



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 20-467, Civil Marriage Dissolution Equality Clarification Amendment Act of 2014
- D.C. Public Charter School Board schedules a public hearing on school charter amendments
- Office of Administrative Hearings establishes procedures for adjudicating alleged violations by taxicab operators and companies issued by the D.C. Taxicab Commission
- District Department of the Environment announces funding availability for low income energy efficiency and conservation programs
- Public Service Commission approves Pepco's tariff amendment that updates the retail transmission rates for the Rider Standard Offer Service

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To amend, on an emergency basis, the Fiscal Year 2015 Budget Support Act of 2014 to clarify provisions supporting the Fiscal Year 2015 budget.

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

Sec. 2. The Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended as follows:

(a) Section 1043(d) is amended by striking the phrase "to the Capital Fund as Paygo" and inserting the phrase "equally among the Local Streets Ward-Based Capital Projects. For the purposes of this paragraph, the term Local Streets Ward Based Capital Projects shall have the same meaning as provided in § 50-921.51(4)" in its place.

(b) Section 1052(b) is amended by striking the phrase "(2) "Eligible employee" means a District government employee eligible to accrue annual leave who has experienced a qualifying event." and inserting the following in its place:

"(2) "Eligible employee" means a District government employee; provided, that the term "eligible employee" does not include:

"(A) A temporary employee appointed for less than 90 days; or

"(B) An intermittent employee."

(c) Section 1053 is repealed.

(d) Section 2094(c) is amended by striking the phrase "within the following area" and inserting the phrase "abutting the following line" in its place.

(e) Section 3052(b) is amended to read as follows:

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

"(1) The existing text is designated as sub-subparagraph (i).

"(2) A new sub-subparagraph (ii) is added read as follows:

"(ii) For Fiscal Year 2015, and except as provided in subparagraph (B) of this paragraph, no officer or member of the Fire and Emergency Medical Services Department who is authorized to receive overtime compensation under this subsection may earn overtime in excess of \$ 30,000 in a fiscal year.".

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(f) A new section 4073a is added to read as follows:

“Sec. 4073a. Child development facility requirements.

“(a) If 50 % or more children in a licensed child development facility are eligible to participate in the CACF Program, the facility shall participate in the program unless OSSE grants it an exemption pursuant to subsection (b) of this section.

“(b) To be eligible for an exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship. OSSE will determine whether good cause exists and provide notice to the child development facility that it is excused from participating in the CACF Program for one year from the date of the notice. To the extent possible, OSSE shall work with excused child development facilities to address barriers to participating in the CACF Program.”.

(g) Section 4074(a) is amended as follows:

(1) Paragraph (2) is amended by striking the word “and” at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(4) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report listing the names and locations of licensed child development facilities with 50 % or more eligible children enrolled, whether the facility participates in the CACF Program, and whether and why the facility was excused from participation.”.

(h) Section 5072(b) is amended as follows:

(1) Strike the phrase “October 1, 2015” and insert the phrase “October 1, 2014” in its place.

(2) Strike the phrase “section (c) of this subsection” and insert the phrase “subsection (c) of this section” in its place.

(i) Section 6002 is amended as follows:

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

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

“(b) Notwithstanding the requirements of subsection (a) of this section, the District shall not charge a fee to an organization for occupying public space to operate a farmers market; provided, that it participates in the Supplemental Nutritional Assistance Program and the Women, Infants and Children Farmers Market Nutrition Program.”.

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

“(c) Section 303 (D.C. Official Code § 10-1103.02) is amended to read as follows:

“Sec. 303. (a)(1) The Chief Financial Officer shall assess and collect rent and charges from the owner or owners of abutting property for any vault located in the public space abutting such property, unless such vault has been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor.

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"(2) Bills and notices shall be deemed to be properly served when mailed via first class mail to the abutting property owner's mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(b)(1) Notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.04), or any other provision of law that imposes liability for vault rent that is contrary to this subsection, vault rent shall be assessed against a responsible condominium unit owners' association.

"(2) The responsible condominium unit owners' association shall be billed for vault rent as a separate and distinct taxable entity with its own vault rent account, as designated by the Chief Financial Officer, and, unless the context requires otherwise, for purposes of this title shall be deemed to be the owner of the property abutting public space in which any vault is located.

"(3) A notice of proposed land assessment relating to the vault rent account shall be given to the responsible condominium unit owners' association by March 1st before the beginning of the applicable vault rent year. Only the land values of comparable multi-family residential properties shall only be used in determining land values for vault rent purposes of residential condominiums.

"(4) The assessed value of the land derived for purposes of billing the vault rent may be appealed as provided under D.C. Official Code § 47-825.01a(d), (e), and (g); except, that for the purposes of this section any references in that section to an owner shall be deemed to be references to a responsible condominium unit owners' association.

"(5) The Chief Financial Officer may correct or change any land assessment relating to the vault rent account for which a responsible condominium unit owners' association is responsible as under the circumstances and subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to:

"(A) Tax years shall be deemed to be a reference to vault rent years;

"(B) Owner shall be deemed to be a reference to a responsible condominium unit owners' association; and

"(C) The owner's address of record shall be deemed to be a reference to the responsible condominium unit owners' mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(c) Where vault rent is assessed against any owner other than a responsible condominium owners' association, the Mayor may adjust any utilization factor or area of the vault level under the circumstances, subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to tax years shall be deemed to be a reference to vault rent years .".

(j) Section 7002 is amended by striking the phrase "3-year period" and inserting the phrase "4-year period" in its place.

(k) New sections 7010a, 7010b, 7010c, 7010d, and 7010e are added to read as follows:

"Sec. 7010a. The Retail Incentive Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-288; 60 DCR 2325), is repealed.

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“Sec. 7010b. Section 701 of the Raising Expectations for Education Outcomes Omnibus Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-757.01), is repealed.

“Sec. 7010c. 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 § 34-2201.01 *et seq.*), is amended as follows:

“(a) Section 206g(d) (D.C. Official Code § 34-2202.06g(d)) is repealed.

“(b) Section 206h(e) (D.C. Official Code § 34-2202.06h(e)) is repealed.

“Sec. 7010d. The Senior Citizen Real Property Tax Relief Act of 2013, effective May 28, 2014 (D.C. Law 20-105; 61 DCR 5897), is repealed.

“Sec. 7010e. Section 601(m) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1164.01(m)), is repealed.”

(l) Section 7012 is amended as follows:

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

(A) Strike the phrase “approved, any recurring revenues in a quarterly revenue estimate” and insert the phrase “approved by the District, any recurring revenues in a February revenue estimate” in its place.

(B) Strike the phrase “\$6,650 for Head of Household” and insert the phrase “\$6,500 for Head of Household” in its place.

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

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

“(C) Paragraph (44) is amended to read as follows:

“(44) “Standard deduction” means:

“(A) In the case of a return filed by a single individual or married individual filing a separate return:

“(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50) for a single individual and one-half of the amount that may be taken by a single individual for a married individual filing a separate return;

“(ii) For taxable years beginning after December 31, 2014, the highest of:

“(I) \$5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

“(II) Subject to availability of funding and in accordance with § 47-181, \$5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(III) Subject to availability of funding and in accordance with § 47-181, the amount of the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

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"(B) In the case of a return filed by a head of household:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

"(I) \$6,500 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) Subject to availability of funding and in accordance with § 47-181, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

"(C) In the case of a return filed by married individuals filing a joint return, or a surviving spouse:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

"(I) \$8,350 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$10,275 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) The standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986; and

"(D) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraph (A), (B), or (C) of this paragraph prorated by the number of months that the individual was a resident.".

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

"(2) Section 47-1803.02(a)(2)(N) is amended to read as follows:

"(N)(i) Pension, military retired pay, or annuity income received from the District of Columbia or the federal government by persons who are 62 years of age or older by the end of the taxable year, except that the exclusion shall not exceed the lesser of \$3,000 or the actual amount of the pension, military retired pay, or annuity received during the taxable years; provided, that the pension, military retired pay, or annuity is otherwise subject to taxation under this chapter;

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provided further, that this sub-subparagraph shall apply for taxable years beginning before January 1, 2015.

“(ii) Survivor benefits received from the District of Columbia or the federal government by persons who are 62 years of age or older by the end of the taxable year.”.

(C) Paragraph (4) is amended as follows:

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

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

“(c) There shall be allowed an additional exemption for a taxpayer who qualifies as a head of household; provided, that this subsection shall not apply for a tax year in which the deduction amount for personal exemptions under subsection (i) of this section is \$2,200 or more.”.

(ii) Subparagraph (E) is amended by striking the phrase “and subject to § 47-1806.04(e)”.

(iii) Subparagraph (F) is amended by striking the phrase “The amount” and inserting the phrase “For tax years beginning after December 31, 2014, the amount” in its place.

(D) Paragraph (6)(B) is amended by striking the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986” and inserting the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986; provided, that the credit shall not be allowed to a resident who has elected to claim the low income tax credit provided for in subsection (e) of this section” in its place.

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

“(d-1) Section 47-2002(a) is amended as follows:

“(1) Paragraph (5) is repealed.

“(2) Paragraph (6) is repealed.”.

(4) Subsection (f)(2)(A) and (C) is amended by striking the phrase “before January 1, 2015” both times it appears and inserting the phrase “before January 1, 2016” in its place.

(m) Section 7052 is amended to read as follows:

“Sec. 7052. Title 47 of the District of Columbia Official Code is amended as follows:

“(a) Chapter 8 is amended as follows:

“(1) Section 47-845(c) is amended by striking the phrase “interest at the rate of 8% per annum” and inserting the phrase “simple interest at the rate of 1/2% per month or portion of a month until paid” in its place.

“(2) Section 47-845.02 is amended as follows:

“(A) Subsection (a)(2) is amended to read as follows:

“(2) “Household adjusted gross income” means the adjusted gross income of all persons residing in a household, as determined by each person's federal income tax year ending immediately before the beginning of the real property tax year during which application is made under subsection (e) of this section, excluding the adjusted gross income of any person who is a tenant by virtue of a written lease for fair market value.”.

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“(B) Subsection (c) is amended by striking the phrase “interest at the rate of 8% per annum” and inserting the phrase “simple interest at the rate of 1/2% per month or portion of a month until paid” in its place.

“(C) Subsection (d) is amended by striking the phrase “and § 47-845” and insert the phrase “, § 47-845, and § 47-845.03” in its place.

“(D) Subsection (h) is amended by adding a new paragraph (5) to read as follows:

“(5)(A) If a filed application is properly completed and not disapproved, taxes deferred shall remain deferred and the taxes from prospective tax years shall continue to be deferred notwithstanding household adjusted gross income applicable to prospective tax years that exceeds the threshold in subsection (a)(1)(B) of this section.

“(B) This paragraph shall not apply if the senior’s household no longer qualifies for the deferral for any other reason.”.

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

“(A) Subsection (a)(2) is amended to read as follows:

“(2) “Household adjusted gross income” means the adjusted gross income of all persons residing in a household, as determined by each person's federal income tax year ending immediately before the beginning of the real property tax year during which application is made under subsection (f) of this section, excluding the adjusted gross income of any person who is a tenant by virtue of a written lease for fair market value.”.

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

“(c) Taxes deferred under this section shall bear simple interest at the rate of 1/2% per month or portion of a month until paid; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least the immediately preceding 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section.”.

“(C) Subsection (d) is amended by striking the phrase “and § 47-845” and inserting the phrase “, §47-845, and § 47-845.02” in its place.

“(D) Subsection (i) is amended by adding a new paragraph (5) to read as follows:

“(5) If a filed application is properly completed and not disapproved, taxes deferred shall remain deferred and the taxes from prospective tax years shall continue to be deferred notwithstanding household adjusted gross income applicable to prospective tax years that exceeds the threshold in subsection (a)(4)(D) of this section. This paragraph shall not apply where the senior’s household no longer qualifies for the deferral for any other reason.”.

“(b) Section 47-1806.06 is amended as follows:

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

“(A) Paragraph (2)(C) is amended by striking the phrase "for all claimants" and inserting the phrase "for all claimants other than eligible senior claimants" in its place.

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

“(2A) For taxable years beginning after December 31, 2014, the percentage required under paragraph (1) of this subsection to be determined for eligible senior claimants shall be 100% of property tax or of rent constituting property taxes accrued exceeding 3.0% of adjusted gross income of the tax filing unit.”.

“(2) Subsection (b) is amended by adding a new paragraph (9) to read as follows:

“(9) The term "eligible senior claimant" means a claimant who is 70 years or older at any time during the tax year and whose adjusted gross income does not exceed \$60,000.”.

“(3) Subsection (e)(1) is amended by striking the phrase “§ 47-845” and inserting the phrase ““§§ 47-845, 47-845.02, and 47-845.03” in its place.

“(4) Subsection (r) is amended by striking the phrase “\$50,000 shall be” and inserting the phrase “\$50,000 (\$60,000 for eligible senior claimants) shall be” in its place.”.

(q) Section 7102 is amended to read as follows:

“Sec. 7102. Title 47 of the District of Columbia Official Code is amended as follows:

“(a) Chapter 8 is amended as follows:

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

"47-805. Office of Real Property Tax Ombudsman.”.

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

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

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

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

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

“(3) A new section 47-805 is added to read as follows:

"§ 47-805. Office of Real Property Tax Ombudsman.

“(a) There is created within the Office of the Mayor the Office of the Real Property Tax Ombudsman ("Office"), which shall be headed by the Real Property Tax Ombudsman ("Ombudsman"), who shall be appointed by the Mayor pursuant to § 1-523.01(a), as a statutory employee in the Excepted Service pursuant to § 1-609.08. The Ombudsman shall serve for a term of 5 years. The Ombudsman shall serve at the pleasure of the Mayor.

“(b) The Ombudsman shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District.

“(c) The Ombudsman shall:

“(1) Consult with and advise Class 1 real property owners on any real property tax matter arising under Chapter 8 or 13A of this title or under Chapter 31A of Title 42;

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"(2) Receive and investigate concerns and complaints from Class 1 real property owners related to real property tax matters;

"(3) Provide counsel and assistance to Class 1 real property owners relating to real property taxes, including referring Class 1 real property owners to appropriate:

"(A) Legal service providers;

"(B) Public interest organizations; and

"(C) Government offices;

"(4) Maintain a list of organizations that provide free or reduced-price legal services to District of Columbia residents and a list of housing counseling agencies approved by the U.S. Department of Housing and Urban Development;

"(5) Protect the confidentiality of records and comply with all applicable confidentiality provisions, including § 47-821(d)(2); and

"(6) Prepare and submit to the Council and the Mayor an annual report on the activities of the Office that the Mayor shall make available to the public on the Mayor's website.

"(d) The Ombudsman may assist an owner with matters concerning an abutting lot where the abutting lot and the Class 1 property are owned by the same owner.

"(e) The Ombudsman shall not appear on behalf of Class 1 real property owners in any court, administrative, or quasi-judicial proceeding.

"(f) The Office of the Chief Financial Officer may share confidential tax information with the Ombudsman.

"(g) For purposes of this section, the term "Class 1 real property owner" shall have the same meaning as provided in § 47-813(c-3)(1); provided, that the term owner as used in § 47-813(c-3)(1) shall be construed broadly and include the persons defined as owners in § 47-802 as well as other persons with an equitable interest in the property, and any other persons the Ombudsman determines to be appropriate representatives of the property owner (or, if applicable, the property owner's estate), or any other persons the Ombudsman determines to be consistent with the purposes of this section."

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

"(5) Section 47-845.03 is amended as follows:

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

"(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least the immediately preceding 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section."

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

"(g) If a properly completed and approved application is filed, the applicant may choose to have the deferral apply to past years; provided, that the amount deferred shall comply with

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subsection (d) of this section and the periods of applicability are stated in the application; provided further, that the applicant is responsible for accrued attorneys' fees."

"(C) Subsection (p) is repealed.

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

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

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

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

"(b) Section 47-902 is amended by adding a new paragraph (26) to read as follows:

"(26) Transfers of property transferred to a named beneficiary of a revocable transfer on death deed under Subchapter IV of Chapter 6 of Title 19, by reason of the death of the grantor of the revocable transfer on death deed."

"(c) Chapter 13A is amended as follows:

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

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

"47-1353.01. Post-sale notice."

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

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

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

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

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

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

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

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

"(4A) "Premises address" means the address, if any, for the square, suffix, and lot numbers, or parcel and lot numbers, of real property as reflected in the records in the Office of Tax and Revenue."

"(3) Section 47-1332 is amended to read as follows:

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"§ 47-1332. Sale of properties by Mayor; exemptions from sale.

"(a) Except as provided in subsections (c) and (d) of this section or as provided in other law, the Mayor shall sell all real property on which the tax is in arrears.

"(b) The Mayor shall designate a single agency to conduct tax sales.

"(c) The Mayor shall not sell any real property if:

"(1) A forbearance authorization has been approved in writing by the Mayor for the applicable tax sale;

"(2) For improved Class 1 Property, the tax amount to be sold is less than \$2,500; or

"(3) The real property is a Class 1 Property that is receiving a homestead deduction, with respect to which there is an outstanding non-void certificate of sale; provided, that no real property shall be excluded from sale solely pursuant to this paragraph if the non-void certificate of sale has been outstanding for 3 years or more.

"(d) The Mayor, in the Mayor's discretion, may decline to sell any Class 1 Property or any real property for a delinquency in the payment of a non-real property tax that does not have to be certified.

"(e)(1) An application for a forbearance authorization, utilizing the form of application as shall be devised by the Mayor, may be submitted to the Mayor up to 30 days before the first day of the tax sale.

"(2) The Mayor shall review and approve or deny the application within 90 days of receipt of the application.

"(3)(A) The Mayor shall approve an application if the real property receives a homestead deduction and the tax amount to be sold is less than or equal to \$7,500.

"(B) The Mayor, in the Mayor's discretion, may approve an application that does not meet the criteria for demonstrated hardship set forth in subparagraph (A) of this paragraph.

"(4) Upon approving an application for forbearance authorization, the Mayor shall remove the real property from the tax sale to which the forbearance corresponds or, if the tax sale has occurred with respect to the real property, cancel the tax sale pursuant to § 47-1366."

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

"§ 47-1334. Interest rate.

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

"(b) The purchaser shall receive simple interest of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements."

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

“(A) Subsection (a) is amended by adding a new sentence at the end to read as follows:

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

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

“(i) Strike the word "transaction" and insert the word "sale" in its place.

“(ii) Strike the phrase "§§ 47-1341 and 47-1342" and insert the phrase "§§ 47-1341, 47-1342, and 47-1353.01" in its place.

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

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

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

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

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

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

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

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

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

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

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

“(i) Strike the phrase "Each of the taxing" and insert the phrase "Subject to the limitation set forth in § 34-2407.02, each of the taxing" in its place.

“(ii) Strike the phrase "notice of delinquency required by § 47-1341" and insert the phrase "notices required by § 47-1341 and § 47-1353.01" in its place.

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

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

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

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

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

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

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

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

"(a)(1) On or before May 1, the Mayor shall send a notice of tax delinquency by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last mailing address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form and may include a payment coupon or enclosed bill:

**"THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES
IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS
OF TITLE TO THE PROPERTY**

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by May 31, 20__)

“The amount that you must pay to avoid the tax sale may be less than the total amount owed on the real property account. This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

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"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com or at any District branch of Wells Fargo Bank or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

"If payment is not made before May 31, 20__ , the amount listed on this notice may no longer be accurate. In that case, you must contact the Office of Tax and Revenue at to obtain an updated payoff amount.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

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

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

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

"Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

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

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

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on

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buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above)."

"(B) Subsection (b) is amended by striking the phrase "Failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include" and inserting the phrase "Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notices of delinquency as provided in subsections (a) and (b-1) of this section, or to include" in its place.

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

"(b-1)(1) At least 2 weeks before real property is offered at a tax sale under this chapter, the Mayor shall send a final notice of delinquency, by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form and may include a payment coupon or enclosed bill:

**"THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES
IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS
OF TITLE TO THE PROPERTY**

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by [Last Business Day before tax sale begins]

"The amount that you must pay to avoid the tax sale may be less than the total amount owed on the real property account. This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com, at any District branch of Wells Fargo Bank, or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

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"If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale.

- "You may FAX the receipt to (202) 478-5995; EMAIL the receipt to [email address]; or HAND-DELIVER a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

- "Do not mail your paid receipt.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

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

"Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

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

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

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above)."

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

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

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“(8) Section 47-1342 is amended as follows:

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

"(a) At any time after 30 days from the mailing of the notice of delinquency required by § 47-1341(a), the Mayor shall, simultaneously:

"(1) Cause to be advertised, at least once in not less than 2 newspapers of general circulation in the District that are published at least once every 2 weeks, a public notice stating that listed real property will be sold at public auction because of taxes on the date and at the place named in the public notice; and

"(2) Post the list of real property in the public notice on the Office of Tax and Revenue's website."

“(B) Subsection (b)(1)(A) is amended by striking the phrase "by taxation square," and inserting the phrase "by premises address, taxation square," in its place.

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

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

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

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

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

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

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

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

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

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

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

"(5)(A) A potential purchaser, including a natural person or business entity, who is delinquent in payment of in rem taxes to the District or who has been convicted of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior may not bid on real property

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offered at a sale held under this chapter or otherwise acquire an interest in real property sold under this chapter.

"(B) A potential purchaser, including a natural person or business entity, shall certify under oath, subject to the penalties of perjury, that the potential purchaser is not more than one year in arrears in any jurisdiction in payment of in rem taxes not being contested in good faith and has not been convicted in any jurisdiction of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior.

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

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

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

"(12) Section 47-1348 is amended as follows:

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

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

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

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

"(10)(A) A statement that the rate of simple interest, upon redemption, shall be 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor.

"(B) This paragraph shall apply upon its fiscal effect being included in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register."

"(B) Subsection (b) is repealed.

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

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

"(ii) Strike the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of

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18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus." and insert the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus." in its place.

"(13) Section 47-1349(c) is amended by adding a new sentence at the end to read as follows:

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

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

"(15) Section 47-1353 is amended as follows:

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

"(B) Subsection (b)(1)(G) is amended by striking the phrase "by square," and inserting the phrase "by premises address, taxation square," in its place.

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

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

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus."

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

"§ 47-1353.01. Post-sale notice.

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

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owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

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

"[Date]

"ATTENTION: YOUR PROPERTY WAS SOLD AT TAX SALE

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address]

"Tax Sale Date: [July __, 20__]

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

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

- "To redeem your property from the tax sale, you must pay all taxes owed, as well as any legal fees and expenses that may become due.

- "A tax bill is mailed to you during the month of August. You should pay the bill in full and on time.

- "If you are receiving this notice after October 31, 20__, or if you have not already paid your tax bill in full, you should contact the Office of Tax and Revenue ("OTR") at for a current tax bill and up-to-date payoff amount.

- "After you have paid your taxes, you should call OTR to confirm that you have redeemed your property. Keep a copy of your proof of payment in case there is a later dispute about the payment.

- "If you have not paid all taxes within four months after the Tax Sale Date stated above, an additional \$381.50 may be added to reimburse the purchaser for some costs.

- "If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property.

- "If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property.

- "For further information on how to redeem, please read our Real Property Owner's Guide to the Tax Sale Redemption Process, available on our Web site at www.taxpayerservicecenter.com by clicking on "Real Property." You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

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

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

"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA

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"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

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

"Hardship Forbearance. You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at.....

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

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

"Additional Legal Services. Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services. The U.S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues. You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above).

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

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

"(1) Invalidate or otherwise affect a tax;

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

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

"(4) Affect the title of a purchaser.

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

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

"(b) Upon payment as specified in § 47-1361(a) or by another purchaser under § 47-1382(c), the purchaser shall receive a refund of its payment made under this section, with interest as required

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to be paid by the redeemer or such other purchaser. The purchaser shall receive interest only on the principal tax amount paid and not on the interest or penalties paid. The purchaser is entitled to the refund only if the purchaser's certificate of sale is not void and the purchaser provides proof satisfactory to the Mayor that the purchaser made the payment.”.

“(18) Section 47-1355(a)(2) is repealed.

“(19) Section 47-1361 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(6A) Where an action to foreclose the right of redemption has been properly filed, the person redeeming shall pay directly to the applicable purchaser all expenses to which the purchaser is entitled to reimbursement under § 47-1377(a)(1)(B); and".

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“(viii) Paragraph (7) is repealed.

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

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

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

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

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

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

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

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

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

“(E) Subsection (e) is amended as follows:

“(i) Strike the phrase "Upon request and subject to the payment of a fee," and insert the phrase "Upon request, within 60 days of the request," in its place.

“(ii) Add a new sentence at the end to read as follows:

"The Recorder of Deeds shall waive all fees relating to the recordation of a certificate of redemption.”.

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

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

“(20) Section 47-1362 is amended as follows:

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

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“(B) Subsection (c) is repealed.

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

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

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

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

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

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

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

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

"(A) A failure of the Mayor to mail any of the notices required by §§ 47-1341(a), 47-1341(b), or 47-1353.01; or

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

"(4) A properly filed application for a forbearance authorization was filed at least 30 days before the sale and was approved within 60 days after the sale.

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

“(23) Section 47-1370 is amended as follows:

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

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

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

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

“(e) The purchaser shall immediately notify the Chief Financial Officer and the Real Property Tax Ombudsman, established by § 47-805, upon the filing of a complaint under this section.”.

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

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

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

“(26) Section 47-1374 is amended as follows:

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

“(c) This subsection applies only if a last known address for a defendant is obtained as provided under subsections (a) and (b) of this section. The plaintiff shall cause a copy of the order of publication to be mailed by first class, certified mail, postage prepaid, to each defendant’s address as determined by the provisions of subsections (a) and (b) of this section.”.

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

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

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

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

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

“(27) Section 47-1377 is amended to read as follows:

“§ 47-1377. Purchaser reimbursed by redeeming party for expenses.

“(a)(1) Except as provided in subsection (b) of this section, upon redemption, a purchaser is entitled to be reimbursed by the redeeming person for the following expenses incurred in an action, or in preparation for an action, to foreclose the right of redemption:

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

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

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

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

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

“(i) Reasonable attorneys' fees as follows:

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"(I) In a case in which the property is redeemed before the 5th status hearing, reasonable attorneys' fees not to exceed \$1,500;

"(II) In a case requiring 5 or more status hearings, reasonable attorneys' fees not to exceed \$1,500, plus \$75 for the 5th status hearing and each additional status hearing thereafter; and

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

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

"(iii) Expenses actually incurred as follows:

"(I) Filing fee charged by the Superior Court of the District of Columbia;

"(II) Service of process fee, including fees incurred attempting to serve process;

"(III) If a 2nd title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed \$75;

"(IV) Publication fee charged by a newspaper of general circulation in the District;

"(V) Posting fees;

"(VI) Postage and certified mail costs;

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

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

"(2)(A) In calculating the number of hearings in a case for the purposes of paragraph (1)(B)(i) of this subsection, any status hearing held before the redeeming party was served shall be excluded from the calculation.

"(B) For purposes of paragraph (1)(B)(i) of this subsection, an initial scheduling conference shall be deemed a status hearing.

"(C) Nothing in paragraph (1) of his subsection shall be construed as prohibiting the purchaser from settling attorneys' fees in a lesser amount than the purchaser may be eligible for under this section.

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

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

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

"(e) Notwithstanding subsection (d) of this section, if the tax sale is cancelled by the Mayor under § 47-1366, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(1)(B) of this section if the purchaser fails to specifically disclose to the Mayor, at least 45 days before the filing of a complaint to foreclose the right of redemption, information that is obtained or should have been obtained from the pre-complaint investigation, including the title examination and review of bankruptcy records under § 47-1371(b)(2) and § 47-1371(b)(2A), that evidences a violation of § 47-1332(c), a violation of a bankruptcy stay, or errors, as prescribed by the Mayor through regulation."

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

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

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

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

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

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

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

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

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

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

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

"(a) This section shall apply to any Class 1 property with 5 or fewer units in which a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if

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deceased), was occupying as his or her principal residence when the complaint to foreclose the right of redemption was filed. The purchaser shall bear the burden of establishing that this section is not applicable to the real property.

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

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

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

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

"(2) Payment to the Mayor of:

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

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

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

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

"(4) Any remaining amounts as follows:

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

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

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

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

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

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

"(A) Rescind the trustee's appointment and the order to sell the real property;

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

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

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

(n) Section 7103(d) is amended to read as follows:

"(d) The District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

"(1) Section 302 (D.C. Official Code § 42-1102) is amended by adding a new paragraph (34) to read as follows:

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

"(2) Section 303(a-4) (D.C. Official Code § 42-1103(a-4)) is amended by striking the word "transferred" and inserting the phrase "transferred by deed of title" in its place."

(o) A new section 7173 is added to read as follows:

"Sec. 7173. Applicability.

"This subtitle shall be applicable for tax years beginning after December 31, 2014."

(p) A new section 7185 is added to read as follows:

"Sec. 7185. The grant program established by this subtitle shall be funded by the savings realized from section 7184."

(q) Section 8032(a) is amended by striking the phrase "Regional Transportation Improvement Program" and inserting the phrase "region's Transportation Improvement Program" in its place.

Sec. 3. Applicability.

This act shall apply as of October 1, 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

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



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
October 31, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 31, 2014

To amend, on a temporary 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 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 Temporary 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

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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).”.

(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;

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“(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:

“(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

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Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402).

“(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 15th Street, N.W., and 17th 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, effective October 9, 2014 (D.C. Act 20-447; 61 DCR ___), 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 other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)), before leaving the parked vehicle.

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“(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;

“(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

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“(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 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.

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“(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 this title, 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 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:

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(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, effective October 9, 2014 (D.C. Act 20-447; 61 DCR ___), 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 2nd reading on October 7, 2014 (Enrolled version of Bill 20-927), 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 2nd reading on October 7, 2014 (Enrolled version of Bill 20-927).”.

Sec. 4. Fiscal impact statement.

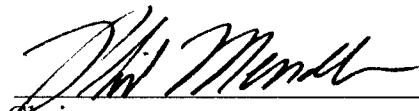
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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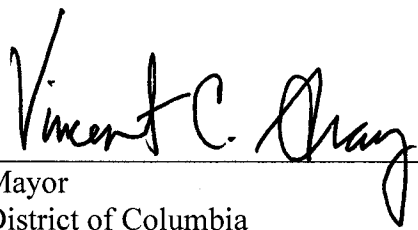
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 31, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To symbolically designate 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 Designation Act of 2014".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), 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.

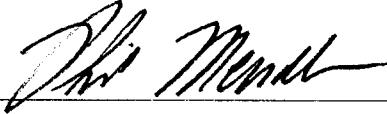
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

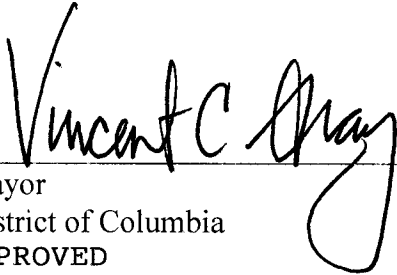
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 6, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To amend, on an emergency basis, the District of Columbia Procurement Practices Act of 1985 to align minimum qualifications for the position of Inspector General with federal standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inspector General Qualifications Emergency Amendment Act of 2014".

Sec. 2. Section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a)(1)), is amended as follows:

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

“(D) The Inspector General shall be appointed:

“(i) Without regard to party affiliation;

“(ii) On the basis of integrity;

“(iii) With demonstrated supervisory and management experience;

and

“(iv) With demonstrated experience and ability, in the aggregate, in law, accounting, auditing, financial management analysis, public administration, or investigations.”.

(b) Subparagraph (D-i) is repealed.

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 § 1-206.2(c)(3)).

Sec. 4. Effective date.

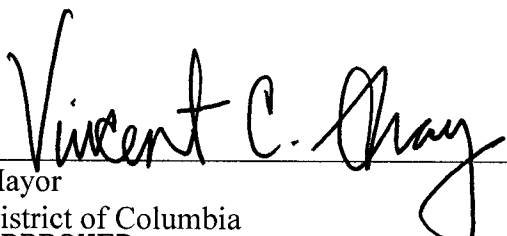
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
November 6, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To amend, on an emergency basis, due to congressional review, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to remove industrial revenue bonds from the definition of government-assisted project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small and Certified Business Enterprise Development and Assistance Clarification Congressional Review Emergency Amendment Act of 2014".

Sec. 2. Section 2302(9A)(D) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(9A)(D)), is amended to read as follows:

"(D) A project that receives bonds or notes or the proceeds thereof issued by a District agency, including tax increment financing or payment in lieu of tax bonds or notes, but not including industrial revenue bonds."

Sec. 3. Applicability.

This act shall apply as of October 13, 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.

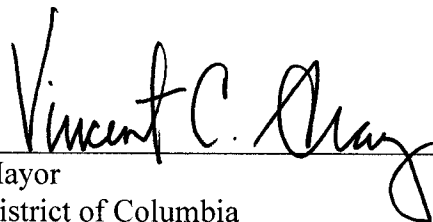
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
November 6, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To symbolically designate Kenilworth Avenue, N.E., from Hayes Street, N.E., to Jay Street, N.E., in Ward 7, as Bishop Iola B. Cunningham Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bishop Iola B. Cunningham Way Designation Act of 2014".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates Kenilworth Avenue, N.E., from Hayes Street, N.E., to Jay Street, N.E., in Ward 7, as "Bishop Iola B. Cunningham 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.

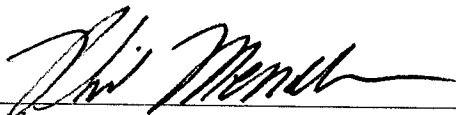
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

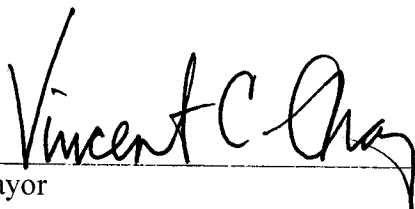
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 6, 2014

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To amend Chapter 9 of Title 16 of the District of Columbia Official Code to clarify that the mechanism for the dissolution of marriage by persons of the same gender includes divorce and legal separation, and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Civil Marriage Dissolution Equality Clarification Amendment Act of 2014".

Sec. 2. Chapter 9 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-902(b) is amended as follows:

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

(A) The lead-in language is amended by striking the word "divorce" and inserting the phrase "divorce or legal separation" in its place.

(B) Subparagraph (B) is amended by striking the word "divorce" and inserting the phrase "divorce or legal separation" in its place.

(2) Paragraph (2) is amended by striking the word "divorce" and inserting the phrase "divorce or legal separation" in its place.

(3) Paragraph (3) is amended by striking the phrase "Any action for divorce as provided by this subsection" and inserting the phrase "Any action for divorce or legal separation as provided by this subsection, including any accompanying petition for alimony, assignment and equitable distribution of property, pendente lite relief, or child custody determination if the District has jurisdiction under § 16-4602.01 or § 16.4602.03," in its place.

(b) Section 16-911(a) is amended by striking the phrase "During the pendency of an action for divorce" and inserting the phrase "During the pendency of an action for legal separation, divorce" in its place.

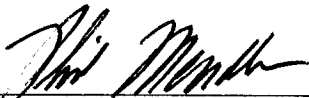
Sec. 3. Fiscal impact statement.

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)).

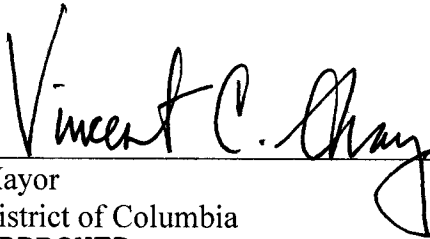
ENROLLED ORIGINAL

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), 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
November 6, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 6, 2014

To symbolically designate the portion of the public alley in Square 237 running from Wallach Place, N.W., to U Street, N.W., in Ward 1, as Nap Turner Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nap Turner Way Designation Act of 2014".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the portion of the public alley in Square 237 running from Wallach Place, N.W., to U Street, N.W., in Ward 1, as "Nap Turner 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 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.

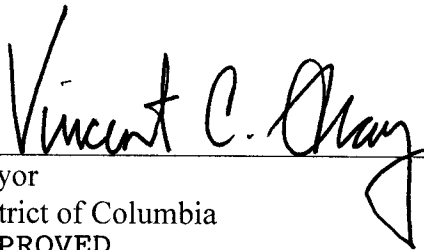
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 6, 2014

ENROLLED ORIGINAL

A RESOLUTION

20-643

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 28, 2014

To declare the existence of an emergency, due to congressional review, with respect to the need to provide for the removal of industrial revenue bonds as a government-assisted project as it pertains to small, local, and disadvantaged business development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Small and Certified Business Enterprise Development and Assistance Clarification Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Congressional review emergency legislation is necessary to prevent a gap in the legal removal of industrial revenue bonds from the definition of government-assisted projects in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, between the expiration of the Small and Certified Business Enterprise Development and Assistance Clarification Emergency Amendment Act of 2014, effective July 15, 2014 (D.C. Act 20-379; 61 DCR 7793) (“emergency act”) and the effective date of the Small and Certified Business Enterprise Development and Assistance Clarification Temporary Amendment Act of 2014, enacted on July 31, 2014 (D.C. Act 20-419; 61 DCR 8318) (“temporary act”).

(b) The emergency act expires on October 13, 2014, and the temporary act is not projected to become law until November 26, 2014.

(c) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary act is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small and Certified Business Enterprise Development and Assistance Clarification Congressional Review Emergency Amendment of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 28, 2014

To declare the existence of an emergency, due to congressional review, with the respect to the need amend 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 a medical marijuana cultivation center can possess at any time.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Expansion Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In 2010, the Council passed 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.*), in order to “ensure that the cultivation, distribution, possession, and use of medical marijuana is properly regulated.”

(b) Four years later, the District’s medical marijuana program had only 452 registered patients.

(c) On October 21, 2013, during a Committee on Health public roundtable on the medical marijuana program and how the program can be improved, 2 primary suggestions emerged from that discussion: (1) Expanding the list of qualifying conditions; and (2) Allowing cultivation centers to possess more living marijuana plants.

(d) At the time, the current law severely limited the qualifying conditions, leaving many District residents suffering unnecessarily from significant pain, seizures, and numerous other conditions that are alleviated by medical marijuana use.

(e) The limits on the number of plants impeded the ability of cultivators to provide medical marijuana to patients in a manner other than smoking.

(f) A joint hearing was held on June 12, 2014, between the Committee on the Judiciary and Public Safety and the Committee on Health. There was only one public witness who spoke in opposition to the legislation and the Executive was supportive.

(g) On July 1, 2014, the Judiciary Committee marked up the combined bills and favorably approved them. On September 17, 2014, the Committee on Health marked up the combined bills and favorably approved them. On October 7, 2014, the Council favorably approved the legislation during first reading.

ENROLLED ORIGINAL

(h) In light of the significant time for permanent legislation to work its way through the congressional review period and the wrenching testimony of witnesses on conditions they are experiencing, the Council passed emergency legislation, the Medical Marijuana Expansion Emergency Amendment Act of 2014, effective August 15, 2014 (D.C. Act 20-396; 61 DCR 8255). It expires on October 27, 2014.

(i) Temporary legislation, the Medical Marijuana Expansion Temporary Amendment Act of 2014, enacted on October 8, 2014 (D.C. Act 20-396; 61 DCR 8255), has not yet been transmitted to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(j) A congressional review emergency is needed to prevent a gap in the law as the Department of Health has already begun accepting patient registrations for an expanded range of medical conditions.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 28, 2014

To declare the existence of an emergency, due to congressional review, with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of the Strand Theater Second Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In July, the Council enacted the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2014, effective July 29, 2014 (D.C. Act 20-394; 61 DCR 8076)(“emergency legislation”) and in October, enacted the Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2014, effective October 8, 2014 (D.C. Act 20-442; 61 DCR 10751)(“temporary legislation”), which amended 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.

(b) The emergency amendment legislation will expire on October 27, 2014, before the temporary legislation is projected to become law.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of the Strand Theater Second Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA
LEGISLATION

PROPOSED

RESOLUTIONS

- PR20-1124 District of Columbia Commemorative Works Committee Tendani
Mpulubusi El Confirmation Resolution of 2014
- Intro. 11-5-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR20-1125 Board of Optometry Tracy G. Hammond Confirmation Resolution of 2014
- Intro. 11-5-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-1126 Board of Accountacy Kayla Futch Confirmation Resolution of 2014
- Intro. 11-5-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
-

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

REVISED/ABBREVIATED

NOTICE OF PUBLIC HEARING ON

Bill 20-823, Tenant Water Bill Notice Regulation Amendment Act of 2014

Thursday, November 20, 2014
at 2:00 p.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, November 20, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-823, the Tenant Water Bill Notice Regulation Amendment Act of 2014. The hearing will begin at 2:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on November 24, 2014.

This hearing notice is revised and abbreviated pursuant to Council Rule 421(c) to reflect that the date of the hearing has been changed from November 19, 2014 to November 20, 2014.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 14, 2014
Petition Date: December 29, 2014
Hearing Date: January 12, 2015
Protest Date: March 25, 2015

License No.: ABRA-096986
Licensee: Anyado Hospitality Group, LLC
Trade Name: Hush Restaurant & Lounge
License Class: Retailer's Class "C" Tavern
Address: 3124 Georgia Ave., N.W.
Contact: Andrew Kline, Esq. 202-686-7600

WARD 1 ANC 1A SMD 1A10

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on March 25, 2015.

NATURE OF OPERATION

Tavern specializing in intercontinental food with seating capacity of 250 and total occupancy of 350. Summer garden with 100 seats. Entertainment Endorsement to include cover charge and dancing.

HOURS OF OPERATION INSIDE PREMISES AND IN SUMMER GARDEN

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND IN SUMMER GARDEN

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

HOURS OF ENTERTAINMENT INSIDE PREMISES AND IN SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

***CORRECTION**

Posting Date: October 31, 2014
 Petition Date: December 15, 2014
 Roll Call Hearing Date: December 29, 2014
 Protest Hearing Date: March 11, 2015

License No.: ABRA-096888
 Licensee: 301 Water St, LLC
 Trade Name: The Navy Yard Oyster Company
 License Class: Retailer's Class "C" Restaurant
 Address: 301 Water Street, S.E.
 Contact: Stephen J. O'Brien, Esq., 202-625-7700

WARD 6

ANC 6D

SMD 6D07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for March 11, 2015 at 1:30 pm.

NATURE OF OPERATION

New establishment will be a wine-centric oyster bar offering a seasonal, seafood-driven small plate menu drawing its inspiration from the Chesapeake Bay and the states that Washington, DC is connected to, both geographically and culturally. Entertainment will consist of live music for jazz brunch, and other occasional similar performances. Seating inside premises is 73 and the total occupancy load inside is 199. Two (2) Summer Gardens with seating for 32 and 18 patrons.

HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDENS

Sunday 10am-11pm, Monday through Saturday 10am-2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES

Sunday 10am-11pm, Monday through Saturday 10am-2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR THE SUMMER GARDENS

Sunday 10am-8pm, Monday through Saturday 10am-1am

HOURS OF ENTERTAINMENT FOR INSIDE PREMISES

Sunday 10am-8pm, Monday through Saturday 10am-*2am

HOURS OF ENTERTAINMENT FOR THE SUMMER GARDENS

Saturday and Sunday 10am-8pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 14, 2014
Petition Date: December 29, 2014
Hearing Date: January 12, 2015
Protest Date: March 25, 2015

License No.: ABRA-097178
Licensee: Via Umbria, LLC
Trade Name: Via Umbria
License Class: Retailer's Class "A"
Address: 1525 Wisconsin Ave., N.W.
Contact: Michael Fonseca, Esq. 202-625-7700

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on March 25, 2015.

NATURE OF OPERATION

Transfer to new location. Retail store selling Italian products including ceramics, kitchenware, prepackaged foods and beer and wine. Wine may exceed 15% alcohol content. Spirits will not be sold.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am - 9 pm

HOURS OF TASTING

Sunday through Saturday 9 am - 9 pm

**MAYOR'S AGENT
FOR THE HISTORIC LANDMARK AND HISTORIC DISTRICT PROTECTION ACT**

NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at the Office of Planning, 1100 4th Street SW, Suite E650.

Hearing Date: **Friday, December 19, 2014 at 9:30 a.m.**
Case Number: H.P.A. 15-064
Address: 1618 14th Street NW
Square/Lot: Square 208, Lot 134
Applicant: 1618 14th Street NW LLC (S. Jaffe)
Type of Work: Demolition – raze of two-story nineteenth-century brick building

Affected Historic Property: Fourteenth Street Historic District
Affected ANC: 2F

The Applicant's claim is that the failure to issue the raze permit will result in unreasonable economic hardship to the owner.

The hearing will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at this hearing. Any person wishing to testify in support of or opposition to the application may appear at the hearing and give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least ten working days prior to the hearing. This request shall include the following information: 1) his or her name and address; 2) whether he or she will appear as a proponent or opponent of the application; 3) if he or she will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which he or she may be affected or aggrieved by action upon the application and the grounds upon which he or she supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at (202) 442-8800.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC HEARING****NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Thursday, November 5, 2014, of Achievement Preparatory Public Charter School’s request to amend its charter’s goals and academic expectations. PCSB will hold a public hearing during the regularly scheduled board meeting on December 15, 2014.

Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on January 26, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC HEARING****NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Thursday, November 6, 2014, of National Collegiate Preparatory Public Charter High School’s request to amend its charter’s goals and academic expectations. PCSB will hold a public hearing during the regularly scheduled board meeting on December 15, 2014. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on January 26, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTICE OF PUBLIC HEARING****NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Thursday, November 6, 2014, of Two Rivers Public Charter School’s request to amend its charter’s goals and academic expectations. PCSB will hold a public hearing during the regularly scheduled board meeting on December 15, 2014. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on January 26, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

**NOTICE OF PUBLIC HEARING
AND PRELIMINARY FINDING****ON****APPLICATION FOR SOUTHWEST BUSINESS IMPROVEMENT DISTRICT**

Notice is hereby given that, pursuant to section 6 of the Business Improvement Districts Act of 1996 ("Act"), D.C. Official Code § 2-1215.06, the Department of Small and Local Business Development (DSLBD) will hold a public hearing on the application of the Southwest Business Improvement District for registration as a business improvement district.

The public hearing will be held at 3:30 p.m. Wednesday, December 10, 2014 in the Old Council Chambers, 441 4th Street, N.W., Washington, D.C.

On Friday, October 24, 2014, Director Robert Summers sent a letter to the Southwest Business Improvement District in which he announced his preliminary determination that the filing criteria set forth in D.C. Official Code § 2-1215.04 have been met and that the application is otherwise in conformity with the Act. This public hearing will determine whether or not the BID application meets the purposes of the BID law, the definition of BID activity and all other BID application requirements. The BID application is available for review by the public during normal business hours on weekdays at 690 Water Street, S.W., in the offices of PN Hoffman and at 441 4th Street, N.W., Suite 850N, in the offices of DSLBD.

DSLBD invites the public to testify at the public hearing. Witnesses should bring a copy of their written testimony to the hearing. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to lincoln.lashley@dc.gov or mailed to: Lincoln Lashley, DSLBD, 441 4th Street, N.W., Suite 850N, Washington, DC 20001.

The public hearing record will close five business days following the conclusion of the hearing, or Wednesday, December 17, 2014. Persons submitting written statements for the record should observe this deadline.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JANUARY 27, 2015
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD EIGHT

18902 **Application of Frost-LaBule LLC**, pursuant to 11 DCMR §§ 3103.2 and
ANC-8A 3104.1, for variances from the floor area ratio requirements under § 402.4, and
the off-street parking requirements under § 2101.1, and a special exception from
the new residential developments requirements under § 353, to allow the
construction of an apartment building for low income residents in the R-5-A
District at premises 2620 Bowen Road S.E. (Square 5869, Lot 83).

WARD TWO

18903 **Application of Distance Education and Training Council**, pursuant to 11
ANC-2B DCMR § 3104.1, for a special exception from the office uses requirements under
§ 508, to operate a private non-profit organization in a condominium unit within
an existing mixed-use building in the DC/SP-1 District at premises 1601 18th
Street, N.W. (Square 155, Lot 2188).

WARD TWO

18906 **Application of Endeka Enterprises and 1320 Penelope LLC**, pursuant to 11
ANC-2B DCMR §§ 3103.2 and 3104.1, for a variance from the parking requirements
under § 2101.1, and a special exception from the roof structure setback
requirements under §§ 400.7(b), 411.11, and 777.1, to allow construction of a
residential addition to an existing office building in the DC/SP-1 and C-3-C
Districts at premises 1337 Connecticut Avenue, N.W. (Square 137, Lot 55).

WARD TWO

18905 **Application of Jemal's 9th Street Gang of 3 LLC**, pursuant to 11 DCMR §
ANC-2F 3103.2, for variances from the floor area ratio requirements under § 771.2, and
the off-street parking requirements under § 2101.1, to allow the expansion of
existing structures to accommodate commercial uses in the C-2-A District at
premises 1218 9th Street, N.W. (Square 368, Lot 174).

BZA PUBLIC HEARING NOTICE

JANUARY 27, 2015

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WARD SIX

18907 **Application of David Ruddy and Bondurant Eley**, pursuant to 11 DCMR §
ANC-6E 3103.2, for a variance from the lot occupancy requirements under § 403.2, to
allow the construction of a third-story addition to an existing single-family
dwelling in the R-4 District at premises 1811 Wiltberger Street, N.W. (Square
441, Lot 87).

WARD THREE

18886 **Application of Niloufar Hoorazor**, pursuant to 11 DCMR § 3104.1 for a special
ANC-3C exception under § 223, not meeting the lot occupancy requirements under §
403.2, and the side yard requirements under § 405.8, to allow a two-story
addition to an existing single family dwelling in the R-1-B District at premises
2709 36th Street, N.W. (Square 1938, Lot 811).

PLEASE NOTE:

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

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

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

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

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

OFFICE OF ADMINISTRATIVE HEARINGS

NOTICE OF FINAL RULEMAKING

The Acting Chief Administrative Law Judge of the Office of Administrative Hearings (OAH), pursuant to the authority set forth in Sections 8(a)(7) and 8(b)(7) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.05(a)(7) and (b)(7) (2012 Repl.)), hereby gives notice of the intent to take final rulemaking action to adopt amendments to Chapter 28 (Office of Administrative Hearings Rules of Practice and Procedure), of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to promote the public peace, safety, and welfare by establishing procedures for adjudicating alleged violations by taxicab drivers, referred to OAH by the District of Columbia Taxicab Commission.

The proposed and emergency rulemaking was published in the *D.C. Register* on August 1, 2014, at 61 DCR 7896. OAH did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on September 2, 2014, and no substantive changes were made. These rules were adopted as final on October 14, 2014, and shall take effect upon publication in the *D.C. Register*.

Section 2803, BEGINNING A CIVIL FINE CASE of Chapter 28, OFFICE OF ADMINISTRATIVE HEARINGS RULES OF PRACTICE AND PROCEDURE, of Title 1, MAYOR AND EXECUTIVE AGENCIES, of the DCMR is amended as follows:

2803 BEGINNING A CIVIL FINE CASE

- 2803.1 Sections 2803 through 2807 establish procedures for cases in which the Government seeks payment of a civil fine.
- 2803.2 When the Government is seeking a civil fine, it must file a Notice of Infraction or a Notice of Violation, as authorized by law, at the OAH. The Government may not file a Notice of Infraction, under the Civil Infractions Act, without complying with Subsection 2803.5, and may not file a Notice of Violation, under the Litter Control Administration Act, without complying with Subsection 2803.8.
- 2803.3 The Government must provide a copy of the Notice of Infraction or Notice of Violation to the Respondent (the person or entity that the Government wants to pay the fine) in the manner specified in the Civil Infractions Act, the Litter Control Administration Act, the District of Columbia Taxicab Commission Establishment Act of 1985 (DCTC Act), or other applicable law.
- 2803.4 If a Respondent files an answer before the Government files a Notice of Infraction or a Notice of Violation, OAH will open a case. The Administrative Law Judge

may require the Government to file the original Notice of Infraction or Notice of Violation.

- 2803.5 In a Civil Infractions Act case filed on or after October 1, 2010, if the Government sends a Notice of Infraction to the Respondent by first-class mail, the Government may not file the Notice of Infraction until at least fifteen (15) calendar days after the date that it mailed the Notice of Infraction. When it files the Notice of Infraction, the Government also must file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the United States Postal Service (USPS) did not return the Notice of Infraction to the Government.
- 2803.6 If the USPS returns a Notice of Infraction to the Government after it has filed the affidavit required by Subsections 2803.5 or 2803.11(b), the Government must notify OAH by filing a new affidavit, on a form approved by the Chief Administrative Law Judge.
- 2803.7 If the USPS returns the Notice of Infraction to the Government, the Government may file proof of any alternative service of the Notice of Infraction.
- 2803.8 In a Litter Control Administration Act case, if the Government sends a Notice of Violation to a Respondent by certified mail, the Government must file a copy of a signed certified mail receipt or other proof that the USPS delivered the Notice of Violation to the Respondent's address. If the USPS returns the certified mail to the Government, the Government may file proof of any alternative service of the Notice of Violation.
- 2803.9 When it files a Notice of Infraction or a Notice of Violation, the Government must file a copy of all exhibits it expects to offer at any hearing in the case and must provide a copy of each exhibit to the Respondent. An Administrative Law Judge may allow the Government to use exhibits that it did not file or provide in accordance with this subsection if there is no prejudice to the Respondent.
- 2803.10 OAH may dismiss or may refuse to accept for filing any Notice of Infraction or Notice of Violation that does not comply with the applicable law or these Rules.
- 2803.11 When DCTC is seeking civil fines or sanctions under the "District of Columbia Taxicab Commission Establishment Act of 1985," effective March 25, 1986, as amended (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq.*) ("DCTC Act"),
- (a) DCTC may file a Notice of Infraction by entering it in the automatic ticket database presently maintained by the Department of Motor Vehicles ("DMV"). The day the Notice of Infraction data is entered into the DMV database shall be deemed the date of filing of the Notice of Infraction with OAH;
 - (b) If DCTC serves a Notice of Infraction by first-class mail, DCTC may not file the Notice of Infraction with OAH until at least 15 calendar days after

the date it mailed the Notice of Infraction. When it files the Notice of Infraction with OAH, DCTC must also file an affidavit, on a form approved by the Chief Administrative Law Judge, verifying that the USPS did not return the Notice of Infraction to DCTC;

- (c) If DCTC issues a Notice of summary or proposed denial, revocation, suspension or modification of a license, a Notice to cease and desist, or a Notice to take action, DCTC shall file the Notice with OAH promptly and serve it in the manner provided under the DCTC Act and implementing regulations. OAH will schedule a hearing as required by law or on the request of the Respondent;
- (d) If DCTC takes other actions under the DCTC Act or implementing regulations appealable to OAH, DCTC shall file the relevant Notice, Order, or Action with OAH and serve it in the manner provided under the DCTC Act and implementing regulations. If the DCTC Act and implementing regulations do not specify a manner of service, DCTC shall follow Subsection (b) above.

2803.12 When a Notice of Infraction is issued from a hand-held electronic device, no signature of an issuing officer shall be required; provided, that the officer's printed name, department, and badge number appear legibly on the face of the Notice of Infraction.

Section 2804, ANSWERS IN CIVIL FINE CASES, of Chapter 28, OFFICE OF ADMINISTRATIVE HEARINGS RULES OF PRACTICE AND PROCEDURE, of Title 1, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

2804 ANSWERS IN CIVIL FINE CASES

2804.1 To answer a Notice of Infraction or a Notice of Violation (both "Notice"), a Respondent should file the Respondent's copy of the Notice at OAH, or in DCTC cases filed in the DMV automatic ticket database, the Respondent shall answer according to the instructions on the back of the Notice of Infraction. The Respondent shall indicate on the Notice whether the Respondent's answer is Admit, Admit with Explanation, or Deny.

2804.2 If a Respondent does not file the Respondent's copy of the Notice, a written answer will be sufficient if it contains both the number of the Notice and a statement whether the Respondent's answer is Admit, Deny, or Admit with Explanation.

2804.3 A Respondent is not required to send a copy of the answer to the Government. OAH will send the Government a copy of every answer of Deny or Admit with Explanation. In DCTC cases filed in the DMV automatic ticket database, the Government has access to answers of Deny or Admit with Explanation in that database.

- 2804.4 A Respondent whose answer is Admit shall pay the fine specified on the Notice when filing the answer.
- 2804.5 If a Respondent's answer is Deny, OAH ordinarily will schedule a hearing and will notify the Respondent and Government, in writing, of the hearing date and time. The hearing order will contain additional information about procedures for the hearing. In DCTC cases filed in the DMV automatic ticket database, OAH will notify DCTC in writing of the hearing date and time selected by Respondent or by calendaring the hearing in the DMV database. In DCTC cases filed in the DMV database, if Respondent did not select the date and time of the hearing, OAH shall notify the Respondent in writing of the date and time of the hearing.
- 2804.6 If a Respondent's answer is Deny, after notice and opportunity to respond, an Administrative Law Judge may decide a case based on the papers submitted, without an in-person hearing, if a hearing is unnecessary.
- 2804.7 At least five (5) calendar days before any hearing date, the Respondent shall file at OAH copies of all exhibits that the Respondent intends to ask the Administrative Law Judge to consider at the hearing. At the same time, the Respondent shall send copies of those exhibits to the Government. In DCTC cases filed in the DMV automatic ticket database, the Respondent may file copies of all such exhibits in the DMV database without sending copies to DCTC. An Administrative Law Judge may allow a Respondent to use exhibits at a hearing that the Respondent did not file or provide to the Government before the hearing if there is no prejudice to the Government.
- 2804.8 If a Respondent's answer is Admit with Explanation, a Respondent shall submit a written explanation stating why the Respondent believes the Administrative Law Judge should reduce or suspend the fine or any penalty. The Respondent also shall submit any papers, photographs, or other materials supporting the Respondent's explanation. In DCTC cases filed in the DMV automatic ticket database, Respondent may file any materials supporting the answer of Admit with Explanation through the DMV database.
- 2804.9 OAH will send a copy of an answer of Admit with Explanation and supporting materials to the Government, and will allow the Government twenty-one (21) calendar days to reply. The Government must send the Respondent a copy of everything the Government files in reply. In DCTC cases filed in the DMV automatic ticket database, the Government has access to the answer of Admit with Explanation and Respondent's supporting materials through the DMV database. Any reply by DCTC must be filed in the DMV database and also provided to the Respondent.
- 2804.10 The Administrative Law Judge shall decide Admit with Explanation cases by considering all the materials filed by the parties, including the exhibits filed with

the Notice, Respondent's explanation and supporting materials, and the Government's reply and supporting materials. The Administrative Law Judge will not hold a hearing, unless the parties' materials are not sufficient to allow him or her to decide the case.

- 2804.11 In an Admit with Explanation case, the Administrative Law Judge shall dismiss the Notice if he or she determines that the Respondent did not commit or is not responsible for the violation charged.
- 2804.12 In all civil fine cases, an Administrative Law Judge shall not impose a fine that exceeds the fine amount the Government requests.
- 2804.13 In a case involving (a) a denial, revocation, suspension, or modification of a license issued under the DCTC statute or (b) any other order or action authorized under the DCTC Act, other than a Notice of Infraction, OAH will schedule a hearing as required by law or on the request of the Respondent. If the Respondent requests a hearing, OAH shall schedule the hearing as required by law or as soon as practicable. If the Respondent does not appear for a hearing, the Administrative Law Judge may suspend the hearing and close the case.

Section 2805, DEFAULTS IN CIVIL FINE CASES, of Chapter 28, OFFICE OF ADMINISTRATIVE HEARINGS RULES OF PRACTICE AND PROCEDURE, of Title 1, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

2805 DEFAULTS IN CIVIL FINE CASES

- 2805.1 This section contains rules for deciding civil fine cases in which the Respondent does not file an answer. There are separate procedures for Civil Infractions Act cases, Litter Control Administration Act cases, and other cases, because the law establishes different requirements for each of those cases.
- 2805.2 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a Notice of Infraction within the time allowed by law, the Government must issue a second Notice of Infraction, as required by the Civil Infractions Act. OAH also may issue a notice of default. The notice of default shall inform the Respondent of any penalty provided by law, and shall direct the Government to issue a second Notice of Infraction.
- 2805.3 In a Civil Infractions Act case filed on or before September 30, 2010, if the Government fails to file a second Notice of Infraction within thirty (30) calendar days after a notice of default is served, an Administrative Law Judge may dismiss the charge against the Respondent.
- 2805.4 In a Civil Infractions Act case filed on or before September 30, 2010, if a Respondent fails to answer a second Notice of Infraction within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) Each Notice of Infraction meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss both Notices of Infraction without prejudice.

2805.5 In a Civil Infractions Act case filed on or after October 1, 2010, and in a Litter Control Administration Act case, if a Respondent fails to answer within the time allowed by law, an Administrative Law Judge shall determine whether:

- (a) The Government has submitted evidence of proper service; and
- (b) The Notice of Infraction or Notice of Violation meets all legal requirements on its face.

If so, the Administrative Law Judge shall find the Respondent in default and shall impose the legally authorized fine and penalty. If not, the Administrative Law Judge shall dismiss the Notice of Infraction or Notice of Violation without prejudice.

2805.6 In a Civil Infractions Act case filed on or after October 1, 2010, or in DCTC cases filed under Subsection 2803.11(b), if the USPS returns an order finding the Respondent in default to the Clerk's Office, for reasons that call into question the accuracy of any affidavit filed under Subsection 2803.5 or Subsection 2803.11(b), (for example, "no such address," "addressee unknown"), an Administrative Law Judge shall issue an order requiring the Government to show why the default order should not be vacated. If the Government does not respond with sufficient evidence showing that it mailed the Notice of Infraction to a valid address for the Respondent, the default order shall be vacated and the Notice of Infraction shall be dismissed.

2805.7 In default cases brought under the DCTC Act or acts other than the Civil Infractions Act or the Litter Control Administration Act, the procedure shall be consistent with the applicable law and shall ensure that:

- (a) There is sufficient evidence of proper service on the Respondent; and
- (b) The charging document meets all legal requirements on its face.

A Respondent who fails to answer shall be held in default and must pay the legally authorized fine and penalty. If the Administrative Law Judge does not find the Respondent in default, the Administrative Law Judge shall dismiss the Notice without prejudice.

**THE DEPUTY MAYOR FOR PLANNING
AND ECONOMIC DEVELOPMENT**

NOTICE OF SECOND PROPOSED RULEMAKING

The Deputy Mayor for Planning and Economic Development (Deputy Mayor), pursuant to the authority set forth in Section 107 of the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.07 (2012 Repl.)) (Inclusionary Zoning Act) and Mayor’s Order 2008-59, dated April 2, 2008, hereby gives notice of the proposed adoption of amendments to Chapter 22, entitled “Inclusionary Zoning Implementation”, 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*.

These rules will amend the procedures for implementing the Inclusionary Zoning Act and the Inclusionary Zoning Regulations adopted by the Zoning Commission for the District of Columbia and codified in Chapter 26 (Inclusionary Zoning) of Title 11 (Zoning) of the DCMR.

On August 2, 2013 a Notice of Proposed Rulemaking was published in the *D.C. Register* at 60 DCR 11258. In response to public comments received after the issuance of that notice, certain changes were determined necessary to effectively implement the Inclusionary Zoning Program. Changes in the text are indicated by ~~strike-throughs~~, and underlining to show new text.

Chapter 22, INCLUSIONARY ZONING IMPLEMENTATION, of Title 14, HOUSING, of the DCMR is amended to read as follows:

CHAPTER 22 INCLUSIONARY ZONING IMPLEMENTATION

- Secs.
- 2200 General Provisions
- 2201 Prerequisites for Obtaining Building Permits for an Inclusionary Development
- 2202 Application for Certificate of Inclusionary Zoning Compliance
- 2203 Review and Approval of Application for Certificate of Inclusionary Zoning Compliance
- 2204 Inclusionary Development Covenant
- 2205 Certificates of Occupancy for Inclusionary Units
- 2206 Notice of Availability; Housing Locator Website Registration
- 2207 Designation of Maximum Purchase Price or Rent
- 2208 Method of Selection of Households
- 2209 Inclusionary Zoning Household Registration
- 2210 Registration for an Inclusionary Unit
- 2211 Household Selection Through District Lottery
- 2212 District Lottery – Notification of Households and Owners
- 2213 District Lottery – Marketing of Inclusionary Units to Households Selected Pursuant to the Lottery
- 2214 Verification of Household Eligibility; Required Certifications

2215	Certifying Entity
2216	Closing Procedures
2217	Responsibilities of Rental Inclusionary Development Owners and Tenants
2218	Responsibilities of Inclusionary Unit Owners
2219	Determination of Maximum Resale Price
2220	Rental of a For Sale Inclusionary Unit
2221	Conversion of a Rental Inclusionary Development to a For Sale Inclusionary Development
2222	Sale by Heirs and Lenders
2223	Foreclosure
2224	Violations and Opportunity to Cure
2225	Waiver
2226	Applicability
2299	Definitions

2200 GENERAL PROVISIONS

- 2200.1 The purpose of this chapter is to implement the Zoning Commission's Inclusionary Zoning Regulations (Title 11 DCMR, Chapter 26) and the Inclusionary Zoning Act.
- 2200.2 This chapter implements these aspects of the Inclusionary Zoning Act by establishing, among other things:
- (a) The process and prerequisites for obtaining building permits and certificates of occupancy for Inclusionary Developments;
 - (b) The process for selecting households for an Inclusionary Unit; and
 - (c) The responsibilities of and limitations on Inclusionary Development Owners, Inclusionary Unit Owners and Inclusionary Unit Tenants.
- 2200.3 All timeframes established in this chapter for an agency to take an action are guidelines only. An agency's failure to act within a timeframe established in this chapter shall not constitute a default by the agency and shall not permit any person to take or refuse to take any action governed by the Inclusionary Zoning Program.
- 2200.4 In computing a period of time specified in this chapter, calendar days shall be counted unless otherwise provided.
- 2200.5 In computing a period of time specified in this chapter, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period of time so computed shall be included unless it is a Saturday, Sunday, or official District of Columbia holiday, in which case

the period of time shall run until the end of the next day that is neither a Saturday, Sunday, nor official District of Columbia holiday.

2200.6 When, under this chapter, a person has the right or is required to perform an act within a prescribed period of time after the sending of or the date of a notice or other paper, and the paper or notice is sent by mail, three (3) days shall be added to the prescribed period of time.

2200.7 In the event of a conflict between the provisions of this chapter and the provisions of the Inclusionary Zoning Act or the Zoning Commission's Inclusionary Zoning Regulations, the most stringent provision shall apply.

2201 PREREQUISITES FOR OBTAINING BUILDING PERMITS FOR AN INCLUSIONARY DEVELOPMENT

2201.1 No building permit shall be issued for an Inclusionary Development unless:

- (a) DCRA receives and approves an application for a Certificate of Inclusionary Zoning Compliance, signed by the Owner of the Inclusionary Development, demonstrating that the Inclusionary Development will meet the requirements of the Inclusionary Zoning Program; and
- (b) The Inclusionary Development DHCD pursuant to § 2204 approves and the Owner files of the Inclusionary Development Covenant executes the draft Inclusionary Development Covenant with the attached Certificate of Inclusionary Zoning Compliance approved by DCRA to be filed with the District of Columbia Recorder of Deeds the Inclusionary Development Covenant approved and executed by DHCD pursuant to § 2204 prior to the issuance of a Certificate of Occupancy.

2202 APPLICATION FOR CERTIFICATE OF INCLUSIONARY ZONING COMPLIANCE

2202.1 The Inclusionary Development Owner shall file a written application for a Certificate of Inclusionary Zoning Compliance with DCRA no later than the date upon which the first application for an above grade building permit is filed for the Inclusionary Development.

2202.2 The Inclusionary Development Owner shall include with its application for a Certificate of Inclusionary Zoning Compliance payment of an application fee of two hundred fifty dollars (\$250).

2202.3 The Inclusionary Development Owner shall file its application for a Certificate of Inclusionary Zoning Compliance on a form prescribed by DCRA and shall provide such information as is requested on the form.

2202.4 The application form for a Certificate of Inclusionary Zoning Compliance shall include:

- (a) The name of the Inclusionary Development, its marketing name if different, and the apartment house or condominium name, if applicable;
- (b) The street address of the Inclusionary Development;
- (c) The zone district and, if applicable, overlay district in which the Inclusionary Development is located;
- (d) The current and proposed square, suffix, and lot numbers on which the Inclusionary Development will be located;
- (e) A list of all Market Rate and Inclusionary Units in the Inclusionary Development. Each ~~Inclusionary~~ Unit shall be identified by unit number, net square footage, floor location, and the number of bedrooms. The list shall also include, and separately identify, any Inclusionary Units that will serve as the location for the offsite compliance of another Inclusionary Development, as approved by the Board of Zoning Adjustment, together with a copy of the Board of Zoning Adjustment order approving the offsite compliance;
- (f) A certification from the Inclusionary Development’s architect or engineer that the size of each Inclusionary Unit is at least ninety-eight percent (98%) of the average size of the same type of Market Rate Unit in the development or at least ninety-eight percent (98%) of the size indicated in the following table, whichever is less:

Types of Dwelling	Type of Unit	Minimum Unit Size (square feet)
Multiple Family Dwelling	Studio/ Efficiency	400
	One Bedroom	550
	Two Bedroom	800
	Three Bedroom	1000
	Four Bedroom	1050
One or Two Household Dwellings	Two Bedroom	1000
	Three Bedroom	1200
	Four Bedroom	1400

- (g) A copy of the site plan, front elevation or block face, and all residential floor plans for the Inclusionary Development. The floor plans shall show the location of each Inclusionary Unit and each Market Rate Unit and shall identify each by unit number;
- (h) A copy of the building plat, if required by DCRA pursuant to 12-A DCMR § 106.1.12;

- (i) A plan for the phasing of construction that demonstrates compliance with 11 DCMR § 2605.5, which requires that all Inclusionary Units in an Inclusionary Development be constructed prior to or concurrently with the construction of Market Rate Units, except that in a phased development, the Inclusionary Units shall be constructed at a pace that is proportional with the construction of the Market Rate Units;
- (j) The total land area of all of the lots included in the Inclusionary Development;
- (k) The total gross square footage of the Inclusionary Units in the Inclusionary Development, the net residential square footage of the Inclusionary Development, and the gross residential square footage of the Inclusionary Development;
- (l) The total net floor area that will be set aside for Inclusionary Units as calculated by multiplying the total gross square footage of the Inclusionary Units required by 11 DCMR § 2603 by the ratio of the net residential square footage to the gross residential square footage of the Inclusionary Development;
- (m) The total gross floor area of Inclusionary Units that will be set aside for Low and Moderate Income Households, if such Inclusionary Units are required by 11 DCMR § 2603.3;
- (n) A proposed schedule of standard finishes, fixtures, equipment, and appliances for both Inclusionary Units and Market Rate Units;
- (o) For each Inclusionary Unit, the approximate date by which the Inclusionary Development Owner will provide a Notice of Availability pursuant to § 2206;
- (p) If construction of the Inclusionary Development will result in the temporary displacement of tenants who are entitled by law to return to comparable units, a list of the Inclusionary Units for which a right of return exists and where the right to return originated; and
- (q) Such other information as may be requested by DCRA.

2203**REVIEW AND APPROVAL OF APPLICATION FOR CERTIFICATE OF INCLUSIONARY ZONING COMPLIANCE**

2203.1

If DCRA determines that an application for a Certificate of Inclusionary Zoning Compliance does not demonstrate compliance with the Inclusionary Zoning Program or the information provided is insufficient, DCRA shall provide to the

Inclusionary Development Owner a written notice of the deficiency and shall allow the Inclusionary Development Owner a reasonable period of time, designated in the written notice, to cure the deficiency.

2203.2 If the Inclusionary Development Owner fails to cure the deficiency within the period of time set forth in the written notice, DCRA may deny the application for the Certificate of Inclusionary Zoning Compliance.

2203.3 If the application for a Certificate of Inclusionary Zoning Compliance demonstrates compliance with the Inclusionary Zoning Program, and the proposed Inclusionary Development Covenant conforms to the requirements of § 2204, DCRA shall review and execute the Certificate of Inclusionary Zoning Compliance and DHCD shall review and execute the Inclusionary Development Covenant prior to ~~final approval~~ issuance of the building permit ~~application~~.

2203.4 The building permit application may be approved only after both the Certificate of Inclusionary Zoning Compliance has been approved by DCRA and the Inclusionary Development Covenant ~~are filed among land records~~ has been approved and executed by DHCD.

2204 INCLUSIONARY DEVELOPMENT COVENANT

2204.1 The Inclusionary Development Covenant shall be in a form found legally sufficient by the Office of Attorney General and shall bind all persons with a property interest in any or all of the Inclusionary Development, and all assignees, mortgagees, purchasers, and other successors in interest, to such declarations as DHCD may require, but, at a minimum, shall include:

- (a) A provision requiring that the present and all future Owners of a Rental Inclusionary Development shall construct or maintain and reserve Inclusionary Units at such affordability levels and in such number, square footage, and comparable level of finish as indicated on the Certificate of Inclusionary Zoning Compliance and shall rent such Inclusionary Units in accordance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance;
- (b) A provision requiring that the present and all future Owners of a For Sale Inclusionary Development shall construct and maintain Inclusionary Units at such affordability levels and in such number, and square footage as indicated on the Certificate of Inclusionary Zoning Compliance and shall sell each Inclusionary Unit in accordance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance;
- (c) A provision binding all assignees, mortgagees, purchasers, and other successors in interest to the Inclusionary Development Covenant;

- (d) A provision providing for the whole or partial release or extinguishment of the Inclusionary Development Covenant only upon the reasonable approval of the Director of DHCD;
- (e) A provision requiring that the sale or resale of a For Sale Inclusionary Unit shall be only to a Household selected by DHCD or otherwise authorized by this chapter, at a price that does not exceed the Maximum Resale Price established in accordance with § 2219;
- (f) A provision requiring that the lease rider shall be attached as an Exhibit to the lease for a Rental Inclusionary Unit and shall be executed by the Inclusionary Development Owner and each Inclusionary Unit Tenant, including any occupant of a Rental Inclusionary Unit that is eighteen (18) years old or older; and
- (g) To the extent allowed by law, a provision requiring that in the event title to an Inclusionary Unit is transferred according to the provisions of Section 2223.1, the proceeds from such foreclosure or transfer shall be apportioned and paid as described therein.

2204.2 DHCD may require, in its sole discretion, the use of a deed of trust to ensure compliance by an Inclusionary Development Owner or Inclusionary Unit Owner with the Inclusionary Development Covenant.

2205 CERTIFICATES OF OCCUPANCY FOR INCLUSIONARY UNITS

2205.1 An Inclusionary Development Owner shall apply for and obtain a Certificate of Occupancy for each property that contains Inclusionary Units that identifies and includes each Inclusionary Unit in the Inclusionary Development.

2205.2 Prior to the issuance of a certificate of occupancy for an Inclusionary Development, an Inclusionary Development Owner shall provide to DCRA a copy of the recorded Inclusionary Development Covenant along with an update of all information provided in its application for a Certificate of Inclusionary Zoning Compliance, if there has been any substantive change to such information since the filing of the application. DCRA shall review the updated information pursuant to the procedures set forth in § 2203.

2205.3 After the submission of the application for a Certificate of Occupancy, DCRA shall inspect the Inclusionary Development for compliance with the Certificate of Inclusionary Zoning Compliance and the Inclusionary Zoning Program.

2205.4 DCRA shall make good faith efforts to complete its Inclusionary Zoning compliance inspection within seventeen (17) days after receipt of the Certificate of Occupancy application.

2205.5 No Certificate of Occupancy for an Inclusionary Development shall be issued unless:

(a) DCRA determines that the Inclusionary Development Covenant has been recorded with the District of Columbia Recorder of Deeds and the Inclusionary Development is in compliance with the Certificate of Inclusionary Zoning Compliance and the Inclusionary Zoning Program; and

(b) DHCD has received and acknowledged a Notice of Availability pursuant to § 2206.

2206 NOTICE OF AVAILABILITY; HOUSING LOCATOR WEBSITE REGISTRATION

2206.1 The provisions of this section govern the process by which:

(a) The owner of a For Sale Inclusionary Development or a For Sale Inclusionary Unit fulfills its obligation to notify DHCD that an Inclusionary Unit is available for purchase; and

(b) The owner of a Rental Inclusionary Development fulfills its obligation to notify DHCD that an Inclusionary Unit is available for lease.

2206.2 An Owner shall provide the notification described in § 2206.1 to DHCD by filing a written Notice of Availability in accordance with the provisions of this section.

2206.3 An Owner shall file the initial Notice of Availability for an Inclusionary Unit in an Inclusionary Development prior to the date of submission of the Certificate of Occupancy application to DCRA applicable to such Inclusionary Unit.

2206.4 An Owner of a For Sale Inclusionary Unit shall file all subsequent Notices of Availability prior to marketing the Inclusionary Unit for sale.

2206.5 A single Notice of Availability may be filed for one or more Inclusionary Units at a time.

2206.6 The Notice of Availability shall include:

(a) The street address and unit number for the Inclusionary Unit(s);

(b) The estimated date upon which the Inclusionary Unit(s) will be available for occupancy;

(c) For each Notice of Availability for a For Sale or Rental Inclusionary Unit, a list of any optional or required upfront or recurring fees and costs,

including but not limited to condominium, cooperative, or homeowner association fees and fees or costs for amenities, services, upgrade options, or parking. For each such fee or cost, the following information shall be provided:

- (1) The amount of the fee or cost;
 - (2) A description of the fee or cost and how it will be charged; and
 - (3) For the initial sale of a For Sale Inclusionary Unit, the budget for the condominium, cooperative, or homeowner association, the condominium, cooperative, or homeowner association fee for each Market Rate Unit and each Inclusionary Unit, and the formula by which such fee is assessed;
- (d) For each subsequent Notice of Availability for a For Sale Inclusionary Unit, an itemized list of all capital improvements and upgrades made to the Inclusionary Unit that the Owner wishes DHCD to consider when establishing the Maximum Resale Price pursuant to § 2219.9. The Inclusionary Unit Owner shall document each cost or value claimed with receipts, contracts, or other supporting evidence;
- (e) A statement as to the Owner’s chosen method of selection of Households for the Inclusionary Units in accordance with § 2208; and
- (f) Such other information as may be required by DHCD.

2206.7 Within five (5) days after the Owner files a Notice of Availability, the Owner shall register the Inclusionary Unit for which the Notice of Availability was filed with the housing locator website established by the District pursuant to the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; 55 DCR7494 (July 11, 2008)).

2207 DESIGNATION OF MAXIMUM PURCHASE PRICE OR RENT

2207.1 Within seven (7) days after the receipt of a Notice of Availability, DHCD shall notify the Owner of the maximum purchase price or rent for each Inclusionary Unit listed in the Notice of Availability.

2207.2 Except as provided in § 2207.5, the initial maximum purchase price or rent for an Inclusionary Unit shall be the greater of:

- (a) The purchase price or rent in the Rent and Price Schedule in place on the filing date of the application for the Certificate of Inclusionary Zoning Compliance issued for the Inclusionary Development in which the Inclusionary Unit is located; or

- (b) The purchase price or rent in the Rent and Price Schedule in place on the filing date of the Notice of Availability for the Inclusionary Unit; or
- (c) The purchase price or rent in the Rent and Price Schedule in place on the date of the lease or sales contract for the Inclusionary Unit.

2207.3 The maximum purchase price for all subsequent sales of an Inclusionary Unit Owner shall be the Maximum Resale Price determined by DHCD pursuant to § 2219.

2207.4 The maximum rent for all subsequent rentals shall be the rent set forth in the Rent and Price Schedule in place on the date of execution of the most recent lease for an Inclusionary Unit.

2207.5 If the costs provided for a For Sale Inclusionary Unit in response to § 2206.6(c) exceed by ten percent (10%) or more the cost assumptions in the applicable Rent and Price Schedule, DHCD may lower the maximum purchase price to the extent needed to maintain the affordability standard set forth in § 103(a) of the Inclusionary Zoning Act (D.C. Official Code § 6-1041.03(a)) and this chapter.

2208 METHOD OF SELECTION OF HOUSEHOLDS

2208.1 Households may be selected for an Inclusionary Unit as follows:

- (a) Except as provided in §§ 2208.2 through 2208.4, a Household may be selected for the initial or subsequent sale and for the initial lease of an Inclusionary Unit through a lottery conducted pursuant to § 2211.1;
- (b) The Owner may select a Household through a method established by the Owner in a marketing plan approved by DHCD; or
- (c) An Inclusionary Unit Owner may select a Household to purchase a For Sale Inclusionary Unit through a District licensed real estate broker.

2208.2 No lottery shall be conducted for the initial or subsequent sale or the initial lease of an Inclusionary Unit if the Inclusionary Unit is to be:

- (a) Leased or sold to a household displaced from and entitled by law to return to the Inclusionary Unit;
- (b) Leased or sold as a replacement unit as part of the New Communities Initiative; or
- (c) Sold by an Inclusionary Unit Owner to the Inclusionary Unit Owner's spouse, domestic partner, parent, trust for the benefit of a child, child who

is subject to a guardianship, or child who is eighteen (18) years of age or older, if the spouse, domestic partner, parent, or child submits the information and documents required by § 2214.1.

- 2208.3 A Household may be selected for the subsequent lease of a Rental Inclusionary Unit through:
- (a) A method described in § 2208.2(a) or (b) or
 - (b) A method established by the Owner in a marketing plan approved by DHCD.
- 2208.4 If an Inclusionary Unit is subject to a requirement imposed by law or zoning that a specific group, class or type of Household occupy the Inclusionary Unit, or if the Inclusionary Unit meets the accessibility guidelines under the Fair Housing Act, the Household shall be selected for the initial or subsequent sale or lease of an Inclusionary Unit through a method established by the Owner in a marketing plan that is approved by DHCD.
- 2208.5 For the purposes of resale, an Inclusionary Unit Owner may execute a sales contract for the For Sale Inclusionary Unit at an agreed upon price up to the Maximum Resale Price with the first eligible household who can provide an active prequalification letter and complete the requirements of § 2214.3 and § 2214.4.

2209 INCLUSIONARY ZONING HOUSEHOLD REGISTRATION

- 2209.1 In order to be eligible to participate in the household selection process for the rental of an Inclusionary Unit under § 2208.1, a Household shall ~~complete a registration application form with such information as DHCD deems necessary and an Inclusionary Zoning Program education class conducted by DHCD or its designee.;~~
- (a) Complete a registration application form with such information as DHCD deems necessary including, but not limited to, the family size and preferred unit(s) size for which the household is eligible under § 2214.5, and;
 - (b) Complete an Inclusionary Zoning Program education class conducted by DHCD or its designee.
- 2209.2 In order to be eligible to participate in the household selection process for the purchase of an Inclusionary Unit under § 2208.1 and under § 2208.3, a Household shall:

- (a) ~~Complete a registration application form with such information as DHCD deems necessary, attend an Inclusionary Zoning Program education class conducted by DHCD or its designee, the requirements of 2209.1;~~
- (b) Complete a homeownership pre-purchase training by DHCD or its designee; and
- (c) Hold an active pre-qualification letter from a first trust lender indicating the household’s creditworthiness and ability to afford the purchase price.

2209.3 Registration shall become effective on the date that DHCD considers the registration to be complete and shall expire one (1) year thereafter, unless renewed prior to expiration.

2209.4 A Full-Time Student shall not be eligible for the registration list unless they are Dependents of Parents or Guardians whose Household would otherwise meet the Requirements for IZ program.

2209.5 An application to renew a registration shall indicate any change in any information that was required to be provided in the initial application.

2210 REGISTRATION FOR AN INCLUSIONARY UNIT

2210.1 If the Notice of Availability identifies a DHCD lottery as the chosen selection method or if the Notice of Availability identifies a marketing plan as the chosen selection method, but, as of the date of the Notice of Availability no such marketing plan has been approved by DHCD, then the provisions of this section shall apply.

2210.2 Within five (5) days of receipt of a Notice of Availability, DHCD shall notify the Households on the registration list by email of the availability of the Inclusionary Unit(s) and post the availability on a website designated by DHCD.

2210.3 After a notice is posted on a website designated by DHCD, Households with active registrations under § 2209 who wish to confirm their interest in the available Inclusionary Unit(s) shall provide to DHCD the following within fourteen (14) days of the posting in order to be considered in the household selection process for the Inclusionary Unit(s):

- (a) A notice of the Household’s interest to rent or purchase the Inclusionary Unit(s) for which the Notice of Availability was filed, in such form as may be approved by DHCD; and
- (b) ~~A certificate that confirms the Household’s completion of an Inclusionary Zoning Program education class; and~~

(b) If the available Inclusionary Unit is a For Sale Inclusionary Unit, an active pre-qualification letter from a lender indicating the Household's credit worthiness and ability to afford the purchase price.

~~A certificate that confirms the household's completion of a homeownership pre-purchase training by DHCD or its designee~~

2210.4 DHCD will place all Households who meet the income and household size requirement and have complied with the requirements of § 2210.23 onto one of two (2) lists:

(a) The District List, consisting of Households with at least one (1) member who Lives in the District of Columbia or Works in the District of Columbia, and

(b) The Miscellaneous List, consisting of Households that do not qualify to be placed on the District List.

2211 HOUSEHOLD SELECTION THROUGH DISTRICT LOTTERY

2211.1 No later than twenty-one (21) days after DHCD posts the availability of an Inclusionary Unit(s) on a website designated by DHCD, DHCD shall hold a lottery of those Households that ~~identify~~ indicated their interest in the Inclusionary Unit under § 2210.23, that meet the size and Annual Income requirements for the available Inclusionary Unit(s), and provide all the documents required pursuant to § 2210.23.

2211.2 For each Inclusionary Unit, DHCD shall randomly select at least four (4) Households through a lottery from the District List. If fewer than four (4) Households on the District List meet the Household size and Annual Income standards applicable to the Inclusionary Unit, DHCD shall randomly select additional Households through a lottery from the Miscellaneous List in order to select at least four (4) Households that meet the Household size and Annual Income standards applicable for the Inclusionary Unit. If fewer than four (4) households that meet the Household size and Annual Income standards are available on both the District List and the Miscellaneous List, all Households that meet the Household size and Annual Income standards and are interested in the Inclusionary Unit will be given an opportunity to purchase or lease the Inclusionary Unit.

2211.3 If none of the Households selected through a lottery purchase or lease the Inclusionary Unit, DHCD shall continue to hold lotteries pursuant to the procedures set forth in this section until a Household purchases or leases the Inclusionary Unit or the Inclusionary Unit is leased or sold; except as provided in § 2211.64.

2211.4 DHCD may permit, in its sole and absolute discretion, the rental or sale of the Inclusionary Unit to a Household that is not registered under § 2209 but has been determined eligible under § 2214, ~~(a) if more provided:~~

- (a) More than three (3) months have passed since the Notice of Availability was submitted for the Inclusionary Unit or at least one (1) lottery has been conducted ~~under § 2210~~ pursuant to this section; or ~~(b) at~~
- (b) At any time upon request of the Owner through a marketing plan approved by DHCD, as long as no Household selected through a lottery is still within the qualification process for an Inclusionary Unit at the time of the request.

2211.5 With respect to each Household selected pursuant to a lottery under this section, DHCD shall provide a notice under § 2212.2.

2212 DISTRICT LOTTERY – NOTIFICATION OF HOUSEHOLDS AND OWNERS

2212.1 No later than seven (7) days after a lottery is held, DHCD shall provide to the Owner a written list of the Households selected pursuant to the lottery.

2212.2 No later than seven (7) days after a lottery is held, DHCD shall provide a notice to each of the Households selected in the lottery of their selection and shall provide to each Household the address, unit type, and maximum rent or purchase price of the Inclusionary Unit for which the lottery was held and the means by which the Household may provide to the Owner the information required by § 2212.3.

2212.3 The notice provided pursuant to § 2212.2 for a For Sale Inclusionary Unit shall inform each Household that the Household is required to provide the following, as appropriate, to the Owner within thirty (30) days after the date of the notice:

- (a) A Declaration of Eligibility, as described in § 2214.4;
- (b) A Certification of Income, Affordability, and Housing Size, as described in § 2214.4;
- (c) A mortgage pre-approval letter from a lender for the Inclusionary Unit for which the Household was selected;
- (d) An executed sales contract for the For Sale Inclusionary Unit; and
- (e) Any other documents requested by DHCD.

2212.4 The notice provided pursuant to § 2212.2 for a Rental Inclusionary Unit shall inform each Household that the Household is required to provide the following, as appropriate, to the Owner within fifteen (15) days after the date of the notice:

- (a) A Declaration of Eligibility, as described in § 2214.4;
- (b) A Certification of Income, Affordability, and Housing Size, as described in § 2214.4;
- (c) An executed lease for the Rental Inclusionary Unit; and
- (d) Any other documents requested by DHCD.

2212.5 A Household that fails to meet a deadline set forth in § 2212.3 or § 2212.4 shall be ineligible to purchase or rent the Inclusionary Unit(s) for which they have confirmed their interest, unless the Owner extends the deadline.

2213 DISTRICT LOTTERY — MARKETING OF INCLUSIONARY UNITS TO HOUSEHOLDS SELECTED PURSUANT TO THE LOTTERY

2213.1 The Owner shall market an Inclusionary Unit to each of the Households referred to the Owner under § 2212.1.

2213.2 The Owner may lease or sell the Inclusionary Unit to the first Household referred to the Owner that is ready and eligible to lease or purchase the Inclusionary Unit and also meets the Owner’s non-income based rental or sale criteria.

2213.3 If more than one (1) Household is ready and eligible to lease or purchase the Inclusionary Unit at the same day, then the Household who has been on the Registration list the longest will have priority to lease or purchase the unit.

2213.4 The Inclusionary Unit Owner shall provide the Inclusionary Covenant to a Household referred to the Owner within five (5) days after a request from the Household.

2214 VERIFICATION OF HOUSEHOLD ELIGIBILITY; REQUIRED CERTIFICATIONS

2214.1 In order to be eligible to rent or purchase an Inclusionary Unit, a Household shall provide to the Owner of the Inclusionary Unit and DHCD a Declaration of Eligibility and a Certification of Income, Affordability, and Housing Size.

2214.2 Except as set forth in § 2208.2(a), an Owner shall sell or rent an Inclusionary Unit only to a Household which:

- (a) Has provided a Certification of Income, Affordability, and Housing Size, obtained from a Certifying Entity, that complies with the requirements of this section and

- (b) Has executed and provided a Declaration of Eligibility that complies with the requirements of this section.

2214.3

A Declaration of Eligibility required by this section shall be made on a form prescribed by DHCD and shall include a notarized statement sworn under penalty of perjury by all members of the Household who are at least eighteen (18) years of age that:

- (a) The Certification of Income, Affordability, and Housing Size provided to the Owner was obtained from a Certifying Entity;
- (b) The Household provided accurate and complete information to the Certifying Entity;
- (c) Each member of the Household will occupy the Inclusionary Unit as his or her principal residence;
- (d) No member of the Household has an ownership interest in any other housing or the member will divest such interest before closing on the purchase of, or signing the lease for, the Inclusionary Unit;
- (e) If a For Sale Inclusionary Unit, the members of the Household who are at least eighteen (18) years of age have satisfactorily completed an Inclusionary Zoning Program counseling class for homebuyers approved by DHCD and evidence of such satisfactory completion is attached to the Declaration of Eligibility;
- (f) If a Rental Inclusionary Unit, the members of the Household who are at least eighteen (18) years of age have satisfactorily completed a Inclusionary Zoning Program counseling class for renters approved by DHCD and evidence of such satisfactory completion is attached to the Declaration of Eligibility;
- (g) The Household understands its rights and obligations under the Inclusionary Covenant or lease riders required pursuant to § 2217.1; and
- (h) Any other representations required by DHCD as part of the form.

2214.4

A Certification of Income, Affordability, and Housing Size required by this section shall be made on a form prescribed by DHCD and signed by an authorized representative of a Certifying Entity , certifying:

- (a) The Household's Annual Income;

- (b) That the Household’s Annual Income qualifies the Household as being either a Low-Income Household or Moderate-Income Household, except that upon lease renewal for a Rental Inclusionary Unit, the Household’s Annual Income does not exceed 140% of the income limit imposed by the Certificate of Inclusionary Zoning Compliance applicable to the Inclusionary Unit;
- (c) The Household’s size;
- (d) That the Household’s size is at least the size applicable to the Inclusionary Unit under § 2214.5 upon initial occupancy only;
- (e) For a For Sale Inclusionary Unit, that the Household will not expend more than forty-one percent (41%) of its Annual Income on mortgage payments, Insurance, real property taxes, and condominium and homeowner association fees for the applicable Inclusionary Unit;
- (f) For the initial Rental Inclusionary Unit, that the Household will not expend more than thirty-eight percent (38%) of its Annual Income on rent and Utilities; and
- (g) Any other information or certifications required by DHCD.

2214.5 Unit size eligibility shall be determined based upon the following standards, regardless of the number of bathrooms or the existence of dens or other rooms that are not Bedrooms:

Unit Size (Bedroom)	Minimum Number of Persons in Unit
Studio or Efficiency (0)	1
1	1
2	2
3	3
4	4
5	5
6	5

2214.6 DHCD shall finalize its review of the information in § 2214.4 and notify the Certifying Entity or its authorized representative within ten (10) business days of receipt.

2215 CERTIFYING ENTITY

- 2215.1 A Household shall obtain, and an Owner shall accept, a Certification of Income, Affordability, and Housing Size only from a Certifying Entity.
- 2215.2 DHCD may approve a Certifying Entity pursuant to a request for proposals process or through an application process.
- 2215.3 DHCD shall approve a Certifying Entity based on the entity’s experience in successfully implementing activities similar to those described in § 2215.4, the capacity and experience of the entity’s staff and management, the capacity and support of the entity’s board of directors, the strength of the entity’s financial and management systems, and any other factors DHCD deems relevant.
- 2215.4 A Certifying Entity shall be responsible for verification of a Household’s Annual Income, verification of a Household’s household size, verification that the rent or purchase price of an Inclusionary Unit is affordable to the Household, counseling and training Households on the Inclusionary Zoning Program, reporting data to DHCD, compliance with relevant regulations, and any other activities required by DHCD.

2216 CLOSING PROCEDURES

- 2216.1 Prior to closing, the Owner shall attach as exhibits to the deed used to convey a For Sale Inclusionary Unit the Declaration of Eligibility provided to the Owner by the Household purchasing the Inclusionary Unit, or such portions of the document designated by DHCD.
- 2216.2 The Owner shall include the following statement in twelve (12) point or larger type, in all capital letters, on the front page of the deed:

THIS DEED IS DELIVERED AND ACCEPTED SUBJECT TO THE PROVISIONS AND CONDITIONS SET FORTH IN THAT CERTAIN INCLUSIONARY DEVELOPMENT COVENANT, DATED AS OF _____, 20__, RECORDED AMONG THE LAND RECORDS OF THE DISTRICT OF COLUMBIA AS INSTRUMENT NUMBER _____, ON _____ 20__, WHICH AMONG OTHER THINGS IMPOSES RESTRICTIONS ON THE SALE AND CONVEYANCE OF THE SUBJECT PROPERTY.

- 2216.3 Within seventeen (17) days after closing, the new Inclusionary Unit Owner shall provide DHCD with a signed copy of the United States Department of Housing and Urban Development Settlement Statement and a copy of the new deed (including the Declaration of Eligibility).

2217 RESPONSIBILITIES OF RENTAL INCLUSIONARY DEVELOPMENT

OWNERS AND TENANTS

- 2217.1 No later than sixty (60) days before each anniversary of the first day of the lease, a Household leasing a Rental Inclusionary Unit shall submit to the Inclusionary Development Owner the following information and documents on or with such form as may be prescribed by DHCD:
- (a) A statement as to whether the Tenant intends to renew the lease or vacate the Inclusionary Unit; and
 - (b) If the Tenant states that he or she intends to renew the lease:
 - (1) The names of each person residing in the unit;
 - (2) A Certification of Income, Affordability, and Housing Size that meets the requirements of § 2214.4; and
 - (3) A Declaration of Eligibility that meets the requirements of § 2214.4.
- 2217.2 A rider shall be attached to the lease agreement for each Rental Inclusionary Unit. The rider shall contain, but shall not be limited to, the following terms:
- (a) The Tenant shall provide a Certification of Income, Affordability, and Housing Size in accordance with § 2217.1;
 - (b) The Tenant shall provide a Declaration of Eligibility in accordance with § 2217.1;
 - (c) The Tenant shall annually confirm its eligibility for the Inclusionary Unit based on the Annual Income requirements;
 - (d) The Tenant shall provide the information and documents required by § 2217.1 within the time period specified by § 2217.1;
 - (e) The Inclusionary Unit shall be the principal residence of all adult Household members who occupy the Inclusionary Unit; and
 - (f) The Tenant shall not make intentional misrepresentations to DHCD or the Certifying Entity.
- 2217.3 The Owner may, in the Owner's discretion, extend the deadline established by § 2217.1; provided, the deadline shall not be extended beyond the last day of the Tenant's lease.

- 2217.4 If a Tenant is in violation of a lease agreement or rider, the Inclusionary Development Owner shall provide to the Tenant a notice to vacate in accordance with § 42-3505.01(b) of the D.C. Official Code.
- 2217.5 If a notice to vacate is provided pursuant to § 2217.4, the Inclusionary Development Owner may permit the Household to continue to occupy the unit at the current rent for no more than six (6) months after the Inclusionary Development Owner provides to the Tenant the notice to vacate. Acceptance of rent during this period will not constitute a waiver of the violation of the lease or another obligation of tenancy or void the notice to vacate.
- 2217.6 The Inclusionary Development Owner shall not require payment of rent that is greater than the maximum allowable rent determined in accordance with §§ 2207.2 and 2207.4.
- 2217.7 Annually within fifteen (15) days after the anniversary of the issuance date of the first Certificate of Occupancy for an Inclusionary Unit in a Rental Inclusionary Development, the Inclusionary Development Owner shall submit a report to DHCD setting forth the following information for the entire Rental Inclusionary Development:
- (a) The number of Rental Inclusionary Units, by bedroom count, that are occupied;
 - (b) The number of Rental Inclusionary Units, by bedroom count, that were vacated during the previous twelve (12) months;
 - (c) For each Rental Inclusionary Unit vacated during the previous twelve (12) months, the unit number of the unit that was vacated, the number of days the unit was vacant (or a statement that the unit is still vacant), and the date on which a Notice of Availability was provided to DHCD pursuant to § 2206;
 - (d) For each occupied Rental Inclusionary Unit, the names of all occupants, the Household size, and the Household's Annual Income as of the date of the most recent Certification of Income, Affordability, and Housing Size;
 - (e) A sworn statement that to the best of the Inclusionary Development Owner's information and knowledge, the Annual Income of each Household occupying each Rental Inclusionary Unit complies with the income limits applicable to the Rental Inclusionary Unit;
 - (f) A copy of each new and revised Certification of Income, Affordability, and Housing Size provided in accordance with § 2217.1; and

- (g) A certification that for each Rental Inclusionary Unit that became available over the course of the reporting year Households were selected to occupy the Rental Inclusionary Units pursuant to the approved marketing plan.

2218 RESPONSIBILITIES OF INCLUSIONARY UNIT OWNERS

- 2218.1 Annually on the anniversary of the closing date for a For Sale Inclusionary Unit, the Inclusionary Unit Owner shall submit to DHCD a certification that it continues to occupy the unit as its principal residence. The certification shall be submitted on or with such form as may be prescribed by DHCD.

2219 DETERMINATION OF MAXIMUM RESALE PRICE

- 2219.1 The Maximum Resale Price (“MRP”) shall be equal to the greater of:

- (a) The original purchase price during the first year of ownership, or (for all subsequent years) the Maximum Resale Price of the previous year, multiplied by the annual rate of change in the AMI over a ten year period starting with the first AMI published by HUD after the purchase of the Inclusionary Unit by the Inclusionary Unit Owner. The resulting formula for the new Maximum Resale Price in any given year “n” is therefore $MRP_n = \underline{MRP_{n-1}} \pm (MRP_{n-1} \times F_n)$ (“Formula”), where:

- (1) n = is the current AMI year starting from the most recent publication of the AMI by HUD and
- (2) F_n = the rate of appreciation of the current AMI of any given year “n.” F_n is calculated by determining the ten year compounded annual growth rate of the AMI; or

- (b) The maximum purchase price for the same unit type from the current published Maximum Price and Purchase Schedule as of the date of the Notice of Availability.

- 2219.2 Upon the submission of a Notice of Availability by an Inclusionary Unit Owner to DHCD, the Maximum Resale Price may be adjusted for the value of all the Eligible Capital Improvements and Eligible Replacement and Repair Costs made to the property during that Inclusionary Unit Owner’s ownership of the Inclusionary Unit to the extent they are permanent in nature and add to the market value of the property at the percentage of cost indicted:

- (a) Eligible Capital Improvements, which will be valued at 100% of reasonable cost, as determined by DHCD, and

(b) Eligible Replacement and Repair Costs, which shall be valued at 50% of reasonable cost, as determined by DHCD.

2219.3 Any For Sale Inclusionary Development for which the Inclusionary Development Owner has executed and recorded an Inclusionary Development Covenant prior to [input effective date of amended rules] shall be subject to the terms of § 2219.1 effective as of the recordation date of the Inclusionary Development Covenant.

2219.4 Ineligible costs shall not be considered in determining the value of Eligible Capital Improvement and Eligible Replacement and Repair Costs.

2219.5 The value of improvements may be determined by DHCD based upon documentation provided by the Inclusionary Unit Owner or, if not provided, upon a standard value established by DHCD.

2219.6 DHCD may disallow an Eligible Capital Improvement or Eligible Replacement and Repair Cost if DHCD finds that the improvement diminished or did not increase the fair market value of the Inclusionary Unit.

2219.7 DHCD may reduce the value of an improvement claimed by the Inclusionary Unit Owner if there is evidence of abnormal physical deterioration of, or abnormal wear and tear to, the improvement.

2219.8 The Owner shall permit a representative of DHCD to inspect the Inclusionary Unit upon request to verify the existence and value of any improvements that are claimed by the Inclusionary Unit Owner.

2219.9 An allowance may be made in the Maximum Resale Price for the payment of legal fees associated with the sale of the Inclusionary Unit if written approval is obtained from DHCD.

2219.10 The value of personal property transferred to a purchaser in connection with the resale of a For Sale Inclusionary Unit shall not be considered part of the sales price of the For Sale Inclusionary Unit for the purposes of determining whether the sales price of the For Sale Inclusionary Unit exceeds the Maximum Resale Price.

2220 RENTAL OF A FOR SALE INCLUSIONARY UNIT

2220.1 An Inclusionary Unit Owner may temporarily lease a For Sale Inclusionary Unit in accordance with the provisions of this section if such lease is not otherwise prohibited by applicable cooperative, condominium, or homeowner association rules.

2220.2 Upon written submission of a request for a waiver of the principal occupancy requirement for a temporary absence from an Inclusionary Unit and supporting

documentation, DHCD may permit an Inclusionary Unit Owner to temporarily lease a For Sale Inclusionary Unit for a period not to exceed thirty-six (36) months. DHCD shall approve or disapprove the request in its sole discretion considering the evidence before it.

~~2220.3 The lease term may not exceed twelve (12) months.~~

2220.3 If the request or any subsequent renewal is denied by DCHD the Inclusionary Unit Owner must reoccupy the unit as their principal residence or sell the unit in accordance with § 2206.

2220.4 An Inclusionary Unit Owner who is leasing a For Sale Inclusionary Unit in accordance with this section shall select tenant Households pursuant to § 2208.2(c) and § 2208.3(b).

Inclusionary Unit Owners that are approved by DHCD to temporarily lease their For Sale Inclusionary Units, and tenants of these For Sale Inclusionary Units, shall comply with the requirements in § 2217.

2220.5 The maximum rent charged during a temporary lease of a For Sale Inclusionary Unit shall be the rent set forth in the Rent and Price Schedule in place on the date of the lease.

2220.6 A condominium fee or assessment that a tenant of a For Sale Inclusionary Unit Owner leased under this section is required to pay pursuant to the terms of his or her lease shall be considered part of the rent of the tenant when determining whether the rent charged is consistent with the Maximum Rent and Purchase Price Schedule.

2221 CONVERSION OF A RENTAL INCLUSIONARY DEVELOPMENT TO A FOR SALE INCLUSIONARY DEVELOPMENT

2221.1 No condominium or cooperative documents may be filed to convert a Rental Inclusionary Development to a condominium or cooperative until a new application for a Certificate of Inclusionary Zoning Compliance is filed by the Inclusionary Development Owner and approved by DCRA and a Certificate of Inclusionary Zoning Compliance is issued by DCRA pursuant to the provisions set forth in § 2203.

2221.2 Following the issuance of a new Certificate of Inclusionary Zoning Compliance under this section, the Inclusionary Development Owner shall record a new or amendatory Inclusionary Development Covenant, applicable to a For Sale Inclusionary Development that complies with § 2204 prior to the conveyance of any For Sale Inclusionary Unit.

- 2221.3 The application for a Certificate of Inclusionary Zoning Compliance filed under this section shall comply with § 2202.4.
- 2221.4 Tenants occupying Rental Inclusionary Units shall have the same rights as are provided in the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3401.01 *et seq.*) (“Conversion Act”).
- 2221.5 The offered sales price for a Rental Inclusionary Unit converted to a For Sale Inclusionary Unit shall not exceed the applicable maximum purchase price stated on the Price and Rent Schedule that is in effect on the date that the Tenant receives the first notice of conversion pursuant to the Conversion Act.
- 2221.6 If the tenant does not purchase the Inclusionary Unit within the time provided in the Conversion Act, and the tenant is not entitled to remain in the unit pursuant to Section 208 of the Conversion Act (D.C. Official Code § 42-3402.08), the Inclusionary Development Owner shall furnish DHCD with a Notice of Availability pursuant to § 2206 and register the Inclusionary Unit with the website established by the District pursuant to the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; 55 DCR 7494 (July 11, 2008)).

2222 SALE BY HEIRS

- 2222.1 If an Inclusionary Unit Owner dies, at least one (1) heir, legatee, or other person taking title to the Inclusionary Unit by will or by operation of law shall occupy the Inclusionary Unit in accordance with these regulations or shall provide DHCD with a Notice of Availability in accordance with § 2206.

2223 FORECLOSURE

- 2223.1 If title to a For Sale Inclusionary Unit is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in first position, or a mortgage in first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development, Inclusionary Unit Covenant shall be released in accordance with the provisions of the Zoning Commission’s Inclusionary Zoning Regulations (Title 11 DCMR, Chapter 26).

2224 VIOLATIONS AND OPPORTUNITY TO CURE

- 2224.1 Prior to exercising the authority to revoke a building permit or Certificate of Occupancy pursuant to § 104 of the Inclusionary Zoning Act, DCRA shall provide to the person who is alleged to have violated the Inclusionary Zoning Act or this chapter a written notice setting forth with particularity the alleged violation and shall provide to that person at least thirty (30) days to cure the alleged violation. If the person cures the violation within the designated cure period,

DCRA shall not exercise its authority to revoke a building permit or Certificate of Occupancy pursuant to § 104 of the Inclusionary Zoning Act. DCRA may extend the designated cure period for good cause shown.

- 2224.2 DCRA shall not revoke a building permit or Certificate of Occupancy pursuant to § 104 of the Inclusionary Zoning Act except for a willful, substantial violation of the Inclusionary Zoning Act or this chapter.

2225 WAIVER

- 2225.1 The Director of DHCD may, upon the request of an agency of the District or the written request of an Inclusionary Development Owner, waive any or all of the provisions of this chapter in the DHCD's sole and absolute discretion if waiver of the provision supports the general purposes of the Inclusionary Zoning Program within 11 DCMR § 2600.3.

2226 APPLICABILITY

- 2226.1 These rules shall become applicable immediately in accordance with the Zoning Commission's Inclusionary Zoning Regulations (Title 11 DCMR, Chapter 26) and the provisions of the Inclusionary Zoning Act.

2299 DEFINITIONS

- 2299.1 When used in this chapter, the following words and phrases shall have the meanings ascribed below:

Annual Income – annual income as defined in 24 C.F.R. § 5.609 as of [input effective date of amended rules].

Area Median Income – the area median income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for household size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers. Adjustments of Area Median Income for household size shall be made as prescribed in Section 2(1) of the Housing Production Trust Fund Act, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code §§ 42-2801(1)).

Bedroom – a room with immediate access to an exterior window and a closet that is designated as a “bedroom” or “sleeping room” on construction plans submitted with an application for a building permit for an Inclusionary Development.

Certificate of Occupancy - a document issued by the Department of Consumer and Regulatory Affairs's Office of the Zoning Administrator certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

Certifying Entity – an entity approved by DHCD pursuant to § 2215.5.

DCRA – the D.C. Department of Consumer and Regulatory Affairs.

Dependent – an individual as defined in § 152 of the Internal Revenue Code (26 U.S.C. § 154).

DHCD – the D.C. Department of Housing and Community Development.

Eligible Capital Improvement – major structural system upgrades, special assessments, new additions, and improvements related to increasing the health, safety, or energy efficiency of an Inclusionary Unit. Such improvements generally include: (i) major electrical wiring system upgrades; (ii) major plumbing system upgrades; (iii) room additions; (iv) installation of additional closets and walls; (v) alarm systems; ~~(vi) smoke detectors;~~ ~~(vii);~~ (vi) removal of toxic substances, such as asbestos, lead, mold, or mildew; (vii) insulation or upgrades to double-paned windows or glass fireplace screens; and (viii) upgrade to Energy Star built-in appliances, such as furnaces, water heaters, stoves, ranges, dishwashers, and microwave hoods.

Eligible Replacement and Repair Cost – in-kind replacement of existing amenities and repairs and general maintenance that keep an Inclusionary Unit in good working condition. Such improvements generally include: (i) electrical maintenance and repair, such as switches and outlets; (ii) plumbing maintenance and repair, such as faucets, supply lines, and sinks; (iii) replacement or repair of flooring, countertops, cabinets, bathroom tile, or bathroom vanities; (iv) non-Energy Star replacement of built-in appliances, including furnaces, water heaters, stoves, ranges, dishwashers, and microwave hoods; (v) replacement of window sashes; (vi) fireplace maintenance or in-kind replacement; (vii) heating system maintenance and repairs; and (viii) lighting system.

For Sale Inclusionary Development – the portion of an Inclusionary Development that includes or will include Inclusionary Units that will be sold to Households.

For Sale Inclusionary Unit – an Inclusionary Unit that will be or has been sold to a Household.

Full Time Student - a person who is enrolled in a class load that is considered full-time for day students under the standards and practices of the college or university attended by that person.

Guardian - a person who is appointed by court order and who is charged with the care, custody, and responsibility of a person under the age of 18 years.

Household – all persons who will occupy the Inclusionary Unit. A Household may be a single family, one (1) person living alone, two (2) or more families living together, or any other group of related or unrelated persons who share living arrangements.

Inclusionary Development – a development subject to the provisions of the Inclusionary Zoning Program.

Inclusionary Development Covenant – the Inclusionary Development Covenant described in § 2204.

Inclusionary Development Owner – a person, firm, partnership, association, joint venture, or corporation, or government with a property interest in land or improvements that is or will be occupied by an Inclusionary Development, but excluding Inclusionary Unit Owners.

Inclusionary Unit– a dwelling unit set aside for sale or rental to Low-Income or Moderate-Income Households as required by the Inclusionary Zoning Program.

Inclusionary Unit Owner – a Household member or members that own(s) a For Sale Inclusionary Unit.

Inclusionary Zoning Act – the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code §§ 6-1041.01 *et seq.*).

Inclusionary Zoning Program – all of the provisions of the Zoning Commission’s Inclusionary Zoning Regulations, the Inclusionary Zoning Act, and this Chapter.

Ineligible Costs – normal maintenance, general repair work, personal or decorative items or work, cosmetic enhancements, installations with limited useful life spans, and non-permanent fixtures not eligible for capital improvement credit as determined by DHCD. Such costs generally include: (i) cosmetic enhancements such as fireplace tiles and mantels, decorative wall coverings or hangings, window treatments (for example, blinds, shutters, and curtains), installed mirrors, shelving, and refinishing of existing surfaces; (ii) non-permanent fixtures, such as track lighting,

door knobs, handles and locks, and portable appliances; and (iii) installations with limited useful life spans, such as carpet, painting of existing surfaces, and light bulbs.

Insurance – hazard insurance for single family For Sale Inclusionary Unit and mortgage insurance for any For Sale Inclusionary Unit.

Lives in the District of Columbia - the situation where a person who maintains a place of abode in the District of Columbia as his or her actual, regular, and principal place of residence.

Low-Income Household – a Household with a total Annual Income equal to or less than fifty percent (50%) of the Area Median Income, adjusted for household size.

Market Rate Unit – a unit in an Inclusionary Development that is not an Inclusionary Unit.

Moderate-Income Household – a Household with a total Annual Income greater than fifty percent (50%) and less than or equal to eighty percent (80%) of the Area Median Income adjusted for household size.

Notice of Availability – the notice required to be provided to DHCD by an Owner in accordance with § 2206.

Owner – both an Inclusionary Development Owner and an Inclusionary Unit Owner.

Parent - the natural or adoptive mother or father of a person.

Rent and Price Schedule – the rent and price schedule published in the *D.C. Register* pursuant to § 103(b) of the Inclusionary Zoning Act (D.C. Official Code § 6-1041.03(b)).

Rental Inclusionary Development – the portion of an Inclusionary Development that includes, or will include, Inclusionary Units that will be leased to Households.

Rental Inclusionary Unit – an Inclusionary Unit that will be or has been leased to a Household.

Tenant – a Household member or members that occupy a Rental Inclusionary Unit.

Utilities – water, sewer, electricity, natural gas, trash, and any other fees required in order to occupy the Inclusionary Unit.

Works in District of Columbia - the situation where a person who reports to work in the District, irrespective of any travel for work or telecommuting.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments in writing to Taura Smalls, Legislative Affairs Specialist, Department of Housing and Community Services, 1800 Martin Luther King, Jr, Ave, SE, Washington, D.C. 20020, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the Department at the address listed above. A copying fee of one dollar (\$1) will be charged for each requested copy of the proposed rulemaking requested.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF THIRD EMERGENCY RULEMAKING

The Interim Director of the Department of Human Services (Department), pursuant to the authority set forth in Sections 7(e) and 31 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-753.01(e) and 4-756.02 (2012 Repl.)), and pursuant to Mayor's Order 2006-20, dated February 13, 2006, and Mayor's Order 2007-80, dated April 2, 2007, hereby gives notice of the adoption, on an emergency basis, of the following new Chapter 78 of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled "Family Re-Housing and Stabilization Program".

The purpose of the new chapter is to establish rules to administer the District of Columbia's Family Re-Housing and Stabilization Program (FRSP). FRSP will provide District residents with financial assistance for purposes of helping them to become rehoused. FRSP is for up to twelve (12) months and may include assistance with security deposits, move-in costs, time-limited rental subsidies, and utility cost, in accordance with the family's approved budget plan.

These rules were first published as emergency and proposed in the *D. C. Register* on July 27, 2012, at 59 DCR 8831 [EXPIRED]. Emergency rules were subsequently published on January 18, 2013, at 60 DCR 415 [EXPIRED] and May 31, 2013, at 60 DCR 7631. The Department then published the Notice of Second Emergency and Proposed Rulemaking on June 27, 2014, at 61 DCR 6562 [EXPIRED]. In accordance with Section 31 of the HSRA, the Department submitted the latter Notice of Second Emergency and Proposed Rules to the Council of the District of Columbia (Council) for review. The Council's 45-day review period will end on October 31, 2014. The emergency rules, however, expired on September 30, 2014; thereby, necessitating these emergency rules.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), is necessary so as to allow the Department to continue to operate the FRSP Program pending the Council's review. Therefore, taking emergency action under these circumstances will promote the immediate preservation of the health, safety, and welfare of homeless District residents by permitting the Department to continue to support their rapid return to permanent housing. These emergency rules are substantively identical to the emergency and proposed rules published on June 27, 2014, at 61 DCR 6562.

The emergency rules were adopted on October 2, 2014, and went into effect at that time. The emergency rules shall expire on January 30, 2015, which is one hundred twenty (120) days from the adoption date of these emergency rules, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Add the following new Chapter 78, FAMILY RE-HOUSING AND STABILIZATION PROGRAM, to Title 29, PUBLIC WELFARE, of the DCMR, to read as follows:

CHAPTER 78 FAMILY RE-HOUSING AND STABILIZATION PROGRAM**7800 SCOPE**

- 7800.1 The purpose of the Family Re-Housing and Stabilization Program (“FRSP” or “Program”) is to provide assistance to rapidly re-house families who are homeless and have the capacity to quickly achieve stable housing independent of FRSP assistance.
- 7800.2 The provisions of this chapter shall provide the application process, eligibility criteria, assistance determination, and appeal procedures for the Program.
- 7800.3 Nothing in these rules shall be interpreted to mean that FRSP assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.
- 7800.4 The Department of Human Services (Department) may execute contracts, grants, and other agreements as necessary to carry out the Program.

7801 APPLICATION PROCESS

- 7801.1 Each FRSP application shall be in writing on a form prescribed by the Department and signed by the applicant, under the penalty of perjury. An authorized representative may apply on behalf of the applicant, if the applicant provides a written and signed statement stating why he or she cannot apply in person and the name and address of the person authorized to act on his or her behalf. If the applicant is married or in a domestic partnership and living with his or her spouse or domestic partner, both persons shall sign the application.
- 7801.2 If requested by an applicant with a disability, or the authorized representative of an applicant with a disability, the Provider shall assist such applicant or authorized representative with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.
- 7801.3 The Department shall provide application forms, and the Provider shall accept applications from each applicant who requests assistance.
- 7801.4 At the time of application, each applicant shall be provided with a clear, concise, written notice about the program, and shall be required, personally or through an authorized representative, to sign a document acknowledging receipt of this notice. This notice shall contain a description of the program, the Provider’s responsibilities, the applicant’s rights and responsibilities, and the program requirements, including that receipt of FRSP assistance is conditioned upon:

- (a) Selecting an FRSP-approved housing unit in a timely manner;
- (b) Completing the steps necessary to lease and move into an FRSP-approved housing unit within thirty (30) days of the date of the Notice of Eligibility, absent a good cause reason for the delay. For purposes of this section, “good cause” shall include delays caused by actions or inactions of persons outside of the applicant’s control; and
- (3) Signing the FRSP Notice of Rental Subsidy Terms and Conditions form and FRSP Program Rules.

7801.5 As part of the application process, all applicants, personally or through an authorized representative, shall sign a release form authorizing the Provider to obtain or verify information necessary for processing the application.

7801.6 Each applicant shall cooperate fully in establishing his or her eligibility, including the basis of the applicant’s homelessness and how the household reasonably expects to be able to sustain housing independent of the Program at the end of FRSP assistance period. This shall include, but not be limited to, providing documentation or collateral proof of:

- (a) Household composition;
- (b) Employment status and employment history;
- (c) Income and assets;
- (d) Household expenses;
- (e) Facts and circumstances surrounding homelessness, including rental and other relevant housing history;
- (f) Financial and other assets available or obtainable in the short and long term to support housing stability;
- (g) Facts and circumstances surrounding financial and other barriers to housing stability; and
- (h) Facts and circumstances surrounding work experience, education, or training that can contribute to the household’s ability to meet its housing costs by the end of the Program period.

7801.7 The Provider shall give to each applicant a written request specifying the information needed to complete the application, and the Provider shall discuss with the applicant how to obtain the information. The application shall be

considered complete when all required information is furnished to the Provider. A documentation requirement may be waived provided the applicant signs a declaration containing the necessary information.

7801.8 The Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.

7801.9 An application may be considered abandoned if the applicant has not obtained and provided to the Provider the required information for eligibility determination within thirty (30) calendar days of the date of application.

7802 APPLICANT UNIT

7802.1 The applicant unit shall be composed of each individual who lives in the same household and whose needs, assets, and income are combined to determine eligibility.

7802.2 The applicant unit shall include:

- (a) Persons related by full or half blood;
- (b) Persons related by legal adoption;
- (c) Persons related by marriage or domestic partnership, including stepchildren and unmarried parents of a common child who live together; and
- (d) Persons with a legal responsibility for an unrelated minor child or an unrelated adult with a disability.

7802.3 The applicant unit may include any person not included by § 7802.2, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that the individuals intend to remain together as a family unit.

7802.4 A person temporarily away from home due to employment, hospitalization, vacation, or a visit shall be considered to be living in the household. A minor child who is away at school is considered to be living in the household, if he or she returns to the home on occasional weekends, holidays, school breaks, or during summer vacations.

7803 ELIGIBILITY CRITERIA

- 7803.1 An applicant shall be eligible to receive FRSP assistance if the applicant unit is a family, as defined in § 7899, that:
- (a) Is currently homeless, because the applicant:
 - (1) Lacks a fixed, regular residence that provides safe housing, and lacks the financial means to acquire such a residence immediately, including any individual or family who is fleeing, or is attempting to flee, domestic violence and who has no other residence and lacks the resources and support networks to obtain safe housing; or
 - (2) Has a primary nighttime residence that is:
 - (A) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or
 - (B) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and
 - (3) Has no other housing options identified;
 - (b) Is a resident of the District of Columbia as defined by Section 2 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-751.01(32)); and
 - (c) Demonstrates that there is a reasonable expectation that the applicant will have the financial capacity to pay the full rental amount at the end of the FRSP assistance period. Failure to demonstrate that the household will be reasonably likely to sustain stable housing following FRSP assistance may result in a denial of eligibility. Relevant factors for determining whether a household can reasonably be expected to have the financial means to pay the full rental costs following FRSP assistance include, but are not limited to:
 - (1) Current income;
 - (2) Expected future income;
 - (3) Rental history;
 - (4) Employment history;
 - (5) Employment potential based on job skills, certifications, or participation in a training or employment program;

- (6) Previous receipt of emergency rental assistance, including Emergency Rental Assistance Program or Homelessness Prevention and Rapid Re-Housing Program assistance within the last eighteen (18) months, whether applying for the same or a different financial assistance;
- (7) Assessment on a uniform tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool, that identifies Rapid Re-Housing as the appropriate housing assistance option given the acuity of needs; or
- (8) Identification by the District of Columbia Housing Authority (DCHA) or other subsidized housing provider, as a household that is reasonably likely to receive DCHA or other subsidized housing within approximately twelve (12) months.

7803.2 Eligible applicants or recipients that are subject to sanction or are currently sanctioned under the Temporary Assistance for Needy Families (TANF) program shall be considered to have failed to demonstrate that the household will be reasonably able to sustain stable housing following the FRSP assistance period, unless the applicant or recipient can demonstrate that they are actively working to have the sanction lifted, or have or will have the financial means and/or resources necessary for sustaining housing independent of receipt of TANF benefits.

7803.3 A FRSP applicant or participant determined eligible under this section shall be subject to a re-determination of eligibility at least once every four (4) months, and may apply for an additional period of assistance, subject to the limitations set forth in Subsection 7805.7.

7803.4 Factors to be considered as part of the re-determination of eligibility shall include whether the recipient:

- (a) Has timely paid their share of the housing costs during the previous subsidy period;
- (b) Has fully complied with their TANF Individual Responsibility Plan, or other applicable plan; and
- (c) Has the ability to pay an increasing share of the housing costs as part of receiving additional rental assistance.

7803.5 A household unable to meet one (1) or more of the requirements in § 7803.4 at the re-determination of eligibility shall be considered to have failed to demonstrate that the household will be reasonably able to sustain stable housing following the

FRSP period, unless the applicant or recipient can demonstrate that they are actively working to correct the deficiency, or have or will have the financial means and/or resources necessary for sustaining housing independent of receipt of TANF benefits.

7803.6 The Provider shall complete the eligibility determination or re-determination in as short a time as possible, but not later than ten (10) calendar days after receipt of a completed application or completed re-determination of eligibility request form. The Provider shall not be responsible for delays caused by:

- (a) The applicant's failure to supply information to document facts stated in the completed application or re-determination of eligibility request form without which eligibility and type or amount of assistance cannot be determined;
- (b) The inability to contact the applicant;
- (c) Evidence of misrepresentation in the application;
- (d) Delay by a third party from whom the Provider has requested information and over whom the Provider has no control; or
- (e) Any other delay in receipt of information or documentation necessary to complete the application or re-determination of eligibility request over which the Provider has no control.

7803.7 The Provider shall create and maintain in the applicant's or participant's file clear and detailed documentation of the Program's eligibility and re-eligibility determinations, particularly as it relates to how the household expects to be able to pay the full rental amount after the FRSP assistance period ends and, for re-determination of eligibility, the factors required to be considered in § 7803.4.

7803.8 If an applicant is determined eligible for FRSP assistance pursuant to § 7803.1, the Provider shall give to the applicant, personally or through an authorized representative, a Notice of Eligibility Determination which shall include:

- (a) A clear statement of the eligibility determination;
- (b) A clear and detailed statement that receipt of FRSP assistance is conditioned upon selecting an FRSP-approved housing unit and completing steps to lease-up and move into the unit within thirty (30) days of the date of the Notice of Eligibility Determination, absent good cause. For purposes of this section, "good cause" shall include delays caused by actions or inactions of persons outside of the applicant's control;

- (c) A clear statement that all FRSP participants shall actively and satisfactorily participate in case management or risk termination of FRSP assistance; and
- (d) A clear and complete statement of the client's right to appeal the eligibility determination through fair hearing and administrative review proceedings in accordance with § 7808, including the appropriate deadlines for instituting the appeal.

7803.9 If an applicant is re-determined eligible for FRSP assistance pursuant to § 7803.3, the Provider shall give to the recipient, personally or through an authorized representative, a Notice of Re-Determination of Eligibility which shall include:

- (a) A clear statement of the re-determination of eligibility;
- (b) A clear statement that all FRSP participants shall actively and satisfactorily participate in case management or risk termination of FRSP assistance; and
- (c) A clear and complete statement of the client's right to appeal the re-determination of eligibility through fair hearing and administrative review proceedings in accordance with § 7808, including the appropriate deadlines for instituting the appeal.

7803.10 If an applicant is determined ineligible for an initial application for FRSP assistance, the Provider shall give to the applicant, personally or through an authorized representative, a Notice of Denial of Eligibility which shall include:

- (a) A clear statement of the denial of eligibility;
- (b) A clear statement of the factual basis for the denial;
- (c) A reference to the statute, regulation, or policy pursuant to which the denial was made; and
- (d) A clear and complete statement of the client's right to appeal the denial through fair hearing and administrative review proceedings pursuant to § 7808, including the appropriate deadlines for instituting the appeal.

7803.11 If a recipient is determined ineligible for an additional period of FRSP assistance, the Provider shall give to the recipient, personally or through an authorized representative, a Notice of Denial of Re-Determination of Eligibility which shall include:

- (a) A clear statement of the denial of eligibility;

- (b) A clear statement of the factual basis for the denial;
 - (c) A reference to the statute, regulation, or policy pursuant to which the denial was made; and
 - (d) A clear and complete statement of the client's right to appeal the denial through fair hearing and administrative review proceedings pursuant to § 7808, including the right to continuation of FRSP assistance pending the outcome of a fair hearing requested within fifteen (15) days of receipt of the written Notice of Denial of Re-Determination of Eligibility, and the appropriate deadlines for instituting the appeal.
- 7803.12 A denial of re-determination of eligibility under this section shall not be considered a termination of FRSP assistance under § 7807.
- 7803.13 An adult applicant shall be denied FRSP assistance if the household's housing crisis is the result of his or her refusal, without good cause, to accept employment or training for employment.
- 7803.14 An applicant shall be considered to have refused employment or training if the applicant has:
- (a) Voluntarily quit employment or a bona fide training program within three (3) months prior to application; or
 - (b) Rejected an employment or a bona fide training program opportunity within the three (3) months prior to the application.
- 7803.15 "Good cause" reasons for voluntarily quitting a job or not participating in an employment training program include circumstances beyond the individual's control, such as when the applicant can show, with reliable or credible information, that:
- (a) Wages are below the minimum wage;
 - (b) The applicant is physically or mentally unable to perform the work or gain access to the worksite;
 - (c) Working conditions violate health, safety, or worker's compensation regulations and present a substantial risk to health or safety;
 - (d) The employer discriminated against the applicant based on 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, status as a victim of an intra-family offense, or place of residence or business in violation of the D.C. Human Rights Act of 1978, effective December 13, 1978 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2012 Repl.)), as amended;

- (e) The requirements of the job would be contrary to his or her religious beliefs;
- (f) The resignation is recognized by the employer as retirement;
- (g) Child care, which is necessary for the adult applicant to accept work or training, is not reasonably available; or
- (h) The applicant could not maintain work or participate in a training program because of mitigating circumstances related to a disability, illness, incapacity or emergency of the applicant or a member of the household, including domestic violence.

7804 PRIORITY DETERMINATION

7804.1 Families residing in a Department-funded family hypothermia shelter, temporary shelter, or transitional housing program or determined to be a Priority One for shelter or supportive housing pursuant to 29 DCMR § 2508.1(a)(1), shall receive the first priority for the FRSP.

7804.2 Families residing in a non-Department funded family shelter or housing program within the Continuum of Care shall receive the second priority.

7804.3 Within each priority group, additional priority determinations may be made based on the following:

- (a) The family’s prospective ability to have the financial capacity to pay the full rental amount at the end of the FRSP assistance period, as demonstrated by income, documented work experience, or other relevant factors;
- (b) The length of time the family has resided in such programs since the most recent placement;
- (c) The need to provide a reasonable modification based on a disability; and
- (d) Other relevant factors.

7805 RE-HOUSING AND STABILIZATION ASSISTANCE

- 7805.1 FRSP rental assistance is solely for the purpose of assisting eligible households to quickly achieve housing stability by assisting them to obtain a new rental unit.
- 7805.2 FRSP assistance shall be “needs-based,” meaning that the assistance provided shall be the minimum amount, as determined by the Provider, needed to re-house the FRSP applicant or participant and prevent them from returning to homelessness in the future.
- 7805.3 The Program shall not be obligated to provide a monetary amount for a requested service if a less costly alternative is available.
- 7805.4 FRSP assistance may consist of a security deposit, move-in assistance, time-limited rental subsidy, and utility assistance, in accordance with the family’s approved budget plan.
- 7805.5 The maximum FRSP payment for a security deposit may be limited to the actual amount of the deposit, not to exceed the cost of one (1) month’s unsubsidized rent up to two thousand two hundred dollars (\$2,200).
- 7805.6 The initial rental assistance shall not exceed the equivalent of rental costs accrued over a period of four (4) months.
- 7805.7 The total assistance period shall not exceed twelve (12) months except where the Department or the Department’s designee determines that the recipient household’s need for additional assistance is caused by extraordinary circumstances.
- 7805.8 During the initial four (4) month period of rental assistance, each household shall contribute forty percent (40%) of their monthly adjusted annual income toward housing costs, determined in accordance with the District of Columbia Housing Choice Voucher Program (HCVP) regulations found at 14 DCMR § 6200 (household contribution). For this period, FRSP rental assistance shall be the difference between the cost of housing and the household contribution. For purposes of this section, the cost of housing shall include the cost of utilities, as determined in accordance with the HCVP regulations found at 14 DCMR § 6200.
- 7805.9 Receipt of FRSP assistance may be conditioned on the applicant household:
- (a) Selecting an FRSP-approved housing unit in a timely manner and completing steps necessary to lease and move into the selected unit within thirty (30) days of the date of the Notice of Eligibility Determination, absent a good cause reason for the delay. For purposes of this section, “good cause” shall include delays caused by actions or inactions of persons outside of the applicant’s control;

- (b) Signing the FRSP Notice of Rental Subsidy Terms and Conditions form and FRSP Program Rules;
- (c) Timely payment of the FRSP participant's share of the monthly rent;
- (d) Complying with the FRSP case management requirements set out in the Department-approved program rules, and as applicable, in accordance with the family's TANF Individual Responsibility Plan; and
- (e) Applying for all applicable public benefits and housing assistance for which the applicant is eligible, including applying for housing assistance from DCHA, if applicable.

7805.10 As part of demonstrating that the household will reasonably be able to sustain stable housing following FRSP assistance, a household requesting additional assistance pursuant to § 7803.3 shall, absent good cause, demonstrate that the recipient:

- (a) Has timely paid their share of the housing costs during the previous subsidy period;
- (b) Has fully complied with their TANF Individual Responsibility Plan or other applicable plan; and
- (c) Has the ability to pay an increasing share of the housing costs during the subsequent subsidy period.

7805.11 Households receiving rental assistance shall be required to report to the Provider written notice of any change in the household's monthly income as soon as possible but no later than ten (10) days after the change occurs.

7805.12 Upon written notification from the household of a change in the household's monthly income, the FRSP Provider shall determine if there is a need to recalculate the amount of the household's housing cost contribution, based on the following:

- (a) If the household reports a decrease in monthly income of fifty dollars (\$50) or more, the Provider shall recalculate the household's contribution. Conversely, a household reporting a decrease in monthly income of less than fifty dollars (\$50) may request that a recalculation be conducted;
- (b) If the recalculation pursuant to paragraph (a) results in an increase in the amount of FRSP rental assistance, the change shall be effective the first day of the month or the next day that rent is due if different from the first

of the month, whichever is first, following completion of the calculation. The recalculation shall be completed within five (5) business days of receipt of written notice from the household of the decrease in household income and any documentation necessary for the Provider's recalculation;

- (c) If the household is reporting an increase in monthly income of one hundred dollars (\$100) or more, a Provider shall conduct a recalculation;
- (d) If the recalculation pursuant to paragraph (c) results in a decrease in the amount of FRSP rental assistance, the change shall be effective the first of the month or on the day that rent is next due if different than the first of the month, whichever is first following the month in which notice of the change in accordance with § 7805.13 is provided to the household. Conversely, if the next day rent is due is less than fifteen (15) calendar days from the date the notice is either hand delivered or postmarked, the change in the FRSP rental assistance shall be effective the second month (or the second date upon which rent is due) following the month in which notice of the change in accordance with § 7805.13 is provided to the household; and
- (e) Notice of a change in assistance pursuant to this section shall be made in accordance with § 7805.13.

7805.13

When a Provider calculates a change in FRSP rental assistance pursuant to a re-determination of eligibility pursuant to § 7803.3 or as a result of a reported change in income pursuant to § 7805.11, the Provider shall give to the participant household a Notice of Change in FRSP Rental Assistance. This notice shall include:

- (a) A clear statement of the factual basis for the change in rental assistance;
- (b) A reference to the statute, regulation, or policy pursuant to which the change was made;
- (c) A clear and detailed statement of the household's current FRSP rental assistance and the household's current share of the housing costs;
- (d) A clear and detailed computation of the new amount of FRSP rental assistance and the new amount of the household's share of the housing costs;
- (e) The effective date of the new amount of rental assistance in accordance with § 7805.12(b) or § 7805.12(d), whichever is applicable; and

- (f) A clear and complete statement of the client's right to a reconsideration of the recalculation by the Department or the Department's designee, if such reconsideration is requested within five (5) business days of receipt of the Notice of Change in FRSP Rental Assistance; and

- 7805.14 A request for reconsideration pursuant to § 7805.13(f) shall be completed within five (5) business days of receipt by the designated reviewer of the household's request for a reconsideration. The five (5) business day timeframe may be tolled if the reviewer has requested documentation necessary to the review, and receipt of such documentation is pending and not within the control of the reviewer.
- 7805.15 Notice required by § 7805.13 shall be either hand-delivered to an adult member of the applicant household or mailed to the household by first class mail within twenty-four (24) hours of the Provider's calculation of the change in the household's rental assistance share. The date from which the timeliness of the notice is measured is either the date of hand delivery, or if mailed, the date the notice is postmarked.
- 7805.16 Only in the rare circumstance where required by a vendor or a controlling government authority, including but not limited to a court or federal marshal, may the assistance payment be made in the form of cash. In all other cases, all FRSP assistance payments shall be in the form of non-cash direct vendor payments.
- 7805.17 FRSP assistance not utilized within thirty (30) days of approval shall be considered abandoned, absent a showing that the applicant or recipient has made reasonable efforts to use the assistance or good cause as to why the applicant or recipient could not expend the assistance.

7806 UNIT SELECTION

- 7806.1 Participation in the FRSP is conditioned upon selecting a unit that passes the FRSP required housing inspection and meets the Rent Reasonableness Standard, except that the Department or the Department's designee may authorize selection of a housing unit that exceeds the maximum allowable rent for purposes of ensuring the program is readily accessible to and usable by large families and individuals with disabilities.
- 7806.2 A FRSP eligible applicant shall be required to make a good faith effort to identify and secure a housing unit that meets their needs and meets the FRSP Rent Reasonableness and inspection requirements in a timely manner.
- 7806.3 If the applicant is unable to secure a housing unit in a timely manner, despite good faith efforts, the applicant shall be offered at least one (1) unit from the available housing inventory to the extent that units are available in the housing inventory.

- 7806.4 To facilitate timely unit selection and entry into the FRSP, the eligible applicant shall:
- (a) Identify a unit that meets the Rent Reasonableness Standard and passes the FRSP required housing inspection or accepts a unit from the FRSP unit inventory list.
 - (b) Make a reasonable effort to meet with the Program's representative in a timely manner in order to complete the unit selection and leasing process. For purposes of this paragraph, refusing to meet with the Provider's representative two (2) times without good cause shall constitute the applicant's failure to make a reasonable effort to meet with the Program's representative in a timely manner for purpose of completing the unit selection and leasing process.
- 7806.5 Failure to accept a unit after having been offered or having identified two (2) units that were available and met the applicant's stated needs and preferences, may be a basis for termination from the Program pursuant to § 7807.1(f) and Section 22 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.36(a)(2)(F)).
- 7806.6 FRSP assistance shall be provided only for housing units located within the District of Columbia, unless otherwise approved by the Department or the Department's designee. Any unit constructed before 1978 in which a child under the age of six (6) will be residing must comply with Section 302 of the Lead-Based Paint Poisoning Prevention Act, effective November 9, 1973 (Pub. L. 91-695; 42 U.S.C. § 4822), as amended, and implementing regulations at 24 C.F.R. part 35, subparts A, B, M, and R.
- 7806.7 A FRSP Provider may not approve or issue FRSP assistance for a housing unit that is owned by the FRSP Provider, its parent, subsidiary, or an affiliated organization of the FRSP Provider.
- 7807 TERMINATION OF FAMILY RE-HOUSING AND STABILIZATION ASSISTANCE**
- 7807.1 A Provider may terminate payment of a FRSP security deposit or rental subsidy, if a member of the household:
- (a) Possesses a weapon illegally on the premises of the property subsidized by the FRSP;
 - (b) Possesses or sells illegal drugs on the premises of the property subsidized by the FRSP;

- (c) Assaults or batters any person on the premises of the property subsidized by the FRSP;
- (d) Endangers the safety of oneself or the safety of others on the premises of the property subsidized by the FRSP;
- (e) Intentionally or maliciously vandalizes or destroys or steals the property of any person on the premises of the property subsidized by the FRSP;
- (f) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the household’s needs after being offered two (2) appropriate permanent or supportive housing opportunities in accordance with Section 22(a)(2)(F) of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.36(a)(2)(F)); or
- (g) Knowingly engages in repeated violations of the FRSP program rules.

7807.2 For purposes of § 7807.1(f), two (2) offers of appropriate permanent or supportive housing shall include being offered or having identified two (2) units that are available and meet the requirements of the FRSP, or any other supportive or permanent housing program for which the client has been determined eligible, including but not limited to the Local Rent Supplement Program, Housing Choice Voucher Program (HCVP), or public housing.

7807.3 In the case of terminations pursuant to § 7807.1(f) or (g), the Provider must have made reasonable efforts to help the client overcome obstacles to obtaining or maintaining permanent housing.

7807.4 The Provider shall give written and oral notice to a FRSP participating household of their termination from services pursuant to this section at least thirty (30) days before the effective date of the termination.

7807.5 If a recipient is terminated from FRSP services, the Provider shall give to the recipient, personally or through an authorized representative, a Notice of Termination, which shall include:

- (a) A clear statement of the effective date of the termination;
- (b) A clear and detailed statement of the factual basis for the termination, including the date or dates on which the basis or bases for the termination occurred;
- (c) A reference to the statute, regulation, or program rule(s) pursuant to which the termination is being implemented;

- (d) A clear and complete statement of the client's right to appeal the termination through a fair hearing and administrative review, including deadlines for instituting the appeal; and
- (e) A statement of the client's right to continuation of FRSP services pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination.

7807.6 Termination pursuant to this section refers to a termination of the Program security deposit, rental subsidy, or case management services only and does not provide FRSP with any authority to interfere with a client's tenancy rights under the lease agreement as governed by Title 14 of the District of Columbia Municipal Regulations.

7807.7 For purposes of this section, the requirement set forth in Section 22 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.36), which requires a Provider to first consider suspending the client in accordance with Section 21 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.35) or to have made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with Section 20 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.34), shall be interpreted to mean that the Provider shall have made a reasonable effort to provide the FRSP household with a transfer to another case manager, as a means of assisting the household to meet their budget plan and comply with the FRSP approved program rules, prior to taking steps to terminate FRSP assistance, if appropriate under the circumstances, and if there is reason to believe that the Provider could have foreseen that such a transfer could have been of assistance to the household in complying with the FRSP requirements.

7808 FAIR HEARING AND ADMINISTRATIVE REVIEW

7808.1 An applicant or participating FRSP household shall have ninety (90) calendar days following the receipt of a notice described in §§ 7803.8, 7803.9, 7803.10, 7803.11 or 7807.5 to request a fair hearing, in accordance with the hearing provisions of Section 26 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.41 (2012 Repl.)), for the action that is the subject of the notice.

7808.2 Upon receipt of a fair hearing request, the Department shall offer the appellant or his or her authorized representative an opportunity for an administrative review in accordance with Section 27 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.42 (2012 Repl.)), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal in time to resolve the housing emergency and prevent the eviction.

7808.3 In accordance with Section 9 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-754.11(18) (2012 Repl.)), any recipient who requests a fair hearing within fifteen (15) days of receipt of written notice of a termination pursuant to § 7807 shall have the right to continuation of FRSP services pending a final decision from the fair hearing proceedings.

7899 DEFINITIONS

7899.1 The terms and definitions in 29 DCMR § 2599 are incorporated by reference in this chapter.

7899.2 For the purposes of this chapter, the following additional terms shall have the meanings ascribed:

Authorized representative – an individual who is at least eighteen (18) years of age, who is acting responsibly on behalf of the applicant, and has sufficient knowledge of the applicant’s circumstances to provide or obtain necessary information about the applicant, or a person who has legal authorization to act on behalf of the applicant.

Housing stability – the ability to pay housing costs, including rent and utilities, necessary to retain housing without FRSP assistance.

Individual Responsibility Plan – the self-sufficiency plan that the FSRP participant has entered into with the shelter, housing, Temporary Assistance for Needy Families, or other service provider that sets out the steps and goals necessary for the participant to achieve greater housing and economic self-sufficiency.

Minor – a child, including those by adoption, eighteen (18) years of age or younger.

Provider – an organization that receives Family Re-Housing and Stabilization Program funds and is authorized to administer and deliver Family Re-Housing and Stabilization Program services.

Rapid Re-Housing – is a supportive housing program that provides a homeless individual or family with financial assistance as a bridge to permanent housing, by providing some or all of a security deposit, first month’s rent, short-term rental subsidy, and supportive services in order to help the recipient become self-sufficient

Rent Reasonableness Standard – Rent reasonableness, as defined by the United States Department of Housing and Urban Development to mean that the total rent charged for a unit must be reasonable in relation to the rents

being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.

Rental payment – a regular payment made by a tenant to an owner or landlord for the right to occupy or use property.

Security deposit – a sum of money paid in advance that is required by the owner or landlord for leasing property as security against the tenant’s failure to fulfill the lease or security to cover damage to the rental premises.

Vendor – a provider of a service or product, including but not limited to landlords.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-258
November 5, 2014

SUBJECT: Procedures for Appointments to the Interagency Council on Homelessness

ORIGINATING AGENCY: Executive Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01 (2012 Repl.)), which established the Interagency Council on Homelessness ("**ICH**"), it is hereby **ORDERED** that:

I. BACKGROUND

- A. As set forth in section 4(a) of the HSRA, the ICH was established for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services. Additionally, section 6(b) of the HSRA requires the ICH to enact bylaws to guide the operations of the ICH, and section 6(c) allows the ICH to establish committees to aid in fulfilling its requirements. The ICH has established such committees including an Executive Committee.

- B. In order for the Continuum of Care to comply with the requirements of the Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, as amended, approved May 20, 1999 (123 Stat. 1632; 12 U.S.C. § 5201 note), and the implementing regulations at 24 C.F.R. Part 578, stakeholders of the homeless services system are required to have a role in selecting the individuals that will represent their interests on community's Continuum of Care ("**CoC**") Board.

II. DUTIES OF THE ICH EXECUTIVE COMMITTEE

- A. The ICH Executive Committee will solicit nominations once per year from throughout the community and develop a slate of non-government candidates for appointment to the ICH, in accordance with the guidelines set forth under the HSRA at section 4(b)(4) through 4(b)(6) (D.C. Official Code § 4-752.01(b)(4)-(6)). All government seats will continue to be filled as directed by the HSRA.
- B. When developing the slate of candidates, the Executive Committee will give preference to those individuals that:
- (1) Help satisfy the CoC Board composition requirements at 24 C.F.R. § 578.5(a);
 - (2) Have been nominated repeatedly by a cross-section of community members;
 - (3) Bring valuable experience and expertise to the ICH; and
 - (4) Have proven their interest, commitment, and effectiveness in helping the ICH fulfill its purposes.
- C. The ICH Executive Committee will present the slate of candidates to the Mayor no later than the first Friday of April of each year.


III. The Mayor shall appoint members from the slate prepared by the Executive Committee, unless another similarly qualified person or persons is chosen by the Mayor. The Mayor, in accordance with section 4(c) of the HSRA (D.C. Official Code § 4-752.01(c)), will submit nominations to the Council for the District of Columbia for approval no later than April 15 of each year.

IV. All non-government members will serve a two-year term at the pleasure of the Mayor. No term limits shall apply to non-government members. When an ICH member's term has expired, he or she must be nominated and appointed through the process described in this Mayor's Order to serve subsequent terms.

V. EFFECTIVE DATE: This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014- 259
November 5, 2014


SUBJECT: Delegation of Authority – Chancellor of DCPS -- Under D.C. Act. 20-433, the Turkey Bowl Revenue Generation and Sponsorship Emergency Act of 2014

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 (4) and (6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(4) and (6) (2012 Repl.), and pursuant to section 2 of the Turkey Bowl Revenue Generation and Sponsorship Emergency Act of 2014, effective October 7, 2014 (D.C. Act. 20-433; 61 DCR 10713) ("**Act**"), it is hereby **ORDERED** that:

1. The Chancellor of the District of Columbia Public Schools is delegated the authority vested in the Mayor in section 2(a) of the Act, to contract for advertisements and sponsorships as provided in the Act.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


 VINCENT C. GRAY
 MAYOR

ATTEST: 
 SHARON D. ANDERSON
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-260
November 5, 2014

SUBJECT: Appointment -- Interim Real Property Tax Ombudsman


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and subtitle VII (K) of the Fiscal Year 2015 Budget Support Act of 2014 (Residential Real Property Equity and Transparency Revised Emergency Amendment Act of 2014), effective September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), and any substantially identical successor legislation, it is hereby **ORDERED** that:

1. **BEATRIZ "BB" OTERO** is appointed as Interim Real Property Tax Ombudsman of the Office of the Real Property Tax Ombudsman, and shall serve in that capacity at the pleasure of the Mayor.
2. The Real Property Tax Ombudsman may delegate his or her authority to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 SHARON D. ANDERSON
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-261
November 05, 2014

SUBJECT: Appointments – Mayor's Advisory Commission on Caribbean Community Affairs

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2012-127, dated August 15, 2012, it is hereby **ORDERED** that:


- 1. The following persons are appointed, as members of the Mayor's Advisory Commission on Caribbean Community Affairs, for a three year term to end August 15, 2017:

WILLAIR ST. VIL
MICHAEL N. YATES

- 2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-262
November 05, 2014

SUBJECT: Appointment -- Advisory Board on Veterans Affairs for the District of Columbia


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. **EDGAR A. SHEPPARD** is appointed as a member of the Advisory Board on Veterans Affairs for the District of Columbia, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-263
November 5, 2014

SUBJECT: Appointment – Interagency Council on Homelessness


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 4 of the Homeless Services Reform Act of 2005, effective October 22, 2005, D.C. Law 16-35, D.C. Official Code § 4-752.01 (2012 Repl. & 2014 Supp.), it is hereby **ORDERED** that:

1. **STERLING WASHINGTON** is appointed as a member of the Interagency Council on Homelessness, representing the Office of Gay, Lesbian, Bisexual, and Transgender Affairs (GLBT), and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-264
November 5, 2014

SUBJECT: Appointment – Health Information Exchange Policy Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2012-24, dated February 15, 2012, it is hereby **ORDERED** that:

1. **JUSTIN PALMER** is appointed, as the designee representative of the District of Columbia Hospital Association, to the Health Information Exchange Policy Board, replacing Machel Y. Schraeder, to complete an unexpired term to end June 25, 2015.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 SHARON D. ANDERSON
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-265
November 6, 2014

SUBJECT: Reappointment -- Board of Pharmacy


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 208 of the District of Columbia Health Occupations Revision Act of 1995, effective March 25, 1986, D.C. Law 6-99, D.C. Official § 3-1202.08 (2014 Supp.), it is hereby **ORDERED** that:

1. **ALAN FRIEDMAN**, who was nominated by the Mayor on June 16, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0871 on October 11, 2014, is reappointed as a licensed pharmacist member of the Board of Pharmacy, for a term to end March 12, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 SHARON D. ANDERSON
 INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-266
November 6, 2014

SUBJECT: Reappointments -- Board of Medicine

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.03 (2012 Repl.), it is hereby **ORDERED** that:

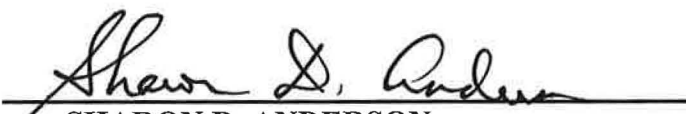
1. **DR. BRENDAN FURLONG**, who was nominated by the Mayor on June 30, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-940 on October 31, 2014, is reappointed as a licensed physician member of the Board of Medicine ("**Board**"), for a term to end August 4, 2017.
2. **DR. JANIS ORLOWSKI**, who was nominated by the Mayor on June 30, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-939 on October 31, 2014, is reappointed as a licensed physician member of the Board, for a term to end August 4, 2017.
3. **DR. ANDREA A. ANDERSON**, who was nominated by the Mayor on June 30, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-938 on October 31, 2014, is reappointed as a licensed physician member of the Board, for a term to end August 4, 2017.
4. **DR. ANITRA P. DENSON**, who was nominated by the Mayor on June 30, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-937 on October 31, 2014, is reappointed as a licensed physician member of the Board, for a term to end August 4, 2017.
5. **DR. LAWRENCE MANNING**, who was nominated by the Mayor on June 30, 2014 and whose nomination was deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-936 on October 31, 2014, is

reappointed as a licensed physician member of the Board, for a term to end August 4, 2017.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-267
November 6, 2014

SUBJECT: Reappointments and Appointments -- Washington Convention and Sports Authority Board of Directors

ORIGINATING AGENCY: Office of the Mayor

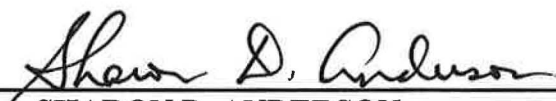
By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 205 of the Washington Convention and Sports Authority Act of 1994, effective September 28, 1984, D.C. Law 10-188, D.C. Official Code § 10-1202.05 (2014 Repl.), it is hereby **ORDERED** that:

1. **JULIO "JAY" HADDOCK ORTIZ**, who was nominated by the Mayor on June 4, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0663 on October 28, 2014, is reappointed as a public member of the Washington Convention and Sports Authority Board of Directors ("**Board**") for a term to expire on May 16, 2018.
2. **LINDA GREENAN**, who was nominated by the Mayor on October 3, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0665 on October 28, 2014, is reappointed as a public member of the Board for a term to expire on May 16, 2018.
3. **CHERYLE DOGGETT**, who was nominated by the Mayor on October 3, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0664 on October 28, 2014, is appointed as a public member of the Board for the remainder of a term to end on May 16, 2017.
4. **WILLIAM HALL**, who was nominated by the Mayor on October 3, 2014 and approved by the Council of the District of Columbia pursuant to Resolution 20-0666 on October 28, 2014, is appointed as a public member of the Washington Convention and Sports Authority Board of Directors for the remainder of a term to expire on October 1, 2017.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ACHIEVEMENT PREP

REQUESTS FOR PROPOSAL – MULTIPLE SERVICES

Public Charter School Facility Renovation and Expansion

RFP for Development and Project Management Services. Achievement Prep is soliciting proposals for development and project management services for the *renovation and expansion of a public charter school facility* (“Project”). The Development and Project Managers will serve as Achievement Prep’s agents through the Project. Expected development and project management services to be provided include but are not limited to consulting on overall Project definition, space needs, and options, creating and managing Master Project Schedule for completion of all tasks, developing and tracking full Project budget, commitments, and expenditures, conducting and coordinating all due diligence Project activities for the site/facility, negotiating favorable lease terms for a Master Lease structure, managing financing strategy and selection of lenders, grantors, and other financing options, managing the RFP process for A/E and negotiating contracts for favorable terms, managing the RFP process for construction services and negotiating contracts for favorable terms, providing professional legal services associated with development and project management services, providing construction management services from design through post-construction, and coordinating Achievement Prep’s relationships with its community, neighborhood entities, District agencies, and other stakeholders for Project matters. All bidders must have prior experience overseeing renovation, expansion, and construction projects of schools in accordance with applicable codes, standards, rules, and regulations in the District of Columbia. Proposals must be submitted no later than **12:00pm EST on Thursday, November 20, 2014** by email to bids@achievementprep.org with “RFP Development and Project Management Services” in the subject line.

RFP for Legal Services. Achievement Prep is soliciting proposals for legal services for the renovation and *expansion of a public charter school facility* (“Project”). Professional legal services include but are not limited to negotiating favorable lease terms for a Master Lease structure, consulting on financing strategy and selection of lenders, grantors, and other financing options, including new market tax credits, tax-exempt bonds financing, and conventional debt, coordinating, advising, or performing due diligence activities associated with the Project, coordinating and/or advising on Achievement Prep’s relationships with its community, neighborhood entities, District agencies, and other stakeholders for Project matters. Proposals must be submitted no later than **12:00pm EST on Thursday, November 20, 2014** by email to bids@achievementprep.org with “RFP Legal Services” in the subject line.

Please find RFP specifications at www.achievementprep.org under News. Achievement Prep reserves the right to reject any proposals at any point during the selection process.

Please address questions concerning this RFP to:

Katie Cheng
Director of Growth and Strategy
Achievement Prep
Network Office
kcheng@achievementprep.org

**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

PUBLIC NOTICE OF MEETING

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet in order to consider the reappointment of five Administrative Law Judges. The members will vote to close a portion of the meeting pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to “discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.”

The meeting will be held on Monday, November 10, 2014 at 1:30pm at the following location:

Office of Administrative Hearings
The Potomac Room
441 Fourth Street, N.W., Suite 450 North
Washington, DC 20001

For further information, please contact Shauntinique Steele at nikki.steele@dc.gov or 202-741-5303.

AGENDA

- I. Call to Order (Board Chair)**
- II. Roll Call**
- III. Consideration of whether the Commission is subject to the D.C. Open Meetings Act, D.C. Code § 2-571, et seq.**
- IV. New Business**
- V. Vote to Close Remainder of Meeting Pursuant D.C. Code § 2-575(c)(1).**
- VI. Consideration of the Reappointment of Administrative Law Judges**
 - a. Elizabeth D. Figueroa**
 - b. Margaret A. Mangan**
 - c. Samuel McClendon**
 - d. Erika L. Pierson**
 - e. John T. Rooney**
- VII. Adjournment (Board Chair)**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, NOVEMBER 19, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status) 9:30 AM
Case # 14-PRO-00070; PGS, LLC, t/a Sauf Haus, 1216 18th Street NW,
License #86803, Retailer CT, ANC 2B
Application to Renew the License

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, ANC 5E
**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-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 (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
November 19, 2014

- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00197; Gabriel, Inc., t/a Potomac Wines and Spirits, 3100 M Street NW, License #1926, Retailer A, ANC 2E
A Sealed Bottle of Alcohol Was Opened and Consumed at the Establishment, Operating After Hours, Interfered with an Investigation
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CC-00090; 7th & L Street Market, Inc., t/a 7th & L Street Market 700 L Street SE, License #88611, Retailer B, ANC 6B
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-251-00195; AG Corporation, t/a Fairmont Liquor and Grocery 2633 Sherman Ave NW, License #80900, Retailer A, ANC 1B
Sale to Minor Violation
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-CMP-00102; 6220 Georgia, LLC, t/a Victor Liquors, 6220 Georgia Ave NW, License #88173, Retailer A, ANC 4A
Sold Go-Cups
- Show Cause Hearing*** **10:00 AM**
Case # 14-CMP-00070; Dahlak Restaurant, Inc., t/a Dahlak Restaurant, 1771 U Street NW, License #74433, Retailer CR, ANC 1C
Substantial Change in Operation Without Board Approval
- Show Cause Hearing*** **11:00 AM**
Case # 14-CMP-00157; P Street Gourmet Empanadas, LLC, t/a Panas Gourmet Empanadas, 2029 P Street NW, License #88954, Retailer DR, ANC 2B
No Manager on Duty, Failed to File Quarterly Statements (4th Quarter 2013)

Board's Calendar
November 19, 2014

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

Protest Hearing* **1:30 PM**
Case # 13-PRO-00173 and # 14-PRO-00057; Caribbean Vibes, Inc., t/a Club
Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C
Application to Renew the License, Termination of Settlement Agreement

Protest Hearing* **4:30 PM**
Case # 14-PRO-00033; Acott Ventures, t/a Shadow Room, 2131 K Street NW
License #75871, Retailer CN, ANC 2A
Termination of Settlement Agreement

Protest Hearing* **4:30 PM**
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

***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
CANCELLATION AGENDA
WEDNESDAY, NOVEMBER 19, 2014 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below.

ABRA-090210 – **Secrets Lounge and Restaurant** - Retail - CT – 1414 9th STREET, NW
[Licensee failed to renew license and no payments have been received since 2012.]

ABRA-086787 – **Meze** – Caterer's - C – 2437 18th STREET, NW
[Licensee has requested cancellation of license.]

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, NOVEMBER 19, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On November 19, 2014 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-CC-00186 Josephine, 1010 Vermont AVE NW Retailer C Tavern, License#: ABRA-076906

2. Case#14-CC-00189 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

3. Case#14-CMP-00601 H Street Main Street, Temporary, License#: ABRA-096479

4. Case#14-CMP-00600 Good Stuff Eatery, 303 PENNSYLVANIA AVE SE Retailer D Restaurant, License#:ABRA-078027

5. Case#14-CC-00182 Mc Faddens, 2401 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-060591

6. Case#14-CC-00187 Yosaku Restaurant, 4712 WISCONSIN AVE NW Retailer C Restaurant, License#:ABRA-001448

7. Case#14-CMP-00583 Shophouse Southeast Asian Kitchen, 1516 Connecticut AVE NW Retailer D Restaurant, License#: ABRA-086806

8. Case#14-251-00260 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

9. Case#14-251-00261 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

10. Case#14-CMP-00590 Rebellion, 1836 18TH ST NW Retailer C Restaurant, License#: ABRA-094825

11. Case#14-PRO-00066 MYIA, LLC/ TBD, 1419 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-096102

12. Case#14-PRO-00033 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, NOVEMBER 19, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Amendment to Settlement Agreement between ANC 6A and Rock N Roll Hotel, dated November 3, 2014. *Rock N Roll Hotel*, 1353 H Street, NE, Retailer C, License No.: 072777.

2. Review of Motion of Reconsideration, dated November 4, 2014, submitted by Corina Garay of Garay Corporation. *Corinas Restaurant*, 831 Kennedy Street, NW, Retailer CR, License No.: 079873.

*** 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, NOVEMBER 19, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License - Original Request. ANC 2E. SMD 2E05. Pending Enforcement Matter: Case #14-CC-00026, Sale to Minor. Show Cause Hearing scheduled for 12/3/2014. Outstanding Citation: Case #11-CMP-00085, Quarterly Statement for 2/1/11, Citation #1805, \$500 fine (Secondary). No conflict with Settlement Agreement. **Mr. Smith's of Georgetown**, 3104 M Street NW, Retailer CR, License No. 000864.

2. Review Application for Safekeeping of License - Original Request. ANC 2E. SMD 2E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Neyla**, 3206 N Street NW, Retailer CR, License No. 021020.

3. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Saturday 11:30am to 5am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 11:30am to 1:30am, Friday-Saturday 11:30 am to 2:30am. **Approved Hours of Live Entertainment:** Tuesday-Thursday 8pm to 1:30am, Friday-Saturday 8pm to 2:30am. **Proposed Hours of Operation:** Saturday-Sunday 10am to 5am, Monday-Friday 11am to 5am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday 10am to 1:30am, Monday-Thursday 11am to 1:30am, Friday 11am to 2:30am, Saturday 10am to 2:30am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Second State**, 1831 M Street NW, Retailer CT, License No. 084184.

4. Review Request for Change of Hours for Two-Level Summer Garden. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Bar Deck and Front Deck of Summer Garden:** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 12am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Bar Deck of Summer Garden:** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 1am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Front Deck of Summer Garden:** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 2am. **Proposed Hours of Live Entertainment for Bar Deck and Front Deck of Summer Garden:** Sunday-Saturday 11am to 8pm. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No

pending enforcement matters. No conflict with Settlement Agreement. *H Street Country Club*, 1335 H Street NE, Retailer CT, License No. 076649.

5. Review Application for Tasting Permit. ANC 6A. SMD 6A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Me & My Supermarket*, 1111 H Street NE, Retailer B Grocery, License No. 095280.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

CESAR CHAVEZ PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS**

The Cesar Chavez Public Charter Schools for Public Policy invites interested and qualified vendors to submit proposals to provide services for the 2014-2015 School Year.

Student Transportation Bus Service: The general transportation needs are as follows. - Charter Bus for College Trips (usually up to one week) - School Buses for Field Trips (under 2 hours travel distance) - Charter Buses for Field Trips over 2 hours and overnight if applicable. - School Bus for Sports Transportation to and from away games (once a week).

Catering & Food Service: The service shall provide Catering & Food Services for faculty & staff events throughout various times of the academic school year at three campus locations. The service will include food, beverages, setup, delivery, and cleanup after every event or meeting.

Proposals are due no later than November 24, 2014, 3:00 PM (Eastern)

The full text of the proposal is available upon request by sending an email to:
RFP@chavezschools.org

**DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR THE
Low Income Energy Efficiency and Conservation Programs - Second Request**

The District Department of the Environment (“DDOE”) is seeking eligible entities, as defined below, to install energy efficiency measures in more than 300 units per year, depending on funding availability. A successful applicant will assist DDOE in achieving this objective by installing approved energy efficiency measures in low income households and providing energy savings information to occupants. Energy efficiency improvements include energy-audit recommended measures, HVAC repair or replacement, and directly related measures.

Beginning 11/14/2014, the full text of the Request for Applications (“RFA”) will be available online at DDOE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

Download from DDOE’s website, www.ddoe.dc.gov. Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download the related information from the “attachments” section.

Email a request to 2015EECPRFA.grants@dc.gov with “Request copy of RFA 2014-1415-EECP” in the subject line;

Pick up a copy in person from the DDOE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call LaWanda Jones at (202) 671-1757 to make an appointment and mention this RFA by name); or

Write DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: LaWanda Jones RE:2014-1415-EECP” on the outside of the letter.

The deadline for application submissions is 12/1/2014 at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2015EECPRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies; and
- Universities/educational institutions.

In the event, requirements are not met by the eligibility groups listed above, DDOE will consider for-profit entities.

Period of Awards: The Award is for a fixed term of three consecutive Fiscal Years, commencing on December 8, 2015 (the “Start Date”) and ending automatically on September 30, 2017 (the “End Date”), unless terminated earlier based on performance or Director’s discretion.

Available Funding: The total amount available for this RFA is estimated to be approximately \$1,200,000.00 for each Fiscal Year. The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at 2015EECPRFA.grants@dc.gov.

EXECUTIVE OFFICE OF THE MAYOR**OPEN GOVERNMENT ADVISORY GROUP****NOTICE OF PUBLIC MEETING AND REQUEST FOR COMMENTS**

The Open Government Advisory Group hereby gives notice that it will meet on Wednesday, November 19, 2014 from noon until 3PM. The meeting is open to the public and will be held at the location below:

John A. Wilson Building
1350 Pennsylvania Ave., N.W., Room G-9

The Advisory Group is charged with evaluating the District's progress towards meeting the requirements of Mayor's Order 2014-170, the Transparency, Open Government and Open Data Directive, the agency Open Government Reports, and for improving the openness and transparency of the District government. The Advisory Group is also charged with making recommendations to the Mayor to further lessen restrictions on the Terms and Conditions applicable to the District's Open Data sites (www.data.dc.gov). Agency Open Government Reports are available on the Office of Open Government's website at <http://www.bega-dc.gov/documents/agency-open-gov-reports> or Github at <http://opengovadvisorygroupdc.github.io>.

The Advisory Group also seeks input from stakeholders and the public on these issues. A portion of the meeting will be set aside for public comments. Written comments are also encouraged and may be emailed to open@dc.gov or submitted at www.open.dc.gov for the record and distribution to members of the Advisory Group. All comments will be made publicly available. For additional information, please contact Brian K. Flowers at brian.flowers@dc.gov

AGENDA

Wednesday, November 19, 2014
12:00 PM- 3:00 PM

1. Call to Order.
2. Welcome and Introduction of Members.
3. Ascertainment of Quorum and adoption of Bylaws
4. Role of Committee, Work Plan, Schedule and Next Steps.
5. Overview of Open Government Directive.
6. Review of Open Government Reports.
7. Discussion
8. Request for Public Comments
9. Adjournment

Next Meeting December 3, 2014

PERRY STREET PREPARATORY SCHOOL**REQUEST FOR PROPOSAL****Food Service Management Services**

Perry Street Prep is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on Friday, November 14, 2014 from www.pspdc.org/bids

Proposals will be accepted at 1800 Perry Street, NE, Washington, DC 20018 on Monday, December 8, 2014 no later than 3 p.m.

Contact (questions):

Email: psp_bids@pspdc.org

Subject: Attention - Food Supplies Bid

Bids not addressing all areas as outlined in the RFP will not be considered.



[BA11/07/14](#)

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

The District will conduct a public meeting to receive public comments on the proposed surplus of District property. **Please note that written comments will be accepted until Friday, December 12th, 2014.** The date, time and location shall be as follows:

- Property:** “965 Florida Ave”
965 Florida Ave, NW.
Lot 1102 and Square 2873
- Date:** Monday, December 1, 2014
- Time:** 6:30-8:30 p.m.
- Location:** DCHFA Auditorium,
815 Florida Avenue, NW
Washington, D.C. 20001
- Contact:** Marc Bleyer, Marc.Bleyer@dc.gov
(202) 724-9006

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Thursday, November 6, 2014, of Dorothy I. Height Community Academy Public Charter School’s (“CAPCS”) intent to rename its Butler Global campus as the Amos 5 campus, effective immediately. The CAPCS Board of Trustees approved the name change at its September 2014 board meeting, based on the rationale that all CAPCS campuses will carry the name Amos and a numerical designator. A vote on the matter will occur during PCSB’s regularly scheduled board meeting on Monday, November 17, 2014 at 6:30pm For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN 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,¹ of its final tariff action to approve the Potomac Electric Power Company’s (“Pepco” or “Company”) tariff amendment that updates the retail transmission rates included in the Rider Standard Offer Service.² The Commission issued a Notice of Proposed Tariff (“NOPT”), which was published in the *D.C. Register* on September 5, 2014, giving notice of the Commission’s intent to act on Pepco’s proposed tariff amendments.³ No comments were filed in response to the NOPT.

2. Pepco’s proposed tariff amendment updates the retail transmission rates included in the Rider Standard Offer Service “to reflect the current Federal Energy Regulatory Commission (‘FERC’) approved wholesale transmission rates, which went into effect [on] June 1, 2014.”⁴ Pepco states that the “updated Network Integrated Transmission Service rate is based on the data in the 2013 FERC Form 1 for Pepco, which was filed with the FERC on April 17, 2014.”⁵ According to Pepco, the filed wholesale transmission rate for the Pepco Zone effective June 1, 2014 is \$24,949 per megawatt-year for Network Integrated Transmission Service, which is currently reflected in Attachment H-9 of the PJM Open Access Transmission Tariff. The Network Integrated Transmission Service rate reflects a rate of \$20,835 per megawatt-year, which is net of the Schedule 12 Transmission Enhancement Charges due to projects within the Pepco Zone.⁶ In addition, the load in the Pepco Zone is responsible for Schedule 12 Transmission Enhancement charges due to transmission projects outside of the Pepco Zone and the rate for these projects is \$4,473 per megawatt-year.⁷ Combining these two rates results in an overall wholesale transmission rate for load in the Pepco Zone of \$25,308 per megawatt-year.

¹ D.C. Code § 34-802 (2001); D.C. Code § 2-505 (2001).

² *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia* (“*Formal Case No. 1017*”), Letter from Dennis P. Jamouneau, Assistant General Counsel, Legal Services, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed July 25, 2014 (“Pepco Letter”).

³ 61 DCR 9228-9229 (September 5, 2014).

⁴ *Formal Case No. 1017*, Pepco Letter.

⁵ *Formal Case No. 1017*, Pepco Letter.

⁶ *Formal Case No. 1017*, Pepco Letter. *See* Attachment E.

⁷ *Formal Case No. 1017*, Pepco Letter. *See* Attachment D.

After calculating the retail transmission revenue requirement, Pepco has reflected the revised retail rates for the Transmission Service Charge for each rate class on its revised tariff pages.⁸

3. Pepco proposes to amend the following thirteen (13) tariff pages:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Seventy-Third Revised Page No. R-1
Seventy-Third Revised Page No. R-2
Sixty-Sixth Revised Page No. R-2.1
Forty-Second Revised Page No. R-2.2
Nineteenth Revised Page No. R-41
Nineteenth Revised Page No. R-41.1
Nineteenth Revised Page No. R-41.2
Nineteenth Revised Page No. R-41.3
Nineteenth Revised Page No. R-41.4
Nineteenth Revised Page No. R-41.5
Nineteenth Revised Page No. R-41.6
Nineteenth Revised Page No. R-41.7
Nineteenth Revised Page No. R-41.8

4. The Commission, at its regularly scheduled open meeting held on November 6, 2014, took final action approving Pepco's proposed tariff amendment that updates the retail transmission rates included in the Rider Standard Offer Service. This amendment will become effective upon publication of this Notice of Final Rulemaking in the D.C. Register and shall be reflected in the billing cycle beginning December 1, 2014.

⁸ *Formal Case No. 1017*, Pepco Letter. See Attachment A. Pepco indicates that Attachment A also shows the “corresponding retail transmission revenue requirements.” Pepco indicates that Attachment B provides “[t]he Proposed Rider Standard Offer Service (‘SOS’) containing the revised retail rates for Transmission Service’ as well as “the updated Rider ‘SOS’ showing additions and deletions from the current Rider ‘SOS.’” Finally, Pepco indicates that Attachment C provides “[w]orkpapers showing the details of the rate design calculations.”

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

November 20, 2014
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, November 20, 2014, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|-----------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Executive Director's Report | Mr. Stanchfield |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Ross |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chairman Bress |
| XI. | Adjournment | |

**SERVE DC
THE MAYOR'S OFFICE ON VOLUNTEERISM**

DC COMMISSION FOR NATIONAL & COMMUNITY SERVICE

NOTICE OF PUBLIC MEETING

The commission for National & Community Service will be holding a meeting on Monday, November 17th, 2014 from 6:30pm to 8:00pm. The meeting will be held at the Reeves Center located at 2000 14th Street NW, Suite 101, Washington DC 20009. Below is the draft agenda for this meeting.

For additional information, please contact Sheena Washington, Executive Assistant at (202) 727-9857 or sheena.washington@dc.gov.

DRAFT AGENDA

- | | |
|--|--------------------|
| 1. Call to Order | Board Chairman |
| 2. Discussion of Mayor's Community Service Awards | Executive Director |
| 3. Program Site Visits | Executive Director |
| 4. Serve DC Staff Updates | Executive Director |
| 5. Announcements | Board Chairman |
| 6. Adjourn | Board Chairman |

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE

REQUESTS FOR WAIVER OF SUBCONTRACTING REQUIREMENT

In accordance with *The Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, L20-0108, D.C. Code 2-218.01 et. Seq* (“the Act”), Notice is hereby given that the following agencies have requested waivers from the 35% subcontracting requirement of the Act for the below identified solicitations/contracts with values estimated over \$250,000:

Agency Acronym	Solicitation/ Contract	Description	Contracting Officer/Spec	DSLBD Contact
DCHBX	DCHBX-2014-S-0009	IT Software	annie.white2@dc.gov	audrey.buchanan2@dc.gov
DPW	Doc181519	Refuse Trucks	gena.johnson@dc.gov	yonetta.martin@dc.gov

As outlined in D.C. Code §2-218.51, as amended, draft approvals are to be posted for public comment on DSLBD’s website: www.dslbd.dc.gov for five (5) days in order to facilitate feedback and input from the business community. The five day period begins the day after DSLBD posts its draft letter to its website. The five days includes week day and the weekend. Following the five (5) day posting period, DSLBD will consider any feedback received prior to issuing a final determination on whether to grant the waiver request.

Pursuant to D.C. Code 2-218.51, the subcontracting requirements of D.C. Code 2-218.46, may only be waived if there is insufficient market capacity for the goods or services that comprise the project and such lack of capacity leaves the contractor commercially incapable of achieving the subcontracting requirements at a project level.

More information and links to the above waiver requests can be found on DSLBDs website: www.dslbd.dc.gov

**DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICER**

**NOTICE OF INTENT TO NOMINATE HISTORIC DISTRICTS
TO THE NATIONAL REGISTER OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of his intent to nominate the following historic district to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as a historic district after duly noticed public hearings. The Board designated the George Washington University/Old West End Historic District on October 2, 2014.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this district become effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

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

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

also presently known by the following addresses: 514 19th Street NW; 532, 600, 700, 716, 720, 812, 814 and 820 20th Street NW; 600, 601, 602, 603, 604, 605, 606, 607, 609, 610, 619, 620, 701, 710, 714, 725, 730, 800, 805 and 825 21st Street NW; 515, 518, 520, 522, 524, 526, 603, 605, 607, 609, 611, 613, 615, 617, 619 and 621 22nd Street NW; 1900, 1916, 1918, 1922, 1925, 2000, 2021, 2025, 2031, 2033, 2035, 2037, 2101, 2109, 2111, 2113, 2115, 2121, 2123, 2135, 2140, 2142, 2144, 2145, 2146, 2147, 2148, 2150, 2152, 2154, 2156, 2200, 2206, 2208, 2210, 2212 and 2224 F Street NW; 1914, 1920, 2000, 2002, 2003, 2004, 2008, 2013, 2020, 2023, 2024, 2028, 2029, 2030, 2033, 2034, 2036, 2106, 2108, 2110, 2112, 2114, 2115, 2119, 2125, 2127, 2129, 2130, 2131, 2134, 2136, 2138, 2140 and 2142 G Street NW; 2000, 2003, 2013, 2021, 2029, 2033, 2036, 2100, 2119, 2121 and 2122 H Street NW; 2000 (2000-2042, even numbers; see also Pennsylvania Avenue), 2015, 2017, 2019, 2040, 2100 and 2124 I Street NW; and 2000 (see also I Street), 2019 and 2020 Pennsylvania Avenue NW (consult the historic district application boundary map for the official extent of the district).

Listing in the D.C. Inventory of Historic Sites and the National Register of Historic Places provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES**

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, November 18, 2014 at 5:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes
- III.** Action Items
- IV.** Report of Chairperson
- V.** Report of the President
- VI.** Committee Reports
 - a. Executive – Dr. Crider
 - b. Committee of the Whole – Dr. Crider
 - c. Academic and Student Affairs – General Schwartz
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Ms. Bennett
 - d. Audit, Budget and Finance – Mr. Felton
 - e. Community College – Mr. Dyke
 - f. Operations – Mr. Askew
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Echo Hill Outdoor School**

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, Washington Latin PCS hereby submits this Notice of Intent to award the following Sole Source Contract:

Vendor: Echo Hill Outdoor School.

Description of Service Procured: Echo Hill Outdoor School hosts an academic learning environment on the Chesapeake Bay estuary with immediate access to farmland, wetlands, marshlands and a mile of coast line on the Chesapeake Bay. The staff provides academic, hands on classes in ecology and history and human interactions with the environment through the lens of the Chesapeake Bay. EHOS also conducts team/community building exercises as a part of their program. They also provide constant care and supervision for visitors/students on a residential campus capable of accommodating and feeding a large number of students/guests, well over 100.

Amount of Contract: \$27,000

Selection Justification: The Echo Hill Outdoor School is the only operation that offers academic level classes on a campus with immediate access to working farmland, swamplands, marshlands, and a significant stretch of shoreline on the Chesapeake Bay, who also has facilities to comfortably accommodate and feed the number of students/teachers (nearly 100) attending, while also providing 24 hour supervision and care for visitors.

For further information regarding this notice contact Bear Paul at bpaul@latinpcs.org no later than 12:00 PM November 21, 2014.

Washington Latin Public Charter School
5200 2nd Street NW
Washington, DC 20011
(202) 223-1111 (p)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18835 of Timothy and Erin Barley, pursuant to 11 DCMR § 3104.1, for a special exception to allow a two-story rear garage addition to a flat (two-family dwelling) under § 223, not meeting the rear yard (§ 404) requirements in the R-4 District at premises 1229 F Street, N.E. (Square 1007, Lot 805).

HEARING DATE: October 21, 2014

DECISION DATE: October 21, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the “ Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 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. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on September 11, 2014, at which a quorum was in attendance, ANC 6A voted 7-0-0 to support the application. (Exhibit 25.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 28.) The District Department of Transportation (“DDOT”) filed a report expressing no objection to the application. (Exhibit 27.) A letter in support of the application was submitted by Vanessa L. Manchester Jordan, an adjacent neighbor at 1231 F Street, N.E.

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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, and 404, 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

BZA APPLICATION NO. 18835
PAGE NO. 2

adversely the use of neighboring property in the 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 7.**

VOTE: 5-0-0 (Lloyd J. Jordan, Marcie I. Cohen, Jeffrey L. Hinkle, S. Kathryn Allen and Marnique Y. Heath 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 27, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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

BZA APPLICATION NO. 18835**PAGE NO. 3**

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. 18845 of Latham Owner SPE LLC (“Applicant”) pursuant to 11 DCMR §§ 3103.2 and 3104.1 for variance relief from the rear yard (§ 933), parking (§ 2101.1), and loading (§ 2201.1) requirements and special exception approval to locate 42 parking spaces¹ in an off-site parking facility (§ 2116.5) to permit the conversion of an existing hotel with accessory retail into a mixed-use residential and retail building in the C-2-A and W-1 Zone Districts at premises 3000 M Street, N.W. (Square 1197, Lot 70) (“Property”).

HEARING DATE: October 28, 2014

DECISION DATE: October 28, 2014

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.
(Exhibit 9.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. ANC 2E filed a letter report that indicated that at a regularly scheduled public meeting on September 29, 2014, with a quorum of Commissioners present, the ANC voted to support the application. (Exhibit 25.)

The Office of Planning (“OP”) submitted a timely report, dated October 21, 2014, recommending approval of the application. (Exhibit 29.) The District Department of Transportation (“DDOT”) submitted a report, dated October 21, 2014, stating that it had no objections to the requested relief. (Exhibit 30.) A representative of the Citizens Association of Georgetown (“CAG”) testified in support of the project. No testimony or evidence was presented in opposition to the project. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for variances from the rear yard requirement of § 933, the parking requirement of

¹ Prior to the hearing, the Applicant increased the number of off-street parking spaces to 42 spaces from 20 spaces. The caption reflects this change.

BZA APPLICATION NO. 18845**PAGE NO. 2**

§ 2101.1, and the loading requirement of § 2201.1. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR § 3103.2 that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with Zoning Regulations, and that the requested relief can be created without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 and 2116.5 for special exception approval to locate parking spaces off-site. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1 and 2116.5, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The 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 5-6, AS REVISED AT EXHIBIT 28B, WITH THE FOLLOWING CONDITIONS:**

1. Off-Site Parking. The Applicant will secure 42 parking spaces in nearby parking facilities for exclusive use by the Project's tenants, guests, and customers as set forth below:
 - a. The Applicant will negotiate a lease or other contractual arrangement ("Lease") from an operator ("Lessor") of nearby parking garages that provides the Applicant with 42 Monthly Parking Passes ("Passes"):
 - i. The Passes shall be dedicated for the exclusive use of persons affiliated or associated with the Project, to provide access at any time to parking spaces in said garage(s) 24 hours a day, seven days a week, 52 weeks a year.
 - ii. The Passes shall require the garage operator to grant persons holding such Passes immediate and continuous access to, and use of, a parking space in the garage.

BZA APPLICATION NO. 18845**PAGE NO. 3**

- iii. Parking spaces for which the Passes provide access will be located within ¼ mile of the Project.
- b. The Applicant will make the Passes available on a first priority basis as follows:
 1. First, to residential tenants of the Project;
 2. Second, to carshare arrangements (to this end, the Applicant will use reasonable efforts to generate carshare companies' use of up to three off-site parking spaces);
 3. Third, to employees of the retail portions of the Project; and
 4. Fourth, if available, to other persons or parties affiliated with the Project, including the Applicant's employees.
 - c. The Applicant, as employer, will make reasonable and ongoing efforts to facilitate and induce its employees to not park on the streets by:
 1. Specifically prohibiting employees from parking cars on the street, whether in metered spaces or otherwise;
 2. Providing employees with a transportation demand management package that includes free Metro passes as an inducement to use transit; and
 3. Offering parking Passes to the senior-most members of Applicant's staff with duties at the Project, only if such Passes are available.
 - d. The Applicant will charge market-rate prices for the use of the parking Passes.
 - e. In order to facilitate off-site parking by persons affiliated with the Project but not requiring monthly parking (e.g. short-term parking by the customers of the Applicant's retail tenants and the guests of the Applicant's residential tenants), Applicant will secure as part of the Lease the right to parking validation.
 - i. For customers of retail tenants, such parking validation shall be offered to retail tenants at reduced hourly rates, to the extent that such is market for similar leases.
 - ii. For guests of residential tenants, the Applicant shall provide each residential tenant with five daily or overnight validations per

BZA APPLICATION NO. 18845**PAGE NO. 4**

month at a reduced rate of 50% of market rate for such daily or overnight parking.

- f. The Applicant will have the right to modify the locations of such monthly parking Passes and short-term parking, so long as the Applicant otherwise remains in compliance with these conditions. In the event that a Lessor terminates a Lease or otherwise can no longer provide such Passes, the Applicant shall not be relieved of its obligations hereunder and shall promptly enter into another Lease in accordance with the above conditions.
2. Residential Parking Permits. The property is located in a commercial zone and along a block that is not listed as eligible for Residential Parking Permits (“RPP”).
 - a. The Applicant shall not seek or support any change to designate the property as eligible for RPP.
 - b. The Applicant shall notify all residential tenants of the fact that RPP is not available to them. Furthermore, the Applicant shall cause all residential tenants to agree not to apply for or obtain a residential parking permit. The Applicant shall require that each residential tenant agree to either (a) not maintain an owned or leased automobile within the District of Columbia for the term of the lease; or (b) maintain a monthly parking pass for and park any owned or leased automobile on an off-street parking space.
 - i. All residential tenants who own or lease an automobile in the District shall be required to notify the landlord of such fact and provide evidence of such monthly parking pass.
 - ii. If, for any reason, the tenant does not obtain or maintain such monthly parking pass, the landlord shall furnish to the tenant, at tenant’s expense, a monthly parking permit in a nearby garage (which may be one of the monthly parking Passes defined above) and shall require the tenant to park in the garage.
 - c. Each tenant shall be prohibited from parking overnight on any of the streets within Georgetown, whether or not street parking is otherwise permitted.
 - d. Each of the above parking restrictions shall be prominently featured in each residential lease as a rider that is separately initialed by each residential tenant. Any violations of the above parking restrictions shall

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be treated as an automatic default under the lease and provide grounds for termination of such lease. Landlord shall use prompt and reasonable efforts to terminate such lease and remove the tenant from the premises.

3. Covenant. Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall record a covenant in the District of Columbia land records that memorializes the above Off-Site Parking and Residential Permit Parking restrictions as a covenant running with the land. The purpose of the covenant shall be to put future owners on notice of the above parking restrictions.
4. Transportation Demand Management. The Applicant shall implement the following Transportation Demand Management measures:
 - a. Designate a member of the property management team as a Transportation Management Coordinator (TMC). The TMC shall provide information to residents and retail tenants identifying the available alternative modes of transportation and other supportive programs as well as parking restrictions and parking resources.
 - b. Direct new residents to the property's website, which will include information on transportation options.
 - c. Provide a transportation information screen in a common, shared space in the building that will show real-time availability information for nearby trains, buses, and other transportation alternatives.
 - d. Provide at least 66 secured, covered bicycle parking spaces within the building and at least 10 bicycle parking racks in public space near the building's entrance, the latter subject to approval by public space officials. The Applicant shall work with public space officials to ensure that the placement of the bicycle racks does not cause pedestrian conflicts.
 - e. Provide a bicycle repair facility within the building.
 - f. Offer an annual Capital Bikeshare membership to all new residential tenants for the initial term of each lease in perpetuity.
 - g. Offer an annual membership in either a traditional or a point-to-point carshare program to all new residential tenants for the initial term of each lease in perpetuity.

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- h. Offer a WMATA SmarTrip card preloaded with \$20 to all new residents not already possessing a SmarTrip card, in perpetuity.
- i. Provide all residents with a free download of a multimodal trip planning mobile app (e.g. Ridescout).

5. Loading Management Plan.

- a. The Applicant shall designate a loading management coordinator to coordinate all loading activities of the building.
- b. The Applicant shall require all residential tenants to notify the loading management coordinator before moving in or out. Tenants requiring a moving truck shall provide the loading management coordinator with the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of moving service, if applicable.
- c. The Applicant shall require all retail tenants to schedule deliveries that utilize the loading dock with the loading management coordinator. If the retail tenant is a restaurant or food store, the Applicant shall require that the tenant designate its own loading manager to coordinate with the loading management coordinator.
- d. The loading management coordinator shall schedule deliveries so that deliveries do not exceed the dock's capacity. In the event that an unscheduled delivery vehicle arrives when the dock is full, the driver shall be directed to return at a later time when a delivery space is available.
- e. The loading management coordinator shall monitor inbound and outbound truck maneuvers and shall ensure that trucks accessing the loading dock do not block vehicular traffic from accessing 30th Street or adjacent driveways except during those times when a truck is actively entering or exiting a loading berth.
- f. The loading dock shall be open seven days a week. The potential overlap of service vehicle traffic with 30th Street traffic shall be monitored at all times, and management measures shall be taken if necessary to reduce conflicts between truck, vehicular, and pedestrian movements.
- g. Trucks using the loading dock shall not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited

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to 20 DCMR Chapter 9, Section 900 (engine idling), regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System. The loading management coordinator shall also be responsible for disseminating information regarding the above regulations to retail tenants and to drivers from delivery services that frequently use the loading dock. The loading management coordinator shall also post these documents in a prominent location within the service area.

- h. The loading management coordinator shall coordinate with the community quarterly to discuss any specific issues regarding the loading dock or loading operations.
 - i. The loading management coordinator shall ensure that bicycle access to the service elevator remains available at all times and is not blocked by trucks or delivery vehicles.
6. Pool. The Applicant will outfit and manage the pool deck in a manner that will minimize any disturbance to abutting residential properties. The outdoor deck shall be for the use of the Applicant's residents and their guests. Hours of operation shall be limited to 7:00 a.m. to midnight. The Applicant shall not permit amplified music in the pool area.
 7. Emergency Generator. The Applicant shall locate the Project's emergency generator on the roof and provide adequate sound baffling in conformance with all codes and ordinances to reduce noise transmission.
 8. Trash Operations.
 - a. All trash shall be collected and compacted in a trash room in the basement of the Project, which shall not be audible outside the building.
 - b. Dumpsters shall be wheeled up to the loading dock by building personnel for trash servicing.
 - c. The dumpsters shall be picked up by a rear-end loading style truck.
 - d. Trash pickups shall not be made between the hours of 9:00 p.m. and 7:00 a.m.

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9. OGB Flexibility. The Applicant shall have flexibility to modify the design of the building to respond to refinements and changes requested by the Old Georgetown Board and other preservation officials during final review of the project so long as such modifications do not require any additional areas of relief or substantial impact on the Approved Plans submitted to the BZA.

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to APPROVE; S. Kathryn Allen, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: November 6, 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.

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

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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.

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