment by either the Service Employees International Union, Local 500 or no union. *Id.* at 3.

The Parties disputed whether a mail ballot election should be held, and each Party submitted a proposed timeline for a mail ballot election, if it were ordered.

II. Discussion

The Agency proposes that the Board conduct the mail ballot election in the period between September 18, 2014, and October 2, 2014. (UDC Letter dated May 7, 2014). The Agency argues that the Fall Semester starts on August 18, 2014. *Id.* The Agency asserts that the eligible voter list should consist of “all adjuncts teaching in the Fall semester 2014, plus any other adjuncts that have taught at least one class in Fall and Spring semesters of 2013-2014.” *Id.* (citing *C.W. Post Center of Long Island University*, 198 NLRB 433 (1972) (holding that eligible voters consisted of those who “possessed a reasonable expectation of future employment”)). Further, the Agency argues that the identity of the Fall semester adjuncts “will not be known until the add-drop period ends at the end of August.” *Id.* The Agency proposes that it would construct a voter list by September 8, 2014, which would allow the Board to prepare and send mail ballots to voters during a two-week election period between September 18 and October 2, 2014. *Id.*

The Union proposes that a mail ballot election should be conducted as soon as possible. (SEIU Letter dated April 30, 2014). The Union contends that there is potential for retaliation against Fall adjuncts by not hiring those who have supported the Union. *Id.*

After considering the arguments of the Parties, the Board has determined that an election proceeding within a reasonable period of time after the issuance of this Supplemental Order be conducted to determine whether the employees desire to be represented by SEIU Local 500 or no union for purposes of collective bargaining. An election conducted expeditiously would effectuate the intent and purposes of the CMPA, by allowing those voters who were provided notice during the pendency of the Petition an opportunity to vote and receive resolution.

The eligible voter list will comprise of employees employed during the Fall 2013 semester, Spring 2014 semester, or Summer 2014 semester, who have a reasonable expectation of continued employment. See *Washington Teachers' Union, Local 6 and D.C. Public Schools*, Slip Op. No. 233, PERB Case No. 88-RC-09 (1989).

Decision and Order
PERB Case No. 13-RC-06
Page 3 of 3

ORDER

IT IS HEREBY ORDERED THAT:

1. A mail ballot election shall be held within a reasonable period of time from the issuance of this Supplemental Order in accordance with the provisions of D.C. Official Code § 1-617.10 (2001 ed.) and Board Rules 510-515, in order to determine whether or not all eligible employees desire to be represented for bargaining on terms and conditions of employment by either the Service Employees International Union, Local 500 or no Union.
2. Pursuant to Board 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Donald Wasserman, and Member Ann Hoffman

Washington, D.C.

June 9, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Supplemental Order in PERB Case No. 13-RC-06 was transmitted to the following Parties on this the 9th day of June, 2014:

Steve Schwartz, Esq.
SEIU, Local 500
901 Russell Avenue, Suite 300
Gaithersburg, MD 20879

via File&ServeXpress

Gary L. Lieber, Esq.
FordHarrison LLP
1300 19th St., N.W., Suite 300
Washington, D.C. 20036

via File&ServeXpress

/s/ Erica J. Balkum
Erica J. Balkum
Attorney-Advisor
Public Employee Relations Board
1100 4th Street, S.W.
Suite E630
Washington, D.C. 20024

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
International Federation of Professional and Technical Engineers	)	PERB Case No. 12-RC-03
Petitioner	)	Opinion No. 1483
and)	
Office of Administrative Hearings)	
Agency)	

CERTIFICATION OF ELECTION RESULTS

The results of a secret ballot election in the above-captioned proceeding have been duly reported to the parties on August 1, 2014, as follows:

Pursuant to the Decision and Order of the Public Employee Relations Board in Slip Opinion No. 1469, an on-site, secret ballot election was conducted for the following unit:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in 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 2-139.

The on-site election was conducted by Board agents on July 31, 2014, in the Anacostia Room at the Office of Administrative Hearings. Each party had two observers for the polls. The Office of Administrative Hearings had two observers and the International Federation of Professional and Technical Engineers had three observers for the ballot tally.

PERB Case No. 12-RC-03
Certification of Election Results
Page 2 of 2

The ballot stated: "I desire to be represented for the purpose of collective bargaining on compensation and other terms and conditions of employment by" and offered a choice of "International Federation of Professional and Technical Engineers" or "No Union."

The results are hereby reported as follows:

International Federation of Professional and Technical Engineers	19 votes
No union	4 votes
Spoiled ballots	0 ballots
Challenged ballots	0 ballots
Void ballots	0 ballots

Twenty-seven employees of the Office of Administrative Hearings were eligible to vote in the election. No ballot was challenged.

Pursuant to Board Rule 515.2, "within five (5) days after the tally of ballots has been served, any party to the election may file with the Board objections to the election procedure, or to any conduct which may have improperly affected the results of the election. The objecting party shall include a specific statement of the reasons for each objection."

Having received no objections concerning the conduct of the above-described election proceeding, pursuant to Board Rule 515.3, the results of the election, as reported, are hereby certified.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Donald Wasserman, and Member Keith Washington

Washington, D.C.

August 21, 2014

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
International Federation of Professional)	
and Technical Engineers		)	PERB Case No. 12-RC-03
)	
Petitioner		)	Certification No. 158
)	
and)	
)	
Office of Administrative Hearings)	
)	
Agency)	
_____)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board, in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that the majority of the valid ballots have been cast for a representative for the purpose of exclusive recognition;

Pursuant to the authority vested in the Board by the D.C. Official Code § 1-605.02(2) and Section 515.3 of the Board Rules;

IT IS HEREBY CERTIFIED THAT:

The International Federation of Professional and Technical Engineers has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, including compensation, with the named employer.

PERB Case No. 12-RC-03
Certification of Representative
Page 2 of 2

Unit Description:

All administrative law judges in the District of Columbia Office of Administrative Hearings ("OAH" or "Agency") appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in 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 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

August 21, 2014



Clarence Phyllis Martin
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Certification of Election Results and Certification No. 158 in PERB Case No. 12-RC-03 was transmitted to the following parties on this the 21st day of August, 2014.

Teresa Idris, Esq.
IFPTE General Counsel
501 3rd Street, NW, Suite 701
Washington, DC 20001

via File&ServeXpress

Michael Levy, Esq.
Supervisory Attorney Advisor
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street, N.W., Suite 820 North
Washington, D.C. 20001

via File&ServeXpress



Erica J. Balkum
Attorney Advisor
Public Employee Relations Board
1100 4th Street, S.W.
Suite E630
Washington, D.C. 20024

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
Christine Alston,)	
)	
Complainant,	)	PERB Case No. 13-U-27
)	
v.	)	Opinion No. 1485
)	
AFSCME Local 1959,)	
)	
Respondent.)	
)	

DECISION AND ORDER

Pending before the Board is the motion of Respondent AFSMCE Local 1959 (“Union”) to dismiss the complaint filed by Complainant Christine Alston (“Alston”). For the reasons set forth below, the motion is granted.

I. Statement of the Case

On May 13, 2013, Alston filed *pro se* an unfair labor practice complaint (“Complaint”) naming the Union and the Office of the State Superintendant of Education (“Agency”) as respondents. Alston alleges that the Agency terminated her employment December 17, 2012, for false reasons and without just cause, conduct that she alleges constituted an unfair labor practice in violation of section 1-617.04(a) of the D.C. Official Code. (Complaint ¶¶ 3, 11.)

With regard to the Union, Alston alleges that she was a member of the Union and that on several occasions before her termination she requested the Union to represent her in the investigation leading up to her termination. She alleges that “[t]he union failed and refused to represent me in that process.” (Complaint ¶ 5.) Alston further alleges that she sought union representation after her termination, with the same result:

After my termination, I contacted the union on several occasions to obtain representation regarding a grievance to contest my termination.

On or about March 3, 2013, Mr. Corey and Mr. Lewis, the union representatives for AFSCME 1959 told me that the union was not

Decision and Order

PERB Case No. 13-U-27

Page 2

going to represent me in any grievance challenging my termination.

The union provided me with no valid reason as to why it could not represent me.

(Complaint ¶¶ 6-8.)

Alston contends that if the union had represented her properly, the termination would have been overturned. In addition, she alleges that in failing and refusing to represent her “the union acted arbitrarily, capriciously and in bad faith” (Complaint ¶ 9) and committed an unfair labor practice in violation of section 1-617.04(b) of the D.C. Official Code. (Complaint ¶ 10.) The Complaint adds that a “proceeding related to this complaint is pending at the Office of Employee Appeals. An appeal and answer has been filed but there is no hearing or pre-hearing scheduled.” (Complaint ¶ 12.)

The Executive Director administratively dismissed as untimely both Alston’s claim against the Agency and her claim that the Union failed to represent her before her termination. However, the Executive Director found to be timely Alston’s claim that after her termination the Union on or about March 3, 2013, refused to represent her in a grievance challenging the termination.

On the ground that it had not received a copy of the Complaint until May 28, 2014, the Union requested and was granted an extension of time until twenty days from that date within which to file an answer. On June 16, 2014, the Union filed a pleading styled “Answer, Affirmative Defenses, and Motion to Dismiss.” The Union’s answer denied that Alston ever approached the Union for representation. The Union’s affirmative defenses included insufficiency of service, untimeliness, preclusion of the claim due to Alston’s appeal to the Office of Employee Appeals (“OEA”), and failure to state a claim.

The Union moved to dismiss Alston’s Complaint “on the ground that she has waived any claim against the Union by pursuing an appeal of her termination to OEA.” (Answer, Affirmative Defenses, and Motion to Dismiss 3.) The Union contends that D.C. Official Code § 1-616.52(e) allows an employee to choose to grieve an adverse employment action through a contractual grievance procedure or to file an appeal with OEA, but not both. (*Id.*) The Union argues that “Ms. Alston’s choice to seek relief through her pending OEA claim precludes the relief she implicitly seeks: an order directing the Union to seek arbitration of the case.” (*Id.* at 4.)

II. Discussion

After the administrative dismissal of the parts of her claim that were untimely, Alston’s remaining claim is that the Union refused her request for representation on or about March 3, 2013, and provided her with no valid reason for the refusal. Although the Union denies those

Decision and Order

PERB Case No. 13-U-27

Page 3

allegations, we take all the allegations as true for purposes of the Union's motion to dismiss and view the Complaint in the light most favorable to the Complainant.

The Complaint alleges that "[i]n failing and refusing to represent me the union acted arbitrarily, capriciously and in bad faith." (Complaint ¶ 9.) However, the Complaint does not assert a basis for attributing an unlawful motive to the Union, as required in cases alleging breach of the duty of fair representation. *See Osborne v. AFSCME, Local 2095*, Slip Op. No. 713 at p. 5, PERB Case Nos. 02-U-30 and 02-S-09 (May 21, 2003). To the contrary, the Complaint asserts a basis for attributing a *lawful* motive to the Union. The Complaint acknowledges that a "proceeding related to this complaint is pending at the Office of Employee Appeals." (Complaint ¶ 12.) The Board's investigation pursuant to Board Rule 520.8 revealed that Alston filed her appeal with OEA December 11, 2012, after receiving her notice of termination. Alston's appeal with OEA was pending when union representatives allegedly told Alston on or about March 3, 2013, that the Union would not represent her in a grievance challenging her termination.

The pendency of that appeal gave the Union a lawful and reasonable basis for declining to bring a grievance on Alston's behalf. As the Union points out in its motion, section 1-616.52(e) of the D.C. Official Code gives an employee an election between pursuing an appeal of discipline with the OEA or challenging the discipline via a negotiated grievance procedure. The statute precludes an employee from raising the matter using both procedures. Alston made her election when she timely filed her appeal with OEA. *See* D.C. Official Code § 1-616.52(f). While a union may not arbitrarily ignore a meritorious grievance, *Board of Trustees of the University of the District of Columbia v. Myers*, 652 A.2d 642, 646 (D.C. 1995), it may decline to process a grievance that is not meritorious. *Ooley v. Schwitzer Div., Household Mfg., Inc.*, 961 F.2d 1293, 1304 (7th Cir. 1992). More particularly, a union does not breach its duty of fair representation by failing to bring a grievance that is precluded by a civil service appeal that had been filed by the employee. *See Local 3, Firemen & Oilers v. Matteo*, No. MUPL-05-4532, 2007 WL 5880604 at *4 (Mass. Labor Relations Comm'n May 16, 2007). *Cf. Morgan v. District 1199E-DC, SEIU*, 49 D.C. Reg. 4360, Slip Op. No. 665 at p. 4, PERB Case No. 01-U-26 (2002) (Union's decision not to arbitrate a grievance because the collective bargaining agreement did not authorize the grievance was not arbitrary conduct.)

As the Complaint does not present a basis for attributing an unlawful motive to the Union but instead acknowledges a basis for attributing a lawful motive to the Union for its conduct, the Complaint fails to state the asserted cause of action under the Comprehensive Merit Personnel Act. Accordingly, the Union's motion is granted and the Complaint is dismissed.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's motion to dismiss is granted.
2. The Complaint is dismissed.

Decision and Order
PERB Case No. 13-U-27
Page 4

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Members Donald Wasserman and Keith Washington

Washington, D.C.
August 21, 2014

Decision and Order
PERB Case No. 13-U-27
Page 5

CERTIFICATE OF SERVICE

This is to certify that the attached Decision in PERB Case No. 13-U-27 was transmitted to the following parties on the 25th day of August 2014.

Christine Alston
605 53rd St. SE, apt. 304
Washington, D.C. 20019

VIA U.S. MAIL AND FILE&SERVEXPRESS

Brenda C. Zwack
1300 L Street, N.W., Suite 1200
Washington, DC 20005

VIA FILE&SERVEXPRESS

/s/ Adessa Barker

Adessa Barker
Law Clerk

Decision and Order
PERB Case No. 13-U-15
Page 2 of 5

II. Discussion

A. Background

On February 6, 2013, AFGE filed an Unfair Labor Practice Complaint (“Complaint”), in relation to the Arbitrator’s arbitration award sustaining the grievance of Grievant Sheila Myers. Ms. Myers was terminated by DOES on December 28, 2011. In the Award, the Arbitrator ordered DOES to reinstate Ms. Myers to the position she held at the date of her discharge, without back pay or benefits. (Award at 33). The Arbitrator retained jurisdiction to address AFGE’s application for attorney’s fees, and any disputes that arose in implementing the Award. (Award at 34).

In the Complaint, AFGE alleged that DOES failed to reinstate Ms. Myers, and had not sought review of the Award in accordance with D.C. Official Code § 1-605.2(6). (Complaint at ¶¶ 7-8). AFGE contended that by failing to comply with the Award, DOES interfered with, restrained, and coerced employees in the exercise of their rights under D.C. Official Code § 1-617.06(a)(1), and refused to bargain in good faith, in violation of D.C. Official Code §§ 1-617.04(a)(1) and (5). (Complaint at ¶ 9).

In its Answer, DOES admitted that it had not reinstated Ms. Myers, and raised the affirmative defense that the Board lacked jurisdiction over the Complaint because the Arbitrator had retained jurisdiction to address disputes over the implementation of the Award. (Answer at 3-4).

In Slip Op. No. 1368, the Board concluded that the matter was not ripe for resolution, as the proper forum for the parties’ dispute was with the Arbitrator, who had retained jurisdiction to address disputes that arose in implementing the Award. *American Federation of Government Employees, Local 1000 v. D.C. Dep’t of Employment Services*, 60 D.C. Reg. 5247, Slip Op. No. 1368 at p. 3, PERB Case No. 13-U-15 (2013). The Complaint was dismissed, and AFGE filed the instant Petition.

B. Analysis

The Board will dismiss motions for reconsideration that are based upon mere disagreement with its initial decision, or which do not provide a statutory basis for reversal. *See, e.g., American Federation of Government Employees, Local 2725 v. D.C. Dep’t of Consumer and Regulatory Affairs*, 59 D.C. Reg. 5041, Slip Op. No. 969 at p. 5, PERB Case No. 06-U-43 (2009).

In the instant case, the Board interpreted the Arbitrator’s statement that “[j]urisdiction is retained to address [an application for attorney’s fees] and/or any disputes that may arise in implementing this Award” to mean that the Arbitrator was the proper forum to adjudicate AFGE’s dispute with DOES over Ms. Myers’ reinstatement, or lack thereof. Slip Op. No. 1368 at p. 2-3. However, in light of the Arbitrator’s own determination that he lacked authority to

Decision and Order
PERB Case No. 13-U-15
Page 3 of 5

make a decision on this issue, it cannot be said that AFGE's Petition is based upon mere disagreement with the Board's initial decision in this case.

With jurisdiction over this matter no longer an issue, AFGE has provided the Board with a basis for reversal of its previous decision and order. As AFGE correctly notes, "[t]here is ample PERB case law stating that failure to comply with an arbitrator's award is an unfair labor practice. When a party simply refuses to implement an award where no dispute exists over its terms, the employer commits and unfair labor practice." (Petition at 1-2; citing *AFSCME, District Council 20, Local 2921 v. D.C. Public Schools*, Slip Op. No. 713 at p. 3, PERB Case No. 03-U-17 (May 21, 2003)); *see also American Federation of Government Employees, Local 872 v. D.C. Water and Sewer Authority*, 46 D.C. Reg. 4398, Slip Op. No. 497, PERB Case No. 96-U-23 (1996) ("when a party simply refuses or fails to implement an award or negotiated agreement where no dispute exists over its terms, such conduct constitutes a failure to bargain in good faith and, thereby, an unfair labor practice under the CMPA"); *American Federation of Government Employees, Local 2725 v. D.C. Housing Authority*, 46 D.C. Reg. 6278, Slip Op. No. 585, PERB Case No. 98-U-20 (1999); *American Federation of Government Employees, Local 2725 v. D.C. Housing Authority*, 46 D.C. Reg. 8356, Slip Op. No. 597, PERB Case No. 99-U-23 (1999).

DOES does not dispute that it has failed to comply with the Award by reinstating Ms. Myers, nor has it filed a petition for review of the Award before PERB. (Answer at 3). Under these facts, it is apparent that DOES' failure to comply with the terms of the Award is not based upon a genuine dispute over the terms of the Award, but rather a flat refusal to comply. This conduct constitutes a violation of DOES' duty to bargain in good faith under D.C. Official Code § 1-617.04(a)(5), and derivatively, interference with bargaining unit employees' rights in violation of D.C. Official Code § 1-617.04(a)(1). *See AFGE Local 2725*, Slip Op. No. 597 at p. 5.

In the Complaint, AFGE requested that the Board order DOES to desist from violations of D.C. Official Code §§ 1-617.04(a)(1) and (5) in the manner alleged or in any like or related manner, immediately reinstate Ms. Myers and make her whole for any and all losses incurred as a result of DOES' failure to promptly comply with the Award, comply immediately with the Award in all other respects, pay attorney's fees and costs, and post a notice to employees. (Complaint at 3).

The Board will order DOES to desist from violations of the CMPA, and to comply with the Award by immediately reinstating Ms. Myers to the position she held as of the date of her discharge, and in all other respects. Consistent with the terms of the Award, DOES is not required to pay back pay or benefits for the period between the date of Ms. Myers' discharge and the date of the issuance of the Award. However, in order to make Ms. Myers whole for DOES' unlawful refusal to promptly implement the terms of an arbitration award with which it had no genuine dispute, Ms. Myers is awarded back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of the Award, November 13, 2012, through the date of Ms. Myers' reinstatement. *See D.C. Official Code § 1-617.13(a)* ("Remedies of the Board may include, but shall not be limited to, orders which: ...reinstatement, with or without back pay, or otherwise make

Decision and Order
PERB Case No. 13-U-15
Page 4 of 5

whole, the employment or tenure of any employee, who the Board finds has suffered adverse economic effects in violation of this subchapter...”).

When a violation of the CMPA 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.” *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 p. 15-16, PERB Case No. 99-U-04 (2000). In light of the above, DOES will be required to post a notice to all employees concerning the unfair labor practice violations found in this case. *See AFGE Local 2725 v. D.C. Dep’t of Health*, 59 D.C. Reg. 4627, Slip Op. No. 945 at p. 3, PERB Case No. 08-U-08 (2009). Such a notice posting informs bargaining unit employees that DOES has been directed to comply with its bargaining obligations under the CMPA, and “serves as a strong warning against future violations.” *Cunningham v. Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee*, 49 D.C. Reg. 7773, Slip Op. No. 682 at p. 10, PERB Case Nos. 01-U-04 and 01-S-01 (2002).

In *AFSCME, District Council 20, Local 2776 v. D.C. Dep’t of Finance and Revenue*, 37 D.C. Reg. 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990), the Board articulated the criteria for determining when an award of costs would be in the interest of justice. The interest-of-justice criteria include whether the losing party’s claim or position was wholly without merit, whether the successfully challenged action was undertaken in bad faith, and whether a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union. *Id.* at 5. The Board has been reluctant to award costs in cases involving an agency’s failure to implement an arbitration award or negotiated settlement. *See AFGE Local 2725*, Slip Op. No. 945. The Board has shown a willingness to overcome this reluctance in instances where an agency has demonstrated a pattern or practice of refusing to implement arbitration awards or negotiated settlements, or where an agency has flatly refused to comply with the award. *See Psychologists Union, Local 3758, 1199 NUHHCE v. D.C. Dep’t of Mental Health*, 59 D.C. Reg. 9770, Slip Op. No. 1260 at p. 3, PERB Case No. 06-U-40 (2012). In the instant case, AFGE does not allege that DOES has a pattern or practice of refusing to implement arbitration awards. However, DOES has flatly refused to comply with the Award by failing to reinstate Ms. Myers, an action undertaken in bad faith, and one whose reasonably foreseeable result is the undermining of AFGE among the bargaining unit members. Therefore, an award of reasonable costs in this case is in the interest of justice.

As the Arbitrator specifically retained jurisdiction to address AFGE’s application for attorneys’ fees, the Board will not consider AFGE’s request for attorneys’ fees in the Complaint. (Award at 34).

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ORDER

IT IS HEREBY ORDERED THAT:

1. The American Federation of Government Employees, Local 1000's Petition for Reconsideration is granted.
2. The D.C. Dep't of Employment Services, its agents, and representatives shall cease and desist from refusing to bargain in good faith with the Union by failing to implement the terms of the November 13, 2012, arbitration award, over which no genuine dispute exists.
3. DOES shall immediately reinstate Ms. Sheila Myers to the position she held as of the date of her discharge.
4. DOES will pay back pay with prejudgment interest computed at a rate of 4% per annum, from the date of the arbitration award, November 13, 2012, through the date of Ms. Myers' reinstatement.
5. DOES will pay the reasonable costs associated with this litigation.
6. DOES 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.
7. Within fourteen (14) days from the issuance of this Decision and Order, DOES shall notify the Public Employee Relations Board, in writing, that the Notice has been posted accordingly. Also within fourteen (14) days from the issuance of this Decision and Order, DOES shall notify the Public Employee Relations Board, in writing, that it has complied with paragraphs 3 and 4 of this Order.
8. 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.

August 21, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 13-U-15 was transmitted to the following parties on the 25th day of August 2014.

Ms. Brenda C. Zwack, Esq.
O'Donnell, Schwartz & Anderson, P.C.
1300 L Street N.W., Suite 1200
Washington, DC 20005

FILE & SERVEXPRESS

Michael Levy, Esq.
D.C. Office of Labor Relations &
Collective Bargaining
441 4th St., N.W., Suite 820 North
Washington, D.C. 20001

FILE & SERVEXPRESS

/s/ Adessa Barker

Adessa Barker
Law Clerk

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