



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Act 20-439, Critical Infrastructure Freedom of Information Amendment Act of 2014
- D.C. Council schedules a public roundtable on amending the qualifications for the Office of the District of Columbia Inspector General
- Executive Office of the Mayor publishes the Fiscal Year 2015 Expenditure Restrictions (Mayor’s Order 2014-230)
- Department of Housing and Community Development schedules a public hearing on the Fiscal Year 2014 Consolidated Annual Performance Evaluation Report (CAPER)
- Office of the State Superintendent of Education announces funding availability for the Mathematics and Science Partnership Competition
- Department of Health announces funding availability for the 2015 Needle Exchange Services
- Board of Ethics and Government Accountability publishes an advisory opinion on letters of recommendation and support

# DISTRICT OF COLUMBIA REGISTER

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-427**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 10, 2014**

To amend, on an emergency basis, the District of Columbia Municipal Regulations to allow a student with disabilities attending a private school to play on a District of Columbia Public Schools (“DCPS”) sports team if the student has played with the team for at least 2 years and resides within the DCPS school’s boundary.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DCPS Football for Special Needs Students Regulation Emergency Amendment Act of 2014”.

Sec. 2. Section A2700 of Title 5 of the District of Columbia Municipal Regulations (5 DCMR § A2700) is amended as follows:

(a) Subsection 2700.9 is amended by striking the phrase “§ 2700.12” and inserting the phrase “§ 2700.12 and § 2700.12A” in its place.

(b) Subsection 2700.10 is amended by striking the phrase “§ 2700.12” and inserting the phrase “§ 2700.12 and § 2700.12A” in its place.

(c) A new subsection 2700.12A is added to read as follows:

“2700.12A. The LEA shall allow a child with a disability, as defined by section 602(3) of the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat.2652; 20 U.S.C. § 1401(3)), attending a private school that does not offer a desired sport to participate at a DCPS school offering the sport until the student graduates; provided, that the child with a disability has participated with the DCPS school’s sports team for at least 2 years and resides within the DCPS school’s boundary.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia

OCTOBER 2, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-428**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 3, 2014**

To amend, on an emergency basis, due to congressional review, the District of Columbia Election Code of 1955 to establish that each nominating petition circulator must make and sign an affidavit that states that he or she is a qualified petition circulator as that term is defined in the Election Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Board of Elections Nominating Petition Circulator Affidavit Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 2. Section 8(b)(3) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Official Code § 1-1001.08(b)(3)), is amended by striking the phrase “circulator is a registered voter” and inserting the phrase “circulator is a qualified petition circulator” in its place.

Sec. 3. Applicability.

This act shall apply as of October 3, 2014.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Board of Elections Nominating Petition Circulator Affidavit Amendment Act of 2014, enacted on July 29, 2014 (D.C. Act 20-386; 61 DCR 8057), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

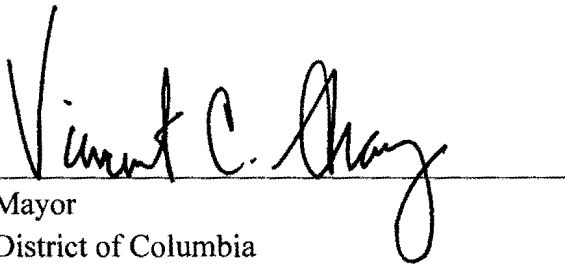


ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 3, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-429**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To approve, on an emergency basis, Change Order Nos. 001 through 003 to the contract for construction services for the renovation and modernization of the Office of Cable Television between the District of Columbia government and GCS, Inc., Contract No. DCAM-13-CS-0003, and to authorize payment to GCS, Inc., in the aggregate amount of \$1,625,151.15 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Order Nos. 001 through 003 to Contract No. DCAM-13-CS-0003 Approval and Payment Authorization Emergency Act of 2014”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Order Nos. 001 through 003 to Contract No. DCAM-13-CS-0003 with GCS, Inc., for construction services for the renovation and modernization of the Office of Cable Television in the aggregate amount of \$1,625,151.15 and authorizes payment for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

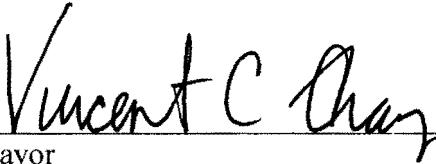
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-430**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend, on an emergency basis, the Rental Housing Act of 1985 to limit the amount of a hardship petition conditional rent increase to 5% of the rent charged, and to require that a rent adjustment be repaid by a housing provider to a tenant within 21 days of a conditional increase being amended.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rent Control Hardship Petition Limitation Emergency Amendment Act of 2014”.

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3500 *et seq.*), is amended as follows:

(a) Section 206(c) (D.C. Official Code § 42-3502.06(c)) is amended to read as follows:

“(c)(1) At the housing provider's election, instead of any adjustment authorized by subsection (b) of this section, the rent charged for an accommodation may be adjusted through a hardship petition under section 212. The petition shall be clearly identified as an election instead of the general adjustments authorized by subsection (b) of this section. The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

## ENROLLED ORIGINAL

“(4) In the event that the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

(b) Section 212(c) (D.C. Official Code § 42-3502.12(c)) is amended to read as follows:

“(c)(1) At the housing provider's election, instead of any adjustment authorized by section 206(b), the rent charged for an accommodation may be adjusted through a hardship petition under this section. The petition shall be clearly identified as an election instead of the general adjustments authorized by 206(b). The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this section as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

“(4) In the event that the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

### Sec. 3. Fiscal impact statement.

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

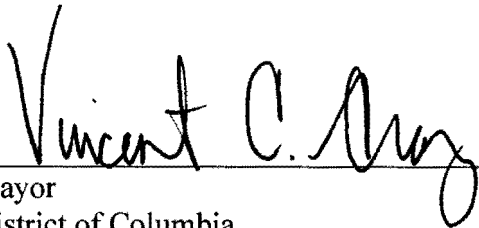
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-431**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

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To approve, on an emergency basis, a commemorative work in Reservation 157, located near Rhode Island Avenue and 9<sup>th</sup> Street, N.W., in Ward 6, to be known as the Carter G. Woodson Memorial.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Carter G. Woodson Memorial Commemorative Work Emergency Approval Act of 2014”.

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council approves a commemorative work in Reservation 157, located near Rhode Island Avenue and 9th Street, N.W., in Ward 6, to be known as the “Carter G. Woodson Memorial.”

Sec. 3. Transmittal.

The Chairman of the Council shall transmit a copy of this act, after it becomes effective, to the Department of General Services and the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

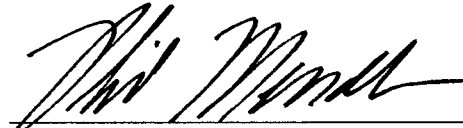
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

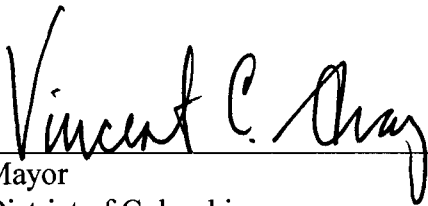
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 7, 2014



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-432**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To symbolically designate, on an emergency basis, the public alley in Square 2655, bounded by Colorado Avenue, N.W., and Blagden Avenue, N.W., in Ward 4, as Zion Baptist Church Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Zion Baptist Church Way Emergency Designation Act of 2014”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), the Council symbolically designates the public alley in Square 2655, bounded by Colorado Avenue, N.W., and Blagden Avenue, N.W., in Ward 4, as “Zion Baptist Church Way”.

Sec. 3. Transmittal.

The Chairman of the Council shall transmit a copy of this act, upon its effective date, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

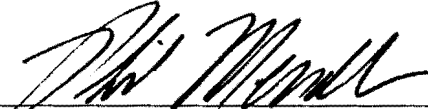
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

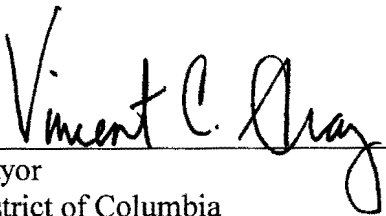
Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-433**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To authorize, on an emergency basis, the Mayor to solicit advertisements and sponsorships to generate revenue for the District of Columbia Public Schools and the Annual District of Columbia Interscholastic Athletic Association Championship Turkey Bowl game.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Turkey Bowl Revenue Generation and Sponsorship Emergency Act of 2014".

Sec. 2. (a) Notwithstanding any other provision of District law, the Mayor may contract for advertisements and sponsorships for the Annual District of Columbia Interscholastic Athletic Association Championship game, the Turkey Bowl ("Turkey Bowl"). A contract pursuant to this section shall not require the District to expend funds.

(b) The Mayor shall not be authorized to assign the authority to contract under subsection (a) of this section to any other party (other than by delegation).

(c) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section to the credit of the District of Columbia Public Schools in the same manner as that used for donations under section 115 of the District of Columbia Appropriations Act, 2003, approved February, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01).

Sec. 3. Fiscal impact statement.


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

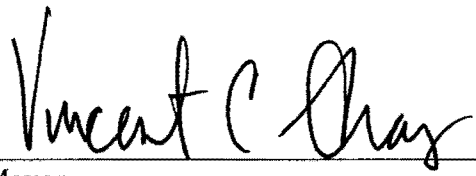
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-434**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend, on an emergency basis, the Tenant Opportunity to Purchase Act of 1980 to clarify the tenant opportunity to purchase in the case of the sale of multi-unit housing for the purposes of demolition or a notice of discontinuance of housing use.

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

Sec. 2. Section 402(a) of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(a)), is amended to read as follows:

“(a)(1) Beginning January 1, 2014, before an owner of a housing accommodation may sell the accommodation, or issue a notice of intent to recover possession or notice to vacate for purposes of demolition or discontinuance of housing use, the owner shall give the tenant an opportunity to purchase the accommodation at a price and terms which represent a bona fide offer of sale.

“(2) If within 360 days of the date of the issuance of a bona fide offer of sale pursuant to this subsection, an owner has neither sold, or in the process of selling, the property pursuant to that bona fide offer of sale nor taken possession of the property, the owner shall comply anew with the requirements of this subsection before the owner may again act to sell the housing, or issue a notice of intent to recover possession or notice to vacate for purposes of demolition or discontinuance of housing use.

“(3) For the purposes of this subsection, in the case of multi-unit housing, the term:

“(A)(i) “A bona fide offer of sale” means a sales price that is less than or equal to the appraised value of the real property, multi-unit housing, and any other appurtenant improvements (“property”) plus, except as provided in sub-subparagraph (ii) of this subparagraph, the amount of liens existing before the sale or transfer; provided, that the liens shall be satisfied by the seller in the sale or transfer transaction.

“(ii) If the seller and the purchaser agree that the purchaser shall assume the liens, if any, a bona fide offer of sale means a sale price that is less than or equal to the appraised value of the property less the amount of any lien assumed by the purchaser.

ENROLLED ORIGINAL

“(B)(i) “Appraised value” means an objective property valuation based on the current state of the property and existing zoning, building, and occupancy permits that is no more than 6 months older than the date of issuance of the offer of sale that has been determined by 2 independent appraisals performed by 2 appraisers qualified to perform multi-unit appraisals.

“(ii) Of the 2 appraisers required by sub-subparagraph (i) of this subparagraph, one shall be selected by the owner and one shall be selected by the Tenant. If the appraisers fail to agree upon a fair market value, the owner and the Tenant shall jointly select and pay a third appraiser whose appraisal shall be binding or agree to take an average of the 2 appraisals.

“(C) “Multi-unit housing” means housing with 5 or more units.”.

Sec. 3. Fiscal impact statement.

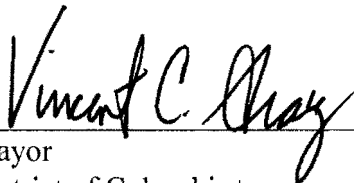
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia+  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-435**

IN THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to update the laws concerning business improvement districts.

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

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 2(a)(4) (D.C. Official Code § 2-1215.01(a)(4)) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(b) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

(1) Paragraph (8) is amended to read as follows:

“(8) “BID tax” means an additional real property tax or possessory interest tax assessed and levied by the District on, and payable by, the owners of taxable properties or holders of a possessory interest in a Business Improvement District subject to the BID certification processes of this act.”.

(2) Paragraph (10) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(3) Paragraph (16) is amended to read as follows:

“(16) “Member” means a member of the BID Corporation, the membership of which shall be comprised of each owner of taxable property and each commercial tenant in the BID area, and each owner who becomes a member pursuant to section 22.”.

(4) Paragraph (18) is repealed.

(5) Paragraph (19) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(6) Paragraph (20) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(7) Paragraph (23) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

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

## ENROLLED ORIGINAL

“(24) “Taxable property” means real property subject to real property taxation or real property for which a holder of a possessory interest is subject to possessory interest taxation, including:

“(A) Class 2, Class 3, and Class 4 Property, as defined in D.C. Official Code § 47-813, located within any BID, excluding the properties exempt from real property taxes pursuant to Chapters 10 or 46 of Title 47;

“(B) Class 1 Property, as defined in D.C. Official Code § 47-813, for the Mount Vernon Triangle, NoMa, and Capitol Riverfront BIDs, excluding:

“(i) Real property improved by a residential building where 90% or more of the leased units are households with at least one member who is 62 years of age or older and all members are 55 years of age or older;

“(ii) Real property improved by a residential building where 20% or more of the units are subject to a contract for project-based assistance under section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f);

“(iii) Real property improved by a residential building with fewer than 10 dwelling units, as defined in D.C. Official Code § 47-813(d)(3); and

“(iv) Real property exempt from paying real property taxes pursuant to Chapters 10 or 46 of Title 47 of the District of Columbia Official Code; or

“(C) Real property belonging to government and international organizations, including a leasehold interest, possessory interest, beneficial interest, or beneficial use of real property, as provided in D.C. Official Code § 47-1005.01(b), for periods beginning after September 30, 2014, where the real property would be taxable under subparagraphs (A) or (B) of this paragraph if not exempt or immune from real property taxation resulting in the possessory interest being taxable under D.C. Official Code § 47-1005.01, except where a payment in lieu of tax agreement has been negotiated and payments related to the agreement are current.”.

(c) Section 4 (D.C. Official Code § 2-1215.03) is amended by striking the phrase “Each owner and” and inserting the phrase “Each owner of a taxable property and” in its place.

(d) Section 5 (D.C. Official Code § 2-1215.04) is amended as follows:

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

(A) The lead-in text is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

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

(i) Strike the phrase “nonexempt real property” and insert the phrase “taxable property” in its place.

(ii) Strike the phrase “nonexempt real properties” and insert the phrase “taxable properties” in its place.

(iii) Strike the phrase “nonexempt properties” wherever it appears and insert the phrase “taxable properties” in its place.



## ENROLLED ORIGINAL

(iv) Strike the phrase “assessing and levying any BID” and insert the phrase “assessing BID” in its place.

(C) Paragraph (6) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (b) is repealed.

(e) Section 6(a) (D.C. Official Code § 2-1215.05(a)) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

(f) Section 7 (D.C. Official Code § 2-1215.06) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

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

“(c) The Mayor shall advertise the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register.”.

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

“(d) No fewer than 21 days before the public hearing, the applicant shall send, by first class mail or electronically, notice of the Mayor's preliminary determination, notice of the public hearing, including the date, time, and place and availability of the BID application for review, and a summary of the application stating the borders of the proposed BID, the BID plan, and the BID taxes to the following, to the extent reasonably ascertainable:

“(1) The Secretary to the Council;

“(2) Each owner of taxable property within the proposed BID area at the address shown in the most recent real property tax assessment records or, at the election of the applicant, another address if it is reasonably determined that the information in the District's records is dated;

“(3) Each commercial tenant within the proposed BID area;

“(4) Each advisory neighborhood commission in which the proposed BID is located; and

“(5) Each major citizens association covering the area in which the proposed BID is located.”.

(4) Subsection (e) is amended by striking the phrase “by the applicant, and” and inserting the phrase “by the applicant on a publicly accessible web site and” in its place.

(g) Section 9(b) (D.C. Official Code § 2-1215.08(b)) is amended as follows:

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

(2) The newly designated paragraph (1) is amended by striking the phrase “present and voting” and inserting the phrase “present or voting or voting by proxy, to the extent not otherwise provided for in BID bylaws,” in its place.

(3) Designate existing paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

## ENROLLED ORIGINAL

(4) The newly designated paragraph (3) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

(h) Section 10 (D.C. Official Code § 2-1215.09) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “An established BID” and inserting the phrase “Except as provided in section 10a, an established BID” in its place.

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

(i) Subparagraph (A) is amended as follows:

(I) Strike the phrase “nonexempt real properties” and insert the phrase “taxable properties” in its place.

(II) Strike the word “or” at the end.

(ii) Subparagraph (B) is repealed.

(C) Paragraph (3A)(C) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (c) is amended by striking the phrase “nonexempt properties” wherever it appears and inserting the phrase “taxable BID properties” in its place.

(i) New sections 10a, 10b, and 10c are added to read as follows:

“Sec. 10a. Adjacent or abutting properties.

“(a) An owner of an adjacent or abutting property may petition to join an existing BID if the owner sends a letter requesting to be added to a BID to the BID Board and to the Mayor, listing the address, square and lot number, owner, and owner's contact information. The BID board must vote to approve the addition. If the BID Board votes to approve adding the additional property, the BID Board shall send a letter to the Mayor with the results of the vote (“results letter”).

“(b)(1) The Mayor shall have 30 days after receiving the results letter from the BID Board to review the proposed addition and determine if the addition is an adjacent or abutting property not currently located in another BID. If the Mayor finds that the proposed addition is not an adjacent or abutting property or that the proposed addition is currently located in another BID, the Mayor shall issue an order rejecting the addition.

“(2) If the Mayor does not issue an order approving or rejecting the addition within the 30-day review period, the addition shall be deemed approved.

“(3) If the addition is approved or deemed approved, the property shall be added to the BID at the next regularly scheduled billing pursuant to section 16.

“(c) The proposed addition shall be subject to section 10(c).

“Sec. 10b. Expanding the taxable real property within a BID.

“(a) An established BID may only expand categories of taxable real property if:

“(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of

## ENROLLED ORIGINAL

taxable real property of record within the BID's geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board;

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia; provided, that a property subdivided into separate condominium units shall constitute a single real property for purposes of this subparagraph;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity, as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or the phrase “BID application” appears in sections 6 or 7, the word or phrase shall be considered to refer to the expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the BID activity, as defined in section 3(6). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council approving the BID's taxable real property expansion. Initial BID taxes for the area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds; provided, that any property subdivided into separate condominium units shall constitute a single property for the purpose of determining the number of taxable properties referred to in subsection (a) of

## ENROLLED ORIGINAL

this section; provided further, that the condominium units shall constitute separate properties for purposes of assessing and levying any BID charges.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.

“Sec. 10c. Expanding the taxable real property within a BID for newly enacted BIDs.

“(a) A BID established after the effective date of the Business Improvement Districts Amendment Act of 2014, passed on 2nd reading on September 23, 2014 (Enrolled version of Bill 20-203), may only expand categories of taxable real property to include Class I residential property if:

“(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of taxable real property of record within the BID's geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board; and

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or phrase “BID application” appears in sections 6 and 7, the word or phrase shall be considered to refer to the

## ENROLLED ORIGINAL

expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the definition of BID activity in section 3(6)(b). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council that approves such BID's taxable real property expansion. Initial BID taxes for such area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.”.

(j) Section 11 (D.C. Official Code § 2-1215.10) is amended as follows:

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

“(a) Except as otherwise provided by this act, meetings of the members shall be held in accordance with the provisions of the bylaws but shall occur at least once each year after the formation of the BID. The bylaws shall specify an officer who shall send each member notice of the time, place, and purposes of the meeting. Notice shall be given at least 21 days in advance of any annual or regularly scheduled meeting and at least 7 days in advance of any other meeting, in one of the following ways:

“(1) First class mail to all members of record at the address of their respective properties and to such other address as may have been designated to the officer;

“(2) Hand delivered by the officer, or the officer's agent; provided, that the officer certifies in writing that notice was actually delivered to the member; or

“(3) Electronically to the member's email address of record as may have been designated to the officer.”.

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

“(c) Meetings may be held by telephone, electronically, or by other means of communication; provided, that all participants can hear or read the proceeding, vote on the matters discussed, and make comments.”.

(k) Section 13 (D.C. Official Code § 2-1215.12) is amended by adding a new subsection (f) to read as follows:

“(f) BIDs are exempt from the records requirement of D.C. Official Code § 29-413.01.”.

## ENROLLED ORIGINAL

(l) Section 14(d) (D.C. Official Code § 2-1215.13(d)) is amended by striking the phrase “mail or by personal delivery.” and inserting the phrase “mail, personal delivery, or electronically. Annual reports shall also be posted on BID websites.” in its place.

(m) Section 16 (D.C. Official Code § 2-1215.15) is amended as follows:

(1) Subsection (d) is amended by striking the last sentence and inserting the following sentence in its place:

“BID taxes related to real properties affected by a geographic or taxable real property tax base expansion of the BID shall be effective as of the date the expansion becomes effective.” .

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

“(g-1)(1) Notwithstanding subsection (g) of this section, a BID tax resulting from a possessory interest shall be collected in accordance with Chapter 44 of Title 47 and the holder of the possessory interest shall be liable.

“(2) The BID tax resulting from the possessory interest shall be in proportion to the pro rata share of the real property, as determined by the Chief Financial Officer, occupied by holder of the possessory interest where the BID tax is based on assessed value, net rentable area, gross building area, square footage, or number of hotel rooms. BID taxes based on a per unit basis shall not be apportioned.

“(3) This subsection shall apply as of March 31, 2015.”.

(n) Section 19 (D.C. Official Code § 2-1215.18) is amended as follows:

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

“(a)(1) Each BID shall have an initial term that shall end on the last day of the 5th full fiscal year of the District during which the BID has been registered pursuant to section 7(h). A BID may be extended for successive 5-year terms if:

“(A) The BID notifies the Mayor at least 180 days before the end of the BID's term that it desires to extend its status as a registered BID for a subsequent 5-year term;

“(B) The Board and membership approve a BID plan for the next 5 years of BID operations and submit that plan to the Mayor; and

“(C) The Mayor holds a public hearing in accordance with this subsection and subsequently issues a notice of BID re-registration.

“(2) Notice to the public shall be made no fewer than 21 days before the hearing.

“(3) The Mayor shall:

“(A) Publish the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register;

“(B) Ensure that the notices are published in at least 2 sources of local general interest print or electronic media; and

“(C) Hold the public hearing no earlier than 120 days before the end of the fiscal year, and no later than 30 days before the end of the fiscal year.”.

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

## ENROLLED ORIGINAL

“(a-1) If, at the end of the fiscal year, the BID has requested an extension and the Mayor has not issued an order revoking the registration or denying an extension, the BID shall be deemed to be re-registered for a subsequent 5-year term.”.

(3) Subsection (b)(2) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

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

“(d) The Mayor may designate the Department of Small and Local Business Development to perform the functions described by this section.”.

(o) Section 22 (D.C. Official Code § 2-1215.21) is amended by striking the phrase “located in the BID, may” and inserting the phrase “located in the BID, or adjacent to or abutting BID boundaries, may” in its place.

(p) Section 201 (D.C. Official Code § 2-1215.51) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

(q) Section 202 (D.C. Official Code § 2-1215.52) is amended by striking the phrase “nonexempt real” both times it appears and inserting the word “taxable” in its place.

(r) Section 203 (D.C. Official Code § 2-1215.53) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (b) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

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

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

(i) The lead-in language is amended by striking the phrase “nonexempt real properties” and inserting the phrase “taxable properties” in its place.

(ii) Subparagraph (A) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

(ii) Subparagraph (B) is amended as follows:

(I) The lead-in language is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(II) Sub-subparagraph (i) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(III) Sub-subparagraph (ii) is amended as follows:

(aa) Strike the word “nonexempt” and insert the word “taxable” in its place.

(bb) Strike the word “Nonexempt” wherever it appears and insert the word “Taxable” in its place.

(IV) Sub-subparagraph (iii) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(B) Paragraph (2) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

(s) Section 204 (D.C. Official Code § 2-1215.54) is amended as follows:

## ENROLLED ORIGINAL

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(2) Subsection (c)(1) is amended by striking the word “nonexempt” both times it appears and inserting the word “taxable” in its place.

(t) Section 205 (D.C. Official Code § 2-1215.55) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D)(i) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(u) Section 206 (D.C. Official Code § 2-1215.56) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) Strike the phrase “nonexempt real” and insert the word “taxable” in its place.

(B) Strike the phrase “nonexempt properties” and insert the phrase “taxable properties” in its place.

(v) Section 207 (D.C. Official Code § 2-1215.57) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(w) Section 208 (D.C. Official Code § 2-1215.58) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

(x) Section 209 (D.C. Official Code § 2-1215.59) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

### Sec. 3. Fiscal impact statement.

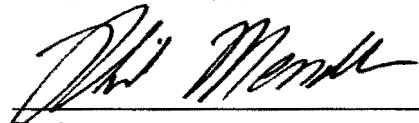
The Council adopts the fiscal impact statement in the committee report for the Business Improvement Districts Amendment Act of 2014, passed on 2<sup>nd</sup> reading on September 23, 2014 (Enrolled version of Bill 20-203), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

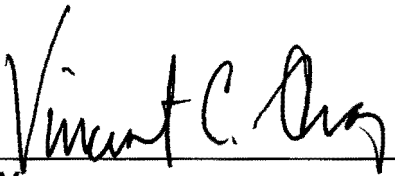


ENROLLED ORIGINAL

Sec. 4. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-436**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend, on an emergency basis, the District of Columbia Workers' Compensation Act of 1979 to match the federal statute of limitations for private-sector employees who are injured at work.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Worker's Compensation Statute of Limitations Second Emergency Amendment Act of 2014".

Sec. 2. Section 36(b) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1535(b)), is amended by adding a new sentence at the end to read as follows: "If the employer fails to commence an action against such third person within 90 days after the cause of action is assigned under this section, the right to bring the action shall revert to the person entitled to compensation."

Sec.3. Applicability.

(a) This act applies to causes of action for negligence for which the 3-year statute of limitations has not expired.

(b) This act applies from August 20, 2014, to September 9, 2014.

Sec. 4. Fiscal impact statement.

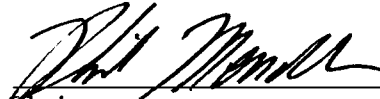
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

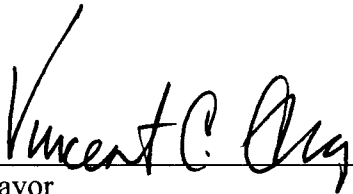
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-437**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend the District of Columbia Election Code of 1955 to require a digital voter service system that may be executed by electronic signatures, to require the Department of Motor Vehicles to transmit to the District of Columbia Board of Elections the electronic signatures of those individuals who possess current Department of Motor Vehicles-issued identification and who submit registration applications through the digital voter service system to the board, and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Voter Registration Access and Modernization Amendment Act of 2014".

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

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (27) and (28) to read as follows:

“(27) The term “digital voter service system” means a website or mobile application that allows an individual to do the following:

“(A) Apply to become a registered voter;

“(B) Change the individual’s name, address, or party affiliation in the individual’s existing voter registration record; and

“(C) Request an absentee ballot.

“(28) The term “DMV” means the Department of Motor Vehicles.”.

(b) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

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

(i) Subparagraph (A) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

(B) Paragraph (2) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

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

(A) Paragraph (2) is amended by striking the word “mailed” and inserting the word “mailable” in its place.

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

ENROLLED ORIGINAL

“(2A) No later than 180 days following the effective date of the Voter Registration Access and Modernization Amendment Act of 2014, passed on 2<sup>nd</sup> reading on September 23, 2014 (Enrolled version of Bill 20-264), the Board shall implement a digital voter service system that includes a voter registration application form that may be executed by either:

“(A) An electronic signature provided by the applicant directly to the Board; or

“(B) An electronic signature provided to the Board by the DMV in accordance with paragraph (5) of this subsection.”.

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

“(5) For each individual who submits a voter registration application using the Board’s digital voter service system required by paragraph (2A) of this subsection, the Board shall request, and the DMV shall furnish, an electronic copy of the applicant’s signature for the purpose of executing the application submitted for acceptance and approval; provided, that the applicant provides the applicant’s DMV-issued identification number and affirmatively consents to the use of that signature as the signature for the application submitted.”.

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

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

(i) Subparagraph (A) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(iii) Subparagraph (D) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(iv) Subparagraph (H) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(v) Subparagraph (I) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(vi) Subparagraph (K) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(B) Paragraph (2) is repealed.

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

(A) Paragraph (1) is amended by striking the phrase “in person at the Board’s office” and inserting the phrase “in person at the Board’s office, using the digital voter service system required by subsection (b)(2A) of this section,” in its place.

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

(i) Subparagraph (A) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

ENROLLED ORIGINAL

“(C) Voter registration applications and registration update notifications submitted through the digital voter service system required by subsection (b)(2A) of this section not later than the 30th day preceding any election.”.

(5) Subsection (i)(6)(A) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

(6) Subsection (j)(1)(D) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

Sec. 3. Applicability.


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

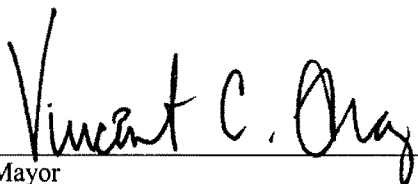
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-438**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend the District of Columbia Workers' Compensation Act of 1979 to match the federal statute of limitations for private-sector employees who are injured at work.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workers' Compensation Statute of Limitations Amendment Act of 2014".

Sec. 2. Section 36(b) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1535(b)), is amended by adding a new sentence at the end to read as follows: "If the employer fails to commence an action against such third person within 90 days after the cause of action is assigned under this section, the right to bring the action shall revert to the person entitled to compensation."

Sec. 3. Applicability.

This act applies to causes of action for negligence for which the 3-year statute of limitations has not expired.

Sec. 4. Fiscal impact statement.


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

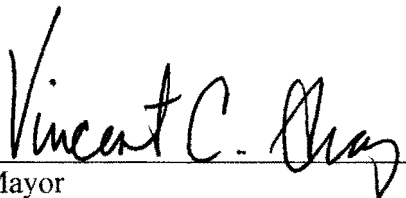
Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-439**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 6, 2014**

To amend the District of Columbia Administrative Procedure Act to exempt from disclosure certain critical infrastructure information.

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

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D. C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 204(a) (D.C. Official Code § 2-534(a)) is amended as follows:

(1) Paragraph (13) is amended by striking the word “and”.

(2) Paragraph (14) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (15) is added to read as follows:

“(15) Any critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of companies that are regulated by the Public Service Commission of the District of Columbia.”.

(b) The text of section 209 (D.C. Official Code § 2-539) is amended to read as follows:

“(a) For the purposes of this title, the following terms shall have the same meanings as provided in section 102:

“(1) “Adjudication”;

“(2) “Agency”;

“(3) “Council”;

“(4) “District”;

“(5) “Mayor”;

“(6) “Order”;

“(7) “Party”;

“(8) “Person”;

“(9) “Proceedings”;

“(10) “Public record”;

“(11) “Relief”;

“(12) “Rule”; and

“(13) “Rulemaking”.

## ENROLLED ORIGINAL

“(b) For the purposes of this title, the term:

“(1) “Critical infrastructure” means existing and proposed infrastructure systems and assets, whether physical or virtual, so vital to the District of Columbia or the United States that the incapacity or destruction of the infrastructure system or asset could jeopardize the physical security, economic security, health, safety, or welfare of the public.

“(2) “Critical infrastructure information” means information not customarily in the public domain that is related to the security of critical infrastructure of companies that are regulated by the Public Service Commission of the District of Columbia, including information regarding:

“(A) Actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates federal or District of Columbia laws, harms interstate commerce of the United States or the economy of the District of Columbia, or threatens public health or safety;

“(B) The ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation, risk-management planning, or risk audit; or

“(C) Any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.”.

Sec. 3. Paragraph 32 of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 982; Official Code § 34-902), is amended as follows:

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

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

“(b) The Commission shall publish rules and regulations for the administration of the provisions of section 204(a)(15) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)(15)).”.

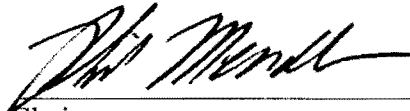
Sec. 4. Fiscal impact statement.

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

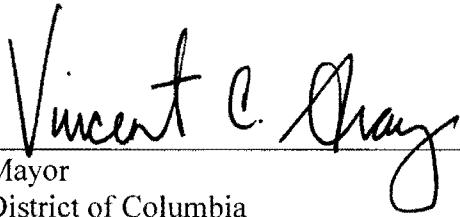
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 6, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-440**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 7, 2014**

To amend the District of Columbia Election Code of 1955 to permit the District of Columbia Board of Elections to hold special elections to fill vacancies in the offices of the Delegate to the House of Representatives from the District of Columbia and an elected member of the State Board of Education on a Tuesday occurring at least 70 days but not more than 174 days after the date on which the vacancy occurs.

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

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

(a) Section 1 (D.C. Official Code § 1-1001.01) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

(b) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

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

“(5) The term “State Board of Education” means the State Board of Education established by section 402 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2651).”.

(2) Paragraph (13) is amended by striking the phrase “the President and members of the Board of Education” and inserting the phrase “members of the State Board of Education” in its place.

(c) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) The heading is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

(2) Subsection (m) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

(3) Subsection (n) is amended by striking the phrase “Board of Education” wherever it appears and inserting the phrase “State Board of Education” in its place.

(d) Section 10 (D.C. Official Code § 1-1001.10) is amended as follows:

(1) Subsection (a)(5) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

## ENROLLED ORIGINAL

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

(A) Paragraph (1) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.

(B) Paragraph (2)(A) is amended by striking the phrase “first Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next District-wide special, primary, or general election that is to occur within 60 days of the date on which the special election would otherwise have been held under the provisions of this subsection” and inserting the phrase “Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation” in its place.

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

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

(i) Strike the phrase “Board of Education” both times it appears and insert the phrase “State Board of Education” in its place.

(ii) Strike the phrase “1st Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board of Elections, unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next special, primary, or general election that is to occur within 60 days of the date on which a special election would otherwise have been held under the provisions of this subsection” and insert the phrase “Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation” in its place.

(B) Paragraph (2) is repealed.

(4) Subsection (f) is amended by striking the phrase “Board of Education” both times it appears and inserting the phrase “State Board of Education” in its place.

(e) Section 11(a)(2) (D.C. Official Code § 1-1001.11(a)(2)) is amended by striking the phrase “President of the Board of Education, or member of the Board of Education” and inserting the phrase “or member of the State Board of Education” in its place.

(f) Section 15 (D.C. Official Code § 1-1001.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Board of Education” both times it appears and inserting the phrase “State Board of Education” in its place.

(2) Subsection (b) is amended by striking the phrase “Board of Education” and inserting the phrase “State Board of Education” in its place.


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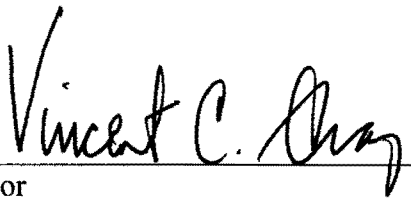
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 7, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-441**

IN THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To amend the Business Improvement Districts Act of 1996 to update the laws concerning business improvement districts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Business Improvement Districts Amendment Act of 2014".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 2(a)(4) (D.C. Official Code § 2-1215.01(a)(4)) is amended by striking the word "nonexempt" and inserting the word "taxable" in its place.

(b) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

(1) Paragraph (8) is amended to read as follows:

"(8) "BID tax" means an additional real property tax or possessory interest tax assessed and levied by the District on, and payable by, the owners of taxable properties or holders of a possessory interest in a Business Improvement District subject to the BID certification processes of this act. "

(2) Paragraph (10) is amended by striking the word "nonexempt" and inserting the word "taxable" in its place.

(3) Paragraph (16) is amended to read as follows:

"(16) "Member" means a member of the BID Corporation, the membership of which shall be comprised of each owner of taxable property and each commercial tenant in the BID area, and each owner who becomes a member pursuant to section 22."

(4) Paragraph (18) is repealed.

(5) Paragraph (19) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(6) Paragraph (20) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(7) Paragraph (23) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

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

"(24) "Taxable property" means real property subject to real property taxation or real property for which a holder of a possessory interest is subject to possessory interest taxation, including:

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“(A) Class 2, Class 3, and Class 4 Property, as defined in D.C. Official Code § 47-813, located within any BID, excluding the properties exempt from real property taxes pursuant to Chapters 10 or 46 of Title 47;

“(B) Class 1 Property, as defined in D.C. Official Code § 47-813, for the Mount Vernon Triangle, NoMa, and Capitol Riverfront BIDs, excluding:

“(i) Real property improved by a residential building where 90% or more of the leased units are households with at least one member who is 62 years of age or older and all members are 55 years of age or older;

“(ii) Real property improved by a residential building where 20% or more of the units are subject to a contract for project-based assistance under section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f);

“(iii) Real property improved by a residential building with fewer than 10 dwelling units, as defined in D.C. Official Code § 47-813(d)(3); and

“(iv) Real property exempt from paying real property taxes pursuant to Chapters 10 or 46 of Title 47 of the District of Columbia Official Code; or

“(C) Real property belonging to government and international organizations, including a leasehold interest, possessory interest, beneficial interest, or beneficial use of real property, as provided in D.C. Official Code § 47-1005.01(b), for periods beginning after September 30, 2014, where the real property would be taxable under subparagraphs (A) or (B) of this paragraph if not exempt or immune from real property taxation resulting in the possessory interest being taxable under D.C. Official Code § 47-1005.01, except where a payment in lieu of tax agreement has been negotiated and payments related to the agreement are current.”.

(c) Section 4 (D.C. Official Code § 2-1215.03) is amended by striking the phrase “Each owner and” and inserting the phrase “Each owner of a taxable property and” in its place.

(d) Section 5 (D.C. Official Code § 2-1215.04) is amended as follows:

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

(A) The lead-in text is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

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

(i) Strike the phrase “nonexempt real property” and insert the phrase “taxable property” in its place.

(ii) Strike the phrase “nonexempt real properties” and insert the phrase “taxable properties” in its place.

(iii) Strike the phrase “nonexempt properties” wherever it appears and insert the phrase “taxable properties” in its place.

(iv) Strike the phrase “assessing and levying any BID” and insert the phrase “assessing BID” in its place.

(C) Paragraph (6) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (b) is repealed.



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(e) Section 6(a) (D.C. Official Code § 2-1215.05(a)) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

(f) Section 7 (D.C. Official Code § 2-1215.06) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

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

“(c) The Mayor shall advertise the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register.”.

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

“(d) No fewer than 21 days before the public hearing, the applicant shall send, by first class mail or electronically, notice of the Mayor's preliminary determination, notice of the public hearing, including the date, time, and place and availability of the BID application for review, and a summary of the application stating the borders of the proposed BID, the BID plan, and the BID taxes to the following, to the extent reasonably ascertainable:

“(1) The Secretary to the Council;

“(2) Each owner of taxable property within the proposed BID area at the address shown in the most recent real property tax assessment records or, at the election of the applicant, another address if it is reasonably determined that the information in the District's records is dated;

“(3) Each commercial tenant within the proposed BID area;

“(4) Each advisory neighborhood commission in which the proposed BID is located; and

“(5) Each major citizens association covering the area in which the proposed BID is located.”.

(4) Subsection (e) is amended by striking the phrase “by the applicant, and” and inserting the phrase “by the applicant on a publicly accessible web site and” in its place.

(g) Section 9(b) (D.C. Official Code § 2-1215.08(b)) is amended as follows:

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

(2) The newly designated paragraph (1) is amended by striking the phrase “present and voting” and inserting the phrase “present or voting or voting by proxy, to the extent not otherwise provided for in BID bylaws,” in its place.

(3) Designate existing paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

(4) The newly designated paragraph (3) is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

(h) Section 10 (D.C. Official Code § 2-1215.09) is amended as follows:

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

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(A) The lead-in language is amended by striking the phrase “An established BID” and inserting the phrase “Except as provided in section 10a, an established BID” in its place.

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

(i) Subparagraph (A) is amended as follows:

(I) Strike the phrase “nonexempt real properties” and insert the phrase “taxable properties” in its place.

(II) Strike the word “or” at the end.

(ii) Subparagraph (B) is repealed.

(C) Paragraph (3A)(C) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (c) is amended by striking the phrase “nonexempt properties” wherever it appears and inserting the phrase “taxable BID properties” in its place.

(i) New sections 10a, 10b, and 10c are added to read as follows:

“Sec. 10a. Adjacent or abutting properties.

“(a) An owner of an adjacent or abutting property may petition to join an existing BID if the owner sends a letter requesting to be added to a BID to the BID Board and to the Mayor, listing the address, square and lot number, owner, and owner’s contact information. The BID board must vote to approve the addition. If the BID Board votes to approve adding the additional property, the BID Board shall send a letter to the Mayor with the results of the vote (“results letter”).

“(b)(1) The Mayor shall have 30 days after receiving the results letter from the BID Board to review the proposed addition and determine if the addition is an adjacent or abutting property not currently located in another BID. If the Mayor finds that the proposed addition is not an adjacent or abutting property or that the proposed addition is currently located in another BID, the Mayor may issue an order rejecting the addition.

“(2) If the Mayor does not issue an order approving or rejecting the addition within the 30-day review period, the addition shall be deemed approved.

“(3) If the addition is approved or deemed approved, the property shall be added to the BID at the next regularly scheduled billing pursuant to section 16.

“(c) The proposed addition shall be subject to section 10(c).

“Sec. 10b. Expanding the taxable real property within a BID.

“(a) An established BID may only expand categories of taxable real property if:

“(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of taxable real property of record within the BID’s geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board;

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

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“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia; provided, that a property subdivided into separate condominium units shall constitute a single real property for purposes of this subparagraph;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity, as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or the phrase “BID application” appears in sections 6 or 7, the word or phrase shall be considered to refer to the expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the BID activity, as defined in section 3(6). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council approving the BID's taxable real property expansion. Initial BID taxes for the area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds; provided, that any property subdivided into separate condominium units shall constitute a single property for the purpose of determining the number of taxable properties referred to in subsection (a) of this section; provided further, that the condominium units shall constitute separate properties for purposes of assessing and levying any BID charges.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

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“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.

“Sec. 10c. Expanding the taxable real property within a BID for newly enacted BIDs.

“(a) A BID established after the effective date of the Business Improvement Districts Amendment Act of 2014, passed on 2nd reading on September 23, 2014 (Enrolled version of Bill 20-203), may only expand categories of taxable real property to include Class I residential property if:

“(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of taxable real property of record within the BID’s geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board; and

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or phrase “BID application” appears in sections 6 and 7, the word or phrase shall be considered to refer to the expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the definition of BID activity in section 3(6)(b). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council that

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approves such BID's taxable real property expansion. Initial BID taxes for such area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.”.

(j) Section 11 (D.C. Official Code § 2-1215.10) is amended as follows:

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

“(a) Except as otherwise provided by this act, meetings of the members shall be held in accordance with the provisions of the bylaws but shall occur at least once each year after the formation of the BID. The bylaws shall specify an officer who shall send each member notice of the time, place, and purposes of the meeting. Notice shall be given at least 21 days in advance of any annual or regularly scheduled meeting and at least 7 days in advance of any other meeting, in one of the following ways:

“(1) First class mail to all members of record at the address of their respective properties and to such other address as may have been designated to the officer;

“(2) Hand delivered by the officer, or the officer's agent; provided, that the officer certifies in writing that notice was actually delivered to the member; or

“(3) Electronically to the member's email address of record as may have been designated to the officer.”.

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

“(c) Meetings may be held by telephone, electronically, or by other means of communication; provided, that all participants can hear or read the proceeding, vote on the matters discussed, and make comments.”.

(k) Section 13 (D.C. Official Code § 2-1215.12) is amended by adding a new subsection (f) to read as follows:

“(f) BIDs are exempt from the records requirement of D.C. Official Code § 29-413.01.”.

(l) Section 14(d) (D.C. Official Code § 2-1215.13(d)) is amended by striking the phrase “mail or by personal delivery.” and inserting the phrase “mail, personal delivery, or electronically. Annual reports shall also be posted on BID websites.” in its place.

(m) Section 16 (D.C. Official Code § 2-1215.15) is amended as follows:

(1) Subsection (d) is amended by striking the last sentence and inserting the following sentence in its place:

“BID taxes related to real properties affected by a geographic or taxable real property tax base expansion of the BID shall be effective as of the date the expansion becomes effective.” .

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

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“(g-1)(1) Notwithstanding subsection (g) of this section, a BID tax resulting from a possessory interest shall be collected in accordance with Chapter 44 of Title 47 and the holder of the possessory interest shall be liable.

“(2) The BID tax resulting from the possessory interest shall be in proportion to the pro rata share of the real property, as determined by the Chief Financial Officer, occupied by holder of the possessory interest where the BID tax is based on assessed value, net rentable area, gross building area, square footage, or number of hotel rooms. BID taxes based on a per unit basis shall not be apportioned.

“(3) This subsection shall apply as of March 31, 2015.”.

(n) Section 19 (D.C. Official Code § 2-1215.18) is amended as follows:

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

“(a)(1) Each BID shall have an initial term that shall end on the last day of the 5th full fiscal year of the District during which the BID has been registered pursuant to section 7(h). A BID may be extended for successive 5-year terms if:

“(A) The BID notifies the Mayor at least 180 days before the end of the BID's term that it desires to extend its status as a registered BID for a subsequent 5-year term;

“(B) The Board and membership approve a BID plan for the next 5 years of BID operations and submit that plan to the Mayor; and

“(C) The Mayor holds a public hearing in accordance with this subsection and subsequently issues a notice of BID re-registration.

“(2) Notice to the public shall be made no fewer than 21 days before the hearing.

“(3) The Mayor shall:

“(A) Publish the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register;

“(B) Ensure that the notices are published in at least 2 sources of local general interest print or electronic media; and

“(C) Hold the public hearing no earlier than 120 days before the end of the fiscal year, and no later than 30 days before the end of the fiscal year.”.

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

“(a-1) If, at the end of the fiscal year, the BID has requested an extension and the Mayor has not issued an order revoking the registration or denying an extension, the BID shall be deemed to be re-registered for a subsequent 5-year term.”.

(3) Subsection (b)(2) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

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

“(d) The Mayor may designate the Department of Small and Local Business Development to perform the functions described by this section.”.

(o) Section 22 (D.C. Official Code § 2-1215.21) is amended by striking the phrase “located in the BID, may” and inserting the phrase “located in the BID, or adjacent to or abutting BID boundaries, may” in its place.

(p) Section 201 (D.C. Official Code § 2-1215.51) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

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(q) Section 202 (D.C. Official Code § 2-1215.52) is amended by striking the phrase “nonexempt real” both times it appears and inserting the word “taxable” in its place.

(r) Section 203 (D.C. Official Code § 2-1215.53) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (b) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

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

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

(i) The lead-in language is amended by striking the phrase “nonexempt real properties” and inserting the phrase “taxable properties” in its place.

(ii) Subparagraph (A) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

(ii) Subparagraph (B) is amended as follows:

(I) The lead-in language is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(II) Sub-subparagraph (i) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(III) Sub-subparagraph (ii) is amended as follows:

(aa) Strike the word “nonexempt” and insert the word “taxable” in its place.

(bb) Strike the word “Nonexempt” wherever it appears and insert the word “Taxable” in its place.

(IV) Sub-subparagraph (iii) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(B) Paragraph (2) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

(s) Section 204 (D.C. Official Code § 2-1215.54) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(2) Subsection (c)(1) is amended by striking the word “nonexempt” both times it appears and inserting the word “taxable” in its place.

(t) Section 205 (D.C. Official Code § 2-1215.55) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D)(i) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

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(u) Section 206 (D.C. Official Code § 2-1215.56) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) Strike the phrase “nonexempt real” and insert the word “taxable” in its place.

(B) Strike the phrase “nonexempt properties” and insert the phrase “taxable properties” in its place.

(v) Section 207 (D.C. Official Code § 2-1215.57) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(w) Section 208 (D.C. Official Code § 2-1215.58) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

(x) Section 209 (D.C. Official Code § 2-1215.59) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED

October 8, 2014



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-442**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2014”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-6) to read as follows:

“(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater, for which disposition was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 6, 2009 (Res. 18-0263; 56 DCR 8410), and extended by the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19-246; 58 DCR 8477), is extended to October 6, 2015.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

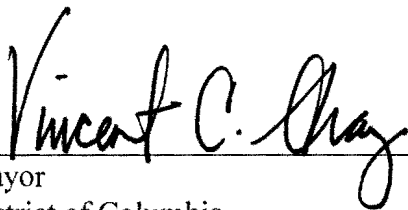
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 8, 2014

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 20-443**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1998 to expand the definition of a qualifying medical condition to allow physicians to determine whether a patient would benefit from medical marijuana treatment and to increase the number of living plants medical marijuana cultivation centers can possess at any time.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Expansion Temporary Amendment Act of 2014".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2(17) (D.C. Official Code § 7-1671.01(17)) is amended to read as follows:  
“(17) “Qualifying medical condition” means any condition for which treatment with medical marijuana would be beneficial, as determined by the patient’s physician.”.

(b) Section 7(e)(2) (D.C. Official Code § 7-1671.06(e)(2)) is amended by striking the number “95” and inserting the number “500” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

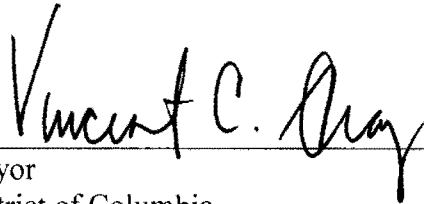
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



\_\_\_\_\_  
Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
October 8, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-444**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To amend, on an emergency basis, the Health Services Planning Program Re-establishment Act of 1996 to exempt from certificate of need requirements a change in ownership of the Specialty Hospital of Washington; and to provide the authority for the appointment of a receiver of a hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Long-Term Care Stabilization Emergency Amendment Act of 2014".

Sec. 2. Section 8 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407), is amended by adding a new subsection (b-3) to read as follows:

“(b-3) Changes in ownership, whether voluntary or involuntary, of the hospitals and skilled nursing facilities known as Specialty Hospital of Washington, LLC, Specialty Hospital of Washington Nursing Center, LLC, Specialty Hospital of Washington Hadley, LLC, and SHA Hadley SNF, LLC (collectively referred to as “SHW”), shall be exempt from the certificate-of-need requirements for the purpose of:

“(1) Allowing the transfer from the owner of record to another owner of all or a portion of SHW; or

“(2) Notwithstanding any other provision of District law, allowing the owner of record, a subsequent owner, or caretaker, regardless of whether the transfer is voluntary or involuntary, to close or terminate a health service of the SHW within 90 days after the effective date of the Long Term Care Stabilization Emergency Amendment Act of 2014, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-859).”.

Sec. 3. Hospital receivership.

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

(1) “Emergency” means a situation, physical condition, or one or more practices, methods, or operations that present imminent danger of death or serious physical or mental harm to a patient, including imminent or actual abandonment of an occupied hospital.

(2) “Habitual violation” means a violation of the standards of health, safety, or patient care established under District or federal law that, due to its repetition, presents a reasonable likelihood of serious physical or mental harm to patients.

(3) “Hospital” means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related care for a variety of physical or mental conditions, and may provide outpatient services, such as emergency care.

## ENROLLED ORIGINAL

(4) "Licensee" means a person or other legal entity, other than a receiver appointed pursuant to this section, that is licensed or required to be licensed to operate a hospital.

(5) "Owner" means the holder of the title to the real estate on which the hospital is maintained.

(6) "Patient" means a person living in or receiving care from a hospital.

(7) "Substantial violation" means a violation of the standards of health, safety, or patient care established under District or federal law that presents a reasonable likelihood of serious physical or mental harm to patients.

(b) The Mayor may bring an action in the Superior Court of the District of Columbia requesting the appointment of a receiver to operate a hospital on the following grounds:

(1) A hospital intends to close, but has not arranged for the orderly transfer of patients at least 30 days before its closure date;

(2) An emergency exists at the hospital;

(3) A habitual or substantial violation exists at the hospital; or

(4) Insolvency or lack of financial resources of the owner or licensee has placed the continued operation of the facility in jeopardy.

(c)(1) The court shall hold a hearing no later than 10 days after an action requesting the appointment of a receiver is filed, unless all parties agree to a later date.

(2) Notice of the hearing shall be served on both the owner and the licensee not less than 5 days before the hearing. If either the owner or the licensee cannot be served, the court shall specify the alternative notice to be provided.

(3) The Mayor shall post notice of the hearing, using a court-approved form, in a conspicuous place in the hospital, for not less than 3 days before the hearing.

(4) After the hearing, the court may appoint a receiver if it finds that any one of the grounds for an appointment set forth in subsection (b) of this section has been satisfied.

(d)(1) The court may:

(A) Appoint any person considered appropriate as receiver, except a District employee; and

(B) Remove a receiver for good cause.

(2) The court shall set a reasonable compensation for the receiver, which shall be paid from the revenue of the hospital.

(3) A receiver shall not be considered an agent of the District of Columbia.

(e) A receiver appointed pursuant to this section shall have such powers as the court may direct to:

(1) Operate the hospital;

(2) Remedy the conditions that constituted the grounds for the receivership;

(3) Protect the health, safety, and welfare of the patients;

(4) Preserve the assets and property of the patients, owner, and licensee;

(5) Remedy violations of District or federal law governing the operation of the hospital;

(6) Hire, direct, manage, and discharge any employee, including the administrator of the hospital;

## ENROLLED ORIGINAL

(7) Receive and expend, in a reasonable and prudent manner, the revenues of the hospital received by the hospital during the 30-day period preceding the date of his or her appointment and any revenue due thereafter;

(8) Continue the operation of the hospital;

(9) Continue the care of the patients;

(10) Correct and eliminate any deficiency of the hospital that endangers the safety or health of the patients; and

(11) Exercise any additional powers and perform any additional duties, including regular accountings, as the court considers appropriate.

(f)(1) The receiver shall:

(A) Apply the revenues of the hospital to current operating expenses and, subject to subparagraphs (B) and (C) of this paragraph, to debts incurred by the licensee before the appointment of the receiver;

(B) Ask the court for direction in the treatment of debts incurred before his or her appointment where the debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the hospital, or where payment of a debt will interfere with the purposes of the receivership; and

(C) Give priority to expenditures needed for current, direct patient care.

(2)(A) If a receiver does not have sufficient funds to cover expenditures needed to prevent or remove jeopardy to the patients, the receiver may petition the court for permission to borrow non-District funds for this purpose. Notice of the receiver's petition to the court for permission to borrow must be given to the owner, the licensee, and the Mayor.

(B) The court, after a hearing, may authorize the receiver to borrow money upon specified terms of repayment and pledge security, if necessary, if the court determines:

(i) That the hospital should not be closed and that the loan is reasonably necessary to prevent or remove jeopardy; or

(ii) That the hospital should be closed and that the loan is necessary to prevent or remove jeopardy to patients for the limited period of time they are awaiting transfer to another hospital or other facility.

(g) A receiver may not close a hospital without leave of the court. In ruling on the issue of closure, the court shall consider:

(1) The rights and best interests of the patients;

(2) The availability of suitable alternative placements;

(3) The rights, interests, and obligations of the owner and licensee;

(4) The licensure status of the hospital; and

(5) Any other factors the court considers relevant.

(h) The owner and the licensee shall be divested of possession and control of the hospital during the period of receivership, under the conditions the court specifies.

(i) An order appointing a receiver pursuant to this section shall have the effect of a license of operation for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the hospital during the receivership, and a violation of regulations governing the conduct of the hospital, if not promptly corrected, shall be reported to the court.

(j)(1) The court shall review the continued necessity of a receivership at least

ENROLLED ORIGINAL

semiannually.

(2) The court shall terminate a receivership when it certifies that the conditions that prompted the receivership have been corrected or, in the case of a discontinuance of operation, when the patients have been safely relocated.

(3) The court shall not terminate a receivership in favor of the former licensee or of a new licensee, unless the person, or entity, assumes all obligations incurred by the receiver and provides collateral or other assurances of payment considered sufficient by the court.

(k) No person may bring suit against a receiver appointed pursuant to this section without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, a receiver shall be liable only for actions taken in his or her official capacity and any adverse judgment shall be satisfied out of receivership assets.


(l) The District of Columbia shall not be liable for repayment of funds borrowed by a receiver during the course of the receivership or responsible for any financial obligations of the hospital.

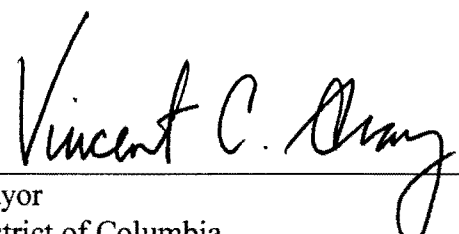
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
October 8, 2014



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-445**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To amend, on an emergency basis, the Retail Priority Area Amendment Act of 2014 to clarify the boundaries of the Ward 4 Georgia Avenue Priority Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Georgia Avenue Great Streets Neighborhood Retail Priority Area Emergency Amendment Act of 2014”.

Sec. 2. Section 2093 of the Retail Priority Area Amendment Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424;61 DCR \_\_\_), is amended to read as follows:

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

“(4) Ward 4 Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within the following area: beginning at the intersection of Kenyon Street, N.W. and Sherman Avenue, N.W.; continuing north along Sherman Avenue, N.W. to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W. to Spring Road, N.W.; then continuing northwest along Spring Road, N.W. to 14<sup>th</sup> Street, N.W., then continuing north along 14<sup>th</sup> Street, N.W. to Longfellow Street, N.W., then continuing east along Longfellow Street, N.W. to Georgia Avenue, N.W., then continuing north along Georgia Avenue, N.W. to Eastern Avenue, N.W., then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E. to Blair Road, N.W., then continuing south along Blair Road, N.W., to North Capitol Street, N.E., then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W., then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W., then continuing southwest along Kansas Avenue, N.W. to Varnum Street, N.W.; then continuing east along Varnum Street, N.W. to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to Kenyon Avenue, N.W.; and then continuing west along Kenyon Avenue, N.W. to the beginning point;”.

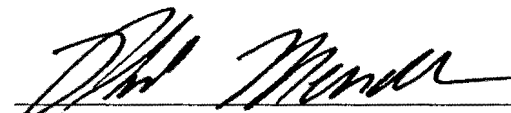
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## Sec. 3. Fiscal impact statement.

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

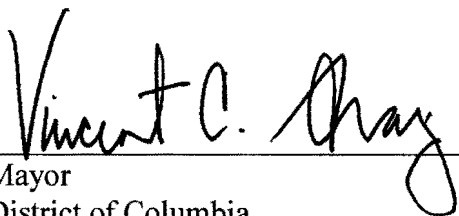
## Sec. 4. Effective date.

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
October 8, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-446**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 8, 2014**

To adjust, on an emergency basis, due to congressional review, certain allocations requested in the Fiscal Year 2014 Budget Request Act pursuant to the Omnibus Appropriations Act, 2009.

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

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

**TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES**

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

**Government Direction and Support**

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

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

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

**Economic Development and Regulation**

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

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

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

ENROLLED ORIGINAL

from local funds;

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

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

**Public Safety and Justice**

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

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

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

**Public Education**

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

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

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

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

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

**Human Support Services**

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

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

**Public Works**

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

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

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

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

ENROLLED ORIGINAL

to be available from other funds).

**Financing and Other**

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

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

**Enterprise and Other**

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

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

Sec. 3. \$51,821,000 is swept from available fund balance and utilized in accordance with Title IX, Subtitle B of the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR \_\_\_).

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

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

ENROLLED ORIGINAL

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

(1) Recognize \$5,250,000 as Fiscal Year 2015 local funds revenue to be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014, enacted on July 11, 2014 (D.C. Act 20-370; 61 DCR 7187); and

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

Sec. 5. Remaining Fiscal Year 2014 unexpended revenue of \$108,228,647 shall be carried over into Fiscal Year 2015 as fund balance. This revenue shall be used in accordance with the Fiscal Year 2015 Budget Request Act of 2014, enacted on July 11, 2014 (D.C. Act 20-370; 61 DCR 7187).

Sec. 6. Applicability.

This act shall apply as of September 25, 2014.

Sec. 7. Fiscal impact statement.

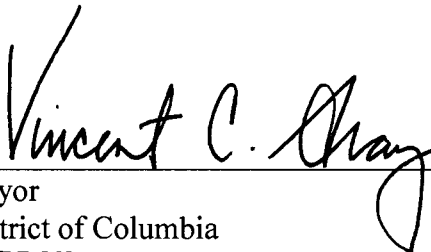
The Council adopts the fiscal impact of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 8, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-447**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 9, 2014**

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to permit individuals to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception, to specify application requirements for applying for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board, to specify penalties for violations, and to require the Mayor to issue rules; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to authorize the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "License to Carry a Pistol Emergency Amendment Act of 2014".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 201(b)(4) (D.C. Official Code § 7-2502.01(b)(4)) is amended by striking the phrase "the home" and inserting the phrase "the home or place of business" in its place.

(b) Section 202(a)(4)(C) (D.C. Official Code § 7-2502.02(a)(4)(C)) is amended to read as follows:

“(C) Any person who seeks to register a pistol:

“(1) For use in self-defense within that person’s home or place of business; or

“(2) As part of the application process for a license to carry a concealed pistol pursuant to section 902; or”.

(c) A new section 211a is added to read as follows:

“Sec. 211a. Freedom of information exception.

“Any record regarding individuals who have applied, received, or had revoked any registration issued pursuant to this title shall not be made available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).”.

## ENROLLED ORIGINAL

(d) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended by striking the phrase “Except as provided in sections 205, 208, 702, and 807” and inserting the phrase “Except as provided in sections 205, 208, 702, 807, and Title IX” in its place.

(e) A new Title IX is added to read as follows:

“TITLE IX – LICENSES TO CARRY A PISTOL.

“Sec. 901. Definitions.

“For the purposes of this title, the term:

“(1) “Concealed pistol” means a loaded or unloaded pistol carried on or about a person entirely hidden from view of the public, or carried on or about a person in a vehicle in such a way as it is entirely hidden from view of the public.

“(2) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or of any other law enforcement agency operating and authorized to make arrests in the District of Columbia, and includes any MPD reserve officer, any special police officers appointed pursuant to section 202 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and campus and university special police officers appointed pursuant to the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*).

“(3) “License” means a license to carry a concealed pistol issued pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(4) “Licensee” means a person who has been issued a license pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(5) “MPD” means the Metropolitan Police Department.

“(6) “Section 6 of the Pistols and Other Dangerous Weapons Act” means section 6 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4506).

“Sec. 902. Application requirements.

“(a) A person who submits an application pursuant to section 6 of the Pistols and Other Dangerous Weapons Act shall certify and demonstrate to the satisfaction of the Chief that he or she:

“(1) Is at least 21 years of age;

“(2) Meets all of the requirements for a person registering a firearm pursuant to this act, and has obtained a registration certificate for the pistol that the person is applying to carry concealed;

“(3) Does not currently suffer nor has suffered in the previous 5 years from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others;

“(4) Has completed a firearms training course, or combination of courses, conducted by an instructor (or instructors) certified by the Chief that includes at least 16 hours of training, and covers the following:



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“(A) Firearm safety;  
“(B) Firearm nomenclature;  
“(C) The basic principles of marksmanship;  
“(D) The care, cleaning, maintenance, loading, unloading, and storage of pistols;

“(E) Situational awareness, conflict management, and moral and ethical decisions on the use of deadly force;

“(F) Defensive pistol and ammunition selection; and

“(G) All applicable District and federal firearms laws, including the requirements of this act, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), and District law pertaining to self-defense;

“(5) Has completed at least 2 hours of range training conducted by an instructor certified by the Chief, including shooting a qualification course of 50 rounds of ammunition from a maximum distance of 15 yards (45 feet); and

“(6) Follows any procedures the Chief may establish by rule.

“(b) An applicant shall satisfy the requirements of subsection (a)(4) and (5) of this section with a certification from the firearms instructor that:

“(1) The applicant demonstrated satisfactory completion of the requirement; and

“(2) The applicant possesses the proper knowledge, skills, and attitude to carry a concealed pistol.

“(c) An applicant shall be exempt from the requirements of subsection (a)(4) and (5) of this section if he or she has submitted evidence that he or she has received firearms training in the United States military, or has otherwise completed firearms training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required under subsection (a)(4) and (5) of this section.

“(d) A non-resident applicant for a license may satisfy any component of the requirements of subsection (a)(4) and (5) of this section by demonstrating to the satisfaction of the Chief that the applicant has met that particular component as part of a successful application to carry a concealed pistol issued by the lawful authorities of any state or subdivision of the United States.

“(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the information required by section 6 of the Pistols and Other Dangerous Weapons Act and this section.

“(2) Any declaration, certificate, verification, or statement made for purposes of an application for a license to carry a concealed pistol pursuant to this act shall be made under penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402).

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“(f) An applicant is required to appear for an in-person interview at the MPD headquarters, for purposes including verification of the applicant’s identity and verification of the information submitted as part of the application process for a license.

“Sec. 903. Expiration and renewal of licenses.

“(a) Licenses shall expire no later than 2 years after the date of issuance unless revoked by the Chief or renewed pursuant to this title.

“(b)(1) A licensee shall be eligible for renewal of a license if:

“(A) The licensee continues to meet all of the initial standards and application requirements set forth in section 6 of the Pistols and Other Dangerous Weapons Act and section 902, except that with regard to section 902(a)(4), only 4 hours of such training shall be required;

“(B) With regard to section 902(a)(5), the licensee provides proof of 2 hours of range practice within the previous 12 months; and

“(C) Follows any procedures the Chief may establish by rule.

“(2) Timely renewal shall be the responsibility of the licensee, pursuant to any procedures the Chief may establish by rule.

“(3) A renewal license shall expire no later than 2 years after the date of issuance unless revoked by the Chief or renewed pursuant to this act.

“(c) Any person whose renewal application has been denied may, within 15 days of notice of the denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 904. Duties of licensees.

“(a) A licensee shall:

“(1) Notify the Chief in writing of the loss, theft, or destruction of the license (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction; and

“(2) Notify the Chief in writing within 30 days of a change in the licensee’s name or address as it appears on the license.

“(b) A licensee shall have on or about his or her person each time the pistol is carried in the District of Columbia:

“(1) The license; and

“(2) The registration certificate for the pistol being carried, issued pursuant to this act.

“(c) If a law enforcement officer initiates an investigative stop of a person carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, the person, and any other licensee who is with the person at the time of the investigative stop, shall:

“(1) Disclose to the officer that he or she is carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act;

“(2) Present the license and registration certificate;

“(3) Identify the location of the concealed pistol; and

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“(4) Comply with all lawful orders and directions from the officer, including allowing a pat down of his or her person and permitting the law enforcement officer to take possession of the pistol for so long as is necessary for the safety of the officer or the public.

“(d) A licensee shall comply with all limits and conditions stated in the issuance of the license.

“(e) The duties set forth in this section are in addition to any other requirements imposed by this act or applicable law.

“(f) In addition to any other penalty provided by law, any person who violates subsection (c) of this section shall be subject to revocation of his or her license.

“Sec. 905. Revocation of licenses.

“(a) The Chief may revoke a license upon a finding that the licensee no longer meets the standards and requirements of section 6 of the Pistols and Other Dangerous Weapons Act and this title, or as a penalty as specified in this act.

“(b)(1) The United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, or any person may apply to the MPD at any time for revocation of a license.

“(2) Any person having knowledge that a licensee no longer meets the requirements of this act or the requirements of section 6 of the Pistols and Other Dangerous Weapons Act may so notify the Chief or any other law enforcement officer who may take such action as may be appropriate.

“(c) Any person whose license has been revoked may, within 15 days of notice of the revocation, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 906. Carrying while impaired.

“(a) A licensee may not carry a pistol while impaired.

“(b) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

“(c) Upon establishing reasonable suspicion that a licensee has been consuming drugs or alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or urine tests, administered to determine whether the licensee is impaired while carrying a pistol, shall be grounds for immediate revocation and seizure of the license.

“(d) For the purposes of this section, the term “impaired” means a licensee has consumed alcohol or a drug or a combination thereof and that it has affected the licensee’s behavior in a way that can be perceived or noticed.

“Sec. 907. Prohibitions on carrying licensed pistols.

“(a) No person holding a license shall carry a pistol in the following locations or under the following circumstances:

“(1) Any building owned or under the control of the District of Columbia, its agencies, and instrumentalities;

“(2) The building and grounds, including any adjacent parking lot, of any public, public charter, or private elementary or secondary school; or any public or private college or university;

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“(3) Any pre-school or child care facility;

“(4) Any public or private hospital, or other building where medical or mental health services are the primary services provided;

“(5) Any penal institution, secure juvenile residential facility, or halfway house;

“(6) Any public transportation vehicle, including the Metrorail transit system, but not including taxicab operators;

“(7) Any premises or portion thereof, licensed under Title 25 of the District of Columbia Official Code, where alcoholic beverages are served, or are sold and consumed on premises, but not including premises with small-sample tasting permits issued pursuant to D.C. Official Code § 25-118;

“(8) Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the District or federal government or their agencies or instrumentalities; provided, that no criminal penalty shall apply unless:

“(A) The licensee has been advised by a law enforcement officer that such a public gathering or special event is occurring; and

“(B) The licensee has been ordered by the law enforcement officer to leave the area of the special event or gathering until the licensee removes the pistol from his or her possession in compliance with applicable law and the licensee has not complied with the order;

“(9) Any stadium or arena;

“(10) The public memorials on the National Mall and along the Tidal Basin, and any other area where firearms are prohibited under federal law or by a federal agency or entity;

“(11) The area around the White House, namely: between Constitution Avenue, N.W., and H Street, N.W., and between 15<sup>th</sup> Street, N.W., and 17<sup>th</sup> Street, N.W.;

“(12) Within 1,000 feet, or other lesser distance designated by the Chief or his or her designee, when a dignitary or high-ranking official of the United States or a state, local, or foreign government is moving under the protection of the MPD, or other law enforcement agency assisting or working in concert with MPD; provided, that no criminal penalty shall apply unless:

“(A) The licensee has been advised by a law enforcement officer that the movement of a dignitary or official is occurring; and

“(B) The licensee has been ordered by the law enforcement officer to leave the area of the movement until the licensee removes the pistol from his or her possession in compliance with applicable law and the licensee has not complied with the order;

“(13) Within 1,000 feet, or other lesser distance designated by the Chief or his or her designee, of a demonstration in a public place; provided, that no criminal penalty shall apply unless:

“(A) The licensee has been advised by a law enforcement officer that a demonstration is occurring at the public place; and

“(B) The licensee has been ordered by the law enforcement officer to leave the area of the demonstration until the licensee removes the pistol from his or her

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possession in compliance with applicable law and the licensee has not complied with the order; and

“(14) Any prohibited circumstance that the Chief determines by rule; provided, that for spontaneous circumstances, no criminal penalty shall apply unless the licensee has notice of the prohibition and has failed to comply.

“(b)(1) Any private residence shall be presumed to prohibit the presence of concealed pistols unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property.

“(2) For 90 days immediately following the effective date of the License to Carry a Pistol Emergency Amendment Act of 2014, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926), for any private property not a residence, the owner or person in control of the property shall be presumed to prohibit the presence of concealed pistols unless the owner or person in control of the property authorizes entry by a licensee carrying a concealed pistol; thereafter, for any private property not a residence, the owner or person in control of the private property shall be presumed to permit a licensee carrying a concealed pistol to enter the owner’s property unless the property is posted with conspicuous signage prohibiting concealed pistols, or the owner or authorized agent communicates such prohibition personally to the licensee.

“(c) Whenever a licensee carries a concealed pistol and approaches any prohibited location, or is subject to any prohibited circumstance, the licensee shall:

“(1) If the licensee is in a vehicle or if a vehicle is readily available, immediately secure the pistol in the manner prescribed in section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b) ); or

“(2) If the licensee does not have a vehicle available, immediately leave the prohibited location or circumstance.

“(d) A licensee shall not be in violation of this section:

“(1) While he or she is traveling along any public street, road, or highway (including any adjacent public sidewalk) that touches the perimeter of any of the premises under subsection (a) of this section or that are prohibited under subsection (b) of this section if the concealed pistol is carried on his or her person in accordance with this act, or is being transported by the licensee in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 ( D.C. Law 17-388; D.C. Official Code § 22-4504.02); or

“(2) While driving a vehicle into and immediately parking at any location listed in subsection (a)(2) or (3) of this section, for the purpose of picking up or dropping off a minor child; provided, that the licensee shall secure the concealed weapon in accordance with section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for

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other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)), before leaving the parked vehicle.

“(e) A licensee shall not carry a pistol openly or otherwise in a manner that is not concealed.

“(f) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

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

“(1) “Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers. The term “demonstration” does not include the casual use of property by visitors or tourists that does not have the effect, intent, or propensity to attract a crowd or onlookers.

“(2) “Public place” means a place to which the general public has access and a right to occupy for business, entertainment, or other lawful purpose. The term “public place” is not limited to a place devoted solely to the uses of the public, and includes:

“(A) The front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

“(B) A public building, including its grounds and curtilage;

“(C) A public parking lot;

“(D) A public street, sidewalk, or right-of-way;

“(E) A public park; and

“(F) Other public grounds.

“(3) “Residence” means an actual dwelling place or abode, and does not include any adjacent common areas or commercial property.”.

“Sec. 908. Concealed Pistol Licensing Review Board.

“(a) There is established a Concealed Pistol Licensing Review Board (“Board”) for the purpose of hearing appeals from:

“(1) A denial of any application or renewal application for a license to carry a concealed pistol in the District pursuant to this act; or

“(2) A revocation of a license to carry a concealed pistol.

“(b) The Board’s membership shall be comprised as follows:

“(1) A mental health professional employed by the Department of Behavioral Health, appointed by the Mayor;

“(2) A representative from the Office of the Attorney General for the District of Columbia, appointed by the Attorney General for the District of Columbia;

“(3) A representative from the United States Attorney’s Office for the District of Columbia (“USAO”), appointed by the United States Attorney for the District of Columbia. If the USAO declines to provide a representative, the Mayor shall appoint a person who is a former employee of the USAO;

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“(4) The Chief Judge of the Superior Court of the District of Columbia or his or her designee, or if the Chief Judge declines to serve or appoint a designee, a person appointed by the Mayor who is a retired judge of the Superior Court of the District of Columbia; and

“(5) One public member appointed by the Mayor, who shall be a current or former sworn officer of a law enforcement agency other than the MPD.

“(c) Each member shall serve a 4-year term.

“(d) The initial terms shall begin on the date a majority of the members have been sworn in, which shall become the anniversary date for all subsequent appointments.

“(e) A vacancy on the Board shall be filled in the same manner in which the original appointment was made.

“(f) A Board member whose term has expired may continue to serve as a member until a replacement member has been appointed.

“(g) A member appointed to replace a member who has resigned, dies, or is no longer able to serve (as determined by the Board) shall serve for the remainder of the unexpired term of the member being replaced.

“(h) The Board shall elect a chairperson by majority vote on an annual basis.

“(i) Three members of the Board shall constitute a quorum, except that the Board may only take official action when at least one of the following members is present:

“(1) The representative from the Office of the Attorney General for the District of Columbia designated pursuant to subsection (b)(2) of this section;

“(2) The representative from the United States Attorney’s Office for the District of Columbia designated pursuant to subsection (b)(3) of this section; or

“(3) The current or former sworn officer of a law enforcement agency other than the MPD representative designated pursuant to subsection (b)(5) of this section.

“(j) Members shall serve without compensation, but shall receive actual and necessary expenses incurred in the performance of their official duties.

“(k) The Mayor shall provide hearing facilities and administrative support for the Board from existing resources for the current fiscal year.

“(l)(1) Within 30 days after the date that a majority of the Board members are sworn in pursuant to subsection (d) of this section, the Mayor, by rule, shall establish hearing procedures for a contested case review of any appeal from a denial of an application or renewal application for a license or revocation of a license, including procedures for the Board to assign panels of 3 Board members to conduct such hearings pursuant to subsection (i) of this section.

“(2) The rules shall include that the burden of production of evidence, and the burden of persuasion, at any hearing before the Board shall be upon the applicant or licensee that is challenging any denial of an application or renewal application or revocation of a license.

“(m) The meetings and hearings conducted by the Board shall be confidential and not open to the public.

“Sec. 909. Penalties.

“(a)(1) Except as otherwise provided in this title, a person convicted of a violation of a provision of this title, or rules or regulations issued under the authority of this title, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality

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Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisoned for not more than 180 days.

“(2) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title, or any rules or regulations issued under the authority of this title.

“(b) All prosecutions for violations of this title shall be brought in the name of the District of Columbia and prosecuted by the Office of the Attorney General for the District of Columbia.

“Sec. 910. Rules.

“(a) The Chief of the Metropolitan Police Department, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall, by October 22, 2014, issue rules to implement the provisions of the License to Carry a Pistol Emergency Amendment Act of 2014, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926), including rules:

“(1) To establish criteria for determining when an applicant has, pursuant to section 6 of the Pistols and Other Dangerous Weapons Act:

“(A) Demonstrated a good reason to fear injury to his or her person, which shall at a minimum require a showing of a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant’s life;

“(B) Demonstrated any other proper reason for carrying a concealed pistol, which shall at a minimum include types of employment that require the handling of cash or other valuable objects that may be transported upon the applicant’s person; and

“(C) Demonstrated the applicant’s suitability to carry a concealed pistol, which shall at a minimum include evidence that the applicant meets the requirements of section 902;

“(2) To establish the type and amount of ammunition that may be carried concealed by a licensee;

“(3) To establish the methods by which a pistol may be carried, including any standards for safe holstering;

“(4) To establish all application forms, investigation procedures, background checks, and fees necessary to process an application for a license to carry a concealed pistol;

“(5) To specify any procedures or requirements specific to non-residents who apply to carry a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, with regard to the registration requirements in this act;

“(6) To specify requirements for signage on any private premises where the owner or person in control of the premises prohibits carrying concealed pistols, pursuant to section 907(b); and

“(7) To establish procedures for the renewal of licenses.”.

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of



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evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase “a pistol” and insert the phrase “a pistol, without a license issued pursuant to District of Columbia law” in its place.

(B) Strike the phrase “capable of being so concealed”.

(2) Paragraph (1) is amended by striking the phrase “a pistol” and inserting the phrase “a pistol, without a license issued therefor pursuant to District of Columbia law” in its place.

(b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the License to Carry a Pistol Emergency Amendment Act of 2014, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926), and is amended to read as follows:

“Sec. 6. Issuance of a license to carry a pistol.

“(a) The Chief of the Metropolitan Police Department (“Chief”) may, upon the application of any person having a bona fide residence or place of business within the District of Columbia, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue, if it appears that the applicant has good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol, and that he or she is a suitable person to be so licensed.

“(b) A non-resident who lives in a state that does not require a license to carry a concealed pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue; provided, that he or she meets the same reasons and requirements set forth in subsection (a) of this section.

“(c) For any person issued a license pursuant to this section, or renewed pursuant to section 903 of the Firearms Control Regulations Act of 1975, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926), the Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which the license is effective, and may revoke the license for good cause.

“(d) The application for a license to carry shall be on a form prescribed by the Chief. The license shall be in a form prescribed by the Chief and shall bear the name, address, description, photograph, and signature of the licensee.

“(e) Any person whose application has been denied or license revoked may, within 15 days of notice of the denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926).”.

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Sec. 4. Applicability.

(a) Section 3(a) shall apply as of the effective date of this act to persons who have not obtained a registration certificate pursuant to section 203 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03), and shall apply beginning on the date established by subsection (c) of this section to persons who have obtained a registration certificate.

(b) The section 2(e) amendment adding a new section 910 of the Firearms Control Regulations Act of 1975, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926) (“section 910”), shall apply as of the effective date of this act.

(c) All other provisions of this act shall apply on the date that rules issued pursuant to section 910 have become effective.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia

APPROVED  
October 9, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 9, 2014

To amend, on an emergency basis, the License to Carry a Pistol Emergency Amendment Act of 2014 to repeal the applicability section.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "License to Carry a Pistol Clarification Emergency Amendment Act of 2014".

Sec. 2. Section 4 of the License to Carry a Pistol Emergency Amendment Act of 2014, passed on emergency basis on September 23, 2014 (Enrolled version of Bill 20-926), is repealed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
October 9, 2014

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**LEGISLATION**

**PROPOSED**

**BILLS**

B20-968 Florida Avenue Performing Arts Transfer Tax Rebate Act of 2014  
Intro. 10-7-14 by Councilmember Grosso and referred to the Committee on Finance and Revenue

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B20-969 Temporary Assistance to Needy Families Education and Training Amendment Act of 2014  
Intro. 10-7-14 by Councilmember Graham and referred to the Committee on Human Services

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B20-970 H Street, N.E., Retail Priority Area Incentive Amendment Act of 2014  
Intro. 10-7-14 by Councilmember Wells and referred to the Committee on Economic Development

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B20-971 Carcinogenic Flame Retardant Prohibition Amendment Act of 2014  
Intro. 10-7-14 by Councilmember Cheh and referred to the Committee on  
Business, Consumer, and Regulatory Affairs

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B20-972 TIF and PILOT Revenue Bond Exclusion Act of 2014  
Intro. 10-8-14 by Councilmember Evans and referred to the Committee of the  
Whole

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## **RESOLUTIONS**

PR20-1079 Franklin School Surplus Declaration and Approval Resolution of 2014  
Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Government Operations

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PR20-1080 Franklin School Disposition Approval Resolution of 2014  
Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Economic Development

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PR20-1081 McMillan Surplus Declaration and Approval Resolution of 2014  
Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Government Operations

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PR20-1082 McMillan – Residential Townhomes Parcel Disposition Approval  
Resolution of 2014  
Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Economic Development

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PR20-1083      McMillan – Residential Multifamily Parcels Disposition Approval  
Resolution of 2014

Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Economic Development

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PR20-1084      McMillan – Commercial Parcels Disposition Approval Resolution of 2014

Intro. 10-3-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Economic Development

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PR20-1085      District of Columbia Corrections Information Council Governing  
Board Nkechi Taifa Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Judiciary and Public Safety

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PR20-1086      Police Complaints Board Kristin Murphy Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Judiciary and Public Safety

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PR20-1087      Police Complaints Board Paul Ashton Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Judiciary and Public Safety

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PR20-1088      Board of Zoning Adjustment S. Kathryn Allen Confirmation Resolution  
of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee of the Whole

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PR20-1089 Commission on African-American Affairs Aaron Dorsey Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

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PR20-1090 Commission on African-American Affairs Dr. Kendrick Brown Selassie Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

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PR20-1091 Director of the Department of Employment Services F. Thomas Luparello Confirmation Resolution of 2014

Intro. 10-6-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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PR20-1092 Director of the Office of Planning Ellen M. McCarthy Confirmation Resolution of 2014

Intro. 10-8-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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**Council of the District of Columbia  
COMMITTEE ON GOVERNMENT OPERATIONS  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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

**ANNOUNCES A PUBLIC ROUNDTABLE TO CONSIDER**

**PR20-1050, THE “INSPECTOR GENERAL DANIEL W. LUCAS  
CONFIRMATION RESOLUTION OF 2014”**

**AND**

**AMENDING THE QUALIFICATIONS FOR THE OFFICE OF THE DISTRICT OF  
COLUMBIA INSPECTOR GENERAL**

**Monday, October 20, 2014, 1:30 PM  
Room 120, John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

On Monday, October 20, 2014, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, will convene a public roundtable to consider Proposed Resolution 20-1050, the “Inspector General Daniel W. Lucas Confirmation Resolution of 2014”, and proposals to amend the qualifications for the Office of the District of Columbia Inspector General. This public roundtable will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, at 1:30 PM.

The stated purpose of PR20-1050 is to confirm the appointment of Daniel W. Lucas as the District of Columbia Inspector General, for a term to end May 19, 2020. Relatedly, the Chairman of the Council has introduced, at the request of the Mayor, Bills 20-0949 and 20-0951, the stated purpose of which is to amend the District of Columbia Procurement Practices Act of 1985 to align minimum qualifications for the position of Inspector General with federal standards. The Committee will hold a public hearing on Bill 20-0951 at a later date, but witnesses are encouraged to discuss the substance of these bills at this public roundtable.

The Committee invites the public to testify or to submit written testimony, which will be made part of the official record. Anyone wishing to testify at the hearing should contact Ms. Kate Mitchell, Legislative Counsel, at (202) 724-8028, or via e-mail at [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, October 16, 2014. Representatives of organizations will be allowed



a maximum of five (5) minutes for oral testimony and individuals will be allowed a maximum of three (3) minutes for oral testimony (time limits may change at the discretion of the Chair). Witnesses should bring 10 copies of their written testimony and, if possible, submit a copy of their testimony electronically to [kmitchell@dccouncil.us](mailto:kmitchell@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 21, 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

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**Reprog. 20-249:** Request to reprogram \$475,000 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of Secretary on October 8, 2014. This reprogramming is needed to allow agency's Transportation Operations Administration to carry on sidewalk and curb maintenance for the District.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-250:** Request to reprogram \$1,473,699 of Fiscal Year 2014 Local funds budget authority within the Office of Unified Communications (OUC) was filed in the Office of the Secretary on October 8, 2014. This reprogramming ensures that OUC will be able to realign the budget to programmatic needs.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-251:** Request to reprogram \$7,456,896 of Fiscal Year 2014 Local funds budget authority from Repayment of Loans and Interest (RLI) to the Emergency and Contingency Reserve Fund (ECRF) was filed in the Office of the Secretary on October 8, 2014. This reprogramming is needed to provide sufficient funding for severance pay, leave payout, and other transitional activities related to the outcome of the November election within the District.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-252:** Request to reprogram \$543,743 of Fiscal Year 2014 Local funds budget authority within the Department of Employment Services (DOES) was filed in the Office of the Secretary on October 8, 2014. This reprogramming ensures that DOES is able to provide additional funding to cover a shortfall in the Year-Round Youth Program.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-253:** Request to reprogram \$1,000,000 of Capital funds budget authority and allotment within the Department of Corrections (DOC) was filed in the Office of the Secretary on October 8, 2014. This reprogramming will address the need for an Enterprise-level Content Management (ECM) System to dramatically improve inmate records processing as well as provide a common platform for ongoing support of other critical DOC functions.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-254:** Request to reprogram \$2,874,000 of Fiscal Year 2014 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on October 8, 2014. This reprogramming covers unanticipated adjustments to contractual costs in certain programs as well as adjustment to personal services spending.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-255:** Request to reprogram \$1,750,000 of Fiscal Year 2014 Special Purpose Revenue budget authority, which includes \$1,000,000 from the D.C. Taxicab Commission (DCTC), and \$750,000 from the Department of Consumer and Regulatory Affairs (DCRA), to the Business Improvement District Transfer (BID) was filed in the Office of the Secretary on October 8, 2014. This reprogramming ensures that BID is able to make an additional refund to a new Business District.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-256:** Request to reprogram \$505,000 of Fiscal Year 2014 Local funds budget authority from the Council of the District of Columbia (Council) to the Pay-As-You-Go Capital Fund (Paygo) was filed in the Office of the Secretary on October 8, 2014. This reprogramming ensures that eligible capital fund improvements to the Wilson Building are made, which include the replacement of fixtures, HVAC upgrades, security enhancements, and masonry repairs.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-257:** Request to reprogram \$1,386,188 of Fiscal Year 2014 Special Purpose Revenue funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on October 8, 2014. This reprogramming covers technical support costs related to the processing of certain federal government agency retirement benefits.

RECEIVED: 14 day review begins 10/9/14

**Reprog. 20-258:** Request to reprogram \$475,000 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on October 8, 2014. This reprogramming is needed for the renovation and upgrade of the permanent warehouse structure on W Street, including a security fence.

RECEIVED: 14 day review begins 10/9/14

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 17, 2014
Petition Date: December 1, 2014
Hearing Date: December 15 2014
Protest Hearing Date: February 25, 2015

License No.: ABRA-096845
Licensee: Ima Pizza Store 13, LLC
Trade Name: & Pizza
License Class: Retailer's Class "C" Restaurant
Address: 1215 Connecticut Avenue NW
Contact: Paul L. Pascal, Attorney 202-544-2200

WARD 2 2B ANC 2B05

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 February 25, 2015 1:30 pm.

NATURE OF OPERATION

This is a new restaurant that will prepare and sell pizza and prepared pizzeria food products. The restaurant will have recorded music. The total Occupancy is 52 with a sidewalk café of 11 seats.

HOURS OF OPERATIONS INSIDE AND SIDEWALK CAFÉ

Sunday through Thursday 7 am – 2 am, Friday & Saturday 7 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE AND SIDEWALK CAFE

Sunday through Thursday 8 am – 2 am, Friday & Saturday 8 am – 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 17, 2014  
Petition Date: December 01, 2014  
Hearing Date: December 15, 2014  
Protest Date: February 25, 2015

License No.: ABRA-095465  
Licensee: Catrachitos Restaurant, Inc.  
Trade Name: Catrachitos Restaurant  
License Class: Retail Class "C" Restaurant  
Address: 4608 14<sup>th</sup> Street NW  
Contact: Ana De Leon 202-246-7601

WARD 4

ANC 4C

SMD 4C03

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, 2<sup>nd</sup> Floor, Suite 400 S, 2000 14<sup>th</sup> Street, NW, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for February 25, 2015 at 1:30 pm.

**NATURE OF OPERATION:**

Family-oriented restaurant serving Spanish & American Food. Total occupancy load is 13.

**HOURS OF OPERATION:**

Sunday through Thursday 6 am – 2 am, Friday and Saturday 6 am – 3 am

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE & CONSUMPTION:**

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10m – 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**10/3/2014**

**\*\*Rescind**

Notice is hereby given that:

License Number: ABRA-079164

License Class/Type: B Retail - Grocery

Applicant: A&F, LLC

Trade Name: L Street Market

ANC: 6C06

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

**1100 4TH ST NE**

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

**11/17/2014**

***A HEARING WILL BE HELD ON:***

**12/1/2014**

***AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009***

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	10 am - 9 pm	10 am -9 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 9 pm	9 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm
<b>ENDORSEMENTS:</b>		

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**10/17/2014**

Notice is hereby given that:

License Number: ABRA-079164

License Class/Type: B Retail - Grocery

Applicant: A&F, LLC

Trade Name: L Street Market

ANC: 6C06

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

**1100 4TH ST NE**

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

**12/01/2014**

*A HEARING WILL BE HELD ON:*

**12/15/2014**

*AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009*

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	10 am - 9 pm	10 am -9 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 9 pm	9 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm
<b>ENDORSEMENTS:</b>		

FOR FURTHER INFORMATION CALL: (202) 442-4423



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: 10/17/2014  
PETITION DATE: 12/1/2014  
HEARING DATE: 12/15/2014

License Number: ABRA-095169  
License Class/Type: B Retail - Class  
SMD: 1B01

Applicant: SHAW HOWARD DELI, LLC  
Trade Name: Shaw Howard Deli  
Premise Address: 1911 7th ST NW

Endorsements:

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

License Number: ABRA-090945  
License Class/Type: B Retail - Groce  
SMD: 1B04

Applicant: Smucker Farms Of Lancaster County LLC  
Trade Name: Smucker Farms Of Lancaster County  
Premise Address: 2118 14TH ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 12 am	8 am -12 am
MON:	8 am - 12 am	8 am - 12 am
TUE:	8 am - 12 am	8 am - 12 am
WED:	8 am - 12 am	8 am - 12 am
THU:	8 am - 12 am	8 am - 12 am
FRI:	8 am - 12 am	8 am - 12 am
SAT:	8 am - 12 am	8 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: 10/17/2014  
PETITION DATE: 12/1/2014  
HEARING DATE: 12/15/2014

License Number: ABRA-082431  
License Class/Type: B Retail - Groce  
SMD: 2A07

Applicant: Foggy Bottom Grocery, LLC  
Trade Name: FoBoGro  
Premise Address: 2140 F ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 3 am	9 am -12 am
MON:	7 am - 3 am	9 am - 12 am
TUE:	7 am - 3 am	9 am - 12 am
WED:	7 am - 3 am	9 am - 12 am
THU:	7 am - 3 am	9 am - 12 am
FRI:	7 am - 3 am	9 am - 12 am
SAT:	7 am - 3 am	9 am - 12 am

License Number: ABRA-076751  
License Class/Type: B Retail - Groce  
SMD: 5E06

Applicant: Timor, LLC  
Trade Name: Field to City  
Premise Address: 200 RHODE ISLAND AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7:30 am - 9 pm	9 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 - 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: 10/17/2014**

**PETITION DATE: 12/1/2014**

**HEARING DATE: 12/15/2014**

**License Number: ABRA-080595**

**Applicant: Travel Traders Retail, Inc**

**License Class/Type: B Retail - Class**

**Trade Name: Travel Traders Retail, Inc**

**SMD: 6C02**

**Premise Address: 400 NEW JERSEY B AVE NW**

**Endorsements:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
<b>SUN:</b>	<b>6 am - 11 pm</b>	<b>7 am -10 pm</b>
<b>MON:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>TUE:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>WED:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>THU:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>FRI:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>SAT:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 17, 2014  
Petition Date: December 01, 2014  
Hearing Date: December 15, 2014

License No.: ABRA-091361  
Licensee: Rosery Entertainment, LLC  
Trade Name: Mama Put  
License Class: Retailer's Class "C" Tavern  
Address: 7331 Georgia Avenue NW  
Contact: Henry Akinnuoye 202-596-9949

WARD 4

ANC 4B

SMD 4B01

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 14<sup>th</sup> 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 OPERATION**

Transfer of location for previously approved 405.1 license from 3214 Georgia Avenue NW to 7331 Georgia Avenue NW. Full scale restaurant serving African-inspired food, with an atmosphere for lounging and listening to DJ music or Live Bands. Entertainment with a Cover Charge. Total number of seats is 164. Summer Garden with 24 additional seats.

**HOURS OF OPERATION/ SALES/SERVICE & CONSUMPTION OF ALCOHOLIC BEVERAGES/ SUMMER GARDEN**

Sunday through Thursday 11 am – 2 am, Friday & Saturday 11 am – 3 am

**HOURS OF LIVE ENTERTAINMENT OCCURING OR CONTINUING AFTER 6:00PM ON PREMISE AND SUMMER GARDEN**

Sunday through Thursday 4 pm to 2 am, Friday & Saturday 12 pm to 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING**

Posting Date: October 17, 2014  
Petition Date: December 1, 2014  
Hearing Date: December 15, 2014

License No.: ABRA-060567  
Licensee: Jha Corporation  
Trade Name: Recessions II  
License Class: Retail Class "CR"  
Address: 1823 L Street, NW  
Contact: Mohammad Haji (202)-296-6686

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/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 its operation:

Request a Class Change from Class CR license to Class CT license

**HOURS OF OPERATION/ALCOHOLIC BEVERAGE****SALES/SERVICE/CONSUMPTION**

Sunday through Thursday 11 am – 2 am

Friday through Saturday 11 am – 3 am

**HOURS OF ENTERTAINMENT**

Thursday- Saturday 8 pm – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Posting Date: October 10, 2014  
Petition Date: November 24, 2014  
Hearing Date: December 8, 2014

License No.: ABRA-089186  
Licensee: Spodeeodee  
Trade Name: Showtime  
License Class: Retailer’s Class “C” Tavern  
Address: 113 Rhode Island Ave, NW  
Contact: Rosemarie Salguero, Agent

WARD 5                      ANC 5E                      SMD 5E07

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

Applicant requests a sidewalk café with a total occupancy of 6 seats.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION:**

Sunday through Thursday 3 pm- 11 pm and  
Friday & Saturday 3 pm –12 am

**\*\*CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ:**

Sunday through Thursday 3 pm – 11 pm and  
Friday & Saturday 3 pm – 12 am

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**PENDING HISTORIC LANDMARK AND HISTORIC DISTRICT NOMINATIONS  
TENTATIVE PUBLIC HEARING SCHEDULE**

*(All hearing dates are subject to change)*

<u>Property</u>	<u>Case Number</u>	<u>Scheduled Hearing Date</u>
Rock Creek Valley Historic District	14-19	November 2014
James Ormond Wilson Normal School 1100 Irving Street NW	13-20	November 2014
Blanche K. Bruce School 770 Kenyon Street NW	13-21	November 2014
Hill Building 839 17th/1636 I Street NW	11-06	December 2014
Editors Building 1729 H Street, NW	13-02	December 2014
Recorder of Deeds Building 515 D Street NW	11-19	January 2015
District of Columbia Municipal Center 300 Indiana Avenue/301 C Street NW	14-02	January 2015
Lunch Room and Oyster Shucking Shed 1100 Maine Avenue SW	12-03	January 2015
Round House 1001 Irving Street NE	13-06	February 2015
Corcoran Gallery of Art amendment (interior) 1700 New York Avenue/500 17 <sup>th</sup> Street NW	13-01	February 2015
Scheele-Brown Farmhouse 2207 Foxhall Road NW	13-22	March 2015
West Heating Plant 1051/1055 29 <sup>th</sup> Street NW	14-04	March 2015
GSA Regional Office Building 301 (315) 7 <sup>th</sup> Street SW (801 D Street SW)	14-11	April 2015

E Street Complex 2430 E Street/2301 Constitution Avenue NW	14-03	April 2015
Old Naval Observatory Historic District 2300 E Street NW, Reservation 4	11-21	April 2015
The Denrike Building 1010 Vermont Avenue NW	10-16	May 2015
Southern Railway Building 1500 K Street NW	11-05	May 2015
B.F. Saul Building 925 15 <sup>th</sup> Street NW	11-03	May 2015
Davidson Building 927 15 <sup>th</sup> Street/1432 K Street NW	14-14	May 2015
Interstate Building 1317 F Street NW	14-15	May 2015
INTELSAT Headquarters Building 3400 International Drive/4000 Connecticut Avenue NW	14-06	June 2015
C&P Telephone Cleveland Emerson Exchange 4268 Wisconsin Avenue NW	09-06	June 2015
Union Station amendment (interior and boundary) 50 Massachusetts Avenue NE	12-08	July 2015
Williams-Addison House amendment 1645 31 <sup>st</sup> Street NW	07-38	July 2015
Kennedy-Warren Apartments amendment 3131-3133 Connecticut Avenue NW	09-03	September 2015
1007, 1009, 1011, 1015 and 1017 K Street NW	09-02	September 2015
Western Bus Garage 5230 Wisconsin Avenue NW	06-03	October 2015
Dunblane 4340 Nebraska Avenue NW	08-11	October 2015
U Street Historic District expansion Most of Square 441	08-12	November 2015
Suter Properties 511 and 521 G Street NW	09-01	November 2015
Brookland Bowling Alley	09-08	December 2015



3726 10<sup>th</sup> Street NE

Sheridan Theater and Park 'n' Shop 6201 (6201-6221) Georgia Avenue NW	07-01	December 2015
Downtown Historic District expansion Parts of Squares 404, 405, 428, 453, 454 and 486	13-08	January 2016
Barney Circle Historic District Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	08-01	February 2016
Barney Circle Historic District amendment Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	10-19	February 2016

For additional information, including monthly hearing notice and agendas, please see the HPO and HPRB website at [www.preservation.dc.gov](http://www.preservation.dc.gov). For inquiries about a particular property, please contact Tim Dennee, Landmarks Coordinator, at [timothy.dennee@dc.gov](mailto:timothy.dennee@dc.gov) or 202-442-8847.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**PUBLIC HEARING NOTICE**

**Wednesday, November 19, 2014**

**District of Columbia's Fiscal Year 2014  
Consolidated Annual Performance Evaluation Report (CAPER)**

Michael P. Kelly, Director, Washington, DC Department of Housing and Community Development (DHCD or the Department) will conduct a public hearing on Wednesday, November 19, 2014, at 6:30 p.m., in the DHCD Housing Resource Center, located at 1800 Martin Luther King Jr., Avenue, SE, 1<sup>st</sup> floor. This hearing is an opportunity to discuss the District's Fiscal Year (FY) 2014 performance in its use of funds received from the US Department of Housing and Urban Development (HUD). DHCD received approximately \$32 million in annual formulaic grants from HUD in Fiscal Year 2014 through four programs: the Community Development Block Grant (CDBG); the HOME Investment Partnership; the Emergency Solutions Grant (ESG); and Housing Opportunities for Persons with AIDS (HOPWA). DHCD administered the CDBG and HOME funds directly while the Washington, D.C. Department of Human Services (DHS) administered the ESG funds through an agreement with the Community Partnership for the Prevention of Homelessness and the Washington D.C. Department of Health (DOH) administered HOPWA funds for the District and portions of Maryland, Virginia, and West Virginia that are part of the Washington, D.C. Metropolitan Statistical Area.

In preparation for the submission of the FY 2014 Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, DHCD is soliciting public comment on the District's effectiveness during FY 2014 at using federal funds to meet the District's housing and community development needs. These comments will form part of DHCD's and the District's evaluation, as required by federal regulations (24 CFR 91.520). This hearing is reserved for a discussion of the DHCD's FY 2014 performance.

If you would like to testify, you are encouraged to register in advance either by e-mail at [DHCEVENTS@dc.gov](mailto:DHCEVENTS@dc.gov) or by calling (202) 442-6993. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service will be provided by calling (800) 201-7165. Sign language interpretation and language translation services will be available upon request by calling Ms. Pamela Hillsman, seven days prior to the hearing on (202) 442-7251. Persons, who require interpretation or language translation, must specify the language of preference (i.e. Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language interpretation service will be provided to pre-registered persons only.

Written statements may be submitted for the record at the hearing, or until close of business, Friday, December 5, 2014. Mail written statements to: Michael P. Kelly, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****PUBLIC NOTICE****FORMAL CASE NO. 1102, IN THE MATTER OF THE INVESTIGATION INTO THE CONTINUED USE OF VERIZON WASHINGTON, DC, INC.'S COPPER INFRASTRUCTURE TO PROVIDE TELECOMMUNICATIONS SERVICES**

1. The Public Service Commission of the District of Columbia (“Commission”) gives notice of its intent to hold an evidentiary hearing in this proceeding, *Formal Case No. 1102*. This proceeding is an investigation regarding Verizon Washington, DC, Inc.’s (“Verizon DC” or “Company”) continued use of its copper infrastructure for the provision of telecommunications services in the District of Columbia and whether, and under what circumstances, the Company plans to transition customers from the telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities. On December 3 and 4, 2014, the Commission will hold an evidentiary hearing on the following nine (9) issues:

1. Are there services, capabilities and functionalities of voice telecommunications service provided within a wire center service area that can be provided by copper lines connected to TDM-based circuit switched equipment which cannot also be provided by fiber lines connected to TDM circuit switched equipment or to fiber lines connected to IP softswitch equipment? If yes, specify and explain the importance of such to residential and business customers.
2. Do voice telecommunications services provided within a wire center service area that utilize fiber lines connected to either TDM-based circuit switch equipment or to IP softswitch equipment provide the same or better call and response capabilities for emergency services (including: fire, police and medical emergency response services and Personal Emergency Response System services), crisis management, priority access and security services (including law enforcement call monitoring services) as are provided when copper lines connected to TDM circuit switches are utilized to provide such services? If the answer is no, what additional equipment or services are needed to achieve the same level of response capabilities as exist with copper facilities?
3. Are there significant differences between voice telecommunications services provided over: copper lines connected to TDM-based circuit switch equipment; fiber lines connected to TDM-based circuit switched equipment; fiber lines connected to IP softswitch equipment; and VoIP service utilizing fiber lines connected to the public Internet or to private

Internet networks? If so, should each of these voice telecommunication services be classified as separate types of voice telecommunications service and treated differently for regulatory purposes? If so, why?

4. Are there services, capabilities and functionalities of voice telecommunications service provided within a wire center service area that telecommunications service providers should be required to provide to customers irrespective of whether the carrier utilizes copper lines connected to TDM-based circuit switch equipment or fiber lines connected to TDM-based circuit switched equipment? If so, what are those services, capabilities and functionalities?
5. What network reliability, public safety, and service quality standards should be applied to voice telecommunications services provided within an exchange area that utilize fiber lines connected to TDM-based circuit switched equipment?
6. Are Verizon DC's circuit-switched fiber or FiOS voice services, technically structured and provisioned at the customer's premises and within Verizon's network in the District to be classified as Internet Protocol-enabled Service or Voice Over Internet Protocol Service as defined in D.C. Code § 34-2001(7A) or 34-2001(23)?
7. Are there areas in the District where there are poorly performing copper-based facilities but no immediate plans to transition to fiber facilities? If so, what is the timeframe for Verizon DC's deployment of fiber-based facilities to these areas and what are the plans for maintaining adequate and safe voice service in these areas, including plans for deploying alternate facilities, if any?
8. What information and disclosures should Verizon DC provide to District consumers about the features of voice service on fiber facilities before they switch from copper to fiber facilities, and what information and disclosures should Verizon DC provide to District consumers about the features of unregulated VoIP services before they may switch from regulated voice to unregulated VoIP services and why?
9. Are District customers who want to retain or return to copper facilities being allowed to do so and if not, why not?<sup>1</sup>

2. The evidentiary hearing will convene beginning Wednesday, December 3, 2014, at 10:00 a.m. in the Commission Hearing Room, 1333 H Street, N.W., Suite 700 East Tower, Washington, D.C. 20005.

3. Copies of documents in this proceeding, *Formal Case No. 1102*, are available on the Commission's website ([www.dcpsec.org](http://www.dcpsec.org)) and inspection at the Commission's Office of the Commission Secretary, 1333 H Street, NW, Suite 200 West Tower, Washington DC 20005 between the hours of 9:00 a.m. through 5:30 p.m., Monday through Friday. Copies of any of the documents in this proceeding may be purchased at the Commission at a cost of \$0.10 per page, actual reproduction cost.

**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, as amended (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its intent to adopt as final regulations the following amendments to Chapter 93 (Partnership Program for Affordable Housing), of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the final rulemaking is to amend the existing regulations in order to facilitate the production and operation of affordable housing for extremely low income persons in the District of Columbia, by combining the Local Rent Supplement Program and the Low Rent Housing Program, through the administration of the Partnership Program for Affordable Housing.

A Notice of Proposed Rulemaking on these rules was published July 18, 2014 at 61 DCR 007275. No comments were received.

Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on October 8, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 93, PARTNERSHIP PROGRAM FOR AFFORDABLE HOUSING, of Title 14, HOUSING, is amended as follows:**

**Subsection 9300.1 is amended by adding the following Subsection 9300.1(g) in its entirety, as follows:**

- (g) As provided in 14 DCMR § 9313, where low rent housing operating assistance alone does not make the rental units affordable to income eligible households unless prohibited or determined by DCHA or HUD otherwise.

**Subsection 9305.1(h) is deleted in its entirety and amended by adding the following Subsection 9305.1(h) in its entirety, as follows:**

- (h) Units subsidized with any District of Columbia rent subsidy except as provided in 14 DCMR § 9313.2.

**Chapter 93, PARTNERSHIP PROGRAM FOR AFFORDABLE HOUSING, of Title 14, HOUSING, is amended by adding the following Section 9313, UNITS FUNDED WITH LOCAL RENT SUPPLEMENT PROGRAM UNDER SECTION 9504 AND LOW RENT HOUSING OPERATING ASSISTANCE, in its entirety, as follows:**

**9313 Units Funded with Local Rent Supplement Program under Section 9504 and Low Rent Housing Operating Assistance**

- 9313.1 For any projects awarded funding pursuant to 14 DCMR § 9504 to be used in combination with low rent housing operating assistance administered in accordance with Title 14, such project shall be administered in accordance with the low rent housing program as provided in 14 DCMR § 6113 so long as it is not inconsistent with Chapters 93 and 95.
- 9313.2 Units that receive low rent housing operating assistance administered in accordance with Title 14 and assistance under 14 DCMR § 9504, such units shall not be determined to receive duplicative federal housing subsidy if the total revenue per unit does not exceed the rent amount as provided in 14 DCMR § 9303.3.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

**NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2012 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a), 3-1322 and 3-1324 (2012 Repl.)); the District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; and the Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, hereby gives notice of his intent to amend Chapter 15 (Raffles) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this amendment is to clarify that a uniform price for 50/50 raffle tickets includes a uniformed tiered pricing schedule approved by the Executive Director.

The Executive Director intends to take final rulemaking action to adopt this regulation in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Title 30, LOTTERY AND CHARITABLE GAMES, Chapter 15, RAFFLES, of the DCMR is amended as follows:**

**Amend Section 1509.2(p) to read as follows:**

- (p) All 50/50 raffle tickets shall be sold at a uniform price, including a uniformed tiered pricing schedule approved by the Executive Director. The licensed organization may not change Agency approved 50/50 raffle ticket prices during the licensed event.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or e-mailed to [antar.johnson@dc.gov](mailto:antar.johnson@dc.gov), or filed online at [www.dcregs.gov](http://www.dcregs.gov). Additional copies of these proposed rules may be obtained at the address stated above.



**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF PROPOSED RULEMAKING****FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under D.C. Official Code §§ 2-505 and 34-802 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the "Consumer Bill of Rights" ("CBOR"). The Commission shall take final rulemaking action not less than forty-five (45) days after publication of this notice in the *D.C. Register*. The proposed rules clarify various requirements for Energy Suppliers.

**Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, of the DCMR is amended as follows:****Section 308, Use Of Customer's Information is amended as follows:**

- 308.3 Unless a Customer consents in writing, a Utility, Energy Supplier or Telecommunications Service Provider may not disclose or use information that is about the Customer or the Customer's use of service except to the Commission.
- 308.4 It shall be the responsibility of the Utility, Energy Supplier or Telecommunications Service Provider to obtain and maintain the written Customer consent to disclose or use information about the Customer or the Customer's use of service. A Customer's consent shall be made available to the Commission upon request.

**Section 309, Privacy Protection Policy, is amended as follows:**

- 309.1 Each Utility, Energy Supplier or Telecommunications Service Provider shall institute a Privacy Protection Policy to protect against the unauthorized disclosure or use of information about a Customer or a Customer's use of service. A copy of that Policy shall be provided to the Customer and to the Commission annually no later than February 1.

**Section 321, Publication of Consumer Pamphlet, is amended as follows:**

- 321.1 Each Utility, Energy Supplier, and Telecommunications Service Provider shall prepare a consumer pamphlet in English and Spanish in layman's terms summarizing the rights and responsibilities of Customers in accordance with these and other applicable rules. Prior to distribution, each Utility, Energy Supplier, and Telecommunication Service Provider shall provide the Commission and OPC

with a copy of the consumer pamphlet. OPC shall submit any comments on the consumer pamphlet to the Commission and to the Utility, Energy Supplier, and Telecommunication Service Provider within five (5) business days. If the Commission does not reject or otherwise act on the pamphlet within thirty (30) days of its filing, the consumer pamphlet shall be deemed approved.

**Section 327, Customer Protection Standards Applicable to Energy Suppliers, is amended to read as follows:**

**327 CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS**

- 327.1 This section sets forth billing, Deposit, Enrollment, Termination of Contract, supplier switching, advertising and minimum Contract standards that apply to Energy Suppliers, Marketers, Aggregators, and Consolidators licensed to provide competitive electric and gas services by the Public Service Commission of the District of Columbia. If a Customer has a Complaint about an alleged violation of this section, the Complaint procedures in § 320 of these regulations shall apply.
- 327.2 An Energy Supplier may not engage in a marketing, advertising, Solicitation or trade practice that is unlawful, misleading, or deceptive as set forth in D.C. Code § 28-3904.
- 327.3 An Energy Supplier shall not engage in Cramming.
- 327.4 An Energy Supplier shall not engage in Slamming.
- 327.5 Any prohibition regarding the disclosure of Account status and Customer information should not preclude Energy Suppliers from obtaining or providing Account status and Customer information for acquisition or sale of a book of business as long as the review of such information during a proposed acquisition or sale is subject to confidentiality agreements.
- 327.6 Any advertisement of energy supply that contains specific environmental claims must be supportable by documentation.
- 327.7 Any Solicitation of an energy supply that contains any specific offering to a residential Customer must at a minimum include the following:
- (a) The Energy Supplier's name, address, telephone number, and web site address, if applicable;
  - (b) The Energy Supplier's District of Columbia license number in a clear and conspicuous manner;

- (c) The price offered for natural gas supply or electricity supply including all fixed and variable components and any restrictions on the time period the advertised price shall be in effect;
- (d) A statement that the advertised price is only for the specified natural gas supply or electricity supply and does not include any additional tax, Utility Distribution Service Charge, or other Utility fee or Charge;
- (e) Any minimum Contract duration necessary to obtain an advertised price;
- (f) A statement of minimum use requirements, if any; and
- (g) If the advertisement offers several services and does not break out individual prices for the services, the following disclaimer must accompany the advertisement: “Disclaimer: This offer includes several services at a single price. You should compare this price to the total of the prices you currently pay for each of the individual services.”

327.8

An electricity supply or gas supply Contract with a Customer shall, at a minimum, contain the following material terms and conditions:

- (a) A list and description of the Contract services;
- (b) A statement of minimum use requirements, if any;
- (c) A description of any time of use restrictions, including the time of Day or season;
- (d) A price description of each service, including all fixed and variable costs;
- (e) A notice that the Contract does not include Utility Charges;
- (f) A billing procedure description;
- (g) In the case of consolidated billing, a notice that the Customer acknowledges that Customer billing and payment information may be provided to the Energy Supplier;
- (h) A statement of Contract duration, including initial time period and any rollover provision;
- (i) A Deposit requirement, if any, including: the amount of the Deposit; a description of when and under what circumstances the Deposit shall be returned; a description of how the Deposit may be used; and a description of how the Deposit shall be protected;

- (j) A description of any fee or Charge and the circumstances under which a Customer may incur a fee or Charge;
- (k) A statement that the Energy Supplier may terminate the Contract early including the circumstances under which early cancellation by the Energy Supplier may occur; the manner in which the Energy Supplier shall notify the Customer of the early cancellation of the Contract; the duration of the notice period before early cancellation; remedies available to the Customer if early cancellation occurs;
- (l) A statement that the Customer may terminate the Contract early including the circumstances under which early cancellation by the Customer may occur; the manner in which the Customer shall notify the Energy Supplier of the early cancellation of the Contract; the duration of the notice period before early cancellation; and remedies available to the Energy Supplier if early cancellation occurs; and the amount of any early cancellation fee;
- (m) A statement describing Contract renewal procedures, if any;
- (n) A dispute resolution procedure;
- (o) The Commission's telephone number and Internet address; and
- (p) The Office of the People's Counsel's telephone number and Internet address.

327.9 Telephone Solicitations shall be made only between the hours of 9 a.m. and 9 p.m.

327.10 The Person making the telephone Solicitation must begin the conversation by stating the following:

- (a) His or her name;
- (b) The name of the business or organization calling;
- (c) The nature of the call, i.e., a Solicitation;
- (d) A brief description of the subject-matter being solicited; and
- (e) An offer to the Customer to hear the full Solicitation.

327.11 Home Solicitations shall be limited to the hours between 9 a.m. and sunset. The soliciting Person must produce a picture identification badge and begin the conversation by stating the following:

The name of the business or organization;

- (a) The nature of the visit, *i.e.*, a Solicitation;
- (b) A brief description of the subject matter being solicited;
- (c) Ask the Customer if he/she would like to hear the full Solicitation; and
- (d) The soliciting Energy Supplier must include a statement under the conspicuous Caption: "BUYER'S RIGHT TO CANCEL" which states: "If this agreement was solicited at or near your residence, and you do not want the goods and services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight on the third business Day after you signed this agreement. This notice must be mailed to: (name and address of seller). If you cancel, the seller may not keep any of your cash down payment."

327.12 If an Energy Supplier receives a request from a Customer not to receive Solicitations from that solicitor, the Customer shall no longer be contacted in the manner in which the Customer indicates including but not limited to, in-person Solicitation, telephone Solicitation, electronic Solicitation or any form of mail or post card by the solicitor.

327.13 Nothing in these regulations shall affect the applicability of any Federal or District telephone Solicitation and consumer protection laws and regulations including, but not limited to, the fines and penalties thereunder for violation of such laws and regulations.

327.14 There are four (4) principal ways in which a residential Customer may enter into a Contract with an Energy Supplier:

- (a) Through a telephone solicitation;
- (b) Through an Internet solicitation
- (c) Through a home or other personal solicitation; or
- (d) Through direct mail solicitation.

327.15 An Energy Supplier may not use "negative option contracts," in which Contracts are created if the customer takes no action. Therefore, an Energy Supplier may not enter into a Contract with a Customer if the Customer simply refrains from action.

- 327.16 If a Customer wishes to enter into a Contract with an Energy Supplier, the Energy Supplier may request from the Customer the following information, by telephone, in writing, or Internet or other technological means:
- (a) The customer's name;
  - (b) Billing address;
  - (c) Service address;
  - (d) Electronic mail address;
  - (e) Telephone number;
  - (f) Utility Account number;
  - (g) Employment information; and
  - (h) Usage information.
- 327.17 An Energy Supplier may ask for additional information beyond that specified in Subsection 327.16 only after first informing the Customer of his or her right not to provide such information.
- 327.18 An Energy Supplier must advise a Customer that he/she has the right to rescind the Contract agreement within a three (3) business day period and that the Rescission Period begins when the Customer signs the contract.
- 327.19 FOR A TELEPHONE SOLICITATION: If a residential Customer is solicited to enter into a contract by telephone, the Energy Supplier or its authorized representative must accurately tell the Customer the name of the Energy Supplier that is seeking its business and the name of company making the call if different from the Energy Supplier, must describe the rates, terms and conditions of the Contract, and must arrange to have the Customer's intent to contract with the Energy Supplier independently verified. To verify a residential Customer's intent to Contract with an Energy Supplier by telephone, an Energy Supplier must utilize either:
- (a) An Independent Third-Party telephone verification system; or
  - (b) An electronic recording system that records the Customer's Contract choice and maintains, for the duration of the Contract, the entire recording.
- 327.20 If an Energy Supplier elects to implement an independent third-party verification system, then the Independent Third-Party Verifier shall be required to ask the Customer the following questions:

- (a) “Are you the Customer of record?”
- (b) “Did you agree to switch your natural gas supply service or electric supply service to [New Supplier]?” and
- (c) “Is [Customer’s address] your correct address?” or “Is [Customer’s Utility Account number] your correct Utility Account number?”

327.21 Once the Customer’s Contract choice is verified by an Independent Third-Party Verifier or an electronic recording is made, the Energy Supplier must within five (5) business days from the day the Customer agreed telephonically to Contract with the Energy Supplier, provide to the Customer via U.S. mail or electronic mail a complete written Contract to be signed, with instructions on how to return the signed contract. At this time the Energy Supplier shall also provide a copy of the Rescission Notice with instructions on how the Rescission Notice can be filed.

327.22 Once a positive verification has been obtained or an electronic recording has been made, and a signed written contract has been received from the customer, and after the rescission period has expired, the Energy Supplier shall transmit the Enrollment transaction to the Natural Gas or the Electric Utility, whichever is appropriate.

327.23 FOR AN INTERNET SOLICITATION: The Energy Supplier may post on its website an electronic version of its solicitation for the supply of natural gas or electricity. The electronic solicitation must include:

- (a) An electronic application form for the Customer to enter into a Contract for the supply of natural gas or electricity;
- (b) An electronic version of the actual Contract;
- (c) A copy of the Energy Supplier’s Rescission Notice with instructions on how the Rescission Notice can be filed; and
- (d) A link to the Commission’s website to obtain the applicable rules and regulations governing the relationship between the Customer and the Energy Supplier.

327.24 After the Customer completes the electronic application form, executes the electronic version of the actual Contract and submits the Contract with the electronic signature to the Energy Supplier, the Customer has three (3) business days from the electronic submission of the Contract with the electronic signature to rescind his or her Contract choice.

327.25 Upon receipt of the Customer’s electronic application and signed Contract and after the Rescission Period has expired, the Energy Supplier shall transmit the

enrollment transaction to the Natural Gas Utility or the Electric Utility, whichever is appropriate.

327.26 FOR HOME OR OTHER PERSONAL SOLICITATIONS: If a residential Customer is solicited at home or by some other personal solicitation to enter into a contract, the Energy Supplier or its authorized agent must:

- (a) Present the Customer with a photo identification card that identifies the name of the person making the solicitation and the name of the Energy Supplier that he or she is representing;
- (b) Present the Customer with a complete copy of the written Contract being offered and obtain the Customer's written signature;
- (c) Provide the Customer with the Energy Supplier's Rescission Notice giving notice of his or her right to rescind the Contract within three (3) business days from signing the Contract;
- (d) Obtain either an Independent Third-Party telephone verification of the Customer's intent to contract or an electronic recording that records the Customer's Contract choice and maintain, for the duration of the Contract, the entire recording; and
- (e) After the Rescission Period has expired, transmit the enrollment transaction to the Natural Gas Utility or the Electric Utility, whichever is appropriate.

327.27 FOR DIRECT MAIL SOLICITATIONS: If a residential Customer is solicited at home through a direct mail solicitation by an Energy Supplier:

- (a) The mailing shall provide a toll free number and web address for a residential Customer to obtain specific information about the offer/contract from the Energy Supplier;
- (b) If the Customer contacts the Energy Supplier by telephone, the Energy Supplier or its authorized representative must accurately tell the Customer the name of the Energy Supplier that is seeking its business and the name of the company taking the call if different from the Energy Supplier, orally describe the rates, terms and conditions of the Contract, and arrange to have the Customer's intent to contract with the Energy Supplier independently verified. To verify a residential Customer's intent to contract with an Energy Supplier by telephone, an Energy Supplier must utilize either:
  - (1) An Independent Third-Party telephone verification system; or



- (2) An electronic recording system that records the Customer's Contract choice and maintain, for the duration of the Contract, the entire recording;
  - (3) Once the Customer's Contract choice is verified by an Independent Third-Party Verifier or an electronic recording is made, the Energy Supplier must within five (5) business days from the day the Customer agreed telephonically to contract with the Energy Supplier, provide to the Customer via U.S. mail or electronic mail a complete written Contract to be signed, with instructions on how to return the signed contract. At this time, the Energy Supplier shall also provide a copy of the Rescission Notice with instructions on how the Rescission Notice can be filed.
- (c) If the Customer contacts the Energy Supplier through an internet website, the Energy Supplier shall post on its website an electronic version of the solicitation contained in the direct mailing. In addition, the website solicitation must include:
- (1) An electronic application form for the Customer to enter into a Contract for the supply of natural gas or electricity;
  - (2) An electronic version of the actual Contract;
  - (3) A copy of the Energy Supplier's Rescission Notice with instructions on how the Rescission Notice can be filed; and
  - (4) A link to the Commission's website to obtain the applicable rules and regulations governing the relationship between the Customer and the Energy Supplier.
- (d) If the Customer contacts the Energy Supplier by returning a response through the mail, the Energy Supplier may contact the Customer by telephone or by the internet, and shall:
- (1) provide the Customer with a description of the rates, terms and conditions of the Contract, and arrange to have the Customer's intent to contract with the Energy Supplier independently verified. To verify a residential Customer's intent to contract with an Energy Supplier by telephone, an Energy Supplier must utilize either:
    - (a) An Independent Third-Party telephone verification system;  
or

- (b) An electronic recording system that records the Customer's Contract choice and maintains, for the duration of the Contract, the entire recording;
    - (c) Once the Customer's Contract choice is verified by an Independent Third-Party Verifier or an electronic recording is made, the Energy Supplier must within five (5) business days from the day the Customer agreed telephonically to contract with the Energy Supplier, provide to the Customer via U.S. mail or electronic mail a complete written Contract to be signed, with instructions on how to return the signed contract and a copy of the Energy Supplier's Rescission Notice; or
  - (2) post on its website an electronic version of the solicitation contained in the direct mailing. The website version of the solicitation must include:
    - (a) An electronic application form for the Customer to enter into a Contract for the supply of natural gas or electricity;
    - (b) An electronic version of the actual Contract;
    - (c) A copy of the Energy Supplier's Rescission Notice with instructions on how the Rescission Notice can be filed; and
    - (d) A link to the Commission's website to obtain the applicable rules and regulations governing the relationship between the Customer and the Energy Supplier.
  - (3) Present the Customer with a complete copy of the written Contract being offered and obtain the Customer's electronic or written signature.
- 327.28 Upon receipt of the Customer's signed contract, and after the rescission period has expired, the Energy Supplier shall transmit the Enrollment transaction to the Natural Gas or the Electric Utility, whichever is appropriate.
- 327.29 In the event of a dispute over the existence of a Contract, the Energy Supplier shall bear the burden of proving the Contract's existence.
- 327.30 The written Contract shall contain the written signature of the Customer of record.
- 327.31 When using any of the permitted forms of solicitation, the Energy Supplier shall provide the Customer with a Rescission Notice, notifying the Customer of his or her right to rescind the Contract within three (3) business days from the

Customer's signing of the Contract for an Internet Solicitation or a Home or Other Personal Solicitation expires or within five (5) business days from a Telephone Solicitation. The three (3) business-day rescission period begins on the date that the Customer signs his or her Contract and terminates at midnight on the third business day. The five (5) business-day rescission period begins on the date that the Customer signs his or her Contract and terminates at midnight on the fifth business day.

- 327.32 After the Customer completes the electronic application form, executes the electronic version of the actual Contract and submits the Contract with the electronic signature to the Energy Supplier, the Customer has three (3) business days from the electronic submission of the Contract with the electronic signature to rescind his or her Contract choice.
- 327.33 Upon receipt of the Customer's electronic application and signed Contract and after the Recession Period has expired, the Energy Supplier shall transmit the enrollment transaction to the Natural Gas Utility or Electric Utility, whichever is appropriate.
- 327.34 For purposes of these rules, the electronic submission of the application to contract with the Energy Supplier constitutes an "electronic signature" and an executed Contract.
- 327.35 If the Customer submits an electronic application and electronic Contract, the Energy Supplier must acknowledge the Customer's submission with a Confirmation of receipt of the application and Contract within twenty-four (24) hours of receipt.
- 327.36 It is the responsibility of the Energy Supplier to provide its website address to the Natural Gas Utility or Electric Utility and the Natural Gas Utility or Electric Utility shall include such link on its website. The Energy Supplier shall include on its website a link to the website of the Natural Gas Utility or Electric Utility.
- 327.37 For electronic contracting, the Energy Supplier's website must be configured to prompt the Customer to print or save a copy of the Contract.
- 327.38 During the electronic enrollment procedure, each web screen must clearly display a "Cancel" icon enabling the Customer to terminate the Enrollment transaction at any time. In addition, the cancellation feature must be clearly explained to the Customer at the beginning of the electronic enrollment process.
- 327.39 At the completion of the electronic enrollment process, and at the end of the three (3) business day rescission period, the Energy Supplier, at the Customer's request, shall provide a secure website location or a telephone number where the Customer can verify that he or she has been enrolled in the Energy Supplier's program.

- 327.40 The Energy Supplier must have a Privacy and Security Policy and all electronic transactions and communications via the Internet between the Customer and the Energy Supplier shall be protected in such a manner as to ensure the privacy of the Customer's information.
- 327.41 The Electric Utility shall transfer a Customer to a competitive electricity supplier in no later than 3 business days, when a Customer applies by Internet, Home, or Other Solicitation, or 5 business days, when a Customer applies by telephone, after receiving the notice of an enrollment transaction from the competitive electricity supplier. The Electric Utility shall transfer a customer to Standard Offer Service in no later than 3 business days, when a Customer applies by Internet, Home, or Other Solicitation, or 5 business days, when a Customer applies by telephone, after receiving the Customer's request.
- 327.42 By the ninth (9<sup>th</sup>) calendar Day of the month (or next Business Day, if the ninth day falls on a holiday or weekend), each Energy Supplier of natural gas service shall provide to the Natural Gas Utility a list of Customers to be supplied by that Energy Supplier beginning on the Customer's Meter read date the following month.
- 327.43 Once the Natural Gas Utility processes a Customer Enrollment from an Energy Supplier, the Natural Gas Utility shall not accept another Enrollment from any other Energy Supplier for that Customer until it receives notice of the Termination of the Customer's Contract.
- 327.44 If a Customer chooses to cancel his or her Contract, prior to the expiration of the Contract and after the expiration of the Rescission Period, the Customer must contact the Energy Supplier to make such a request, and the Energy Supplier shall process the Customer's cancellation request. The Energy Supplier shall process a cancellation request for natural gas service in sufficient time to meet the Natural Gas Utility's next available cancellation cycle, or shall process a cancellation request for electric service within two (2) Business Days after receipt of the cancellation request.
- 327.45 Confirmation of a Customer's intent to enroll with an electric supplier after receipt of an executed contract and after the expiration of the 3 business day Rescission Period for an Internet Solicitation, a Home Solicitation, an Other Personal Solicitation, a Direct Mail Solicitation, or the 5 business day Rescission Period for a Telephone Solicitation, shall occur prior to the transmittal of an Electronic Data Interchange ("EDI") Transaction by the electric supplier to the Electric Utility.
- 327.46 Confirmation of a Customer's intent to enroll with a natural gas supplier after receipt of an executed contract and after the expiration of the 3-business day Rescission Period for an Internet Solicitation, a Home Solicitation, Other Personal Solicitation, Direct Mail Solicitation, or the 5-business day Rescission Period for

a Telephone Solicitation, shall occur prior to the transmittal of an enrollment transaction by the gas supplier to the gas Utility.

327.47 Upon an Energy Supplier's Enrollment of a Customer, the Energy Supplier shall provide to the Customer, within a reasonable period of time the following:

- (a) A statement of Enrollment;
- (b) A description of the agreed-upon billing option and the Company's billing date; and
- (c) Customer service information (including toll-free telephone number, mailing address, and dispute resolution process information).

327.48 The Customer must notify the Energy Supplier, not the Utility, of his or her intent to rescind the Contract within the Rescission Period. If the Customer does not submit a Rescission Notice within the 3-business day Rescission Period for an Internet Solicitation or a Home or Other Personal Solicitation or within the 5 business day Rescission Period for a Telephone Solicitation, the enrollment shall be considered effective. If the Customer notifies the Energy Supplier of his or her intent to rescind the Contract within the 3-business day Rescission Period for an Internet Solicitation or a Home or Other Personal Solicitation or within the 5 business day Rescission Period for a Telephone Solicitation, the Contract is deemed invalid and non-binding.

327.49 After the 3 business day Rescission Period for an Internet Solicitation or a Home or Other Personal Solicitation expires or after the 5-business day Rescission Period for a Telephone Solicitation expires and the Enrollment is processed by the Utility, the relationship between the Customer and the Energy Supplier shall be governed by the terms and conditions contained in the Contract.

327.50 An Energy Supplier shall provide the Customer with written notice of Contract expiration or termination at least thirty-five (35) Days before the expiration or termination of the current Contract. The Energy Supplier's written expiration or termination notice shall include the following:

- (a) Final Bill payment instructions;
- (b) A statement informing the Customer that unless the Customer selects a new Energy Supplier, Termination of Contract shall return the Customer to the Utility; and
- (c) The Commission's telephone number and website address.

327.51 If an Energy Supplier's Contract provides for voluntary renewal of the Contract or for automatic renewal of the Contract (also known as an "Evergreen Contract"):

- (a) The Energy Supplier shall provide written notice to the Customer of the pending renewal of the Contract at least forty-five (45) Days before the renewal is scheduled to occur;
- (b) Written notice of any changes to the material terms and conditions (including, but not limited to, changes to the rate, the billing option or the Billing Cycle), must be provided with or before the forty-five (45) Day written notice. The notification of renewal and of any change in Contract terms must be highlighted and clearly stated; and
- (c) If the Contract is an Evergreen Contract, the forty-five (45) Day written notice shall inform the Customer how to terminate the Contract without penalty and advise the Customer that terminating the Evergreen Contract without selecting another Energy Supplier shall return the Customer to Natural Gas Sales Service or electric Standard Offer Service. The written notice shall also inform the Customer that the Commission has additional information on the energy supply choices available to the Customer. The telephone number and website for the Commission shall be included in the written notice.

327.52 At least twenty-four (24) hours prior to making changes to its rates, charges and services, an Energy Supplier shall provide the Commission Secretary with information regarding the changes in its rates, charges and services that are being made so that the Commission has current information about the Energy Supplier.

327.53 An Energy Supplier shall post on its website current and understandable information about its rates, charges and services.

327.54 An Energy Supplier shall not conduct Meter readings.

327.55 To the extent that an Energy Supplier's charges are based on usage, an Energy Supplier shall rely on the Meter reading (actual, estimated, or customer meter readings) provided to it by the respective Utility.

327.56 An Energy Supplier may, at the election of a Customer, bill a Customer in accordance with a level payment billing plan. If an Energy Supplier utilizes the billing services of a Utility, an Energy Supplier may use the level payment plan as part of the Utility's billing service. The Energy Supplier shall inform the Customer of this option and explain how the monthly payments are calculated. Prior to implementation of the level payment billing plan, the Energy Supplier shall provide the Customer with the following information in writing:

- (a) An acknowledgement that the Customer shall be on the level payment billing plan effective the next billing period;

- (b) An estimate of the Customer's use on an annual basis and an explanation of how the monthly payment has been calculated;
- (c) An indication that the final bill for the level payment billing plan effective period shall reflect the last level payment billing plan installment adjusted for any difference between actual and budgeted usage. Amounts overpaid shall be credited to the Customer's account or refunded, if requested by the Customer. Amounts underpaid that are equal to or greater than the monthly payment may be paid in up to three (3) monthly installments; and
- (d) Final bills are issued when either a Customer account is closed or in the case of a Customer with an Energy Supplier, the supply contract is closed or changed. Any level payment billing plan in effect shall be reconciled upon rendering the final Bill. Amounts underpaid shall be due within twenty (20) days of final bill rendering. Amounts overpaid shall be refunded or credited to the Customer's utility account within twenty (20) days of final bill rendering.

327.57 The Energy Supplier may perform a periodic analysis of a Customer's level payment billing plan and notify the Customer, within twenty-one (21) days thereafter, if actual usage varies significantly from that upon which the level payment billing plan was based and give the Customer an opportunity for revision of the level payment billing plan. If an Energy Supplier utilizes the billing services of a Utility, the Customer may have an opportunity for revision of the level payment billing plan at the same time as the Utility allows under the Utility's level payment billing plan procedures or at a time designated by the Energy Supplier.

327.58 If the Customer enters into a Deferred Payment Agreement ("DPA") with the Utility pursuant to § 306, and the Energy Supplier utilizes the billing services of the Utility, the Utility may include the Energy Supplier's balance as part of its DPA.

327.59 Any Energy Supplier that violates this section, either directly or through its agent, may be subject to Penalties and Sanctions, including license revocation, upon notice given by the Commission.

**Section 399, DEFINITIONS, is amended as follows:**

**399.1** When used in this chapter, the following terms and phrases shall have the meaning ascribed:

**Energy Supplier:** a person, including an Electricity Supplier, Natural Gas Supplier, Aggregator, Broker, or Marketer, who generates or produces natural gas or electricity, sells natural gas or electricity, or purchases, brokers, arranges, or markets natural gas or electricity for sale to

customers. The term excludes the following: (A) building owners, lessees, or managers who manage the internal distribution system serving such building and who supply natural gas or electricity solely to occupants of the building for use by the occupants; (B)(i) any person who purchases natural gas or electricity for its own use or for the use of its subsidiaries or affiliates; or (ii) any apartment building or office building manager who aggregates natural gas or electric service requirements for his or her building(s), and who does not: (I) take title to natural gas or electricity; (II) market natural gas or electric services to the individually-metered tenants of his or her building; or (III) engage in the resale of natural gas or electric services to others; (C) property owners who supply small amounts of power, at cost as an accommodation to lessors or licensees or the property; and (D) a Consolidator.

**Slamming (for Energy Suppliers):** the practice of switching, or causing to be switched, a Customer's natural gas or electric supplier Account without the express informed consent of the Customer.

2. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Brinda Sedgwick-Westbrook, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005. Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsc.org](http://www.dcpsc.org) or at cost, by contacting the Commission Secretary at the address provided above.



**THE DISTRICT OF COLUMBIA HOUSING AUTHORITY****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, 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.)), of its intent to adopt the following proposed amendments to Chapter 62 (Rent Calculations) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed amendments is to amend rent calculations and to authorize payment of association fees.

Per 1 DCMR 311.4(e), emergency rulemakings are promulgated when the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals. There is an urgent need to adopt these emergency regulations to ensure compliance with Sections 210 and 243 of Title II of the Pub.L. 113-76, the Consolidated Appropriations Act of 2014, and to authorize payment of association fees.

These emergency regulations were adopted by the Board on October 8, 2014 and became effective immediately. They will remain in effect for up to one hundred twenty (120) days from the date of adoption, until February 5, 2015, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Board of Commissioners of DCHA also gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**The additional provisions of Chapter 62, RENT CALCULATIONS, of Title 14, HOUSING, of the DCMR are proposed as follows:**

**Section 6200 is amended to read as follows:**

**6200 RENT CALCULATIONS**

6200.1 Notwithstanding provisions which may appear elsewhere in this subtitle, each tenant shall pay, as tenant rent, one of the following:

- (a) Income-based rent as the greater of one twelfth (1/12) of thirty percent (30%) of adjusted income or one twelfth (1/12) of ten percent (10%) of the annual income. The value of any assets or imputed income from assets shall not be used in the calculation of income based rent. Actual net income from assets greater than the threshold described above shall be included in the determination of adjusted income;

- (b) Market-based rent which shall not be lower than 80% of the applicable United States Department of Housing and Urban Development (HUD) Fair Market Rent (FMR) for applicable Metropolitan Statistical Area. If the Market-based rent is less than income-based rent, as determined by DCHA, the family shall pay the lower;
  - 1. Pursuant to HUDs PIH Notice 2014-12 implementing Sections 210 and 243 of Title II of Pub.L. 113-76, the Consolidation Appropriations Act of 2014, if the application of the flat rent rule increases a family's existing rent by more than 35%, then the market-based rent amount shall be phased in as necessary to ensure that the family's existing rental payment does not increase by more than 35% biennially.
- (c) If the family is determined by DCHA to have no adjusted income, the family shall pay minimum rent as provided in § 6210.

6200.2 Any changes in tenant rent shall be stated in a special supplement to the lease, which shall, upon issuance, become a part of the dwelling lease. The special supplement to the lease shall constitute the tenants thirty (30) day written notice of an increase in tenant rent. The family shall be provided a copy of the special supplement to the lease.

6200.3 A copy of the market-based rent schedule for a property shall be available at each property management office, on the DCHA web site, or can be requested from the DCHA.

6200.4 At initial lease-up and with each recertification or interim recertification, DCHA shall calculate the family's income-based rent. If the market-based rent, as listed in the current market-based rent schedule for the property, is less than the family's income-based rent, the family shall pay the lower amount.

6200.5 If a tenant is paying a market-based rent, the tenant shall:

- (a) Submit an interim recertification in accordance with § 6117 for any change in family circumstances. Change in family circumstances may include, but shall not be limited to, reductions in income, employment, or other assistance; or increases in expenses for medical costs, child care, transportation, or education pursuant to § 6119; and
- (b) Provide DCHA with a completed application for continued occupancy, in accordance with § 6118.

6200.6 All changes in tenant rent, both income-based and market-based and whether after an interim or regular recertification, shall be implemented in accordance with §§ 6118, 6119, and this chapter.

- 6200.7 In properties where utilities and other essential services are supplied to the tenant by DCHA, tenant rent payable to DCHA under the dwelling lease shall be the same as total tenant payment.
- 6200.8 Tenant rent shall be computed after both annual income and adjusted income have been verified.
- 6200.9 The tenant shall receive retroactive credit to credit an administrative error.
- 6200.10 Tenants occupying property for a portion of a month at the time of move-in shall be charged a pro-rata share of the full monthly rate determined by DCHA.
- 6200.11 Allowances and special deductions:
- (a) In properties where tenants are responsible for paying for their own utility bills, the utility allowance shall be subtracted from the total tenant payment to determine the tenant rent payable to DCHA. If the tenant rent resulting from the subtraction of the utility allowance from the total payment is negative, DCHA shall send a monthly check in the amount of the difference to the tenant.
  - (b) At Redeveloped Properties or Service Rich Properties, as defined in 14 DCMR Section 6113, which an Association Fee is assessed, residents at such properties may be required to pay an amount calculated to equal the Association Fee attributable to the unit and shall be granted an allowance reflecting the Association Fee payment. The allowance shall be subtracted from the tenant rent to determine the tenant payment as follows:
    - (1) Any utility allowance shall be deducted from the tenant rent first. The allowance for the Association Fee shall be deducted from any remaining positive amount. If the deduction of the utility allowance results in a negative rent there shall be no charge for an Association Fee and no deduction for the Association Fee allowance. If the deduction of the Association Fee allowance results in a negative amount, the required Association Fee payment from the tenant and its associated allowance shall be reduced so that the tenant rent is zero.
    - (2) If the tenant fails to pay the Association Fee on time, the fee shall be converted to rent, not to exceed 30% of adjusted income, when added to the monthly rent, for the month in which the fee was paid.

- (3) If the Association Fee is paid after entry of judgment as part of the payment required to avoid eviction, the fee shall be recorded as the Association Fee, and the ledger shall be updated to reflect the tenant's payments.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at [www.dcregs.gov](http://www.dcregs.gov), or by contacting Karen Harris at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Karen Harris at: [PublicationComments@dchousing.org](mailto:PublicationComments@dchousing.org).
3. No facsimile will be accepted.

Comments Due Date: November 17, 2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**ADMINISTRATIVE ISSUANCE SYSTEM**


Mayor's Order 2014-223  
September 25, 2014


**SUBJECT:** Appointment – Healthy Youth and Schools Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 702 of the Healthy Schools Act of 2010 (“Act”), effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **Mayoral Recognition of Appointment.** In accordance with section 702(a) of the Act, the following individual is recognized as a member appointed to the Commission pursuant to the appointment stated:
  - a. **REBECCA LEVIN** is recognized as a member appointed to the Commission by the Chairperson of the Council committee with oversight of education, replacing Jenny Backus, for a term to end three years from the effective date of this Order.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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 VINCENT C. GRAY  
 MAYOR

**ATTEST:**   
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 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-224  
September 29, 2014

**SUBJECT:** Amendment – Mayor's Order 2011-109, Establishment of the Saint Elizabeths Redevelopment Initiative

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (6) and (11) (2012 Repl.), section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code §§ 10-801 *et seq.* (2012 Repl.), and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2012 Repl.), it is hereby **ORDERED** that:

1. Mayor's Order 2011-109, dated June 15, 2011, is amended by adding a new Section 6(a) to read as follows:

“ 6(a) The Director of the Department of Transportation (“DDOT Director”) is delegated the authority to solicit offers and execute on behalf of the District of Columbia any and all documents related to the procurement of services for utility and transportation infrastructure and the design and construction of proposed DDOT right-of-way, and to take all actions necessary or useful for or incidental to the procurement or construction, including, but not limited to, permits, vault agreements, maintenance agreements, right of entry agreements and memoranda of understanding, and/or other associated documents; provided, both the Deputy Mayor for Planning and Economic Development and DDOT Director shall be responsible for negotiating and entering into agreements with utilities for the relocation of the utilities' infrastructure; provided further, the Deputy Mayor for Planning and Economic Development shall be responsible for negotiating and entering into an agreement with the Washington Metropolitan Area Transit Authority for the transfer of property associated with the reconfiguration of the Congress Heights Metrorail Station and adjacent property owned by the District, which may result in a modification to the transportation infrastructure, but shall consult with the DDOT Director before entering into any such agreement.”

- 2. The authority delegated herein to the DDOT Director may be further delegated to subordinates under the jurisdiction of the DDOT Director.
- 3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency.
- 4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 15, 2014.

  
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VINCENT C. GRAY  
MAYOR

ATTEST:   
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CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-225  
September 29, 2014

**SUBJECT:** Appointment – Director, District Department of Transportation

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), pursuant to section 3(a) of the District Department of Transportation Establishment Act of 2002, effective May 21, 2002, D.C. Law 14-137, D.C. Official Code § 50-921.02(a) (2012 Repl. and 2014 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **MATTHEW T. BROWN** who was nominated by the Mayor on May 2, 2014 and approved by the Council of the District of Columbia pursuant to the Director of the District Department of Transportation Matthew T. Brown Confirmation Resolution of 2014, approved September 23, 2014, is appointed as the Director of the District Department of Transportation and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-93, dated May 1, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 23, 2014.


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 VINCENT C. GRAY  
 MAYOR

ATTEST:   


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 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-226  
September 29, 2014


**SUBJECT:** Appointment – Board of Psychology

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 211 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.11 (2012 Repl.), it is hereby **ORDERED** that:

1. **DR. ANTHONY JIMENEZ**, who was nominated by the Mayor on May 27, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0800 on September 20, 2014, is appointed as a psychologist member of the Board of Psychology, replacing Dr. Juliet Francis, for a term to end November 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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 VINCENT C. GRAY  
 MAYOR

ATTEST:   
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 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-227  
September 29, 2014


**SUBJECT:** Appointment – District of Columbia Water and Sewer Authority Board of Directors

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, D.C. Law 11-111, D.C. Official Code § 34-2202.04 (2012 Repl.), it is hereby **ORDERED** that:

1. **MATTHEW T. BROWN**, who was nominated by the Mayor on May 2, 2014, and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0759 on September 23, 2014, is appointed as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, replacing Terry Bellamy, for a term to end September 12, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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VINCENT C. GRAY  
MAYOR

ATTEST:   
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CYNTHIA BROCK-SMITH  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-228  
October 1, 2014


**SUBJECT:** Appointment – Director, Office of Boards and Commissions

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN CHEEK** is appointed Director of the Office of Boards and Commissions and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-101, dated July 6, 2012.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 29, 2014.

  
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 VINCENT C. GRAY  
 MAYOR

ATTEST:   
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 CYNTHIA BROCK-SMITH  
 SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-229  
October 2, 2014

**SUBJECT:** Designation of Special Event Areas for Potential Post-Season Baseball Games


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 23, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with post-season baseball games that may be held at Nationals Park during the 2014 Major League Baseball season. The potential post-season baseball game dates are between October 3 and October 26, 2014.
2. For the purposes of this Order, the term "post-season baseball game" means a Major League Baseball game held at Nationals Park after the conclusion of the regular Major League Baseball season in order to determine what teams will play in the World Series and a World Series game.
3. On post-season baseball game dates, the land area defined in the Lease Agreement dated March 6, 2006, by and between the Washington Convention and Sports Authority, as successor in interest to the District of Columbia Sports and Entertainment Commission, and the Washington Nationals Stadium, LLC ("Lessee"), successor in interest to Baseball Expos, L.P., as the "Baseball Stadium Site" (more particularly defined in Exhibit A to the Lease Agreement as the area of land consisting of approximately nineteen (19) acres, bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, and First Street, S.E.), is designated as a Special Event Area to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.
4. On post-season baseball game dates, N Street, S.E., between South Capitol Street and First Street, S.E., and Half Street, S.E., between M Street, S.E., and N Street, S.E., are designated as Special Event Areas to which the provisions of 19 DCMR § 1301 shall not apply, for the purposes described in this Order.

5. Streets within the Special Event Areas designated by paragraph 4 of this Order may be closed to non-emergency vehicular traffic starting eight (8) hours before the commencement of a post-season baseball game, and continuing until three (3) hours after the post-season baseball game ends.
6. No sidewalk space within the Special Events Areas designated by paragraphs 3 and 4 may be closed to pedestrian traffic, unless specifically authorized by the City Administrator.
7. All building, health, life, and safety requirements shall remain applicable to the Special Event Areas designated by this Order.
8. Persons authorized to vend in the Nationals Park Vending Zone pursuant to 24 DCMR 530 shall continue to be authorized to vend in the Special Events Areas designated by this Order. In addition, the Department of Consumer and Regulatory Affairs may issue additional, special event vending permits within the Special Events Areas.
9. The District Department of Transportation may authorize additional lane closures and sidewalk closures in association with post-season baseball games for bus loading zones, television and radio broadcast vehicle parking, and other activities associated with post-season baseball games.
10. The City Administrator shall inform the Metropolitan Police Department, Fire and Emergency Medical Services Department, Homeland Security and Emergency Management Agency, and District Department of Transportation of all street closures under this Order.
11. **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 2014-230  
October 2, 2014

**SUBJECT:** Fiscal Year 2015 Expenditure Restrictions

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(11), 442(a)(1) and (c), and 603(d) and (e) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(11), 1-204.42(a)(1) and (c), and 1-206.03(d) and (e) (2012 Repl.), by the Federal Anti-Deficiency Act, 31 USC § 1341 *et seq.*, and by the District Anti-Deficiency Act of 2002, effective April 4, 2003, D.C. Law 14-285, D.C. Official Code § 47-355.01 *et seq.* (2012 Repl.), it is hereby **ORDERED**:

- I. **RESTRICTIONS ON THE HIRING OF NEW EMPLOYEES AND CERTAIN OTHER EMPLOYMENT-RELATED ACTIONS; RESTRICTIONS ON TRAVEL AND TRAINING**
- A. In order to address potential spending pressures and to maintain a balanced budget in fiscal year 2015, there is imposed on each subordinate executive branch agency:
- i. A freeze on the hiring of new employees;
  - ii. A freeze on promotions, pay raises, reclassifications, bonuses, and awards;
  - iii. A freeze on travel, except: (1) travel within the District or within fifty (50) miles of the District, or (2) travel that is paid for or reimbursed in full by a source other than local or O-type funding; and
  - iv. A freeze on training, seminars, and conferences, except: (1) training, seminars, or conferences conducted by District government employees at District government facilities, or (2) training, seminars, or conferences that are paid for or reimbursed in full by a source other than local or O-type funding.

**II. WAIVER OF RESTRICTIONS**

- A. A subordinate executive branch agency may request a waiver from the Office of the City Administrator from each of the restrictions set forth in section I of this Order.
- B. A waiver may be granted for expenditures that are:
  - i. Necessary for the public safety or health;
  - ii. For training required to obtain or maintain a certification that is necessary to carry out an employee's District government duties;
  - iii. Necessary to ensure compliance with a law, regulation, collective bargaining agreement, or court order;
  - iv. Funded by federal or private funds; or
  - v. Necessary to carry out the essential functions of government.

**III. PRIOR APPROVALS**

- A. A waiver granted by the Office of the City Administrator under Mayor's Order 2013-196 shall be deemed to be a waiver granted under this Order.

**IV. ADJUSTMENTS TO BUDGET ALLOCATIONS**


- A. The Office of the Chief Financial Officer may adjust the budget allocations of agencies to reflect the spending restrictions established by this Order and may readjust such allocations to reflect waivers to the restrictions approved by the Office of the City Administrator pursuant to section II of this Order.

**V. PROHIBITIONS**

- A. No officer or employee of the District of Columbia may make or authorize an expenditure, obligation, or personnel action that is inconsistent with this Order.
- B. An officer or employee violating this Order shall be subject to appropriate administrative discipline recommended by the Board for Review of Anti-Deficiency Violations, including, when circumstances warrant, suspension from duty without pay or removal from office.

VI. 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 2014-231  
October 2, 2014


**SUBJECT:** Delegation of Authority to Establish and Adjust Certain Fees Related to Special Event Licenses to the Chief of the Metropolitan Police Department

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(6) and (11) (2012 Repl.), and pursuant to D.C. Official Code § 47-2826 (2012 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by D.C. Official Code § 47-2826(b) (2012 Repl.) related to fees to cover the costs to the District of providing police services that are necessary to protect public health and safety, including the authority to establish and adjust the amount of the fees by rulemaking, is delegated to the Chief of the Metropolitan Police Department.
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
3. **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, OCTOBER 22, 2014  
2000 14<sup>TH</sup> 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-00070;** PGS, LLC, t/a Sauf Haus, 1216 18th Street NW,  
License #86803, Retailer CT, ANC 2B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00056;** J. Paul's DC, LLC, t/a J. Paul's, 3218 M Street NW  
License #72358, Retailer CR, ANC 2E  
**Substantial Change (Entertainment Endorsement)**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00066;** MYIA, LLC, t/a To Be Determined, 1419 Wisconsin  
Ave NW, License #96102, Retailer CR, ANC 2E  
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00065;** Yummi Crawfish & Seafood Restaurant, LLC, t/a  
Yummi Crawfish, 1529 Wisconsin Ave NW, License #96169, Retailer CR  
ANC 2E  
**Application for a New License**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CMP-00258;** Optimismo, LLC, t/a Optimism, 3301 12th Street NE  
License #83552, Retailer CT, ANC 5B  
**No ABC Manager on Duty (two counts), Failed to Post Pregnancy Sign,  
Failed to Post Current Legal Drinking Age Notice**

Board's Calendar

October 22, 2014

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-AUD-00040;** 1606 K, LLC, t/a Fuel Pizza & Wings, 1606 K Street NW, License #88452, Retailer CR, ANC 2B

**Failed to File Quarterly Statements (4th Quarter 2013)**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-CC-00057;** A&F, LLC, t/a L Street Market, 1100 4th Street NE License #79164, Retailer CR, ANC 6C

**Sale to Minor Violation**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-CC-00049;** ZG Market, Inc., t/a Jubilee Market, 2316 4th Street NE License #74162, Retailer B, ANC 5E

**No ABC Manager on Duty, Violation of Settlement Agreement, Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 12-CC-00101;** ZG Market, Inc., t/a Jubilee Market, 2316 4th Street NE License #74162, Retailer B, ANC5E

**No ABC Manager on Duty, Failed to Post Window Lettering, Violation of Settlement Agreement, Allowed the Establishment to be Used for the Sale of Illegal Drugs and Paraphernalia**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-251-00192;** Arm, LLC, t/a LUX, 649 New York Ave NW, License #71743, Retailer CN, ANC 6E, **Operating After Board Approved Hours, Failed to Follow Security Plan, Failed to Maintain an up-to-date Security Plan**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-CMP-00205;** Burger 1931, LLC, t/a Black and Orange, 1931 14th Street NW, License #88273, Retailer CR, ANC 1B

**Failed to File Quarterly Statements (4th Quarter 2013)**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 14-AUD-00044;** PQ Georgetown, Inc., t/a Le Pain Quotidien, 2815 M Street NW, License #77337, Retailer CR, ANC 2E

**Failed to File Quarterly Statements (4th Quarter 2013)**

**Show Cause Hearing 9:30 AM**

**Case # 14-251-00003 and # 14-251-00003(a);** Chloe, LLC, t/a District, 2473 18th Street NW, License #92742, Retailer CR, ANC 1C

**Interfered with an Investigation**

Board's Calendar  
October 22, 2014

9:30 AM

**Fact Finding Hearing**

**Case #'s 14-251-00013, # 14-251-00093, # 14-251-00229, # 14-251-00238 and # 14-CMP-00240**, Howard Theatre Entertainment, LLC, t/a Howard Theatre 620 T Street NW, License #88646, Retailer CX, ANC 1B

**Follow-up To Fact Finding Hearing on September 17, 2014**

**Fact Finding Hearing**

9:30 AM

Pub Crawl, Applicant: Ante Willie Afahame, Date of Event: November 1, 2014  
Event: UStreetPubCrawls.com, Neighborhood: Multiple Licensed Premises  
Size of Event:2,000

*The names of the establishments participating in the Pub Crawl are available upon request.*

**Show Cause Hearing**

10:00 AM

**Case # 14-251-00087**; Beg Investments, LLC, t/a Twelve Restaurant & Lounge 1123 H Street NE, License #76366, Retailer CT , ANC 6A

**Interfered with an Investigation**

**Show Cause Hearing**

10:00 AM

**Case # 13-251-00113**; AG Corporation, t/a Fairmont Liquor and Grocery 2633 Sherman Ave NW., License #80900, Retailer A, ANC 1B

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing**

11:00 AM

**Case # 14-CC-00003**; AG Corporation, t/a Fairmont Liquor and Grocery 2633 Sherman Ave NW, License #80900, Retailer A, ANC 1B

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Protest Hearing**

1:30 PM

**Case # 14-PRO-00046**; Capitol City Brewing Company, LLC, t/a Penthouse Pool & Lounge, 1612 U Street NW, License #86789, Retailer CT, ANC 2B

**Substantial Change (Expansion to 4th Floor and Entertainment Endorsement)**

**Fact Finding Hearing**

2:30PM

MOM's Organic Market, Inc., t/a MOM's Organic Market; 1401 New York Ave NE, License #94996, Retailer B, ANC 5D

**Application for a New License**

Board's Calendar  
October 22, 2014

**4:30 PM**

**Protest Hearing**

**Case # 13-PRO-00150;** Superclub Ibiza, LLC, t/a Ibiza, 1222 1st Street NE  
License #74456, Retailer CN, ANC 6C

**Application to Renew the License**

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 22, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On October 22, 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#14-251-00252 Josephine, 1010 Vermont AVE NW Retailer C Tavern, License#: ABRA-076906

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2. Case#14-251-00249 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

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3. Case#14-251-00250 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

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4. Case#14-CC-00174 Fairfax Liquors, 3851 PENNSYLVANIA AVE SE Retailer A Retail - Liquor Store, License#:ABRA-078013

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5. Case#14-CC-00157 Elmira Grocery, 4401 SOUTH CAPITOL ST SW Retailer B Retail - Grocery, License#:ABRA-077411

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6. Case#14-AUD-00078 Town House Tavern Restaurant, 1637 R ST NW Retailer C Restaurant, License#:ABRA-024682

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7. Case#14-AUD-00109 Buck's Fishing & Camping, 5031 CONNECTICUT AVE NW Retailer C Restaurant, License#:ABRA-060769

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8. Case#14-AUD-00073 Expo Restaurant & Nightclub, 1928 9TH ST NW Retailer C Restaurant, License#:ABRA-060872

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9. Case#14-CC-00166 Angelico Pizzeria & Cafe, 4529 WISCONSIN AVE NW Retailer D Restaurant, License#:ABRA-060711

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10. Case#14-AUD-00079 Boeeymonger Restaurant, 3265 PROSPECT ST NW Retailer D Restaurant, License#:ABRA-003496

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11. Case#14-AUD-00080 Chateau Inc, 3439 BENNING RD NE Retailer C Restaurant, License#: ABRA-010574

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12. Case#14-AUD-00106 Chateau Inc, 3439 BENNING RD NE Retailer C Restaurant, License#: ABRA-010574

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13. Case#14-AUD-00108 Mesobe Restaurant and Deli Market, 1853 7TH ST NW Retailer C Restaurant, License#:ABRA-081030

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14. Case#14-251-00235 Sesto Senso/ Andalu/Spot/Lupe/M I A, 1214 18TH ST NW Retailer C Tavern, License#:ABRA-081092

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15. Case#14-AUD-00104 Jack Rose, 2007 18TH ST NW Retailer C Restaurant, License#: ABRA-081997

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16. Case#14-AUD-00077 We, The Pizza, 305 PENNSYLVANIA AVE SE Retailer C Restaurant, License#:ABRA-082062

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17. Case#14-251-00230 Nomad Hookah Bar, 1200 H ST NE Retailer C Tavern, License#: ABRA-087558

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18. Case#14-CC-00146 Southern Express Liquors, 4416 Southern AVE SE Retailer A Retail - Liquor Store, License#:ABRA-087100

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19. Case#14-AUD-00105 Kokeb Ethiopian Restaurant, 3013 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-089933

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20. Case#14-CC-00148 Mart Liquors, 2931 MARTIN LUTHER KING JR AVE SE Retailer A Retail - Liquor Store, License#: ABRA-090154

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21. Case#14-CMP-00499 Aroi Thai Cuisine, 1832 1ST ST NW Retailer C Restaurant, License#: ABRA-090174

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22. Case#14-251-00219 Echostage, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-090250

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23. Case#14-PRO-00051 Cheerz, 7303 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-095178

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, OCTOBER 22, 2014 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between ANC 1B and Eleven Market, dated September 17, 2014. *Eleven Market*, 1936 11th St., NW, Retailer B, License No.: 060236.

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2. Review of Amendment to Settlement Agreement between ANC 6A and Ocupa, dated October 9, 2014. *Ocupa*, 4615 41st St., NW, Retailer C, License No.: 088102.

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3. Review of Amendment to Settlement Agreement between ANC 6B and DCanter, dated October 9, 2014. *DCanter*, 545 8th St. SE, Retailer B, License No.: 090639.

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4. Review of Request for a Single Sales Moratorium Exception for DCanter, dated July 29, 2014, submitted by Michael Warner, Managing Member of Midagra, LLC. ANC 6B supports the request. DCanter, 545 8th Street SE, Retailer B, License No.: 090639.

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5. Review of Settlement Agreement among ANC 2E, the Citizens Association of Georgetown, Robert Yahn and After Peacock Room, dated September 29, 2014. *After Peacock Room*, 1417 27th St., NW, Retailer C, License No.: 095964.

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6. Review of Petition for Reconsideration of the September 23, 2014 Board's Order, submitted by Paul Pascal, Esq. on behalf of Saloon 45. *Saloon 45*, 1821 18th St., NW, Retailer CT, License No.: 094842. No Response filed by Protestants.

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\* 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, OCTOBER 22, 2014 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Extension of Safekeeping of License. Original Safekeeping Date: 9/30/2011. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Todito Grocery**, 1813 Columbia Road NW, Retailer B Grocery, License No. 060011.

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2. Review Request for Extension of Safekeeping of License – 3rd Request. Original Safekeeping Date: 10/1/2012. ANC 7B. SMD 7B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Rendezvous (formerly)**, 2840 Alabama Avenue SE (formerly), Retailer CN, License No. 090529.

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3. Review Request for Safekeeping of License – 1<sup>st</sup> Request. ANC 1B. SMD 1B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Le Droit Park Market**, 1901 4<sup>th</sup> Street NW, Retailer B Grocery, License No. 096291.

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4. Review Change of Hours Application. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Monday-Thursday, 9am-9pm, Friday-Saturday 9am-10pm. **Proposed Hours of Operation:** Sunday-Thursday 7am-12am, Friday-Saturday 7am-1am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 7am-12am. ANC 7B. SMD 7B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Lee's Liquor**, 2339 Pennsylvania Avenue SE, Retailer A Liquor Store, License No. 095751.

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5. Review Application for Entertainment Endorsement and Cover Charge. Entertainment to Include Live Music, Comedy, Karaoke, Poetry, and DJ. ANC 8A. SMD 8A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Cedar Hill Bar & Grill**, 2200 Martin Luther King Jr. Avenue SE, Retailer CT, License No. 091887.

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6. Review Application for Manager's License. *Mehdi B.A. Hassine*-ABRA 096914.

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7. Review Application for Manager's License. *Charles Alexander*-ABRA 096942.

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8. Review Application for Manager's License. *Tyler A. Okasaki*-ABRA 096961.

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**\*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**

**Snow Removal Services**

AppleTree Early Learning PCS is seeking a company for snow removal services for 5 campuses in SW, NE, and SE Washington, DC. The proposal should include a contract for services beginning in December 2014 and ending in March 2015. Please contact Rita Hackel Chapin, Chief Operating Officer, for details on the RFP. The deadline for responding to the RFP is November 14, 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

**DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS****DC MAYOR'S COMMISSION ON ASIAN AND  
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Monday, October 20, 2014 at 6:30 pm.

The meeting will be held at the OAPIA office at One Judiciary Square, 441 4<sup>th</sup> Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact [oapia@dc.gov](mailto:oapia@dc.gov) or Andrew Chang at [andrew.chang@dc.gov](mailto:andrew.chang@dc.gov). Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs convenes meetings to discuss current issues affecting the DC AAPI community.

**CAPITAL CITY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Gymnasium & Locker Room Renovation – Design Build Services**

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for the design build teams or firms for the renovation of an existing gymnasium, including installation of a new HVAC system and roof, and the redevelopment of two locker rooms to include restrooms, office space, conference room, and storage. Design would begin in November 2014 with release of long lead items by January 2015 and construction to take place summer 2015. Proposals are due no later than 5 P.M. October 31, 2014. The RFP with bidding requirements and supporting documentation can be obtained by contacting Arogya Singh at [asingh@ccpcs.org](mailto:asingh@ccpcs.org).

**OFFICE OF STATE SUPERINTENDENT OF EDUCATION**  
**REQUEST FOR APPLICATIONS**

**FY 2015 Mathematics Science Partnerships Grant Program**

**Notice of Funds Availability**

The District of Columbia Office of the State Superintendent of Education (OSSE) announces funding availability through the Mathematics and Science Partnerships Grant Program authorized through provisions of Title II, Part B of the No Child Left Behind Act of 2001. The purpose of this funding is to increase the academic achievement of students in mathematics and science by enhancing the content knowledge and teaching skills of classroom teachers. Partnerships between high-need Local Educational Agencies (LEAs) and the science, technology, engineering, and mathematics (STEM) faculty in institutions of higher education are at the core of these improvement efforts. Other partners may include public schools, private schools, business, and non-profit or for-profit organizations involved in mathematics and science education.

**Available Funding for Awards:** The amount available for this award period is \$707,599.90.

**Award Period:** The grant period will be from the date of award until September 30<sup>th</sup>, 2016.

**Eligibility:** The Mathematics Science Partnerships grant is a partnership grant program. An eligible partnership will include the following principal partners at a minimum:

- (1) a District of Columbia high-need Local Educational Agency (LEA);
- (2) a science, technology, engineering and mathematics (STEM) department within an institution of higher education (IHE). The institution of higher education must:
  - a. be accredited by a regional accrediting body recognized by the United States Department of Education and;
  - b. provide services in the District of Columbia at the applicant's university or college, DC public, charter, or private school or other suitable facility approved by OSSE.

**State Application Priority:** The District of Columbia Office of the State Superintendent of Education (OSSE) has aligned federal priorities of the Mathematics Science Partnerships grant program with the following areas of focus, identified as OSSE priorities for this grant funding opportunity. Grant applications that are awarded funding during the FY 2015 cycle will describe proposed programs which substantially address one or both of the following focus areas:

1. **Professional Development aimed at providing support to increase the proportion of effective and highly effective STEM teachers at High need LEAs.** Applicants will identify a cadre of STEM teachers within the high need LEA, or a consortium of high-need LEAs with the intent of developing a corps of highly-effective master educators who are proficient in using challenging State academic content standards, student academic achievement standards, and State assessments to improve instructional practices and student

achievement with the intent of helping other teachers become highly effective. A portion of the delivery of such supports must be in the form of subject area development in the STEM subjects. The applicant is strongly encouraged to develop the program with an emphasis on ensuring that participants have opportunities for meaningful interactions with scientists, mathematicians, engineers, and other industry leaders who represent STEM fields. Programs designed under this option will demonstrate how they intend to be used as a model to support effective instruction across the District of Columbia.

2. **Professional Development programs aimed at facilitating implementation of the Next Generation Science Standards (NGSS) in DC LEAs and schools.** Applicants will identify a cadre of STEM teachers within the high need LEA, or a consortium of high-need LEAs to participate in NGSS-specific training, who will return to their schools and LEAs to lead NGSS-specific professional development to other STEM teachers. Applications should demonstrate a strong intention to provide opportunities for participants to have direct contact with individuals and organizations that represent STEM fields such as scientists, mathematicians, engineers, etc. Programs designed under this option will demonstrate how they intend to be used as a model to support effective instruction across the District of Columbia.
3. **In-service Collaboration with Industry Leaders.** Applicants will establish and operate mathematics and science summer institutes with the intent of providing STEM teachers with the opportunity to interface directly with practicing scientists, mathematicians, and engineers in an effort to increase their subject matter. Applications seeking funding under this option will demonstrate how the proposed program intends to improve participants' instructional skills through the use of sophisticated tools and work space, computing facilities, libraries, and other resources that institutions of higher education are more readily able to provide. The design of the program will center on content knowledge, the principles of effective instruction and student learning. Long term plans that include multi-week institutes coupled with support over a sustained period are critical. A promising model for this would be the establishment and operation of summer workshops or institutes with follow-up training, coaching, and other supports for classroom implementation. Programs designed under this option shall target a majority of teachers rated as effective or minimally effective per the LEAs evaluation system with activities geared toward moving these teachers toward earning highly effective ratings.
4. **Professional development programs aimed at supporting LEA use of student learning objectives (SLOs).** Funding may be used to better prepare administrators and STEM teachers to deconstruct learning standards, identify priority content, create high-quality goals and objectives, and measure student progress in tested and non-tested grades, and in STEM subjects. Prospective applicants may also consider forming a consortium of LEAs, led by an LEA experienced in using student learning objectives that will help other LEAs to successfully implement SLOs through provision of targeted professional development and by modeling best practices.



The OSSE will no longer accept paper applications for the Mathematics Science Partnerships grant. The Request for Applications (RFA) will be released through OSSE's new Enterprise Grants Management System (EGMS) on Monday, November 3<sup>rd</sup>, 2014; **the deadline for submission is Friday, January 12<sup>th</sup>, 2015 at 11:59 p.m.**

Pre-Application webinars will be held on Thursday, November 13<sup>th</sup>, 2014 from 2:00pm to 4:00pm and on Tuesday, November 18<sup>th</sup>, 2014 from 2:00pm to 4:00pm. You may RSVP by emailing Valida Walker at [valida.walker@dc.gov](mailto:valida.walker@dc.gov). **It is strongly recommended that applying organizations attend one of the pre-application webinars.**

Applicants are also encouraged to email questions to Valida Walker at [valida.walker@dc.gov](mailto:valida.walker@dc.gov) **no later than Friday, January 12<sup>th</sup>, 2015 at 5:00 p.m.** Questions submitted after this deadline will not be identified for a response.

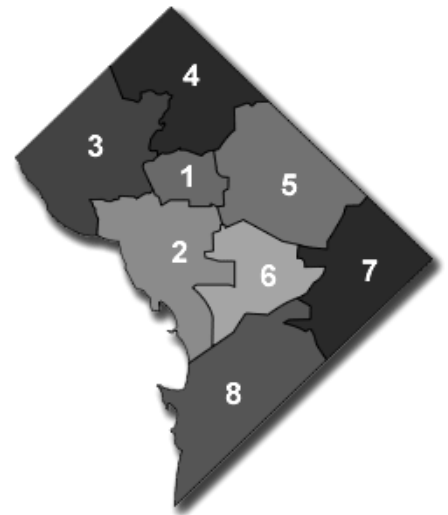
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	42,909	2,729	722	75	124	11,374	<b>57,933</b>
<b>2</b>	29,411	5,637	208	92	124	10,746	<b>46,218</b>
<b>3</b>	36,557	6,817	360	76	96	11,215	<b>55,121</b>
<b>4</b>	47,175	2,174	506	46	130	8,762	<b>58,793</b>
<b>5</b>	49,730	1,991	549	48	148	8,443	<b>60,909</b>
<b>6</b>	50,777	6,241	509	100	159	12,377	<b>70,163</b>
<b>7</b>	49,370	1,268	433	10	113	6,992	<b>58,186</b>
<b>8</b>	42,517	1,132	373	13	147	6,799	<b>50,981</b>
<b>Totals</b>	348,446	27,989	3,660	460	1,041	76,708	<b>458,304</b>
<b>Percentage By Party</b>	<b>76.03%</b>	<b>6.11%</b>	<b>.80%</b>	<b>.10%</b>	<b>.23%</b>	<b>16.74%</b>	<b>100.00%</b>

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS  
AS OF THE END OF SEPTEMBER 30, 2014**

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
441 4<sup>TH</sup> 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 SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>20</b>	1,316	30	6	1	7	197	<b>1,557</b>
<b>22</b>	3,626	327	30	7	7	962	<b>4,959</b>
<b>23</b>	2,742	175	52	6	5	711	<b>3,691</b>
<b>24</b>	2,387	233	33	7	5	746	<b>3,411</b>
<b>25</b>	3,716	412	62	5	7	1,115	<b>5,317</b>
<b>35</b>	3,372	217	61	6	7	941	<b>4,604</b>
<b>36</b>	4,229	269	65	4	10	1,129	<b>5,706</b>
<b>37</b>	3,093	130	53	5	6	708	<b>3,995</b>
<b>38</b>	2,702	137	57	7	9	714	<b>3,626</b>
<b>39</b>	4,132	214	81	6	13	992	<b>5,438</b>
<b>40</b>	3,879	201	100	7	19	1,100	<b>5,306</b>
<b>41</b>	3,324	184	65	9	15	1,022	<b>4,619</b>
<b>42</b>	1,773	66	32	2	6	456	<b>2,335</b>
<b>43</b>	1,670	70	17	2	4	369	<b>2,132</b>
<b>137</b>	948	64	8	1	4	212	<b>1,237</b>
<b>TOTALS</b>	42,909	2,729	722	75	124	11,374	<b>57,933</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	675	152	6	0	8	409	<b>1,250</b>
<b>3</b>	1,361	361	14	6	12	607	<b>2,361</b>
<b>4</b>	1,676	469	9	7	6	780	<b>2,947</b>
<b>5</b>	2,165	676	13	9	11	831	<b>3,705</b>
<b>6</b>	2,310	925	20	6	17	1,262	<b>4,540</b>
<b>13</b>	1,354	258	7	2		465	<b>2,086</b>
<b>14</b>	2,788	464	23	8	11	1,012	<b>4,306</b>
<b>15</b>	2,972	329	22	8	11	880	<b>4,222</b>
<b>16</b>	3,487	375	26	8	12	915	<b>4,823</b>
<b>17</b>	4,818	660	38	16	18	1,598	<b>7,148</b>
<b>129</b>	2,008	331	10	9	5	746	<b>3,109</b>
<b>141</b>	2,211	253	10	9	8	651	<b>3,142</b>
<b>143</b>	1,586	384	10	4	5	590	<b>2,579</b>
<b>TOTALS</b>	<b>29,411</b>	<b>5,637</b>	<b>208</b>	<b>92</b>	<b>124</b>	<b>10,746</b>	<b>46,218</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,204	403	19	1	2	557	<b>2,186</b>
8	2,355	609	24	5	7	737	<b>3,737</b>
9	1,112	486	8	5	6	463	<b>2,080</b>
10	1,705	421	13	3	7	626	<b>2,775</b>
11	3,335	947	42	6	7	1,378	<b>5,715</b>
12	463	191	1	0	2	207	<b>864</b>
26	2,837	354	26	3	3	905	<b>4,128</b>
27	2,411	284	18	7	4	596	<b>3,320</b>
28	2,271	534	33	9	5	763	<b>3,615</b>
29	1,205	236	10	1	7	371	<b>1,830</b>
30	1,248	221	15	3	4	273	<b>1,764</b>
31	2,345	311	22	2	8	560	<b>3,248</b>
32	2,671	316	24	4	3	613	<b>3,631</b>
33	2,859	334	31	5	9	724	<b>3,962</b>
34	3,522	481	29	11	7	1,146	<b>5,196</b>
50	2,054	289	16	5	9	470	<b>2,843</b>
136	853	119	7	2	1	314	<b>1,296</b>
138	2,107	281	22	4	5	512	<b>2,931</b>
<b>TOTALS</b>	<b>36,557</b>	<b>6,817</b>	<b>360</b>	<b>76</b>	<b>96</b>	<b>11,215</b>	<b>55,121</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 4 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
45	2,153	76	32	5	6	425	2,697
46	2,781	70	30	3	9	512	3,405
47	2,907	136	39	4	10	696	3,792
48	2,717	131	30	3	6	541	3,428
49	865	35	15	0	4	189	1,108
51	3,245	543	21	3	6	636	4,454
52	1,271	176	5	0	3	221	1,676
53	1,238	72	19	1	6	261	1,597
54	2,304	89	30	2	4	469	2,898
55	2,366	66	22	1	7	420	2,882
56	3,041	84	32	1	11	659	3,828
57	2,490	71	34	3	13	431	3,042
58	2,269	56	17	2	4	364	2,712
59	2,561	82	31	5	9	402	3,090
60	2,129	76	23	3	6	674	2,911
61	1,595	46	12	1	2	279	1,935
62	3,130	124	27	1	2	350	3,634
63	3,414	129	51	1	11	613	4,219
64	2,214	52	15	3	5	313	2,602
65	2,485	60	21	4	6	307	2,883
<b>Totals</b>	<b>47,175</b>	<b>2,174</b>	<b>506</b>	<b>46</b>	<b>130</b>	<b>8,762</b>	<b>58,793</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 5 REGISTRATION SUMMARY**  
**As Of SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>19</b>	4,022	185	63	6	6	929	<b>5,211</b>
<b>44</b>	2,823	210	28	5	12	648	<b>3,726</b>
<b>66</b>	4,472	100	39	2	9	498	<b>5,120</b>
<b>67</b>	2,966	98	25	0	7	394	<b>3,490</b>
<b>68</b>	1,889	137	26	6	8	386	<b>2,452</b>
<b>69</b>	2,101	68	14	2	11	255	<b>2,451</b>
<b>70</b>	1,432	65	21	1	3	208	<b>1,730</b>
<b>71</b>	2,359	56	25	1	9	334	<b>2,784</b>
<b>72</b>	4,373	115	24	3	17	732	<b>5,264</b>
<b>73</b>	1,891	86	26	4	6	339	<b>2,352</b>
<b>74</b>	4,104	203	56	2	9	796	<b>5,170</b>
<b>75</b>	3,306	146	59	8	6	727	<b>4,252</b>
<b>76</b>	1,338	62	12	0	4	251	<b>1,667</b>
<b>77</b>	2,759	89	29	2	9	475	<b>3,363</b>
<b>78</b>	2,886	79	35	1	8	434	<b>3,443</b>
<b>79</b>	1,938	75	15	1	9	317	<b>2,355</b>
<b>135</b>	2,945	177	44	3	11	505	<b>3,685</b>
<b>139</b>	2,126	40	8	1	4	215	<b>2,394</b>
<b>TOTALS</b>	<b>49,730</b>	<b>1,991</b>	<b>549</b>	<b>48</b>	<b>148</b>	<b>8,443</b>	<b>60,909</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 6 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3,957	418	47	7	15	1,025	5,469
18	4,213	267	43	7	10	894	5,434
21	1,154	57	18	1	2	256	1,488
81	4,722	358	42	3	15	956	6,096
82	2,553	257	26	7	10	563	3,416
83	3,927	468	35	12	10	975	5,427
84	1,998	432	26	5	7	543	3,011
85	2,639	498	24	8	7	728	3,904
86	2,276	277	28	2	8	491	3,082
87	2,727	236	19	1	8	557	3,548
88	2,173	305	15	2	8	536	3,039
89	2,557	658	23	11	6	769	4,024
90	1,604	270	10	3	7	469	2,363
91	4,119	361	39	6	17	976	5,518
127	3,917	277	50	8	11	790	5,053
128	2,256	202	29	4	6	604	3,101
130	808	317	9	3	3	294	1,434
131	1,832	424	12	9	6	591	2,874
142	1,345	159	14	1	3	360	1,882
<b>TOTALS</b>	<b>50,777</b>	<b>6,241</b>	<b>509</b>	<b>100</b>	<b>159</b>	<b>12,377</b>	<b>70,163</b>



**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 7 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>80</b>	1,522	84	16	0	4	256	<b>1,882</b>
<b>92</b>	1,631	40	11	1	5	244	<b>1,932</b>
<b>93</b>	1,578	44	15	2	6	220	<b>1,865</b>
<b>94</b>	2,059	49	17	0	3	294	<b>2,422</b>
<b>95</b>	1,741	41	18	0	1	305	<b>2,106</b>
<b>96</b>	2,397	69	23	0	8	375	<b>2,872</b>
<b>97</b>	1,544	38	17	0	4	195	<b>1,798</b>
<b>98</b>	1,836	43	22	0	4	260	<b>2,165</b>
<b>99</b>	1,494	42	15	1	5	240	<b>1,797</b>
<b>100</b>	2,221	43	16	1	4	281	<b>2,566</b>
<b>101</b>	1,706	31	18	0	5	187	<b>1,947</b>
<b>102</b>	2,521	52	22	0	4	321	<b>2,920</b>
<b>103</b>	3,672	98	38	2	11	575	<b>4,396</b>
<b>104</b>	3,092	78	24	0	11	450	<b>3,655</b>
<b>105</b>	2,434	61	22	1	3	395	<b>2,916</b>
<b>106</b>	3,030	68	23	0	8	459	<b>3,588</b>
<b>107</b>	1,949	60	16	0	5	299	<b>2,329</b>
<b>108</b>	1,142	27	6	0		124	<b>1,299</b>
<b>109</b>	958	33	7	0	1	91	<b>1,090</b>
<b>110</b>	3,800	93	25	2	7	410	<b>4,337</b>
<b>111</b>	2,532	57	25	0	7	368	<b>2,989</b>
<b>113</b>	2,264	58	21	0	3	278	<b>2,624</b>
<b>132</b>	2,247	59	16	0	4	365	<b>2,691</b>
<b>TOTALS</b>	<b>49,370</b>	<b>1,268</b>	<b>433</b>	<b>10</b>	<b>113</b>	<b>6,992</b>	<b>58,186</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 8 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>112</b>	2,022	52	10	0	7	286	<b>2,377</b>
<b>114</b>	3,014	103	24	1	19	495	<b>3,656</b>
<b>115</b>	2,691	63	20	4	9	580	<b>3,367</b>
<b>116</b>	3,649	93	34	1	13	556	<b>4,346</b>
<b>117</b>	1,775	40	13	0	7	287	<b>2,122</b>
<b>118</b>	2,494	57	27	1	7	385	<b>2,971</b>
<b>119</b>	2,677	99	40	0	9	516	<b>3,341</b>
<b>120</b>	1,768	29	14	0	5	270	<b>2,086</b>
<b>121</b>	3,124	73	31	1	8	460	<b>3,697</b>
<b>122</b>	1,625	38	14	0	5	226	<b>1,908</b>
<b>123</b>	2,170	85	25	3	11	342	<b>2,636</b>
<b>124</b>	2,497	53	13	1	5	345	<b>2,914</b>
<b>125</b>	4,416	116	33	0	12	722	<b>5,299</b>
<b>126</b>	3,469	103	33	1	16	644	<b>4,266</b>
<b>133</b>	1,315	37	12	0	3	172	<b>1,539</b>
<b>134</b>	2,051	34	21	0	4	258	<b>2,368</b>
<b>140</b>	1,760	57	9	0	7	255	<b>2,088</b>
<b>TOTALS</b>	<b>2,517</b>	<b>1,132</b>	<b>373</b>	<b>13</b>	<b>147</b>	<b>6,799</b>	<b>50,981</b>

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

*For voter registration activity between 8/31/2014 and 9/30/2014*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>347,639</b>	<b>27,785</b>	<b>3,633</b>	<b>401</b>	<b>1,035</b>	<b>76,140</b>	<b>456,633</b>
Board of Elections Over the Counter	92	3	0	2	0	52	<b>149</b>
Board of Elections by Mail	238	19	2	3	4	79	<b>345</b>
Board of Elections Online Registration	8	0	0	0	0	2	<b>10</b>
Department of Motor Vehicle	1,575	254	25	33	6	640	<b>2,533</b>
Department of Disability Services	7	0	1	0	0	1	<b>9</b>
Office of Aging	0	0	0	0	0	0	<b>0</b>
Federal Postcard Application	0	0	0	0	0	0	<b>0</b>
Department of Parks and Recreation	0	0	0	0	0	0	<b>0</b>
Nursing Home Program	0	0	0	0	0	0	<b>0</b>
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	<b>0</b>
Department of Corrections	0	1	0	0	0	1	<b>2</b>
Department of Human Services	16	0	0	0	0	5	<b>21</b>
Special / Provisional	0	0	0	0	0	0	<b>0</b>
All Other Sources	132	3	0	3	0	66	<b>204</b>
<b>+Total New Registrations</b>	<b>2,068</b>	<b>280</b>	<b>28</b>	<b>41</b>	<b>10</b>	<b>846</b>	<b>3,273</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	296	20	6	1	1	64	<b>388</b>
Administrative Corrections	10	7	0	1	37	484	<b>539</b>
<b>+TOTAL ACTIVATIONS</b>	<b>306</b>	<b>27</b>	<b>6</b>	<b>2</b>	<b>38</b>	<b>548</b>	<b>927</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	1,115	51	7	0	6	198	<b>1,377</b>
Moved Out of District (Deleted)	6	1	0	0	0	1	<b>8</b>
Felon (Deleted)	0	0	0	0	0	0	<b>0</b>
Deceased (Deleted)	4	1	0	0	0	2	<b>7</b>
Administrative Corrections	809	79	15	23	1	208	<b>1,135</b>
<b>-TOTAL DEACTIVATIONS</b>	<b>1,934</b>	<b>132</b>	<b>22</b>	<b>23</b>	<b>7</b>	<b>409</b>	<b>2,527</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	
+ Changed To Party	566	83	31	45	6	178	
- Changed From Party	-199	-54	-16	-6	-41	-595	
<b>ENDING TOTALS</b>	<b>348,446</b>	<b>27,989</b>	<b>3,660</b>	<b>460</b>	<b>1,041</b>	<b>76,708</b>	<b>458,304</b>

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Office of Government Ethics

**BEGA – Advisory Opinion – *Letters of Recommendation and Letters of Support***

**NOTICE OF DRAFT ADVISORY OPINION**

The Director of Government Ethics, pursuant to the authority set forth in section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a-1)(2)) (2014 Supp.), hereby gives notice that he intends to issue, on his own initiative, an advisory opinion on Letters of Recommendation and Letters of Support, a topic which he considers a general question of law of sufficient public importance concerning a provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.

All persons interested in commenting on this draft Advisory Opinion may do so not later than thirty (30) days after publication of this notice in the *D.C. Register* by sending comments electronically to [bega@dc.gov](mailto:bega@dc.gov) or by filing comments in writing with Stacie Pittell, General Counsel, Board of Ethics and Government Accountability, 441 4<sup>th</sup> Street, N.W., 830 South, Washington, D.C. 20001.

**Advisory Opinion**

***Letters of Recommendation and Letters of Support***

**Purpose of this Advisory Opinion**

This advisory opinion addresses the propriety of letters of recommendation issued by District of Columbia public officials and employees. Such letters may be for: (a) individuals who are or were employees; (b) entities that hold or held contracts with the District government, receive District grants, or are otherwise accountable to the District for the administration of grant funds; or (c) civic or business entities, individuals, or not-for-profit entities seeking support for their projects or endeavors in the District. This advisory opinion serves to provide guidance regarding the appropriate use of District government letterhead and/or official titles or positions on such letters of recommendation or letters of support by government employees and public officials in both the Executive<sup>1</sup> and Legislative branches of District government.

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<sup>1</sup> For the purposes of this opinion, independent agencies, as well as boards and commissions, are considered to be part of the Executive branch.

Whether serving in the Executive or the Legislative Branch of the District of Columbia government, individuals must adhere to certain guiding principles when writing letters of recommendation and letters of support. District employees and public officials must uphold a high standard of ethical conduct, place loyalty to the laws and ethical principles above private gain, and respect and adhere to the principles of ethical conduct so that every citizen can have complete confidence in the integrity of the District government.<sup>2</sup> A District employee or public official must not knowingly use the prestige of office or public position for his or her private gain or the gain of another.<sup>3</sup> Also, District employees shall protect and conserve government property and shall not use it for other than authorized activities.<sup>4</sup>

***General Good Ethics Principles and Authority Governing All Public Officials and Employees in the Executive and Legislative Branches***

The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 (2014 Supp.)),<sup>5</sup> applies to all District of Columbia public officials and employees who perform a function of the District government and who receive compensation for the performance of such services, and to members of District government boards or commissions, whether or not for compensation (D.C. Official Code §1-1161.01(18)). The Ethics Act also gives the Board of Ethics and Government Accountability (the “Ethics Board”) the authority to enforce the Code of Conduct, the provisions of which are set forth at D.C. Official Code §1-1161.01(7) and include the Council Code<sup>6</sup> and Chapter 18 of Title 6B of the District of Columbia Municipal Regulations (also known as the District Personnel Manual (“DPM”)). The guiding principle of the Code of Conduct is that all individuals who perform a function of the District government are required to represent the District government with integrity and refrain from using their positions and titles for private gain.<sup>7</sup>

Other relevant principles include the following:

DPM § 1800.3(a). Government service is a public trust, requiring employees to place loyalty to the laws and ethical principles above private gain.

DPM § 1800.3(h). Employees shall act impartially and not give preferential treatment to any private organization or individual.

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<sup>2</sup> See, Title 6B of the D.C. Municipal Regulations (“DPM”) Section 1800.2.

<sup>3</sup> See, DPM § 1800.3(g); see also Council Code of Official Conduct for Council Period 20 (“Council Code”), Rule VI(c)(1).

<sup>4</sup> See, DPM § 1800.3(i); see also Council Code, Rule VI(a)(1).

<sup>5</sup> In particular, see section 201a of the Ethics Act (D.C. Official Code § 1-1162.01a (61 DCR 5688)).

<sup>6</sup> All District of Columbia Councilmembers and staff are subject to the Council Code, as well as the DPM. See Rule 202(b) and (c), Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20. Although there is no express supremacy provision, where the Council Code and the DPM conflict, it is our practice to give precedence to the Council Code.

<sup>7</sup> While neither the Ethics Act, the Council Code, nor the DPM define “private gain,” I interpret the term to mean private financial gain. See, generally, Beth Nolan, *Public Interest, Private Income: Conflicts and Control Limits on the Outside Income of Government Officials*, 87 Nw. U. L. Rev. 57 (1992).

Council Code, VI(c)(1). An employee may not knowingly use the prestige of office or public position for that employee's gain or that of another.<sup>8</sup>

***Reasons for Allowing District Public Officials and Employees to Write Letters of Recommendation***

Arguably, every type of recommendation is for the private gain of the individual or entity receiving the recommendation. That view, however, is too narrow because it does not account for the attendant benefits to the District that derive from maintaining productive relationships with former employees as well as private entities that may be doing or may have done business with the District in the past. It also does not address the benefits of encouraging civic and other entities to undertake new ventures in the District that may benefit the District and its residents.

For instance, it would be a disincentive to an individual who wants to otherwise become a District government employee if it was known that the person never could receive a positive reference for a job well-done when looking for future employment. The same would be true for a government contractor or grant recipient that might wish to apply for future contracts or grants from the District or from other governmental jurisdictions or private entities. Certainly, an entity's past performance for the District would be an important factor in successfully obtaining future contracts and grants, and to deny it an honest assessment would be to place it at a disadvantage over others. As a result, individuals and entities would have to carefully consider whether such a disadvantage is worth working for or doing any business with the District at all. In my view, that would deny the District the services of many qualified and skilled individuals and entities. As a result, I believe that providing a recommendation not only is a benefit to the recipients, but to the District as well and, therefore, doing so is not prohibited by the general restrictions on using title or position for private gain.

Similarly, there would be a disincentive for a civic or business entity seeking to undertake a project in the District if it could not garner the support it needs from the District government to do so. Prohibiting the Mayor, for example, from writing a letter of support for an entity seeking to engage in a project that may benefit District residents, might serve only to deprive those very District residents of the benefits of having that project completed. On the other hand, caution

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<sup>8</sup> The following additional Council Code provisions, among others, also are applicable:

Rule VI(c)(3). Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.

Rule X(c)(3). Except as otherwise provided, an employee may not mail, as official mail, any material or matter that does not request information pertinent to the conduct of the official business of the Council.

Rule X(e)(3). A Councilmember may not use official mail to solicit directly or indirectly funds for any purpose.

Rule X(e)(4). A Councilmember may not use official mail for transmission of any matter that is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the member.

must be used to ensure that the imprimatur of government approval is not co-opted by a private entity for pecuniary gain. Accordingly, striking the right balance between a fact-based evaluation of the entity and the value of a project, while not giving the appearance of using District government office or title for the private gain of the entity, is important.

### **Letters of Recommendation**

#### ***Guidelines for Employment-Related Letters of Recommendation for Current and Former District Employees***

As previously stated, District employees and public officials are prohibited from using government resources, including District letterhead, for other than authorized activities.<sup>9</sup> Therefore, special care must be taken when choosing whether to issue such a letter in the first instance. Doing so is discretionary, but in all cases this will require some sort of professional relationship – past or present – with the requestor. Statements in the letter, of course, should be limited to that relationship.

With respect to individuals who are employees or former employees, the recommendation must be based on personal knowledge of the individual's ability. Addressing the individual's ability to perform certain functions, contributions to the daily operations of the office or agency, and other general comments about performance are permitted by the DPM and the Council Code. By way of comparison, the United States Office of Government Ethics ("U.S. OGE") also advises that a federal executive branch employee may write a letter of recommendation only based on personal knowledge of the ability or character of an individual with whom he or she has dealt in the course of federal employment or an individual whom he or she is recommending for federal employment.<sup>10</sup>

As previously mentioned, District employees and public officials must be careful to write letters of recommendation on official letterhead, using their official titles, only for individuals with whom they worked in an official capacity, and ensure that each particular letter relates to duties performed by the subject individual. The letters themselves should be evaluative in nature and provide factual details to support the underlying evaluations. Such letters are permissible for former employees, as well as volunteers, such as unpaid interns.

Authoring a letter of recommendation using an official District title or on District letterhead, however, is not permitted when the requestor is a family member or personal friend or an acquaintance with no professional connection to the District employee or public official. The U.S. OGE provides similar guidance, stating that a federal executive branch employee is

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<sup>9</sup> See, DPM § 1800.3(i), stating, "[e]mployees shall protect and conserve government property and shall not use it for other than authorized activities." DPM § 1808.2(b) defines "authorized purposes" as "those purposes for which government property is made available to members of the public or those purposes authorized by an agency head in accordance with law or regulation." See also Council Code VI(a)(1), which states that employees shall not: "[u]se Council time or government resources for other purposes than official business or government-approved or sponsored activities . . . ."

<sup>10</sup> See, U.S. Office of Government Ethics, Use of Title or Agency's Name, <http://www.oge.gov/Topics/Use-of-Government-Position-and-Resources/Use-of-Title-or-Agency%E2%80%99s-Name/>.

prohibited from writing a character reference on agency letterhead for a childhood friend applying for a private sector job.<sup>11</sup>

Although the Council Code of Conduct contains provisions similar to the DPM with regard to using official title or government resources for private gain, there is an express exception for letters of recommendation.<sup>12</sup> Councilmembers and staff may sign an employment-related letter of recommendation using their official titles only in response to a request based upon personal knowledge of the ability or character of an individual or entity with whom they have dealt in the course of their Council employment, meaning the requestor is a current or former Council employee or has worked with the Council in an official capacity.<sup>13</sup> In this instance, the letter of recommendation may address only the duties performed by the requestor during the course of employment or work completed in connection with the Council.<sup>14</sup> If the Councilmember or staff member has no personal knowledge of the individual or entity's work ability or performance, the Councilmember or staff member may use his or her official title when signing the letter and write the letter on Council letterhead, but must restrict the content of the letter to character or residence of the individual or the entity requesting the letter.<sup>15</sup>

Members of the U.S. House of Representatives are subject to similar restrictions, as set forth in the House Ethics Manual.<sup>16</sup> Members are permitted to write letters of recommendation or provide oral recommendations for applicants to executive branch federal government competitive service positions, but such recommendations are limited to addressing the applicant's residence and character if the Member does not have personal knowledge of the applicant's work performance or abilities.<sup>17</sup> If, however, "the Member has personal knowledge of the applicant's work ability or performance, the federal hiring official may consider a recommendation based on the Member's personal knowledge or records that contain an evaluation of the job applicant's work performance, ability, aptitude, general qualifications, character, loyalty, or suitability."<sup>18</sup> The House Ethics Manual also provides that letters of recommendation may be considered official business and written on official letterhead if the applicant is a current or former employee, who "has worked with the Member in an official capacity and the letter relates to the duties performed by the applicant."<sup>19</sup>

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<sup>11</sup> See, U.S. Office of Government Ethics, Use of Title or Agency's Name, <http://www.oge.gov/Topics/Use-of-Government-Position-and-Resources/Use-of-Title-or-Agency%E2%80%99s-Name/>.

<sup>12</sup> Because the Council Code of Conduct provides express rules for letters of recommendation, these rules take precedence over the general rules regarding usual and customary constituent services, also found in the Council Code of Conduct. Council Code, Rule VI(c)(1) and (2) (Prestige of Office).

<sup>13</sup> Council Code, Rule VI(d)(1) (Special Rules for Letters of Recommendation) states: "Employees may sign a letter of recommendation using their official titles only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual or entity with whom they have dealt in the course of their Council employment." Also, Council Code, Rule VI(d)(2) states: "Letters of recommendation may be written on Council letterhead if the applicant is a current or former Council employee or has worked with the Council in an official capacity and the letter relates to the duties performed by the applicant."

<sup>14</sup> *Id.* at Council Code, Rule VI(d)(2).

<sup>15</sup> See, Council Code, Rule VI(d)(3), which states: "If an employee does not have personal knowledge of an individual or entity's work ability or performance, the employee may sign a letter of recommendation on Council letterhead addressing only the character or residence of the individual or entity requesting the letter."

<sup>16</sup> House Ethics Manual, Committee on Standards of Official Conduct, 110<sup>th</sup> Congress, 2d Session (2008 Edition).

<sup>17</sup> *Id.* at 317.

<sup>18</sup> *Id.* at 318.

<sup>19</sup> *Id.* at 320.



In my view, the aforementioned requirements and restrictions represent a reasoned approach to providing letters of recommendation for employees and former employees. Regardless of whether the writer is employed by the Legislative or the Executive branch, the standards essentially are the same.

### *Guidelines for Letters of Recommendation for Contractors and Grantees*

As an initial matter, anyone who undertakes to provide a letter of recommendation for a contractor or grantee must be certain that he or she has the authority to speak on behalf of the District government or the writer's employing agency or District entity. Generally, line-level employees and even low and mid-level managers do not have this authority. Councilmembers, the Mayor, and agency heads generally do have such authority, and in some cases, high-level executives, higher level managers, and Council staffers may have the express authority to do so.

Second, letters of recommendation for contractors, vendors, or grant recipients should be evaluative in nature. This means that they may contain only verifiable facts such as the timely completion of a project, noting whether all aspects of a contract were fulfilled, and whether the requestor stayed within budget.

Third, if possible and as a best practice, the letter should be addressed either to the requestor or "To Whom It May Concern" rather than to a specific person or entity.<sup>20</sup> This helps make it clear that the purpose of the letter is to evaluate the contractor, vendor, or grant recipient, and that such a letter may be used by the entity being evaluated for a variety of purposes. Addressing an evaluative letter "To Whom It May Concern" also assists with dispelling the notion that the writer of the letter is inappropriately using the weight of his or her office, title, or position in a coercive or unduly influential manner.

Fourth, because using District government letterhead or one's District title or position, alone, tends to influence the reader, the writer must be careful to ensure that representations made in the letter assess the performance of the requestor but do not include opinions or endorsements. In addition, the evaluative letter should not attempt to influence the recipient of the letter to provide the contractor, vendor, or grantee with a contract, grant, or other item of significant monetary value. The letter should not be written in such a way that it endorses the contractor, vendor, or grantee, or requests that the recipient of the letter do business with or otherwise engage the contractor, vendor, or grantee. Remember, there is a clear prohibition in the Code of Conduct from using one's position or title for private gain. Letters of recommendation that state that the entity deserves to receive a contract or grant are not permissible because the author no longer is speaking to the ability of the requestor or past performance, but instead is attempting to influence the outcome of the contract or grant award process.<sup>21</sup> Evaluative letters of recommendation

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<sup>20</sup> If addressing the letter "To Whom it May Concern" is not practical or permitted by the rules governing the application or other matter for which the contractor, vendor, or grantee is seeking the letter of recommendation, then it is permissible to address the letter to the party seeking the letter. This still allows the requestor to use the letter as appropriate and does not create the appearance that the letter writer is inappropriately using the weight of his or her office, title, or position in a coercive or unduly influential manner. It is not permissible, however, to address the letter to the party from whom the requestor is seeking any benefit.

<sup>21</sup> See, U.S. Office of Government Ethics Advisory Memorandum 99 x 15: Use of Official Title.

should summarize the entity's performance without advocating for a particular outcome with regard to a contract or grant, for example.

Accordingly, using government letterhead or the writer's official title or position when writing a letter of recommendation is permissible under the DPM and the Council Code of Conduct if the letter evaluates the contractor or grantee requesting it, but does not endorse or advocate for the requestor. The letter should be based on personal dealings with the contractor or grantee or entity and also should contain verifiable facts.

### **Letters of Support**

#### ***Guidelines for Letters of Support for Civic or Business Entities or Projects Seeking Support for Their Endeavors in the District***

Councilmembers and the Mayor<sup>22</sup> frequently are contacted by individuals, not-for-profit entities, and other public and private business organizations requesting letters of support for endeavors or projects they propose to undertake in the District. In fact, many of the questions this Office receives from Councilmembers concern their responses to such requests, which suggests, I believe, that letters of support represent an often used – and acceptable – means of providing constituent services. In any event, as with letters of recommendation for contractors, grantees, or vendors, letters of support should be as evaluative as possible.

Accordingly, the District official writing a letter of support may provide details of his or her relationship with the requestor and may express support for the proposed endeavor or project. The letter should detail clearly the reasons for such support, wherever possible. For example, the official writing a letter of support for a public charter school applying for New Markets Tax Credits to help in a facilities renovation project may have first-hand knowledge of the school's earlier expansion efforts to serve more students in the community. Including language concerning the expansion efforts, how they served to attract qualified students and to support a high ranking by the Public Charter School Board, and other similar details, for example, serves to provide factual and evaluative reasons for the letter of support.

In terms of support, the letter may, for instance, make statements such as, "I support this entity in its endeavor," or "I support this endeavor." The letter also may include language asking a government agency to "consider these factors in its decision," because this makes it clear that the ultimate decision rests with the agency. Letters of support should avoid a clear endorsement,

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<sup>22</sup> Although the DPM does not contain a specific provision that expressly authorizes the Mayor to write letters of support, it does contain a provision that allows the Mayor to serve "as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the entity for which funds are raised supports a nongovernmental bona fide charitable activity benefiting the District of Columbia. Use of the Mayor's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as the Mayor may prescribe by Mayor's order or by direction in particular cases." DPM § 1805.10. Therefore, I analogize the Mayor's ability to use his or her name, title, or position in a letter of support that otherwise meets the guidelines set forth in this Advisory Opinion to the DPM provision that allows the use of the Mayor's name or title in fundraising, because in both instances, the ultimate beneficiary is the District of Columbia. I note, however, that DPM § 1805.10 prohibits "the use of the Mayor's name or title in solicitations made by or on behalf of the Mayor directly to individual contributors," and I apply that prohibition to letters of support as well.

such as “I endorse.” They also should avoid outright asking for funding for the entity, or directing a government agency to decide to provide funding or other benefits to the entity. I note, however, that for charitable fundraising, a special exception exists for Councilmembers. This exception, contained in the Council Code of Conduct, permits a Councilmember to serve as an honorary chair or member of a non-profit entity’s fundraising event and even to allow use of his or her name and title in solicitations and announcements as long as such are not made directly to individual contributors. This exception applies only to supporting a nongovernmental *bona fide* charitable activity. (Council Code, Rule VI(c)(1)(4)).

Letters of support should not include wholly unsupported opinions or endorsements of the requesting individual, business, or entity. Nevertheless, if the letter writer has no knowledge of the requestor that can serve as factual support for the letter, he or she can support the project itself. For example, the writer may highlight how much a project such as the one proposed would benefit the neighborhood in which it would be located, if successfully completed. Further, the letter of support should not go so far as to ask or recommend that a private business, individual, or not-for-profit be given a contract, grant, or other item that would constitute a financial benefit. Details are important in this respect and any uncertainty concerning proposed language that might exceed what is permissible should be vetted in advance by this Office. Finally, in the case of a Councilmember who writes a letter of support that otherwise meets the guidelines, the Councilmember must ensure that he or she does not give the appearance that the Council itself officially sanctioned or endorsed the activities discussed in the letter.<sup>23</sup>

On the Executive side, in addition to the restrictions outlined above, the Mayor has issued a Mayor’s Memorandum which provides guidelines for Mayoral letters of support. *See* Mayor’s Memorandum 2007-3 (June 5, 2007). These guidelines are somewhat more restrictive than the minimal standards discussed herein. The Memorandum requires that any such letter:

- ★ Shall be addressed to the party seeking the letter and not to a party from whom the requestor is seeking any benefit;<sup>24</sup>
- ★ Shall not include any language related to fundraising, including solicitations or support for solicitations;
- ★ Shall not include any endorsement of a commercial product;
- ★ Shall not be written on behalf of a party to litigation or an administrative judicial matter;
- ★ Shall not be written on behalf of a commercial or for-profit circumstances (except under limited circumstances deemed by the Deputy Mayor for Economic Development to be in the interest of the District of Columbia);

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<sup>23</sup> Specifically, Council Code, Rule VI(c)(3) (Prestige of Office) states: “Council employees shall not use or permit the use of their position or title or any authority associated with their public office in a manner that could reasonably be construed to imply that the Council sanctions or endorses the personal or business activities of another, unless the Council has officially sanctioned or endorsed the activities.”

<sup>24</sup> This provision exceeds minimal ethics standards for letters of support. I recognize that in certain limited instances where the District is involved in a joint undertaking with a private entity, often in some form of a public-private partnership, in which both the District and the private entity have an interest in obtaining funds from a third-party, it may be beneficial to the District to address the letter to the grantor and to have the letter of support contain information about the District’s relationship with the private party. Even in that situation, however, the support letter should not endorse the private entity or make claims without factual support.

- ★ Shall contain no assertion of facts and make no representations as to the truth of statements provided by the requestor; and
- ★ Shall not warrant the quality of any performance, service, or program, or attest to anyone's character.

It should be noted that this, or any Mayor's Memorandum, applies only to the Executive and executive staff and not to the Council or its staff. It can be rescinded or modified at any time. In this case, it applies only to the Mayor.

Executive agency officials such as agency heads or other high-level executives authorized to speak for the agency also may be contacted by a private business, individual, or not-for-profit and asked to write a letter of support for an endeavor or project the individual or entity is seeking to do in the District. In general, I have a concern about individual agencies, particularly executive agencies, writing letters of support for individuals or entities that are not current or former employees, contractors, vendors, or grantees. The concern is that when an agency head speaks, there is at least a risk of public perception that the agency head is speaking for the entire District government when, in fact, the Mayor should speak for the government.

That being said, however, I recognize that there may be individual instances in which it is appropriate for an agency official to write such a letter of support. For instance, where a civic association or non-profit is involved in a project or event that clearly and directly supports the mission of a District agency or the constituents of the agency, some flexibility should be shown in light of the attendant benefits to the agency in carrying out a legitimate governmental function. An example might include a not-for-profit that caters to the needs of the elderly in the District and which holds an event to raise awareness of available services. In that instance, following the guidelines set forth above, it would not be inappropriate for an agency head to support the event publicly, as long as the event itself is not a fundraiser.

Please be advised that this advice is provided pursuant to section 219(a-1)(1) of the Ethics Act (D.C. Official Code § 1-1162.19(a-1)(1), which empowers me to issue, on my own initiative, an advisory opinion on any matter I deem of sufficient public importance concerning a provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.

For further assistance, especially in resolving any questions about the permissibility of sending a given letter or its substantive text, please feel free to contact the staff of this Office at (202) 481-3411.

Respectfully,

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DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

#1040-001

**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 Standing Advisory Board. The meeting will be at 1225 Eye Street, NW, Suite 400 on Monday, October 27, 2014, at 4:00 pm. The call in number is 1-877-668-4493; access code: 730 694 300.

The Advisory Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
October 29, 2014

On OCTOBER 29, 2014 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am 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 open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA.

**DEPARTMENT OF HEALTH (DOH)  
HIV/AIDS, HEPATITIS, STD and TUBERCULOSIS ADMINISTRATION (HAHSTA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
HAHSTA\_RFA#\_NEX103114**

**2015 Needle Exchange Services**

The Government of the District of Columbia, Department of Health-HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA) is soliciting applications from qualified organizations to provide prevention services. The following entities are eligible to apply: private, non-profit and for profit organizations who are licensed to conduct business with the District of Columbia. Private entities include community development corporations, community action agencies, community-based and faith-based organizations.

**Program Area: Needle Exchange**

Total Available - \$720,000.00

Grants will be awarded through the use of District of Columbia appropriated funds as authorized by the FY 15 local budget. All awards will be based on the availability of funds. All awards resulting from this Request for Applications (RFA) are contingent upon the continued availability of funding. Grant awards are projected to begin January 1, 2015 and end September 30, 2015, with two full 12 month option years.

**The release date for RFA #\_NEX103114 is October 31, 2014.** The RFA will be available on the Office of Partnerships and Grant Services website <http://www.opgs.dc.gov/opgd/cwp/view>, under the District Grants Clearinghouse. A limited number of copies of the RFA will be available for pick up at DOH/HAHSTA offices located at 899 North Capitol Street, NE Washington, DC 20002 4<sup>th</sup> floor.

**The Request for Application (RFA) submission deadline is no later than 4:30 p.m. on December 1, 2014.** Late applications will not be accepted for funding consideration. A Pre-Application Conference will be held **on November 4, 2014 from 10:00 a.m. to 12:00 p.m.** at 899 North Capitol Street, NE, 4<sup>th</sup> Floor, Washington, DC in the HAHSTA 4<sup>th</sup> floor conference room.

Please contact Stacey Cooper at 202-671-4900 or [Stacey.Cooper@dc.gov](mailto:Stacey.Cooper@dc.gov) for additional information.

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK APPLICATION WITHDRAWAL**

The D.C. Historic Preservation Review Board hereby provides public notice of the applicant's withdrawal of its application to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is no longer subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 14-18: The Hawthorne School**  
501 I Street SW (Square 498, Lot 52)  
Applicant: Southwest Neighborhood Assembly  
Affected Advisory Neighborhood Commission, ANC 6D  
Withdrawn September 17, 2014



**DISTRICT OF COLUMBIA HOUSING AUTHORITY  
BOARD OF COMMISSIONERS**

**NOTICE OF PUBLIC MEETINGS**

1133 NORTH CAPITOL STREET, NORTHEAST  
WASHINGTON, D.C. 20002-7599  
202-535-1000

The regular meetings of the Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) are held in open session on the second Wednesday of each month. Here are revised dates, times and locations of the meetings for the remainder of this year 2014 as set forth below:

November 12, 2014	Montana Terrace 1625 Montana Avenue, NE	1:00 p.m.
December 10, 2014	Annual & Regular meeting 1133 North Capitol St., NE	1:00 p.m.

A draft agenda for the regular meetings of the DCHA Board of Commissioners and the working session will be posted at 1133 North Capitol Street, NE and on the District of Columbia Housing Authority website: [www.dchousing.org](http://www.dchousing.org)

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION  
BOARD OF DIRECTORS  
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, October 23, 2014. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)).

**AGENDA**

- I. CALL TO ORDER**
  
- II. DETERMINATION OF A QUORUM**
  
- III. APPROVAL OF AGENDA**
  
- IV. CONSENT AGENDA**
  - A. READING AND APPROVAL OF MINUTES**
    - 1. October 9 – Board of Ethic and Government Accountability Training
    - 2. September 25 – Board of Directors General Board Meeting
  
  - B. BOARD EDUCATION SESSION**
    - 1. Ebola Readiness @ United Medical Center
  
  - C. EXECUTIVE REPORTS**
    - 1. Dr. Cyril Allen, Chief Medical Officer
    - 2. Maribel Torres, VP of Nursing
    - 3. Pamela Lee, VP of Hospital Operations
    - 4. Jackie Johnson, VP of Human Resources
    - 5. Janice Akintewe, Interim Chief Information Officer
    - 6. Jim Hobbs, VP of Business Development & Physician Recruitment
    - 7. Charletta Washington, VP of Ambulatory & Ancillary Services

**V. NONCONSENT AGENDA****A. CHIEF EXECUTIVE REPORTS**

1. Michael Davis, CFO
2. David Small, CEO

**B. MEDICAL STAFF REPORT**

1. Dr. Gilbert Daniel, Chief of Staff

**C. COMMITTEE REPORTS**

1. Governance Committee Report
2. Finance Committee Report

**D. OTHER BUSINESS**

1. Old Business
2. New Business

**E. ANNOUNCEMENT**

1. Community Board Meeting will be held on Saturday, November 22, 2014.  
Location: TBD

**F. ADJOURNMENT**

***NOTICE OF INTENT TO CLOSE.*** The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss contracts, settlements, collective bargaining agreements, personnel, discipline, and investigations of alleged criminal or civil misconduct. D.C. Official Code §§2-575(b)(2)(4A)(5),(9),(10),(14).

**METROPOLITAN POLICE DEPARTMENT  
DISTRICT OF COLUMBIA POLICE OFFICERS  
STANDARDS AND TRAINING BOARD**

**NOTICE OF PUBLIC MEETING**

The District of Columbia Police Officers Standards and Training (D.C. POST) Board will hold an open meeting on Wednesday, October 22, 2014 from 3:30 p.m. until 5:00 p.m. The meeting is open to the public and will be held in Room 5147, Henry J. Daly Building, 300 Indiana Avenue, NW, Washington, D.C. 20001. Persons wishing to attend the meeting must present photo identification to enter the building.

The mission of the D.C. POST Board is to set the minimum standards for training and to enhance the delivery of law enforcement service in the District of Columbia by ensuring the use of best practices in police officer selection and training standards for the Metropolitan Police Department and the D.C. Housing Authority.

Copies of the materials to be voted on by the D.C. POST Board may be obtained in advance beginning ten (10) business days prior to the meeting. Typed written comments on the materials may be submitted to the Office of the Board at least one (1) business day in advance of the meeting. Written comments received or postmarked after this date will not be accepted.

Members of the public who wish to present oral testimony at the meeting should contact the D.C. POST Board at least one (1) business day prior to the meeting by calling 202-727-4772 or by emailing [dc.post@dc.gov](mailto:dc.post@dc.gov).

Public comments will be limited to the first thirty (30) minutes of the meeting and will be limited to three (3) minutes. Members of the public will be scheduled on a "first come, first served" basis.

For any additional information, please contact the D.C. POST Board by calling 202-727-4772 or sending an email to [dc.post@dc.gov](mailto:dc.post@dc.gov).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS  
JURISDICTIONAL REVENUES****ASMT2015, ASSESSMENTS FOR FISCAL YEAR 2015**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2015 (“FY 2015”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (“CLEC”) for the preceding calendar year, calendar year 2013.

2. The net reimbursable budget for the Commission for FY 2015 is \$12,139,253.33. The net reimbursable budget for OPC for FY 2015 is \$6,911,031.17.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, calendar year 2013, were \$1,872,823,147.67.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF  
UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE  
TRUST FUND FOR THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final tariff action taken on October 9, 2014, in Order No. 17657, granting Verizon Washington, DC Inc.’s (“Verizon DC”) Application<sup>2</sup> (“Application”) to update its District of Columbia Universal Service Trust Fund (“DC USTF”) surcharge for 2014 (“2014 surcharge”) and amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201  
Section 1A, 8<sup>th</sup> Revised Page 3**

2. Verizon DC identified the proposed tariff amendment as an update to its Universal Service Trust Fund surcharge, which is required by Chapter 28 of the Commission’s Rules of Practice and Procedure. The surcharge is being updated to true up the 2013 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2014 assessment. With the approval of this Application, the monthly per line surcharge is \$0.29 per non-Centrex line and \$0.036 (rounded to \$0.04) per Centrex line. Verizon DC represented that this Application would decrease the surcharge \$0.03 for non-Centrex lines and \$0.003 for Centrex lines.<sup>3</sup> In Order No. 17657, the Commission approved Verizon DC’s Application.

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<sup>1</sup> D.C. Official Code § 2-505 (2001); D.C. Official Code § 34-802 (2001).

<sup>2</sup> *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia* (“Formal Case No. 988”), District of Columbia Universal Service Trust Fund Surcharge Compliance Filing for August 2014 (“Verizon DC Application”), filed July 30, 2014.

<sup>3</sup> Application at 2.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****PUBLIC NOTICE****FORMAL CASE NO. 1115, APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR APPROVAL OF A REVISED ACCELERATED PIPE REPLACEMENT PROGRAM**

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Code § 34-901 and 34-909, that on August 15, 2013, Washington Gas Light Company (“Washington Gas” or “Company”) filed a Request for Approval of a Revised Accelerated Pipe Replacement Plan (Plan) with the Commission, pursuant to which Washington Gas proposed to replace aging natural gas pipes in its system on an accelerated basis.

Under the 40-year Plan, Washington Gas proposed to replace approximately 23,600 bare and/or unprotected steel service segments, 29 miles of bare steel main, 25 miles of targeted unprotected steel main, and all 428 miles of low pressure and medium pressure cast iron main in the District of Columbia.

On August 21, 2014, the Commission granted final approval of the initial five years of the proposed 40-year Plan at the cost of \$25 million a year for five years. During the first five years, Washington Gas proposes to replace approximately 8,000 bare and/or unprotected steel service segments, 10 miles of bare steel main, 8 miles of targeted unprotected steel main, and 20 miles of low pressure and medium pressure cast iron main in the District of Columbia. The Commission established a procedural schedule to determine the appropriate funding mechanism for the Plan. Washington Gas is proposing to recover its costs through a per-therm surcharge. The Company’s proposed surcharge for residential customers is \$0.0094 per therm. For a typical residential heating customer who uses 760 annual therms, the resulting Year 1 cost for the initial 16-month period of the Plan will be \$9.60 (\$0.60 per month). The proposed surcharge for non-residential firm customers is \$0.0035 per therm, and the proposed surcharge for interruptible customers is \$0.0016 per therm.

The Commission has invited OPC, Intervenors and interested persons to comment on the surcharge proposal submitted by Washington Gas and on alternative methods to finance the Plan.

Copies of Washington Gas’s filings may be viewed at the Commission Secretary’s offices at 1333 H Street, NW, Washington, DC, Monday through Friday, from 9:00 a.m. to 5:30 p.m., or on the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org). You also may review a copy of the filings at the following public libraries located in the District of Columbia:

Martin Luther King, Jr.  
Memorial Library  
901 G Street, NW

Mount Pleasant Library

3160 16th Street, NW

Southwest Library  
900 Wesley Place, SW

Cleveland Park Library  
3310 Connecticut Avenue, NW

Petworth Library  
4200 Kansas Avenue, NW

Woodridge Library  
1801 Hamlin Street, NE

Southeast Library  
403 7th Street, SE

Capitol View Library  
5001 Central Avenue, SE

Washington Highlands Library  
115 Atlantic Street, SW

The Commission has scheduled evidentiary hearings for November 12-14, 2014 to address the appropriate funding mechanism for the Plan. The hearings will be held commencing at 10:00 a.m. in the Commission's Hearing Room located at 1333 H Street, N.W., 7th Floor East Tower, Washington, D.C. 20005.



**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after November 15, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 20, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: November 15, 2014  
Page 2**

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Adell	Anav K.	Treliant Risk Advisors 2300 N Street, NW, Suite 2100	20037
Akande	Tomi	Correia & Puth, PLLC 1775 K Street, NW, Suite 600	20006
Albertsen	Kristen	Dalberg Consulting US LLC 1634 Eye Street, NW, Suite 300	20006
Allen	Lucille V.	R Banks Group 4906 Kansas Avenue, NW	20011
Anderson	Angel	Milbank, Tweed, Hadley & McCloy, LLP 1850 K Street, NW, Suite 1100	20006
Andren	Valentina	Hogan Lovells US LLP 555 13th Street, NW	20004
Areklett	James B.	Quinn, Racusin & Gazzola Chartered 910 17th Street, NW, Suite 200	20006
Austin	Jacklyn	Strategic Risk Solutions 1627 Connecticut Avenue, NW, Suite 6	20009
Avetisyan	Nona	Cardinal Bank 1825 Wisconsin Avenue, NW	20007
Ayandipo	Abayomi A.	Milbank Tweed Hadley & McCloy, LLP 1850 K Street, NW, Suite 1100	20006
Barona M	Diego Armando	Capital One Bank, NA 701 Pennsylvania Avenue, NW	20004
Bonilla	Adriana	Latin American Youth Center 1419 Columbia Road, NW	20009
Borden	Joshua	Neal R. Gross & Co. Inc. 1323 Rhode Island Avenue, NW	20005
Bower	Lauren	Neal R. Gross & Co. Inc. 1323 Rhode Island Avenue, NW	20005
Bullock	Lorraine J.	Kaiser Family Foundation 1330 G Street, NW	20005

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Recommended for appointment as a DC Notaries PublicEffective: November 15, 2014  
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Burns	Madeline	Bromberg, Kohler Maya & Maschler, PLLC 2011 Pennsylvania Avenue, NW, 5th Floor	20006
Butler	Yvette B.	Self 2635 Bowen Road, SE, Suite 20	20020
Cantor M	Mayra A.	Matrix Realty LLC 1420 11th Street, NW	20001
Carr	Joan A.	White & Case LLP 701 13th Street, NW	20005
Caster	Amy L.	SJL Shannon, LLC 1909 K Street, NW, Suite C120	20006
Conteh	Amara M.	The George Washington University 2033 K Street, Suite 750	20052
Crawford	Mary L.	Arnall Golden Gregory, LLP 1775 Pennsylvania Avenue, NW, Suite 1000	20006
Dameika	Jennifer Lynn	Page Southerland Page, Inc. 1615 M Street, NW, Suite 700	20036
D'Andrea	Gina M.	Friedlander Mislner, PLLC 5335 Wisconsin Avenue, NW, Suite 600	20015
Davis	Steven	Space Exploration Technologies, Corp 1030 15th Street, NW, Suite 220E	20005
Davis-Olegario	Diego	Bank-Fund Staff Federal Credit Union 1725 I Street, NW, Suite 400	20006
De Leon	Alison	International Monetary Fund 1900 Pennsylvania Avenue, NW	20431
Douglas	Kimberly	Democracy Alliance 1575 Eye Street, NW	20005
Dowdle	Tynisha	Capital Business Center 801 Mount Vernon Place, NW	20001

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Recommended for appointment as a DC Notaries Public

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Dowe	Brytni A.	Hensel Phelps Construction 3001 Connecticut Avenue, NW, Level 1 MRC #351	20008
Drabick	Patricia H.	Johnston, Lemon & Co. Incorporated 1101 Vermont Avenue, NW, Suite 800	20005
Duarte	Jessica P.	Population Connection 2120 L Street, NW, Suite 500	20037
Edison	Katherine	Bank of America 5201 Wisconsin Avenue, NW	20015
Edwards	Donata	Self (Dual) 608 Galveston Place, SE	20032
Farrell	Christopher J.	Judicial Watch, Inc. 425 3rd Street, SW, Suite 800	20024
Fawbush	Louise W.	Air Line Pilots Association, International 1625 Massachusetts Avenue, NW	20036
Ferreira	Brenda Liz	Joint Aid Management 1808 I Street, NW, Suite 800	20006
Fleming, Jr.	Jack L.	The Law Offices of Lillian Rodriguez, Esq. 1425 K Street, NW, Suite 350	20005
Fowler	Jaclyn M.	McLeod, Watkinson & Miller One Massachusetts Avenue, NW, Suite 800	20001
Galvan	Vanessa	Bank-Fund Staff Federal Credit Union 1725 I Street, NW	20006
Gilbert	Mica L.	Womble Carlyle Sandridge & Rice, LLP 1200 19th Street, NW, Suite 500	20036
Gins	David	The Gay & Lesbian Victory Fund & Institute 1133 15th Street, NW, Suite 350	20005
Guzman	Sandra E.	Summit Commercial Real Estate 1990 M Street, NW, Suite 600	20036

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Recommended for appointment as a DC Notaries PublicEffective: November 15, 2014  
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Hall	Brittany	Feldesman Tucker Leifer Fidell LLP 1129 20th Street, NW, Suite 400	20036
Harriday	Stephanie	Stoladi Property Group 1636 Connecticut Avenue, NW	20009
Heller	Michelle E.	United States Senate Disbursing Office 127 Hart Senate Office Building	20510
Hernandez	Angel	Taxes and More Corporation 1801 Columbia Road, NW, Suite 104	20009
Hoffmaster	Katharine G.	Sage Title Group, LLC 4201 Connecticut Avenue, NW, Suite 406	20008
Hoffstetter	Renata	Donovan Bond and Company 2507 Massachusetts Avenue, NW	20015
Hollar	Reeves	Madison Investments 2300 Wisconsin Avenue, NW, Suite 300A	20007
Hong	Helena	Smithsonian Institution 425 3rd Street, SW, Suite 850	20024
Hubert	M. Sanders	Winstead, PC 2000 Pennsylvania Avenue, NW, Suite 3350	20006
Humphries	Derrick A.	Humphries & Partners, PLLC 1029 Vermont Avenue, NW	20005
Javad	Al	Self 1419 R Street, NW, Apt. 53	20009
Jenkins	Joseph	Wells Fargo Bank 1447 P Street, NW	20005
John	Ryan C.	United States Senate Disbursing Office 127 Hart Senate Office Building	20510
Johnson	Sarah M.	Birchstone Moore LLC 5335 Wisconsin Avenue, NW, Suite 440	20015

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Recommended for appointment as a DC Notaries Public

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Johnson	Sylvia L.	The Washington Center for Internships and Academic Seminars 1333 16th Street, NW	20036
Johnston	Darrell K.	Charles Schwab 1845 K Street, NW	20006
Kebbede	Sophia	Humphries & Partners, PLLC 1029 Vermont Avenue, NW, Suite 800	20007
Kelly	Renee G.	Housing Counseling Services, Inc. 2410 17th Street, NW, Suite 100	20009
Koons	Jodie L.	Carr Maloney, P.C. 2000 L Street, NW, Suite 450	20036
Levitt	Jonathan A.	McArthur Franklin, PLLC 1101 17th Street, NW, Suite 820	20036
Macalino	Judie	The Brand USA 1725 Eye Street, NW, Suite 800	20006
Manzanarez	Rose	Wells Fargo Bank 801 Pennsylvania Avenue, NW	20004
Marx	Julia	Strategic Real Advisors, Inc. 2831 29th Street, NW	20008
McDuffie	Kathy D.	National Endowment for the Arts 400 7th Street, SW	20506
Morris	Lottie	General Services Administration 2000 14th Street, NW, Suite 800	20009
Nelms	Sarah	Hogan Lovells US LLP 555 13th Street, NW	20004
Nelson	Kathryn K.	American Israel Public Affairs Committee 251 H Street, NW	20001
Nowlin	Teairra	TD Bank 1753 Connecticut Avenue, NW	20009
O'Connell	Aiden E.	League of Conservation Voters, Inc. 1920 L Street, NW, Suite 800	20036

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

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Osondu-Anyanwu	Chino	TD Bank 905 Rhode Island Avenue, NW	20018
Papula	Jennifer	Law Firm of Stefan Shaibani 1150 Connecticut Avenue, NW, Suite 900	20036
Parent	Dave George	Fredericks Peebles & Morgan, LLP 401 9th Street, NW, Suite 700	20004
Patel	Jigesh	Wells Fargo Bank 444 North Capitol Street, NW	20001
Pedroso	Tamisha	Department of Insurance, Securities and Banking 810 First Street, SE, Suite 701	20002
Pittman	Sonya D.	Treliant Risk Advisors 2300 N Street, NW, Suite 2100	20037
Podier	Comfort K.	First American Title Insurance Company 1825 Eye Street, NW, Suite 302	20006
Powell	Shaune J.	Antonelli Organization, LLC 1725 DeSales Street, NW, Suite 300	20036
Powers	Michael Davis	TD Bank 1753 Connecticut Avenue, NW	20009
Pringle	Denis P.	Society of Missionaries of Africa, Inc. 1624 21st Street, NW	20009
Prunesti	Andrew H.	Capital One Bank, NA 5714 Connecticut Avenue, NW	20015
Quam	Laura Stone	Birchstone Moore LLC 5335 Wisconsin Avenue, NW, Suite 440	20015
Reid	Phillip	Emerging Markets Private Equity Associations (EMPEA) 1077 30th Street, NW, Suite 100	20007
Ricaldez	Luis Fernando Padilla	E-Logic, Inc.  10 G Street, NE, Suite 710	20002

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

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Rich IV	Floyd	Maryn Consulting, Inc. 1010 Vermont Avenue, NW	20005
Robinson-Foster	Debra	Early Childhood Academy PCS 4025 9th Street, SE	20032
Romo	Raul	Laz Parking 1125 15th Street, NW, Suite 400	20005
Roseby	Stephanie R.	Wells Fargo Bank, N.A. 1100 Connecticut Avenue, NW	20036
Rowe	Julia N.	Washington Area Community Investment Fund, Inc. (WACIF) 2012 Rhode Island Avenue, NE	20018
Rufino	Amy Dawn	Bank of America 1801 K Street, NW	20006
Rufino	Jose A.	Bank of America 3401 Connecticut Avenue, NW	20008
Shaffer	Hillary S.	Arnold & Porter LLP 555 Twelfth Street, NW	20004
Shames	William Maxwell	Washington Nationals Baseball Club 1500 South Capitol Street, SE	20003
Sheffield	Kevin	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Short	Bryan K.	Montgomery Fazzone & Taylor, PLLC 1775 Pennsylvania Avenue, NW, Suite 950	20006
Sibol	Tyler T.	Gore Brothers Reporting & Videoconferencing 1025 Connecticut Avenue, NW, Suite 100	20036
Sills	Evan	Good Harbor Security Risk Management 2020 K Street, NW, Suite 400	20006
Simon	Stephen	The Kaizen Company 1604-B Street, NW	20001



**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

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Single	Tabitha R.	Antonoplos & Associates 1725 DeSales Street, NW, Suite 600	20036
Smith	LeShonne T.	General Services Administration 1800 F Street, NW, Room 2024	20405
Stone	Joyce B.	Export-Import Bank of the United States 811 Vermont Avenue, NW, Room 871	20571
Stover	Treaunda	McKissack & Mckissack 901 K Street, NW, 6th Floor	20001
Stroman	Dylan Jacob	Neal R. Gross & Co. Inc. 1323 Rhode Island Avenue, NW	20005
Thurman	Rasheem A.	The UPS Store 1718 M Street, NW	20036
Turcios	Daniela	Regan Associates, Chartered 1003 K Street, NW, 3rd Floor	20001
Turner	Julia Ann	Largo Medical Group Dr. John Bedeau 6323 Georgia Avenue, NW	20011
Tyson	Kiyo Oden	Kiyo Oden Tyson, Esq. 220 I Street NE, Suite 210	20002
Walters	Sheila Y.	District of Columbia Office of Zoning 441 4th Street, NW, Suite 200South	20001
Wallace	Pierrea	Bank of America 4201 Connecticut Avenue, NW	20008
Washington	Sharon D.	National Aeronautics and Space Administration 300 E Street, SW	20546
Watkins	Lorraine A.	Self 319 K Street, NE	20002
Weaver	Melisa K.	Womble Carlyle Sandridge & Rice, LLP 1200 Nineteenth Street, NW, Suite 500	20036
Wheeler	David	TD Bank 1753 Connecticut Avenue, NW	20009

**D.C. Office of the Secretary  
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White	Quantina	Apostille Courier Express 1628 K Street, NW, Suite 300	20006
Wilkerson	Keith A.	Self (Dual) 2112 New Hampshire Avenue, NW, Apt. #701	20009
Williams, Jr.	David M.	Government of the District of Columbia, Office of the City Administrator 1350 Pennsylvania Avenue, NW, #513	20004
Wise	Helena S.	Contact I Inc. 910 17th Street, NW, Suite 400	20006
Wright	Lynda D.	Bridging Technologies 300 New Jersey Avenue, NW, Suite 900	20001
Yeung	Sing Chuen	Government of the District of Columbia, Office of the City Administrator 1350 Pennsylvania Avenue, NW, #513	20004
Zelaya	Flor	Branch Banking and Trust Company 3101 14th Street, NW	20010
Zewdie-Teklu	Elita	TD Bank 1275A 1st Street, NE	20002

## THE NEXT STEP PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSAL

## Financial Services

The Next Step Public Charter School is advertising the opportunity to bid on an Financial Services to provide accounting, budgeting, auditing, payroll, and other services for the school, for the 2014-2015 school year (August 1, 2014 – June 30, 2015), with a possible extension of (4) one year renewals (July 1, 2015 - June 30, 2019). Additional specifications outlined in the Request for Proposals (RFP) such as responsibilities and oversight, can be obtained on Friday, October 17<sup>th</sup>, 2014 from:

**Jennifer Edwards**

[jennifer@nextsteppcs.org](mailto:jennifer@nextsteppcs.org)

**All bids not addressing all areas as outlined in the IFB (RFP) will not be considered. Bids must be received by October 24, 2014 by 5 pm.** Bids must be submitted electronically or by mail to 3047 15<sup>th</sup> Street, NW, Washington, DC 20009.



BA6/30/14

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18802 of Newletterman Associates LLC**, pursuant to 11 DCMR § 3104.1, for a special exception to allow office use under § 508, in the DC/SP-2 District at premises 1727 Massachusetts Avenue, N.W., Unit C-10 (Square 157, Lots 95 and 96).

**HEARING DATES:** July 22, 2014<sup>1</sup> and September 30, 2014  
**DECISION DATE:** September 30, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B initially submitted a report dated July 14, 2014, expressing opposition to the application. (Exhibit 32.) However, at the public hearing of September 30, 2014, the Applicant presented an amended ANC resolution dated August 19, 2014, in which the ANC voted to support the application. (Exhibit 41.) The Office of Planning (“OP”) also submitted a report in support of the application. (Exhibit 31.) The D.C. Department of Transportation filed a report expressing no objection to the application. (Exhibit 33.)

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 special exception relief under § 508. The only parties to the application are the Applicant and ANC 2B, which is now in support. There were no parties 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 508, that the requested relief can be granted, 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

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<sup>1</sup> The hearing was postponed at the request of the Applicant (Exhibit 35), and the hearing was rescheduled to September 30, 2014.

**BZA APPLICATION NO. 18802**  
**PAGE NO. 2**

of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS, IN THE RECORD AT EXHIBITS 5A, 5B, AND 5C.**

**VOTE: 5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood 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:** October 7, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE 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

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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. 18825 of Christopher and Deborah Cushman**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to a one-family row dwelling under § 223, not meeting the lot occupancy (§ 403) and court (§ 406) requirements in the R-4 District at premises 1122 East Capitol Street, N.E. (Square 988, Lot 69).<sup>1</sup>

**HEARING DATE:** September 30, 2014

**DECISION DATE:** September 30, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 28.)

The Board of Zoning Adjustment (the “ Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A did not submit a report or testify at the public hearing. However, in its testimony at the hearing, the Office of Planning (“OP”) indicated that ANC 6A, at its regularly scheduled public meeting of May 21, 2014, voted to support the application. OP submitted a report and testified at the hearing in support of the application. (Exhibit 27.) The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 25.) A letter of support was submitted for the record by a neighbor, Robert W. Doyle, Jr. of 1120 East Capitol Street, N.E. (Exhibit 12.)

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 §§ 223, 403, and 406. 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 11DCMR §§ 3104.1 223, 403, and 406, that the requested relief can be granted as being

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<sup>1</sup> The Applicant amended the application at the hearing to eliminate relief from the lot area requirements (§ 401.3) and relief from the side yard requirements (§ 405), under § 223. Therefore, the caption is revised accordingly.

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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 is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8.**

**VOTE:**           **5-0-0** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood 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:** October 10, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF



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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. 18834 of Mara E. Rudman**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition and deck to an existing one-family detached dwelling under § 223, not meeting the rear yard setback requirements (§ 404.1), in the R-2 District at premises 4429 Faraday Place, N.W. (Square 1582, Lot 217).

**HEARING DATE:** October 7, 2014

**DECISION DATE:** October 7, 2014

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated June 11, 2014, from the Zoning Administrator, which stated that Board of Zoning Adjustment ("Board" or "BZA") approval is required for special exception relief. (Exhibit 8.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E filed a report, which indicated that at a properly noticed, scheduled public meeting held on September 11, 2014, with a quorum of Commissioners present, the ANC voted unanimously (4:0:0) to support the application with conditions.<sup>1</sup> (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report indicating its support of the application. (Exhibit 35.) By its letter, dated September 26, 2014, the District Department of Transportation ("DDOT") submitted a report of "no objection" to the application. (Exhibit 34.)

Letters of support for the application were submitted to the record from several neighbors. (Exhibits 24-30.)

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 §§ 223 and 404.1. 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.

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<sup>1</sup> While the Applicant and ANC asked for the conditions to be included in the Order in this application, they also entered into a separate voluntary agreement. (Exhibit 32.)

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Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, and 404.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBITS 4-6 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall remove the paved driveway in the Property's backyard, replace it with permeable landscaping, and maintain permeable landscaping at the site of the former driveway; and,
2. The Applicant shall plant one tree, of her choosing, on her property.

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this summary order.

**VOTE:**           **3-0-2** (Lloyd L. Jordan, Jeffrey L. Hinkle, and Robert E. Miller, to Approve; S. Kathryn Allen and Marnique Y. Heath, not participating or voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

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PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18843 of Christopher Pashby**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family detached dwelling under § 223, not meeting the side yard (§ 405) requirements in the R-2 District at premises 5526 39th Street, N.W. (Square 1747, Lot 37).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** October 7, 2014 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 10 and 29.)

Pursuant to 11 DCMR § 3181, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review 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 provided that the Applicant reached an agreement with his next door neighbors, Peter and Ann Kolker, residing at 5528 39th Street, N.W. regarding their property concerns. (Exhibit 26.) The Kolkers submitted, and then withdrew, a request for party status in opposition, as they reached agreement with the Applicant and were satisfied with the revisions made by the Applicant. (Exhibits 36 and 37.) The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 35.) The Department of Transportation submitted a report of no objection to the application. (Exhibit 25.) Three adjacent neighbors submitted letters of support for the application. (Exhibits 30-32.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The application for party status from the Kolkers was withdrawn. 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 § 223. No parties appeared at the public meeting in

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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. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 34.**

**VOTE:**           **3-0-2** (Lloyd J. Jordan, Jeffrey L. Hinkle and Robert E. Miller to APPROVE; S. Kathryn Allen and Marnique Y. Heath not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

The majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 8, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 11-08A**

**Z.C. Case No. 11-08A**

**Il Palazzo, LLC**

**(One-Year Time Extension for an Approved Planned Unit Development and Zoning Map  
Amendment @ Square 2578, Lot 26)**

**April 15, 2014**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) considered a request from Il Palazzo LLC (“Applicant”) for a one year extension of the planned unit development (“PUD”) approved in Z.C. Case No. 11-08. The time extension request was made pursuant to Chapter 24 of the District of Columbia Zoning Regulations. The Commission voted to approve the request without a public hearing at its public meeting on April 14, 2014. The reasons for its approval are stated below.

**FINDINGS OF FACT**

**Case Background**

1. On March 12, 2012, the Commission issued Z.C. Order No. 11-08 approving a residential PUD at Square 2578, Lot 26, more commonly known as 2700 16<sup>th</sup> Street, N.W. (“Property” or “Subject Property”). (Exhibit [“Ex.”] 1, Tab A.)
2. The Subject Property consists of approximately 43,494 square feet of land area. The Subject Property is bounded by 16<sup>th</sup> Street, N.W. to the east, Mozart Place, N.W. to the west, Fuller Street, N.W. to the south and property of the Scottish Rite Temple to the north. The Property is located just south of Columbia Road. (Ex. 1, Tab A.)
3. The Property is split-zoned: the eastern portion of the Property is located in the R-5-D Zone District and the western portion is located in the D/R-5-B Zone District in the Diplomatic Overlay. All of the properties along 16<sup>th</sup> Street, to the north, south, and east, are located in the R-5-D Zone District. (*Id.*)
4. The Applicant requested approval of a PUD-related map amendment for the portion of the Property located in the D/R-5-B Zone District to the R-5-D Zone District. (*Id.*)
5. The approved PUD includes 60-90 spaces of below-grade parking and 110-135 residential units, including six affordable units, at least five of which will be two-bedroom family units to be reserved for households with an annual income no greater than 80% of the Area Median Income. (*Id.*)
6. Z.C. Order No. 11-08 was valid for a period of two years, within which time an application for a building permit was required to be filed.
7. On March 7, 2014, the Applicant filed a request to extend the PUD approval for a period of two years. (Ex. 1.)



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8. The request was placed on the Commission's April 14, 2014, meeting agenda, at which time the Commission took action to approve a one-year extension of the consolidated PUD and PUD-related map amendment. The PUD was extended through March 9, 2015.

### Extension Request

9. Subsection 2408.10 of the Zoning Regulations grants the Commission the authority to extend a consolidated PUD approval. The Commission must determine whether (a) the extension request was served on all parties to the application by the Applicant and that parties were given at least 30 days to respond; (b) there was no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the Applicant demonstrated with substantial evidence that there was good cause for such extension.
10. The Applicant satisfied each of the three standards. With respect to the first prong, the request was served on the only party to this case, Advisory Neighborhood Commission ("ANC") 1C. By letter dated September 11, 2014, ANC 1C stated that it had no objection to the time extension<sup>1</sup>. (Ex. 6.)
11. The subject neighborhood has not undergone any significant changes since the PUD was initially granted. (Ex. 1.)
12. The Comprehensive Plan designation and zoning designation for the Property and surrounding property remains unchanged. The Commission voted to approve the PUD in 2011. The Order was issued in 2012.
13. The Applicant noted that it had assumed the lead in developing the project only 12 months prior to the expiration of the PUD approval, impeding its ability to timely file for building permits. (Ex. 1, 4.)
14. Despite having recently assumed leadership of the PUD, the Applicant made numerous efforts to meet the deadline for submitting an application for a building permit. It included an affidavit with its extension request that outlined the efforts it made to implement the PUD approval during those 12 months:
  - Retained Davis Carter Scott to prepare the permit plans. Davis Carter Scott finalized the plans for final submission;
  - Hired Clark as the general contractor for the project;

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<sup>1</sup> The Applicant notified ANC 1B when it filed its time extension. This was an error because only ANC 1C participated as a party in the original case. The Applicant notified ANC 1C when it discovered this error.

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- Established a marketing campaign for the residential units and retained a firm to market the units;
  - Secured a demolition permit on July 26, 2013 for the stand alone garage on the Property;
  - Submitted an application for a sheeting and shoring permit on February 24, 2014;
  - Submitted its Environmental Impact Screening Form on August 29, 2013. In response to comments on the EISF, The Garrett Companies resubmitted the form on January 28, 2014;
  - Submitted a site plan to DC Water and the District Department of the Environment in February 2014 for final review; and
  - Submitted an application for approval of improvements in public space in February 2014.
15. ANC 1C submitted a letter into the record to indicating its support for a one-year time extension.
16. The Office of Planning (“OP”) submitted a report dated April 4, 2014. OP recommended approval of the time extension request and noted the Applicant’s fulfillment of the standard promulgated in § 2408.10 of the Zoning Regulations. OP noted that there had been a change in the ownership entity that delayed the permitting process, which made compliance with the PUD deadlines beyond the Applicant’s control. (Ex. 4.)
17. Though the Applicant requested a two-year time extension, it noted that it anticipated filing for its building permits in April 2014; accordingly, the Commission found that a one-year extension was justified, but that a two-year extension was not justified.

### **CONCLUSIONS OF LAW**

The Commission may extend the time period of an approved PUD provided the requirements of 11 DCMR §§ 2408.10, 2408.11, and 2408.12 are satisfied. Subsections 2408.10 and 2408.11 give the Commission the authority to extend the validity of a consolidated PUD approval. Subsection 2408.10(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The Applicant served the only party, ANC 1C with notice of the extension request, and by letter dated September 11, 2014, ANC 1C stated that it had no objection to a one-year extension.

Section 2408.10(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD. The Commission concludes that extending the time period of approval is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original PUD application.

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Finally, § 2408.10(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension, as provided in § 2408.11. Pursuant to § 2408.11, an extension of validity of a PUD may be granted if the applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.

The Commission finds that there is good cause shown to extend the period of time of the validity of the PUD. The Commission also finds that the Applicant has made good faith efforts to effectuate the PUD and has demonstrated that it is pursuing its building permit to begin construction as soon as possible.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations (as discussed in paragraph 16 above). OP recommended approval of the time extension request and the Commission concurs in its recommendation.

For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR § 2408.10 and 2408.11.

### DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No. 11-08A for a one-year time extension of Z.C. Order No. 11-08. The validity of the PUD is extended until March 9, 2015, within which time a building permit for the approved PUD must be filed. Construction must start on the PUD prior to March 9, 2016.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the request be **GRANTED** for a one-year period.

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On April 15, 2014, upon motion by Commissioner May, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR 3028.8, this Order shall become final and effective upon publication in the *D. C. Register* on October 17, 2014.

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