VOL. 62 – NO. 2 FRIDAY, JANUARY 9, 2015

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act A20-539, Behavioral Health System of Care Amendment Act of 2014
- D.C. Council enacts Act A20-548, Community Development Amendment Act of 2014
- D.C. Council schedules a public oversight roundtable on the procedures in place to protect residents of homeless shelters from sex offenders
- District Department of the Environment schedules a public hearing on the Fiscal Year 2015 Weatherization Assistance Program State Plan
- D.C. Taxicab Commission proposes establishment of the Neighborhood Van Service Pilot Program to provide wheelchair-accessible transportation
- District Department of the Environment announces funding availability for the Boat Sewage Pumpout System Grant

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To amend section 47-2005 of the District of Columbia Official Code to provide an exemption from sales and use taxes imposed on the purchase or lease of a commercial trash compactor purchased or leased during a specified exemption period; and to establish a grant program to assist a business with the cost to purchase or lease a commercial trash compactor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Trash Compactor Tax Incentive Amendment Act of 2014".

TITLE I. SALES TAX HOLIDAY—TRASH COMPACTORS

Sec. 101. Section 47-2005 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (35) is amended by striking the word "and" at the end.

(b) Paragraph (36) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (37) is added to read as follows:

"(37)(A) Sales of commercial trash compactors during the exemption period, including delivery or installation charges that are billed by the seller to the purchaser as part of the total sales price.

"(B) For the purposes of this paragraph, the term:

"(i) "Exemption period" means the 120-day period following the applicability of Title I of the Trash Compactor Tax Incentive Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-81).

"(ii) "Commercial trash compactor" means a structure used by businesses to collect and compact bulk trash and other waste that is energy efficient and reduces the likelihood of accidental pollution through spills or wind-blown debris.".

TITLE II. TRASH COMPACTOR GRANT PROGRAM

Sec. 201. Definitions.

For the purposes of this title, the term:

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(1) "Business" means a single enterprise or a consortium of enterprises set up for the common purpose of acquiring a commercial trash compactor for the use of each enterprise in the consortium.

(2) "Commercial trash compactor" means a structure used by businesses to collect and compact bulk trash and other waste that is energy efficient and reduces the likelihood of accidental pollution through spills or wind-blown debris.

(3) "CTC program" means the commercial trash compactor acquisition grant program established by section 202.

(4) "Grant Administration Act" means the Grant Administration Act of 2013, effective December 24, 2012 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(5) "Grantee" means a business that meets the criteria and standards established for the CTC program, as required by section 1094 of the Grant Administration Act and receives a grant pursuant to this title.

(6) "Grantor" means the Mayor or the Mayor's delegate, including a District agency, board, commission, instrumentality, or other program, or an individual within such an entity.

Sec. 202. Commercial trash compactor acquisition grant program.

(a)(1) There is established a commercial trash compactor acquisition grant program to financially assist a business in the acquisition through purchase or lease of a commercial trash compactor.

(2) The CTC program shall be administered by the Mayor pursuant to the Grant Administration Act; provided, that, notwithstanding section 1095(1) of the Grant Administration Act, the CTC program grant application process may be established with an open-ended closing, allowing a business to apply for a grant and for the grantor, subject to subsection (b)(1) of this section, to approve a grant at any time, in accordance with rules issued pursuant to this title or the notice established pursuant to section 1094(c) of the Grant Administration Act.

(b)(1)(A) A grant shall be awarded in priority order of receipt of the grant application to the extent that the funds allocated for this purpose in an approved annual budget and financial plan or available pursuant to subparagraph (B) of this paragraph are sufficient to allow the grant.

(B) Funds allocated for the CTC program shall not exceed $2 million per fiscal year.

(2) Notwithstanding the provisions of § 47-368.06, grants that may be awarded pursuant to this title may include grants that the Mayor or an agency receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency lacking grant-making authority.

(c) Subject to subsection (b)(1) of this section, the grantor shall award a grantee a grant in an amount:

(1) Not to exceed $9,000 toward the leasing of an commercial trash compactor; the amount to be based on terms and length of time of the lease; or

(2) Not to exceed $13,500 for the purchase of a commercial trash compactor.

(d) The Chief Financial Officer may audit the accounts of a business receiving a CTC program grant up to 3 years following the issuance of the grant.

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Sec. 203. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.

TITLE III. GENERAL PROVISIONS

Sec. 301. Applicability.

(a)(1) Title I of this act shall apply for the tax year in which its fiscal effect has been included in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of this title.

(b)(1) Title II of this act shall apply for the tax year in which its fiscal effect has been included in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of this title.

Sec. 302. 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. 303. 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

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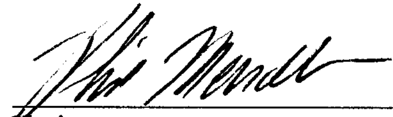
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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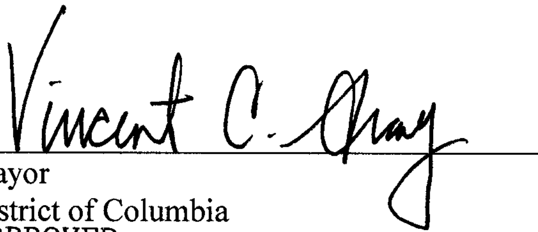

Mayor
District of Columbia
APPROVED
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To amend the Fiscal Year 2014 Budget Support Act of 2013 to establish a Behavioral Health Access Project to improve the mental health of youth in the District by promoting the integration of mental health care and primary care through increasing pediatric primary care providers' understanding and ability to treat children and adolescents with mental health issues that can be appropriately managed in primary care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Behavioral Health System of Care Amendment Act of 2014".

Sec. 2. Subtitle J of Title V of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 61 DCR 962), is amended as follows:

(a) The existing text is designated as Part A.

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

"PART B.

"Sec. 5120a. Definitions.

"(a) For the purposes of this part, the term:

"(1) "Behavioral health" means a person's overall social, emotional, and psychological well-being and development.

"(2) "Department" means the Department of Behavioral Health.

"(3) "Pediatric primary care provider" means a person licensed in the District to practice medicine or a person who practices medicine and conducts general well visits in the employment of the government of the United States.

"(4) "Project" means the Behavioral Health Access Project established under section 5120b.

"(5) "Youth" means an individual under 22 years of age receiving pediatric care in the District from a pediatric primary care provider.

"Sec. 5120b. Establishment of Behavioral Health Access Project.

"(a) The Department shall establish, and have oversight of, the Behavioral Health Access Project.

"(b) The Project shall be a collaborative program that:

"(1) Provides timely mental health consultation to pediatric primary care providers who need assistance managing patients' mental health needs, including diagnosis and ongoing treatment;

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"(2) Encourages pediatric primary care providers to provide mental health screenings in general well visits;

"(3) Proactively engages and provides mentoring, training, and education to pediatric primary care providers and their clinical teams to properly diagnose and manage low-acuity mental health needs of patients;

"(4) Provides consultative and referral services to youths who exhibit a possible mental health or substance abuse disorder regardless of their insurance coverage;

"(5) Creates a multidisciplinary team consisting of professionals from various fields of mental health, including psychiatrists, psychologists, clinical social workers, nurses, and other licensed medical professionals, as deemed necessary by the Department;

"(6) Enables members of the multidisciplinary team to provide face-to-face consultations with the patient when telephonic consultation with the physician is not sufficient; and

"(7) Enables members of the multidisciplinary team to provide care coordinator and facilitated referral services for youth requiring behavioral health treatment.

"(c) The District may contract with nonprofit organizations with expertise in mental health to carry out the functions of the Project.

"Sec. 5120c. Reporting requirements.

"Within 6 months after the effective date of the Behavioral Health System of Care Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-676), and on an annual basis thereafter, the Department shall submit a report to the Council that includes the following information

"(1) The number of individual patients who participate in the Project;

"(2) The number and percentage of pediatric primary care providers who participate in the Project; and

"(3) The efforts used to engage physicians to participate in the Project, including:

"(A) The number of physicians approached by the Department to participate in the Project;

"(B) The events held by the Department or the Project that physicians attended; and

"(C) The fora or conferences held by the Department or the Project to engage physicians.".

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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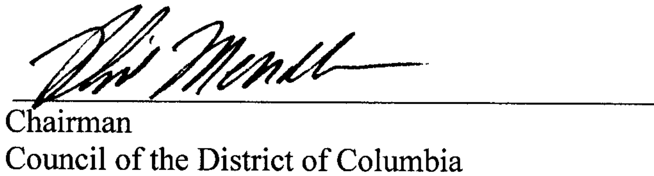
(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



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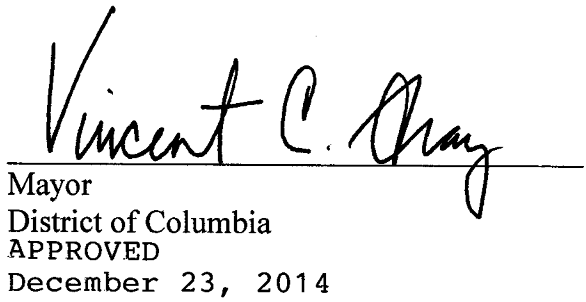

Mayor
District of Columbia
APPROVED
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To amend An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes to encourage the reduction of additional pregnancies amongst teenagers by increasing the availability of copper intrauterine devices immediately after child birth, through an enhancement of the current Medicaid reimbursement methodology.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Copper Intrauterine Device Access Amendment Act of 2014".

Sec. 2. Section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), is amended by adding a new subsection (f) to read as follows:

"(f)(1) The District state plan required under Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), may provide for supplemental add-on payment for reimbursement of copper intrauterine devices inserted immediately after child birth.

"(2) The Mayor may develop and implement a methodology used for supplemental add-on payment for reimbursement of copper intrauterine devices inserted immediately after child birth.

"(3) The Mayor shall review utilization and reimbursement rates for copper intrauterine devices and submit a report on and recommendation for coverage expansion to the Council by October 1, 2015.".

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

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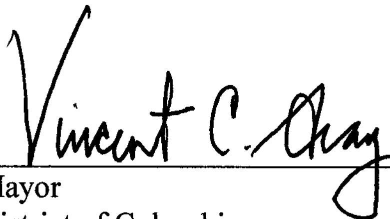
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To declare that the District-owned real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., and known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112, is no longer required for public purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Surplus Property Declaration Emergency Act of 2014".

Sec. 2. Findings.

(a) The District is the owner of the real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112 ("Property"). The Property consists of approximately 114,042 square feet of land.

(b) The Property is no longer required for public purposes because the Property's condition cannot viably accommodate a District agency use or other public use without cost prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) ("Act"), by holding a public hearing on October 29, 2014, at St. Coletta of Greater Washington, 1901 Independence Avenue S.E.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council determines that the Property is no longer required for public purposes.

Sec. 4. Fiscal impact statement.

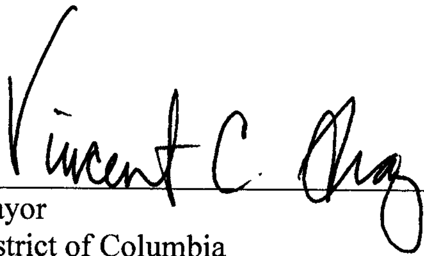
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To declare that the District-owned real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516, is no longer required for public purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fifth Street, N.W. and I Street, N.W. Surplus Property Declaration Emergency Act of 2014".

Sec. 2. Findings.

(a) The District is the owner of the real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516 ("Property"). The Property consists of approximately 20,641 square feet of land.

(b) The Property is no longer required for public purposes because the Property's condition cannot viably accommodate a District agency use or other public use without cost prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 (a-1)(4)) ("Act"), a public hearing was held on November 13, 2012, at the Mount Vernon Triangle Community Improvement District located at 901 4th Street, N.W..

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council determines that the Property is no longer required for public purposes.

Sec. 4. Fiscal impact statement.

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

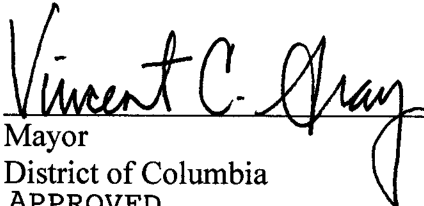
Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To approve, on an emergency basis, the disposition of District-owned real property, located at 901 Fifth Street, N.W., and known for tax and assessment purposes as Parcel 0059 in Square 0516.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fifth Street, N.W., and I Street, N.W., Disposition Approval Emergency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "CBE Agreement" means an agreement with the District governing certain obligations of the Purchaser or the Developer under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act.

(2) "Certified Business Enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the Purchaser or the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, issued November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) "Property" means the real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516.

(5) "Purchaser" means the Developer, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Findings.

(a) The Developer of the Property will be TPC 5th & I Partners, LLC, with a business address of 600 Madison Avenue, 24th Floor, New York, NY 10022 (the "Developer").

(b) The Property is located at 901 Fifth Street, N.W., and consists of approximately 20,641 square feet of land.

(c) The intended use of the Property (the "Project") is a hotel and mixed-use residential and retail development and any ancillary uses allowed under applicable law.

ENROLLED ORIGINAL

(d) The Project will also contain affordable housing as described in the term sheet submitted with this act.

(e) The Purchaser shall enter into a CBE Agreement with the District. The CBE Agreement shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(f) The Purchaser shall enter into a First Source Agreement with the District.

(g) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) ("Act"), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(h) All documents that are submitted with this act pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b) and (b-1) of the Act the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Purchaser.

(b) The Council approves the disposition of the Property.

Sec. 5. Fiscal impact statement.

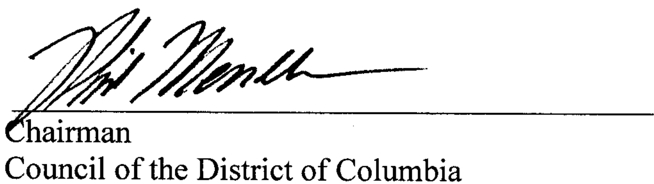
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

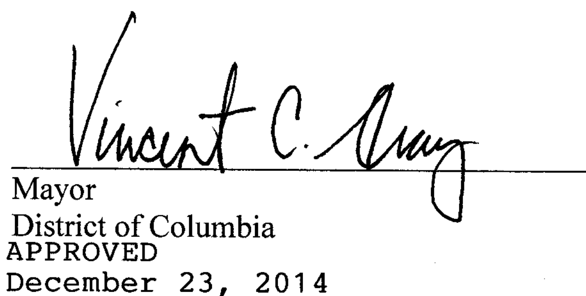
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To amend, on an emergency basis, the Wage Theft Prevention Amendment Act of 2014 to clarify who may bring an action on behalf of an employee, when a general contractor and subcontractor or a general contractor or temporary staffing firm will be jointly and severally liable for violations, and how the Mayor shall make certain information available to employers, to revise criminal penalties for violations of the act, to authorize the Mayor to issue rules, and to repeal a retroactive applicability provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Correction and Clarification Emergency Amendment Act of 2014".

Sec. 2. The Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157), is amended as follows:

(a) Section 2 is amended as follows:

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

(A) Strike the phrase "(5) When the employer is a subcontractor alleged to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor's employees for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act." and insert the phrase "(5) When the employer is a subcontractor found to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor's employees for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act, except as otherwise provided in a contract between the contractor and subcontractor in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

(B) Strike the phrase "(6) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act to the employee and to the District." and insert the phrase "(6) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable

ENROLLED ORIGINAL

for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act to the employee and to the District, except as otherwise provided in a contract between the temporary staffing firm and the employer in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

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

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

"(a)(1) Any employer who negligently fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

"(A) For the first offense, an amount per affected employee of not more than $2,500;

"(B) For any subsequent offense, an amount per affected employee of not more than $ 5,000.

"(2) Any employer who willfully fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

"(A) For the first offense, be fined not more than $5,000, or imprisoned not more than 30 days, or both; or

"(B) For any subsequent offense, be fined not more than $10,000, or imprisoned not more than 90 days, or both.

"(3) The fines set forth in paragraphs (1) and (2) of this subsection shall not be limited by 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).".

(3) Subsection (g) is amended by striking the phrase "or any entity a member of which is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act".

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

"(j) A new section 10b is added to read as follows:

"Sec. 10b. Rules.

"The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.".

(b) Section 3 is amended as follows:

(1) Subsection (c)(1)(A) is amended by striking the phrase "3 years or whatever the prevailing federal standard is, whichever is greater" and inserting the phrase "3 years or the prevailing federal standard, if identified in regulations issued pursuant to this act, whichever is greater," in its place.

(2) Subsection (e)(3) is amended to read as follows:

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

"(c) The Mayor shall make copies or summaries of this act publicly available on the District government's website or some other appropriate method within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157). An employer shall not be liable for failure to post notice if the Mayor has failed to provide to the employer the notice required by this section.".

ENROLLED ORIGINAL

(3) Subsection (g)(4) is amended by striking the phrase "3 years or whatever the prevailing federal standard is, whichever is greater" and inserting the phrase "or the prevailing federal standard, if identified in regulations issued pursuant to this act, whichever is greater," in its place.

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

(A) Strike the phrase "(c) When the employer is a subcontractor alleged to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor's employees for violations of this act." and insert the phrase "(c) When the employer is a subcontractor found to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor's employees for violations of this act, except as otherwise provided in a contract between the contractor and subcontractor in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157).".

(B) Strike the phrase "(f) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable for violations of this act to the employee and to the District." and insert the phrase "(f) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable for violations of this act to the employee and to the District, except as otherwise provided in a contract between the temporary staffing firm and the employer in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157).".

(c) Section 7 is repealed.

Sec. 3. Fiscal impact statement.

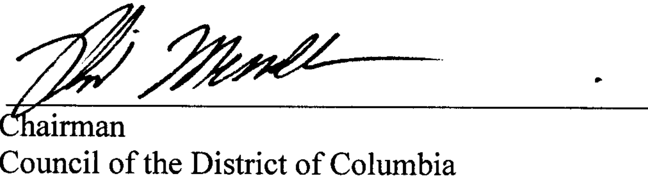
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

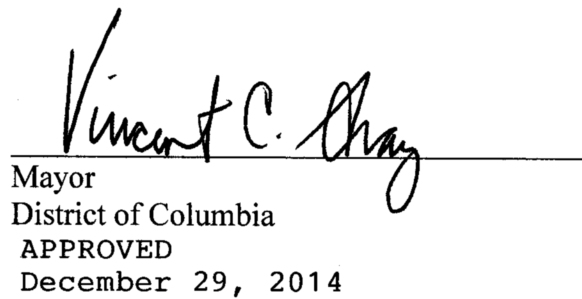
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-545

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2014

To increase, on an emergency basis, certain appropriations in the Fiscal Year 2015 Budget Request Act pursuant to the District of Columbia Appropriations Act, 2015.

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

Sec. 2. (a) Pursuant to the District of Columbia Appropriations Act, 2015, approved December 16, 2014 (Pub. L. No. 113-235; 128 Stat. 2352), and any substantially similar subsequent federal appropriations measure, the amount appropriated to the District is authorized to and shall be increased by the amount of the proceeds of the D.C. Water payment one-time transaction, upon certification by the Chief Financial Officer that the proceeds are available, to support unanticipated operating and capital needs.

(b) The Fiscal Year 2015 budget for the following agencies shall be adjusted, upon the certification of the availability of proceeds, as set forth in subsection (a) of this section, by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

$14,108,000 (of which $14,108,000 shall be added to local funds) to be allocated as follows:

Government Direction and Support

The appropriation for Government Direction and Support is increased by $600,000 in local funds; to be allocated as follows:

(1) Office of the District of Columbia Auditor. - $600,000 is added to be available from local funds.

Economic Development and Regulation

The appropriation for Economic Development and Regulation is increased by

ENROLLED ORIGINAL

$13,508,000 in local funds; to be allocated as follows:

(1) Office of the Deputy Mayor for Planning and Economic Development. - $13,508,000 is added to be available from local funds.

Capital Outlay

The appropriation for capital construction projects is increased by $106,579,712.

Sec. 3. Reprogramming approval.

(a) The Council approves Reprog. 20-289 in the amount of $32,626,849 in capital funds.

(b) The Council approves Reprog. 20-288 in the amount of $6,077,067 in recurring operating funds.

(c) The Council approves Reprog. 20-290 in the amount of $2,000,000 for a reverse pay-as-you-go capital fund reprogramming.

Sec. 4. Borrowing authority increase.

The Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738), is amended as follows:

(a) The long title is amended by striking the number "$1,092,763,726" and inserting the number "$1,199,343,438" in its place.

(b) Section 2(a) is amended by striking the number "$1,092,763,726" and inserting the number "$1,199,343,438" in its place.

(c) The tabular array is amended as follows:

(1) A new capital project is added to the Department of General Services entitled AM0 SPC01C, DC United Soccer Stadium Infrastructure Improvements in the amount $106,579,712.

(2) The Department of General Services subtotal is amended by striking the number "$22,870,099" and inserting the number "$129,449,811" in its place.

(3) The grand total is amended by striking the number "$1,092,763,726" and inserting the number "$1,199,343,438" in its place.

Sec. 5. Fiscal impact statement.

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

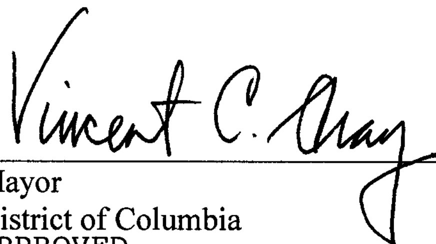
Sec. 6. Effective date.

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

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
December 23, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-546

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 30, 2014

To approve, on an emergency basis, a commemorative work located at the intersection of South Dakota Avenue, N.W., and New Hampshire Avenue, N.W., in a section of Fort Circle Park located on Square 3712, Lots 101, 102, 103, and 104, in Ward 4, to be known as the Legacy Memorial Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legacy Memorial Park Commemorative Work Emergency Approval Act of 2014".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council approves a commemorative work located at the intersection of South Dakota Avenue, N.W., and New Hampshire Avenue, N.W., in a section of the Fort Circle Park located on Square 3712, Lots 101, 102, 103, and 104, in Ward 4, to be known as the "Legacy Memorial Park."

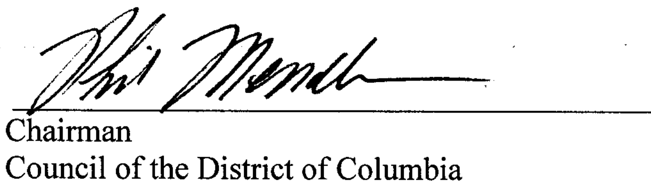
Sec. 3. Transmittal.
The Chairman of the Council shall transmit a copy of this act, upon its effective date, to the Department of General Services and the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

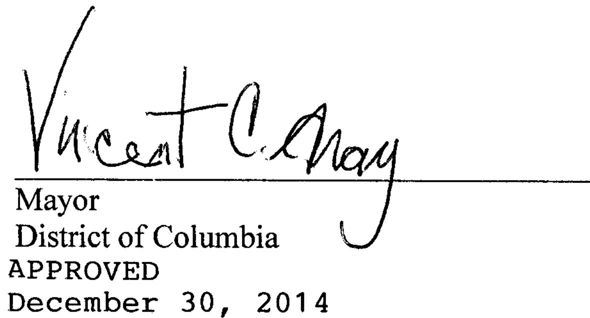
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 30, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To approve, on an emergency basis, the disposition of District-owned real property, located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., and known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Disposition Approval Emergency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "CBE Agreement" means an agreement with the District governing certain obligations of the Purchaser or the Developer under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act.

(2) "Certified Business Enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the Purchaser or the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, issued November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) "Property" means the real property located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., and known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112.

(5) "Transferee" means the Developer, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Findings.

(a) The Developer of the Property will be Donatelli Development, with a business address of 4416 East West Highway, Suite 410 Bethesda, MD 20814, and Blue Skye

ENROLLED ORIGINAL

Development, with a business address of 5101 MacArthur Boulevard, N.W., Washington, D.C. 20016 (the "Developer").

(b) The Property is located at the northeast corner of 19th Street, S.E., and Massachusetts Avenue, S.E., and consists of approximately 114,042 square feet of land.

(c) The intended use of the Property (the "Project") is a mixed-use residential and retail development and any ancillary uses allowed under applicable law.

(d) The Project will contain affordable housing as described in the term sheet submitted with this act.

(e) The Transferee shall enter into a CBE Agreement with the District. The CBE Agreement shall require the Transferee to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(f) The Transferee shall enter into a First Source Agreement with the District.

(g) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) ("Act"), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(h) All documents that are submitted with this act pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b) and (b-1) of the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Transferee.

(b) The Council approves the disposition of the Property.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

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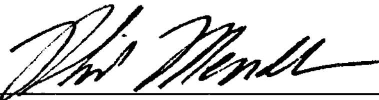
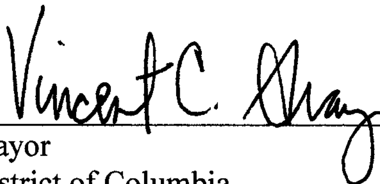
412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To amend the Community Development Act of 2000 to increase lending and services to underserved borrowers, including low-income and moderate-income borrowers, minority residents, and elderly residents, and to encourage increased community development and investment by deposit-receiving institutions.

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

Sec. 2. The Community Development Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-431.01 *et seq.*), is amended as follows:

(a) Section 402 (D.C. Official Code § 26-431.02) is amended as follows:

(1) Designate existing paragraph (1) as paragraph (1A).

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

"(1) "CFO" means the Chief Financial Officer of the District of Columbia, established by section 424(a) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a).".

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

"(1B) "Community development loan" means a loan that:

"(A) Has as its primary purpose community development; and

"(B) Except in the case of a wholesale or limited purpose bank, and unless a multifamily dwelling loan, has not been reported or collected by the bank or an affiliate for consideration in the bank's assessment as a:

"(i) Home mortgage;

"(ii) Small business loan;

"(iii) Small farm loan; or

"(iv) Consumer loan; and

"(C) Benefits the bank's assessment area or a broader District-wide or regional area that includes the bank's assessment area.".

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

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"(4A) "Deposit-receiving institution" means a federal, state, or District chartered bank, savings institution, or credit union that receives after the effective date of the Community Development Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-540), District contracts pursuant to D.C. Official Code §§ 47-351.02(c) and 47-351.03, including any chartered bank, savings institution, or credit union that has applied to be or is regulated, supervised, examined, or licensed by the Department or a District chartered bank that is engaged in activity covered by D.C. Official Code §§ 47-351.02(c) and 47-351.03; except, that the provision of services provided for and deposits made with regard to District debt transactions does not create a deposit-receiving institution, notwithstanding that deposit receiving institutions may provide those services or receive those deposits.".

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

"(5A) "Elderly resident" means a District resident 55 years of age or older.".

(6) A new paragraph (14A) is added to read as follows:

"(14A) "Qualified investments" means a lawful investment, deposit, membership share, or grant that has as its primary purpose community development.".

(b) Section 404 (D.C. Official Code § 26-431.04) is amended as follows:

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

"(3)(A) The Department shall provide a public comment period, the start of which shall be posted on its website, and receive public comments for a period of 30 days on a draft community development plan of a District chartered bank. The Department shall share these comments with the deposit-receiving institution for it to consider in revising its draft community development plan before submitting the plan to the Commissioner.

"(B) The Commissioner shall:

"(i) Consider the responsiveness of the deposit-receiving institution to these comments when preparing findings;

"(ii) Report the final findings, accompanied by the final community development plan, to the CFO; and

"(iii) Submit any subsequent changes to the findings or plan to the CFO.".

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

(A) Paragraph (2) is amended by striking the phrase "District and in designated development areas;" and inserting the phrase "District, in designated development areas, and to minority residents, low-income and moderate-income residents, and elderly residents;" in its place.

(B) Paragraph (3) is amended by striking the phrase "District and in designated development areas;" and inserting the phrase "District, in designated development areas, and to minority residents, low-income and moderate-income residents, and elderly residents;" in its place.

(C) Paragraph (10) is amended by striking the word "and" at the end.

(D) Paragraph (11)(B) is amended by striking the period at the end and inserting a semicolon in its place.

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

"(12) Plans of a District chartered deposit-receiving institution to:

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"(A) Make community development loans and qualified investments;

"(B) Engage in foreclosure prevention and mitigation activities, including loan modifications and reclamation of real estate properties for affordable housing;

"(C) Make small business loans, including loans to minority-owned and women-owned small businesses; and

"(D) Locate retail loan officers and community development loan officers in the District and to facilitate contact with these officers by listing phone numbers on the Department's website and making their contact information widely and easily accessible.".

(3) New subsections (f) and (g) are added to read as follows:

"(f) An informational copy of the final deposit services contract between a deposit-receiving institution and the CFO under D.C. Official Code §§ 47-351.09(e), 47-351.10(b), and 47-351.11 shall be provided to the Commissioner and may serve as an amendment to a community development plan.

"(g)(1) As a part of the deposit-receiving institution's response to a request for proposals by the CFO to provide deposit or other financial services to the District government issued after the date of the Community Development Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-540), a deposit-receiving institution shall submit its community development plan to the CFO. The CFO shall consider the community development plan, or the lack of approval by the applicable regulatory authority of the community development plan, in its evaluation of the deposit-receiving institution's response to the request for proposals.

"(2) Any community development plan submitted in the request for proposals process shall contain, at a minimum, the deposit-receiving institution's plans for meeting the credit and financial services needs of District residents, particularly those of minority residents, low-income and moderate-income residents, elderly residents, and residents in designated development areas.

"(3) As long as a contract for deposit or other financial services with the District is in effect, a deposit-receiving institution that has been awarded a deposit services contract by the District government shall submit an updated community development plan every 2 years after contracting with the District government or when there is a revision to the community development plan.".

(c) Section 405 (D.C. Official Code § 26-431.05) is amended by adding a new subsection (c) to read as follows:

"(c) The CFO shall issue an annual report to the Mayor and the Council on which deposit-receiving institutions received contracts for deposits of District funds, excluding funds associated with District debt financings, with a summary of the terms of the contract and the amounts deposited.".

(d) Section 406 (D.C. Official Code § 26-431.06) is amended by adding new subsections (c) through (f) to read as follows:

"(c) The CFO, when evaluating the community development plan of a deposit-receiving institution shall review the rating category or score assigned to the deposit-receiving institution's

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plan by the applicable financial supervisory agency and shall publish the final review on its website.

"(d) The CFO shall receive public comments during a 30-day public comment period when reviewing and evaluating the community development plan of a deposit-receiving institution.

"(e) The CFO shall consider in the evaluation done pursuant to subsection (c) of this section whether a deposit-receiving institution is engaged in discriminatory, unfair, or deceptive lending practices as determined by federal agencies under the Equal Credit Opportunity Act, approved October 28, 1974 (88 Stat. 1521; 15 U.S.C. § 1691 *et seq.*), and the Fair Housing Act, approved September 13, 1988 (82 Stat. 81; 42 U.S.C. §§ 3601 *et seq.*), and their implementing regulations, or under the District of Columbia Home Loan Protection Act of 2002, effective May 7, 2000 (D.C. Law 14-132; D.C. Official Code § 26-1151.01*et seq.*), or Chapter 39 of Title 28 of the D.C. Official Code, and their implementing regulations.

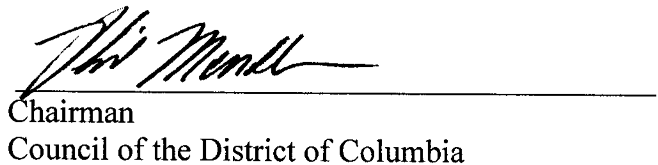
"(f) To apply for a deposit services contract with the District government, a financial institution must receive at least a "satisfactory" rating on its most recent CRA exam.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



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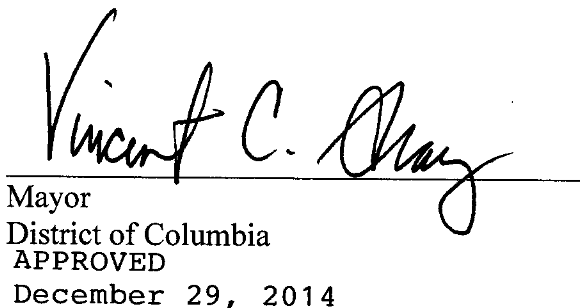

Mayor
District of Columbia
APPROVED
December 29, 2014

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To amend Chapter 3 of Title 25-F of the District of Columbia Municipal Regulations to prohibit the use of ultraviolet tanning equipment by minors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Tanning Safety Regulation Amendment Act of 2014".

Sec. 2. Chapter 3 of Title 25-F of the District of Columbia Municipal Regulations (25-F DCMR § 300 *et seq.*), is amended as follows:

(a) Section 300 is amended as follows:

(1) Subsection 300.1 is amended as follows:

(A) The lead-in language is amended to read as follows:

"300.1 The licensee shall require every customer who uses the facility's tanning equipment and devices to sign an acknowledgement that he or she has:".

(B) Paragraph (c) is amended by striking the phrase "eyewear; and" and inserting the phrase "eyewear." in its place.

(C) Paragraph (d) is repealed.

(2) Subsection 300.2 is amended to read as follows:

"300.2 The licensee shall prohibit a customer under 18 years of age from using ultraviolet tanning equipment or devices. Proof of age shall be satisfied with a driver's license or other government or school-issued identification containing the customer's photograph and date of birth.".

(3) Subsections 300.3, 300.4, 300.5, 300.6, and 300.7 are repealed.

(b) Section 301.1 is amended to read as follows:

"301.1 A licensee shall conspicuously post an Age Restriction Sign at or near the reception area with the following text:

"INDIVIDUALS 17 YEARS OF AGE AND YOUNGER ARE PROHIBITED FROM USING ULTRAVIOLET TANNING EQUIPMENT OR DEVICES.".

(c) Section 303 is amended as follows:

(1) Subsection 303.1(b) is repealed.

(2) Subsection 303.2(b) is repealed.

(3) Subsection 303.3 is amended by striking the phrase "three (3) years before or three (3) years past the client's age of majority" and inserting the phrase "three (3) years past the client's age of majority" in its place.

(d) Section 305.1 is amended to read as follows:

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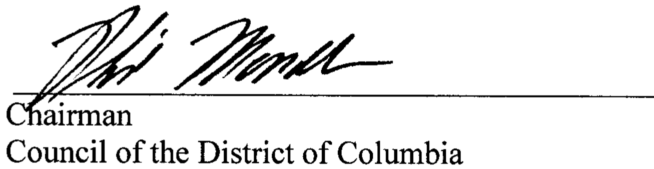
" 305.1 The licensee shall maintain records for at least three (3) years related to customers 18 years of age and older who used tanning equipment or devices at the facility. With respect to customers under 18 years of age who used tanning equipment or devices at the facility, the licensee shall maintain their records until they reach 21 years of age.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



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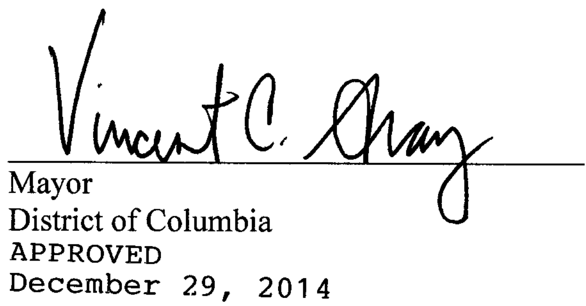
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2014

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AN ACT

D.C. ACT 20-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To establish the Office of Public-Private Partnerships ("Office") to facilitate the procurement and administration of public-private partnerships in the District of Columbia, to establish the authority to hire professional staff and consultants, to budget for operations of the Office, and to adopt rules and regulations with regard to public-private partnerships, to create the Public-Private Partnership Administration Fund, to create primary authority in the Office to facilitate public-private partnerships, to establish requirements for the procurement of public-private partnerships, the issuance of requests for information, a pre-qualification process, the issuance of solicitations for public-private partnerships, the consideration of unsolicited proposals for public-private partnerships, the Council review of solicitations for public-private partnerships, the entering into of public-private partnership agreements, the terms that shall, may, and cannot be included in public-private partnership agreements, the legal rights of parties to a public-private partnership agreement, the dispute resolution process for public-private partnership agreements, the requirement to consult relevant District government agencies, the requirement to comply with District laws regarding First Source agreements, fair wages, small, local and minority-owned business hiring, and other procurement rules, and requirements to ensure transparency, to make certain conforming amendments, and to provide transition provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public-Private Partnership Act of 2014".

TITLE I. PUBLIC-PRIVATE PARTNERSHIP ACT.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Administrative Procedure Act" means the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

(2) "Freedom of Information Act" means the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

(3) "Material default" means the failure of an operator to perform a duty under a public-private partnership agreement that jeopardizes the delivery of adequate service to the

ENROLLED ORIGINAL

public and the duty remains unsatisfied after a reasonable period of time and after the operator has received a written notice from the Office of the failure.

(4) "Office" means the Office of Public-Private Partnerships established by section 102.

(5) "Open Meetings Act" means the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

(6) "Operator" means a private entity that has entered into a public-private partnership agreement under section 111.

(7) "Private entity" means a natural person, corporation, limited liability company, partnership, joint venture, or other private business entity.

(8) "Proposer" means a private entity submitting a proposal to a request for proposals issued by the Office or an unsolicited proposal for a public-private partnership.

(9) "Public entity" means a District government agency, department, board, commission, or instrumentality.

(10) "Public notice" means the distribution or dissemination of information to interested parties using methods that are reasonably available, which shall include publication in the District of Columbia Register, the website of the Office or a public entity, and by mail to all Advisory Neighborhood Commissions in which the public-private partnership project will be located.

(11) "Public-private partnership" means the method in the District for delivering a qualified project using a long-term, performance-based agreement between a public entity and a private entity or entities where appropriate risks and benefits can be allocated in a cost-effective manner between the public and private entities in which:

(A) A private entity performs functions normally undertaken by the government, but the public entity remains ultimately accountable for the qualified project and its public function; and

(B) The District may retain ownership or control in the project asset and the private entity may be given additional decision-making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle.

(12) "Public sector comparator" means a risk-adjusted estimate of the total cost for the lifetime of a project, including all capital, operating, financing, and ancillary costs, if a public-private partnership project were to be financed, built, and operated through a traditional government procurement method.

(13) "Qualified project" means the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, or ownership of:

(A) Education facilities;

(B) Transportation facilities, including streets, roads, highways, bridges, tunnels, parking lots or garages, public transit systems, and airports;

(C) Cultural or recreational facilities, including parks, libraries, theaters, museums, convention centers, community centers, stadia, athletic facilities, golf courses, or

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similar facilities;

(D) A building or other facility that is beneficial to the public interest and is developed or operated by or for a public entity;

(E) Utility facilities, including sewer, water treatment, stormwater management, energy producing or transmission, telecommunications, information technology, recycling, and solid waste management facilities;

(F) Improvements necessary or desirable to any District-owned real estate;

(G) Any other facility, the construction of which shall be beneficial to the public interest as determined by the Office.

(14) "Request for information" means the document issued pursuant to section 106 to obtain information from potential proposers about how a public-private partnership project and its associated request for proposals should be structured before a request for proposal is issued

(15) "Request for proposal" means the document used in the competitive proposal process pursuant to section 108 in which proposals are evaluated on the basis of technical standards, price, and other criteria and in which negotiations with proposers before final selection and entering into a public-private partnership agreement is permissible.

(16) "Request for qualification" means the document issued pursuant to section 107 used to obtain proof of a private entity's skills, resources, capabilities, and experience before submitting a response to a request for proposals.

(17) "Value-for-money analysis" means a comparison of the risk-adjusted cost estimates over the lifetime of a proposed public-private partnership project, including all capital, operating, financing, and ancillary costs, with a public cost comparator.

SUBTITLE A. OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS ESTABLISHMENT.

Sec. 102. Establishment of the Office of Public-Private Partnerships.

(a) There is established in the Office of the City Administrator an Office of Public-Private Partnerships.

(b) The Office shall:

(1) Be the primary public entity responsible for facilitating the development, solicitation, evaluation, award, delivery, and oversight of public-private partnerships that involve a public entity in the District; and

(2) Consult and coordinate with all public entities that possess relevant knowledge, skills, and expertise in developing requests for proposals, evaluating responses, and negotiating and administering public-private partnership agreements under this act.

(c) The Office may retain consultants or enter into contracts to provide financial, legal, or other technical expertise necessary to assist in the development, solicitation, evaluation, award, delivery, and oversight of public-private partnership projects.

(d) The Office shall not have the power to pledge the full faith and credit of the District government, nor shall any obligation issued by the Office or any entity sponsored by the Office

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in connection with any public-private partnership agreement be a general obligation of the District government unless authorized by an act of the Council.

Sec. 103. Professional staff.

(a) The Office shall be headed by an Executive Director who shall have demonstrated knowledge, training, or experience in the following areas:

(1) Infrastructure development;

(2) Capital markets and finance, including municipal finance;

(3) Public-sector planning; and

(4) Procurement.

(b) The Executive Director and Office staff shall be subject to the Code of Conduct, as defined in section 101 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 § 1-1161.01).

Sec. 104. Budget.

The Mayor shall provide in the annual budget request to the Council funding for the Office of Public-Private Partnership represented as a separate line or responsibility center.

Sec. 105. Public-Private Partnership Administration Fund.

(a) There is established as a special fund the Public-Private Partnership Administration Fund ("Fund"), which shall be administered by the Executive Director in accordance with subsection (c) of this section.

(b) All administrative fees collected under section 107(d) and section 109(d) shall be deposited into the Fund.

(c) Money in the Fund shall be used to pay for the costs associated with carrying out sections 107 and 109.

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

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

SUBTITLE B. PROCUREMENT OF PUBLIC-PRIVATE PARTNERSHIPS.

Sec. 106. Requests for information.

(a) Before beginning a competitively bid solicitation process in accordance with section 109, the Office may issue a request for information to obtain information regarding potential public-private partnership projects.

(b) A request for information shall be published in a manner that gives interested parties sufficient public notice, time, and opportunity to respond.

(c) Any response to a request for information shall be the property of the Office.

ENROLLED ORIGINAL

(d) A private entity's response to a request for information shall have no effect on the evaluation or selection of that private entity for a public-private partnership agreement.

Sec. 107. Pre-qualification.

(a) The Office may provide for a process of prequalification for private entities to submit a bid pursuant to section 108. The process shall include public notice of a request for qualifications, including the requirements and the criteria the Office will use in determining whether the private entity prequalifies.

(b) In order to be prequalified to submit a bid pursuant to section 108, a private entity shall, in addition to any requirements set forth in the request for proposals for a public-private partnership project:

(1) Have available sufficient sources of funding, capital, securities, or other financial resources necessary to carry out the public-private partnership project if selected;

(2) Possess, either through its staff, subcontractors, a consortium, or joint venture agreement, the managerial, organizational, technical capacity, and experience in the type of project for which the proposer is submitting a bid;

(3) Be qualified to lawfully conduct business in the District; and

(4) Certify that no director, officer, partner, owner, or other individual with direct and significant control over the policy or finances of the private entity has been convicted of corruption or fraud in any jurisdiction of the United States.

(c) If the Office determines that a prequalification process is appropriate for the public-private partnership project, only prequalified private entities may be a proposer.

(d) The Office may charge a reasonable application fee for prequalification that may not exceed the Office's actual direct cost of evaluating the application and which shall be deposited into the Fund established by section 105.

Sec. 108. Solicitation through requests for proposals.

(a) A public-private partnership shall be solicited by the Office only through a competitive bid process in which a request for proposals is issued.

(b) A request for proposals shall contain, at a minimum, the following:

(1) A detailed description of the scope of the proposed public-private partnership project;

(2) The material terms and conditions applicable to the procurement and any resulting contract; and

(3) The criteria for evaluation and selection of a proposal, which shall indicate the relative weight given to each criterion set forth in subsection (c) of this section.

(c) The evaluation and selection criteria in a request for proposals shall include the following, each of which shall be given a relative weight:

(1) Cost;

(2) Delivery time;

(3) Financial commitment required of public entities;

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(4) Capabilities, related experience, facilities, or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;

(5) Value-for-money and public sector comparator analysis of the proposal;

(6) Novel methods, approaches, or concepts demonstrated by the proposal;

(7) Scientific, technical, or socioeconomic merits of the proposal;

(8) Potential contribution of the proposal to the mission of the District;

(9) How the proposal benefits the public; and

(10) Other factors as the Office deems appropriate to obtain the best value for the District.

(d) The Office shall provide public notice of a request for proposals for no less than 30 days, unless the Office makes a reasonable written determination at the time of the initial notice that a lesser time period is appropriate and will preserve the competitive nature of the procurement.

(e) The Office shall evaluate each proposal that satisfies the minimum requirements of the request for proposals according to the evaluation and selection criteria contained in the request for proposals.

(f) The Office shall make available to the public the executive summary of each responsive proposal including the scoring for each proposal and the identity of the proposer upon the closing of the response period; provided, that the Office shall not disclose any information which has been designated as confidential or proprietary by a proposer, if the Office determines the designation is proper.

(g) (1) The Office may pay a stipend to an unsuccessful proposer, in an amount and on terms and conditions determined by the Office as reasonable, if:

(A) The Office cancels the procurement process fewer than 30 days before the date the bid or proposal is due; or

(B) The unsuccessful proposer submits a proposal that is responsive and meets all the requirements established by the Office for the public-private partnership project.

(2) All conditions for a stipend shall be clearly set forth in the request for information, bid solicitation, request for proposal, or request for qualifications.

(h) Any response to a request for proposals shall be the property of the Office.

Sec. 109. Unsolicited proposals.

(a) The Office may consider, evaluate, and accept an unsolicited proposal for a public-private partnership project from a private entity if the proposal:

(1) Addresses a need identified in a District or regional planning document;

(2) Is independently developed and drafted by the proposer without District supervision;

(3) Shows that the proposed project could benefit the District;

(4) Includes a financing plan to allow the project to move forward pursuant to all applicable District budget and finance requirements; and

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(5) Includes sufficient detail and information for the Office to evaluate the proposal in an objective and timely manner and permit a determination that the project would be worthwhile.

(b) Within 90 days after receiving an unsolicited proposal, the Office shall complete a preliminary evaluation of the unsolicited proposal and shall either:

(1) If the preliminary evaluation is unfavorable, return the proposal without further action; or

(2) If the preliminary evaluation is favorable, notify the proposer that the Office will comprehensively evaluate the proposal and publish the unsolicited proposal in the District of Columbia Register for a period of not less than 30 days during which time other potential proposers may submit an alternative proposal.

(c) After a comprehensive evaluation of an unsolicited proposal and any alternatives submitted, the Office may commence negotiations with an proposer if:

(1) The proposal has received a favorable comprehensive evaluation;

(2) The proposal is not duplicative of existing infrastructure project or services;

(3) The proposal does not closely resemble a pending competitive proposal for a public-private partnership or other procurement;

(4) The proposal demonstrates a unique method, approach, or concept;

(5) The Office can demonstrate facts and circumstances that preclude additional competition;

(6) The Chief Financial Officer certifies:

(A) The availability of any funds, debts, or assets that the District will contribute to the project;

(B) That no provision of the proposal would violate the District Anti-Deficiency Act of 2002, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code § 47-355.01 *et seq.*); and

(C) That the project is not likely to have a significant adverse impact on District bond ratings;

(7) The Attorney General certifies:

(A) That proper indemnifications are included in the proposal; and

(B) That there are no interstate compact issues if the project involves multiple jurisdictions; and

(8) The Office provides notification to the public of its intent to commence negotiations with a proposer.

(d) The Office may charge an administrative fee for the costs of processing, reviewing, or evaluating any unsolicited proposal or alternative proposal submitted by a private entity; provided, that the administrative fee is reasonable and shall not exceed the Office's actual direct cost of evaluating the proposal.

(e) Any unsolicited proposal or alternatives shall be the property of the Office.

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Sec. 110. Review of requests for proposals.

(a) Before the issuance of a request for proposals pursuant to section 108, the Office shall transmit to the Council a proposed resolution to approve the proposed request for proposals in accordance with the criteria established in this section. Before submitting a proposed resolution to the Council pursuant to this subsection, the Office shall:

(1) Hold at least one public hearing on the proposed request for proposals, which shall be subject to the Open Meetings Act and held at an accessible evening or weekend time and in an accessible location near the proposed public-private partnership project;

(2) Provide at least 30 days' notice to affected Advisory Neighborhood Commissions of the public hearing; and

(3) Publicize the hearing by placing a notice in the District of Columbia Register at least 15 days before the hearing.

(1) A proposed request for proposals for a public-private partnership project that is anticipated to cost in total $50 million or more or extend for a term of 10 years or greater shall be deemed approved by the Council unless, during a 45-calendar day review period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, the Council adopts a resolution to approve or disapprove the proposed request for proposals.

(2) A proposed request for proposals for a project that is anticipated to cost in total less than $50 million or extend for a term of less than 10 years shall be deemed approved by the Council if one of the following occurs:

(A) During a 10-day review period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, no member of the Council introduces a resolution to approve or disapprove the proposed request for proposals; or

(B) If a resolution has been introduced in accordance with subparagraph (A) of this paragraph, and the Council does not approve or disapprove the proposed request for proposals during a 45-day review period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council.

(3) A disapproval resolution adopted by the Council pursuant to this subsection may include recommendations for revisions to the request for proposal.

(c)(1) The final request for proposals issued by the Office shall be substantially similar to the proposed request for proposals submitted to the Council for approval.

(2) If a substantive change is made to the proposed request for proposals after approval by the Council pursuant to subsection (b) of this section, a revised proposed request for proposals, including changes in redline format, shall be transmitted to the Council for review in accordance with subsection (b) of this section.

(d)(1) Approval of a proposed request for proposals by the Council shall expire 2 years after the effective date of the approval.

(2) If the Office determines before the end of the 2-year period that a public-private partnership agreement cannot be entered into within the 2-year period, the Office may

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submit to the Council, no later than 60 days before the end of the 2-year period, a proposed resolution seeking additional time for the public-private partnership project and shall include within the proposed resolution a detailed status report on efforts made toward the public-private partnership project, as well as the reasons for the failure to enter into a public-private partnership agreement within the 2-year period.

(3) If the Council does not approve or disapprove the proposed resolution submitted pursuant to paragraph (2) of this subsection within 30 days after receipt of the proposed resolution (excluding Saturdays, Sundays, legal holidays, and days of Council recess), the proposed resolution shall be deemed disapproved.

Sec. 111. Public-private partnership agreements.

(a) After selecting a solicited or unsolicited proposal for a public-private partnership project, the Office or a designated public entity shall enter into a public-private partnership agreement for a qualified project with the selected private entity or entities.

(b) A public-private partnership agreement approved and entered into by the Office or designated entity pursuant to this act shall include the following:

(1) The term length of the agreement, which shall be for a period not to exceed 99 years from the date after the full execution of the public-private partnership agreement;

(2) A complete description of the facilities to be developed and the functions and responsibilities to be performed by public entities and private entities that are party to the agreement;

(3) The types of property interest, if any, that the private entity will have in the project facilities;

(4) The terms of the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, and ownership of the facilities;

(5) The rights that the public entities and private entities that are party to the agreement have, if any, in revenue generated as a result of the public-private partnership agreement;

(6) The minimum quality standards applicable to the public-private partnership project, including performance criteria, reporting requirements, incentives, and penalties for failure to meet these standards;

(7) A specific plan to ensure proper maintenance of the project facilities throughout the term of the agreement and a return of the facility to the District in good condition and repair;

(8) The compensation of the private entities, including the extent to which and the terms upon which a private entity may charge fees to individuals and entities for the use of the facility, but in no event shall new fees be imposed or existing fees be amended unless authorized by a subsequent act of the Council;

(9) The requirement of an annual independent audit report furnished by the private entity or entities to the Office or designated public entity covering all aspects of the

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agreement;

(10) Performance and payment bonds or other security and risk-mitigation tools deemed suitable by the Office or designated public entity;

(11) If the private entity or entities are responsible for operating the public-private partnership project, one or more policies of public liability insurance in amounts determined by the Office or designated public entity to ensure coverage of tort liability for the public and employees of the private entities;

(12) Grounds for termination of the public-private partnership agreement by the Office, a designated public entity, or private entity;

(13) Procedures for amending the public-private partnership agreement;

(14) Disposition of the facility upon the conclusion or termination of the public-private partnership agreement;

(15) The rights and remedies available to the District for a material breach of the agreement by the private entity or entities or if there is a material default;

(16) Identification of funding sources to be used to fully fund the capital, operation, maintenance, and other expenses under the public-private partnership agreement;

(17) Certification of compliance with applicable District and federal laws; and

(18) Any other provisions determined to be appropriate by the Office or designated public entity.

(c) Public-private partnership agreements approved and entered into by the Office or designated public entity may include review and approval by the Office or a designated public entity of the private entity's plans for the development, operation, and maintenance of the public-private partnership project facilities.

(d) No public-private partnership agreement shall contain any noncompete provisions limiting the ability of a public entity to perform its government functions.

(e) The Office or a designated public entity shall have access and the right to inspect the public-private partnership project or facility at any time with reasonable notice.

(f) The Office may apply for and accept funds from the District or federal government and other sources of financial aid to fund public-private partnership projects or otherwise further the purposes of this act.

(g) The Office or designated public entity may enter into public-private partnership agreements with other local and state government agencies that are regional in scope as long as the regional scope is expressly stated in the request for proposals submitted to the Council pursuant to section 110.

Sec. 112. Legal rights; dispute resolution.

(a) The terms of a public-private partnership agreement shall not be construed as a waiver of the sovereign immunity of the District government or as a grant of sovereign immunity to any private entity.

(b) No private entity shall be liable for the debts or obligations of the District government or public entities, unless the public-private partnership agreement provides that a private entity is

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liable under the public-private partnership agreement.

(c) In addition to any other remedy available to the District, in the event of a material default by an operator, the District may elect to assume the responsibilities and duties of the operator in the public-private partnership project, and in this instance, the District or a designated public entity shall succeed to all of the rights, title, and interest in the public- private partnership project.

(d) The District may terminate, with cause, the public-private partnership agreement and exercise any other rights and remedies that may be available to it under the law or in equity.

(e) The District may make or cause to be made any appropriate claims under the maintenance, performance, or payment bonds, or lines of credit, as set forth in the partnership agreement.

(f) If the District or a designated public entity elects to assume the responsibility and duties of a public-private partnership project pursuant to subsection (c) of this section, the District may develop or operate the public-private partnership project, impose previously approved user fees, impose and collect lease payments, and comply with any service contracts as if it were the operator.

(g) The full faith and credit of the District government shall not be pledged to secure any financing of the operator by the election to assume the responsibilities of an operator, and the assumption of the operation of the public-private partnership project shall not obligate the Office or the District government to pay any obligation of the operator from sources other than revenue from the project.

Sec. 113. Compliance with federal and District law.

(a) Parties to a public-private partnership agreement shall be exempt from the Procurement Practices Reform Act of 2010, effective April 8, 2011, (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*) ("Act"), provided that sections 202 and 415 and titles VII and X of the Act shall apply.

(b) Private entities shall comply, to the extent applicable, with:

(1) The First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*);

(2) The Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), or the rate established by the use of a project labor agreement, notice of which must be provided by the Office before soliciting bids or proposals for a public-private partnership;

(3) The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*);

(4) Subchapter II of Chapter 28 of Title 47 of the D.C. Official Code;

(5) The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*);

(6) The Anacostia Waterfront Environmental Standards Act of 2008, effective

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March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1226.31 *et seq.*);

(7) The Davis-Bacon Act of 1931, approved March 3, 1931 (46 Stat. 1494; 40 U.S.C. § 3141 *et seq.*); and

(8) The Hotel Development Projects Labor Peace Agreement Act of 2002, effective April 2, 2003 (D.C. Law 14-266: D.C. Official Code § 32-851).

(c) Unless otherwise provided by law, nothing in this act shall exempt public-private partnership projects and participating public and private entities from complying with all applicable District laws and regulations.

Sec. 114. Transparency.

(a)(1) Before entering into a public-private partnership agreement, the Office shall submit to the Council a report outlining the details of the selected proposal, including any participating private entities, significant terms of the public-private partnership agreement, overall cost, cost to the District, value-for-money analysis and public sector comparator analysis, time for completion, delivery method, any participating public entities, a list of private entities that responded to the request for proposals, and how those responses were scored and how a response was selected according to the criteria and methodology for evaluating responses outlined in the request for proposals.

(2) The Office shall provide public notice of the report submitted to the Council.

(b)(1) A proposer shall identify those portions of a proposal or other submission that the proposer considers to be a trade secret or confidential commercial, financial, or proprietary information.

(2) For trade secrets and confidential and proprietary information to be exempt from disclosure, the proposer must do all of the following:

(A) Invoke exclusion on submission of the information or other materials for which protection is sought;

(B) Identify with conspicuous labeling the data or other materials for which protection is sought;

(C) State the reasons why protection is necessary; and

(D) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

(3) Each request for proposals issued pursuant to this title shall require the proposer to include with its proposal an executive summary, which shall be subject to release and disclosure to the public at any time, describing the major elements of its proposal that do not address the proposer's price, financing plan, or other confidential or proprietary information or trade secrets that the proposer intends to be exempt from disclosure.

(4)(A) Notwithstanding any other provision of law, no part of a proposal other than the executive summary and the information required to be disclosed under sections 108(f), 109(b), and 114(a) shall be subject to release or disclosure by the Office or a designated public entity before an award of the public-private partnership agreement and at the conclusion of any protest, appeal, or other challenge to the award, absent an administrative or judicial order

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requiring release or disclosure.

(B) After the award of the public-private partnership agreement and the conclusion of any protest, appeal, or other challenge to the award, the Freedom of Information Act shall apply to the proposal except for exclusions, such as proprietary information, as specifically provided in this act.

(c) An unsolicited proposal shall contain a similar executive summary and be afforded the same protections as a requested proposal.

(d) The Office shall provide public notice of all meetings and shall conduct its meetings in compliance with the Open Meetings Act.

(e) The Office shall submit an annual report to the Council within 90 days after the end of each fiscal year, summarizing the activities of the Office for the fiscal year just ended, including:

(1) A summary of solicitations requested by public entities for any public-private partnership, including the type of project, the Office's response, and current status;

(2) A summary of unsolicited proposals submitted to the Office by private entities, including the type of project, the Office's response, and current status;

(3) A summary of all public-private partnership agreements entered into by the Office, including the term sheet and current status of implementation;

(4) A summary of all public hearings and public meetings held by the Office;

(5) Any recommendations for needed action on the part of the Mayor and Council that is necessary for the Office to fulfill its mission; and

(6) An audit of the Office's budget, including the amount and percentage of the Office's budget spent on administrative costs.

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

(a) Paragraph (17) is amended by striking the word "and" at the end.

(b) Paragraph (18) is amended by striking the phrase "Agency." and inserting the phrase "Agency; and" in its place.

(c) A new paragraph (19) is added to read as follows:

"(19) The Office of Public-Private Partnerships; provided that sections 202, 415, and titles VII and X shall apply.".

TITLE III. RULES; APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Rules.

(a) The Office, pursuant to Title I of the Administrative Procedure Act, shall issue rules to implement the provisions of this title, including:

(1) Rules for the development, solicitation, evaluation, award, delivery, and oversight of solicited and unsolicited public-private partnership projects; and

(2) Rules to ensure that persons responsible for the proper administration of this title maintain a position of strict impartiality and refrain from any activity that would imply

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support or opposition to a particular private entity, proposer, or operator of a public-private partnership agreement.

(b) The Office shall consult with the Office of the Chief Financial Officer when formulating rules to establish policies and procedures to ensure compliance with relevant laws with regards to the financing of public-private partnership projects.

(c)(1)Within 90-days of the appointment of an Executive Director, proposed rules for implementation of this act and all procurement procedures shall be submitted to the Council for a 45-day period of review, excluding days of Council recess.

(2) If the Council does not approve or disapprove the rules submitted pursuant to paragraph (1) of this subsection, in whole or in part, by resolution within the 45-day period, the rules shall be deemed approved.

Sec. 302. Applicability; construction.

(a)(1) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of this act.

(b) Nothing in this act shall be construed to affect any public-private partnerships, projects, or agreements that are developed, solicited, awarded, or entered into before this act applies.

Sec. 303. 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. 304. 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

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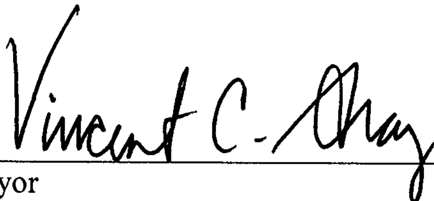
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2014

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AN ACT

D.C. ACT 20-551

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2014

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from real property, transfer, and recordation taxes, and the tenant opportunity to purchase requirements the property owned by N Street Village, Inc., located at 1301 14th Street, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "N Street Village, Inc. Tax and TOPA Exemption Act of 2014".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1096. N Street Village, Inc., Lot 93, Square 242.".

(b) A new section 47-1096 is added as follows:

"§ 47-1096. N Street Village, Inc., Lot 93, Square 242.

"(a) Lot 93 in Square 242, located at 1301 14th Street, N.W. ("Property"), shall be exempt from all taxation so long as the Property, or any lots created out of Lot 93, continues to be used for affordable housing as described in § 47-1005.02(a)(1), for supportive services for tenants of the affordable housing and other people of low income, and for offices and parking on the Property, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively, and, except as provided in subsection (b) of this section, the owner of the Property continues to be:

"(1) N Street Village, Inc.;

"(2) Luther Place Memorial Church; or

"(3) An entity controlled, directly or indirectly, by N Street Village, Inc. or Luther Place Memorial Church.

"(b)(1) The conveyance of the Property by a deed to an owner that meets the requirements described in subsection (a) of this section, or a deed of trust granted by such an owner to secure a loan, shall be exempt from the:

"(A) Tax imposed by Chapter 11 of Title 42;

"(B) Tax imposed by Chapter 9 of Title 47; and

"(C) Chapter 34 of Title 42.

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"(2) For the purposes of this subsection, the term "deed" shall have the same meaning as provided in § 42-1101(3).".

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 29, 2014

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AN ACT

D.C. ACT 20-552

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 30, 2014

To amend Chapter 20 of Title 21 of the District of Columbia Official Code to require counsel for an individual in a guardianship or protective proceeding to further the expressed wishes of the individual whenever possible and to require a guardian ad litem for an individual in a guardianship or protective proceeding to further the best interests of the individual; to require the court to review the adequacy of all guardianship orders within 3 years of the guardian's appointment by the court, and within every 3-year period thereafter; to require an individual appointed as a guardian to disclose his or her criminal history and to submit to local and federal criminal-history checks; to require that the court consider the qualifying criminal history of a potential guardian when selecting the person it deems best qualified to serve as a guardian; and to protect the rights of incapacitated individuals from unreasonable confinement or involuntary seclusion.

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

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section 21-2045.01 to read as follows:

"§ 21-2045.01. Mandatory court review of guardianships.".

(b) Section 21-2011 is amended as follows:

(1) The existing paragraph (1A) is redesignated paragraph (1B).

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

"(1A) "Case reviewer" means a social worker who is licensed in the District of Columbia and appointed by the court under § 21-2045.01(a).".

(c) Section 21-2033 is amended as follows:

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

(A) Strike the phrase "to prosecute or defend the interest of individuals" and inserting the phrase "to prosecute or defend the best interests of individuals" in its place.

(B) Strike the phrase "to determine his or her interests" and inserting the phrase "to determine his or her best interests" in its place.

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

(A) The lead in language is designated as paragraph (1).

(B) Paragraphs (1), (2), and (3) are redesignated as subparagraphs (A), (B), and (C).

(C) The newly designated paragraph (1) is amended by striking the phrase "legitimate interests" and inserting the phrase "expressed wishes" in its place.

(B) The newly designated subparagraph (C) is amended by striking the phrase "further that individual's interests" and inserting the phrase "further the subject of the guardianship's expressed wishes" in its place.

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

"(2) If the subject of the guardianship or protective proceeding is unconscious or otherwise wholly incapable of expressing his or her wishes, counsel shall advocate zealously for the result that is the least restrictive option in type, duration, and scope, consistent with the subject's interests as determined by the guardian ad litem.".

(d) Section 21-2043 is amended by adding new subsections (d-1) and (d-2) to read as follows:

"(d-1)(1) The court shall not appoint a guardian until the person to be appointed as a guardian has submitted to the court a statement, signed and sworn by the person to be appointed, stating whether or not he or she has been convicted of, has pleaded nolo contendere to, is on probation before judgment or placement of a case upon a stet docket for, or has been found not guilty by reason of insanity of, any of the following offenses and including the court and date of each such adjudication:

"(A) A lifetime registration offense, as defined in § 22-4001(6), or its equivalent in any other state or territory, including any attempt or conspiracy to commit such an offense;

"(B) A registration offense, as defined in § 22-4001(8), or its equivalent in any other state or territory, including any attempt or conspiracy to commit such an offense;

"(C) Any offense set forth in Chapters 8, 8A, 9A, 10, 11, 14, 15, and 32 of Title 22 of the District of Columbia Official Code, or its equivalent in any other state or territory, including any attempt or conspiracy to commit such an offense;

"(D) A dangerous crime, as defined § 23-1331(3), or its equivalent in any other state or territory, including any attempt or conspiracy to commit such an offense; or

"(E) A crime of violence, as defined in § 23-1331(4), or its equivalent in any other state or territory, including any attempt or conspiracy to commit such an offense.

"(2) In addition to the affirmation under paragraph (1) of this subsection, a guardian shall submit to the court:

"(A) Within 60 days after the guardianship appointment, the results of a criminal-history check from the Metropolitan Police Department ("MPD"), conducted no more than 90 days before the guardianship appointment; and

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"(B) Within 180 days after the guardianship appointment, the results of a Federal Bureau of Investigation ("FBI") fingerprint background check, conducted no more than 90 days before the guardianship appointment.

"(3) The results of all criminal-history checks and FBI fingerprint background checks and all signed, sworn statements, submitted pursuant to paragraphs (1) and (2) of this subsection, shall be made a part of the record of the case.

"(4) Emergency guardians, health-care guardians, and provisional guardians appointed under § 21-2046 are exempt from the requirements of paragraph (2) of this subsection.

"(5) If a guardian serves as a member of the Probate Division's Fiduciary Panel of Attorneys, the guardian may satisfy the requirements of paragraph (2) of this subsection by submitting to the court the results of a criminal-history check conducted by MPD and a FBI fingerprint background check, each issued no more than 3 years before the guardianship appointment.".

"(d-2)(1) It is presumed not to be in the best interests of an incapacitated individual to appoint as guardian a person who has been convicted of an offense identified in subsection (d-1)(1) or found, pursuant to an investigation by law enforcement or a government agency, to have inflicted harm upon a child, elderly individual, or person with a disability.

"(2) When determining whether it is in the best interest of the incapacitated individual for a person to be appointed as a guardian who has been convicted or found to have inflicted harm as set forth in paragraph (1) of this subsection, the Court shall consider the following:

"(A) The prior relationship, if any, of the proposed guardian to the incapacitated individual;

"(B) The nature of the offense;

"(C) The date of the offense;

"(D) Evidence of the rehabilitation of the proposed guardian.".

(e) Section 21-2044(a) is amended by striking the phrase "incapacitated individual's current mental and adaptive limitations" and inserting the phrase "incapacitated individual's current mental and adaptive limitations, the incapacitated individual's ability to improve his or her condition," in its place.

(f) A new section 21-2045.01 is added to read as follows:

"§ 21-2045.01. Mandatory court review of guardianships."

"(a)(1) Within the 3-year period after the appointment of a guardian and within every 3-year period thereafter in which a guardian remains appointed, the court shall appoint a case reviewer, who shall be a social worker licensed in the District of Columbia, to investigate the continued need for the guardian.

"(2) Within 6 months after the case reviewer's appointment, the case reviewer shall submit to the court a report containing the results of the case reviewer's investigation.

"(b) The case reviewer may be assisted in his or her investigation by a team of students enrolled in a master of social work program accredited by the Council on Social Work

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Education, but the case reviewer must supervise the students and submit the final report to the court.

"(c) The case reviewer's report submitted pursuant to subsection (a)(2) of this section shall include:

"(1) An updated medical or psychological report or statement by a licensed professional that addresses the current capacity of the ward;

"(2) A statement setting forth the ward's expressed preferences regarding the continued scope and duration of ward's guardianship, including his or her preference with respect to whether a replacement guardian should be appointed. If the ward is unable or unwilling to express his or her preferences, the case reviewer shall note that the ward is unable or unwilling to do so;

"(3) Any statements made by a ward or any other interested party requesting continuation, modification, or termination of the ward's guardianship; and

"(4) The case reviewer's opinion as to whether the operative guardianship order is the least restrictive guardianship order that is appropriate for the ward and the bases for that opinion.

"(d) No more than 10 days after the case reviewer's submission of the report to the court pursuant to subsection (a)(2) of this section, and at least 30 days before any court hearing ordered pursuant to subsection (e)(2) of this section, a copy of the report shall be:

"(1) Served personally on the ward; and

"(2) Delivered to the guardian; and

"(3) Delivered to all interested parties and persons who have filed a request for notice under § 21-2034; and

"(4) Accompanied by a written statement that advises the recipient that he or she may submit written objections to the report and its recommendations, and may petition the court at any time to modify or terminate the guardianship.

"(e) No more than 90 days after submission of the case reviewer's report to the court pursuant to subsection (a)(2) of this section, the court shall:

"(1) Review the case reviewer's report and any objection filed;

"(2) Hold a hearing if the ward requests a hearing, the case reviewer recommends modification or termination of the guardianship or removal of the guardian, or the court determines that a hearing is otherwise appropriate; and

"(3) Based upon the record, determine whether the guardianship continues to be the least restrictive to the ward in duration and scope, taking into account factors including the ward's current mental and adaptive limitations, the ward's ability to improve his or her condition, or any other consideration relevant to the appointment of a guardian under § 21-2044(a), and determine whether the guardianship should be continued in its present form, be modified, or be terminated.

"(f) Nothing in this section shall limit the power of the court to terminate a guardianship pursuant to § 21-2049.

"(g) Nothing in this section shall prevent the ward or other interested parties from

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requesting a hearing at any time or appealing court orders as otherwise permitted by law.

"(h) This section shall apply to all guardianships in which a guardian is appointed on or after January 1, 2015.".

(g) Section 21-2047.01 is amended as follows:

(1) Paragraph 5 is amended by striking the phrase "acquittal; or" and inserting the phrase "acquittal;" in its place.

(2) Paragraph (6) is amended by striking the phrase "the court." and inserting the phrase "the court; or" in its place.

(3) A new paragraph (7) is added to read as follows:

"(7) To impose unreasonable confinement or involuntary seclusion, including forced separation from other persons or the restriction of the incapacitated individual's access to email, phone calls, and mail, unless the power is expressly set forth in the order of appointment or after subsequent hearing and order of the court.".

(h) Section 21-2060(a) is amended by striking the phrase "As approved by order of the court, any visitor" and inserting the phrase "As approved by order of the court, any case reviewer, visitor" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 30, 2014

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

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

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

BILLS

B21-1 Pre-K Student Discipline Amendment Act of 2015

Intro. 1-6-15 by Councilmembers Grosso, Allen, Orange, Nadeau, Alexander, McDuffie, Cheh, Evans, Bonds, and Silverman, and Chairman Mendelson and referred to the Committee on Education

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B21-2 Instant Runoff Voting Amendment Act of 2015

Intro. 1-6-15 by Councilmembers Grosso, Silverman, and Cheh and referred to the Committee on the Judiciary

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B21-3 Rail Safety and Security Amendment Act of 2015

Intro. 1-6-15 by Councilmembers Cheh, Allen, and Grosso and referred to the Committee on the Judiciary

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B21-4 Motor Vehicle Collision Recovery Act of 2015

Intro. 1-6-15 by Councilmembers Cheh, Bonds, Evans, Grosso, and Allen and referred to the Committee on the Judiciary

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B21-5	Access to Emergency Epinephrine in Schools Act of 2015 Intro. 1-6-15 by Councilmembers Cheh, Grosso, and Alexander and referred to the Committee on Education with comments from the Committee on Health and Human Services
B21-6	Healthy Hearts of Babies Act of 2015 Intro. 1-6-15 by Councilmembers Alexander, Grosso, Allen, Evans, Bonds, and Cheh and referred to the Committee on Health and Human Services
B21-7	Behavioral Health Coordination of Care Amendment Act of 2015 Intro. 1-6-15 by Councilmembers Alexander and Grosso and referred to the Committee on Health and Human Services
B21-8	Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015 Intro. 1-6-15 by Councilmember Alexander and referred to the Committee on Health and Human Services
B21-9	Ruby Whitfield Way Designation Act of 2015 Intro. 1-6-15 by Councilmembers McDuffie and Allen and referred to the Committee of the Whole
B21-10	Fairness in Public Engagement During Sale of Public Lands Amendment Act of 2015 Intro. 1-6-15 by Councilmember McDuffie and referred to the Committee of the Whole
B21-11	The High Technology Investment Authority Establishment Act of 2015 Intro. 1-6-15 by Councilmembers McDuffie and Grosso and referred to the Committee of the Whole

B21-12	Pennsylvania Avenue Development Act of 2015 Intro. 1-6-15 by Councilmember Evans and referred to the Committee of the Whole
B21-13	Disabled Veterans Homestead Exemption Act of 2015 Intro. 1-6-15 by Councilmember Evans and referred to the Committee on Finance and Revenue
B21-14	Council Contract Review Repeal Act of 2015 Intro. 1-6-15 by Councilmembers Evans, Silverman, Nadeau, Bonds, Grosso, Allen and Alexander and referred to the Committee of the Whole
B21-15	Small Business Incubator Act of 2015 Intro. 1-6-15 by Councilmembers Allen, Silverman, Grosso, Evans, Nadeau, McDuffie, Orange and Chairman Mendelson and referred to the Committee on Business, Consumer, and Regulatory Affairs
B21-16	Collaborative Reproduction Amendment Act of 2015 Intro. 1-6-15 by Councilmembers Allen, Grosso, Nadeau, Silverman, McDuffie, Evans, Alexander, Bonds, Cheh, Orange and Chairman Mendelson and referred to the Committee on the Judiciary
B21-17	Unemployment Profile Act of 2015 Intro. 1-6-15 by Councilmembers Orange and Nadeau and referred to the Committee on Business, Consumer, and Regulatory Affairs
B21-18	Reading Development and Third Grade Retention Act of 2015 Intro. 1-6-15 by Councilmember Orange and referred to the Committee on Education

B21-19	Thurgood Marshall-Marion Barry Early Education Learning Academy Act of 2015 Intro. 1-6-15 by Councilmember Orange and referred to the Committee on Education
B21-20	Access to Contraceptives Amendment Act of 2015 Intro. 1-6-15 by Chairman Mendelson and Councilmembers Grosso, Nadeau, McDuffie, Silverman, Evans, Allen, Alexander and Cheh and referred to the Committee on Health and Human Services
B21-21	Enhanced Penalties for Distracted Driving Amendment Act of 2015 Intro. 1-6-15 by Chairman Mendelson and Councilmembers Bonds, Allen and Nadeau and referred to the Committee on Transportation and the Environment
B21-22	Contractor Pay-to-Play Elimination Amendment Act of 2015 Intro. 1-6-15 by Chairman Mendelson and Councilmembers Grosso, Allen, Nadeau, Alexander and Cheh and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR21-7	District of Columbia Water and Sewer Authority Board of Directors M. Jeffrey Miller Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
PR21-8	District of Columbia Water and Sewer Authority Board of Directors Brian J. Hanlon Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR21-9	Franklin School Surplus Declaration and Approval Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
PR21-10	Franklin School Disposition Approval Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
PR21-11	Police Complaints Board Kristin Murphy Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
PR21-12	Board of Zoning Adjustment Kathryn Allen Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
PR21-13	Director of the Office of Planning Ellen M. McCarthy Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
PR21-14	Board of Optometry Tracy G. Hammond Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
PR21-15	Board of Accountancy Kayla Futch Confirmation Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR21-16	Public Building Sign Prohibition Rules Approval Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment with comments from the Committee on Business, Consumer, and Regulatory Affairs.
PR21-17	Taxicab Vehicle License Quota Regulation Approval Resolution of 2014 Intro. 1-5-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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

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

on

Bill 21-8, the "Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015"

Thursday, January 29, 2015
11:00 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-8, the "Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015". The hearing will take place at 11:00 a.m. on Thursday, January 29, 2015 in Room 412 of the John A. Wilson Building.

The purpose of this bill is to amend the Health Benefit Exchange Authority Establishment Act of 2011 to provide for the financial sustainability of the Health Benefit Exchange Authority.

Those who wish to testify should contact Cory Davis, Legislative Assistant to the Committee on Health and Human Services, at 202-741-0904 or via e-mail at cdavis@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, December 9, 2014. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, January 27, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to cdavis@dccouncil.us or to mailed to Cory Davis at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 404, Washington, D.C., 20004. The record will close at 5:00 p.m. on Monday, February 2, 2015.

Council of the District of Columbia
Committee on Health and Human Services
Notice of Public Oversight Roundtable
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004

COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH AND HUMAN SERVICES ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE

on

"Procedures in Place to Protect Residents of Homeless Shelters from Sex Offenders"

Thursday, January 15, 2015
11:00 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public oversight roundtable on "Procedures in Place to Protect Residents of Homeless Shelters from Sex Offenders". The roundtable will take place at 11:00 a.m. on Thursday, January 15, 2015 in Room 412 of the John A. Wilson Building.

The purpose of this roundtable is to hear from the Department of Human Services regarding procedures that are put in place to protect residents of homeless shelters from other residents who have a sexual offense in their criminal history.

Those who wish to testify should contact Cory Davis, Legislative Assistant to the Committee on Health and Human Services, at 202-741-0904 or via e-mail at cdavis@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, January 13, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Tuesday, January 13, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to cdavis@dccouncil.us or to mailed to Cory Davis at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 404, Washington, D.C., 20004. The record will close at 5:00 p.m. on Monday, February 12, 2015.

Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Roundtable

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 119 Washington, DC 20004

Councilmember Vincent B. Orange, Sr., Chairperson
Committee on Business, Consumer, and Regulatory Affairs
Announces a Public Roundtable

Review of Public Utilities, Cable Television, and Motion Picture Development

Thursday, January 29, 2015, 9:00 a.m.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review public utilities, cable television, and motion picture television development. The public roundtable is scheduled for Thursday, January 29, 2015 at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

The purpose of the public roundtable is to review the new jurisdiction of the Committee, as well as review the delivery of services by public utilities to the residents of the District of Columbia, including reliability, undergrounding of power lines, the Pepco/Exelon merger, and the implementation of the Accelerated Pipe Replacement Plan. Furthermore, the Committee intends to review the working relationship between the Office of Cable Television, the Public Access Corporation, and the Office of Motion Picture and Television Development to attract cable, motion pictures, television programs, and music productions to the District of Columbia.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Tuesday, January 27, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Thursday, February 12, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**CORRECTION

Posting Date: December 19, 2014
Petition Date: February 02, 2015
Hearing Date: February 17, 2015

License No.: ABRA-096458
Licensee: La Cucina Biologica, LLC
Trade Name: Coppi's Organic Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 3321 Connecticut Avenue, N.W.
Contact: Carlos Amaya, 202-492-7144

WARD 3C ANC 3C SMD 3C04

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

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGES TO THE NATURE OF OPERATIONS:
The addition of an Entertainment Endorsement and a Change of Hours for Operations and Alcoholic Beverage Sales, Service and Consumption. 82 seats and total occupancy load of 82.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/ SERVICE/CONSUMPTION
Sunday 5 pm – 10 pm, Tuesday through Saturday 11 am – 11: 30 pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/ SERVICE/CONSUMPTION
Sunday through Saturday 11:30 am – 2 am

PROPOSED HOURS OF LIVE ENTERTAINMENT
Sunday through Saturday** 6 pm – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**CORRECTION

Posting Date:	January 2, 2015**
Petition Date:	February 17, 2015**
Hearing Date:	March 2, 2015**
Protest Hearing Date:	May 13, 2015**

License No.:	ABRA-097182
Licensee:	Mukundrai, Inc.
Trade Name:	Southwest Flippin Pizza
License Class:	Retailer's Class "C" Restaurant
Address:	1250-1280 Maryland Avenue, S.W.
Contact:	Andrew Kline: 202-686-7600

WARD 6 ANC 6D SMD 6D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for May 13, 2015** at 4:30 pm.

NATURE OF OPERATION
A restaurant serving pizza, salad, calzones and chicken wings. No entertainment. No nude dancing. No nude performances. Total Occupancy Load: 99. Total number of seats: 51.

HOURS OF OPERATION/ AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION
Sunday through Saturday 10:30am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: December 19, 2014
Petition Date: February 2, 2015
Hearing Date: February 17, 2015
Protest Hearing Date: April 29, 2015

License No.: ABRA-097182
Licensee: Mukundrai, Inc.
Trade Name: Southwest Flippin Pizza
License Class: Retailer's Class "C" Restaurant
Address: 1250-1280 Maryland Avenue, S.W.
Contact: Andrew Kline, 202-686-7600

WARD 6 ANC 6D SMD 6D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for April 29, 2015 at 4:30 pm.

NATURE OF OPERATION
A restaurant serving pizza, salad, calzones and chicken wings. No entertainment. No nude dancing. No nude performances. Total Occupancy Load: 99. Total number of seats: 51.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION
Sunday through Saturday 10:30 am – 9 pm

DISTRICT DEPARTMENT OF THE ENVIRONMENT

ABBREVIATED NOTICE OF PUBLIC HEARING
AND
NOTICE TO COMMENT IN WRITING

Weatherization Assistance Program State Plan for Fiscal Year 2015
Revision 1

Hearing: Thursday, January 29, 2015, 10:00 am
District Department of the Environment
1200 First Street, NE, 5th Floor
NoMa-Gallaudet University Metro Stop, Washington, D.C.

Written Comments due by: January 29, 2015, 4:30 pm

The District Department of the Environment ("DDOE") is providing abbreviated notice because of the need to expedite the start of the program due to pressing client needs.

DDOE invites the public to present its feedback, input, and comments on the FY 2015 Draft State Plan for the Weatherization Assistance Program – Revision 1. DDOE intends to review the revised components of the State Plan at the public hearing. Feedback may be expressed in person at the public hearing or in writing.

Authority for the program is provided by:

- District Department of the Environment Establishment Act of 2005, §§ 101 *et seq.*, effective February 15, 2006, as amended (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq*. (2008 Repl. & 2013 Supp.));

- District of Columbia Office of Energy Act of 1980, §§ 2 *et seq.*, effective March 4, 1981, as amended (D.C. Law 3-132; D.C. Official Code §§ 8-171.01 *et seq*. (2008 Repl. & 2013 Supp.));

- Clean and Affordable Energy Act of 2008, §§ 101 *et seq.*, effective Oct. 22, 2008, as amended (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01, 8-1774.01 *et seq*. (2008 Repl. & 2013 Supp.)); and

- Mayor's Order 2006-61, dated June 14, 2006, and its delegations of authority.

Comments may be provided in person or in writing. A person need not attend the public hearing in order to submit comments on a State Plan.

The public hearing will take place at the above-stated time and place. The public hearing will continue until the presiding officer determines that everyone has had a meaningful opportunity to be heard. The presiding officer may limit the time in which to comment. A person who is

unavailable to arrive at the opening time may reserve a time to speak, by contacting DDOE, as described below, in this notice. A person attending the public hearing should check in with the guard in the building lobby, and then go to DDOE's reception desk on the 5th floor.

Written comments may be submitted directly to DDOE by mail, hand delivery, or email. Instructions for submitting written comments appear below, in this notice. DDOE will accept written comments until Thursday, January 29, 2015 at 4:30 pm

Obtaining text of the State Plan for WAP. The document will be available at DDOE's website and from DDOE's offices, as described below in this notice. The document will become available on the DDOE web page, described below, in this notice, as follows:

The WAP Draft State Plan – Revision 1 on Friday, January 9, 2015.

A person may obtain a copy of the document by any of the following methods:

- Download, by visiting DDOE's website, ddoe.dc.gov. Look for the title/section, "EnergySmart DC", click on it, choose "Energy Assistance and Weatherization" and click on it. Page down to the section titled "Publications" to find the document's listing. Click on it. Follow the link to the document in PDF format, which can be downloaded;

- Email a request to WAPStatePlan.Year2015@dc.gov with "Request copy of WAP State Plan 2015" in the subject line;

- In person by making an appointment to examine a copy in DDOE's offices at the 5th floor reception desk at the street address below (call DDOE reception at 202-535-2600 and mention the State Plan by name). DDOE is located one block west of the NOMA Red Line Station, at the corner of M Street and First Street NE; or

- Mail, by writing to DDOE at 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attn: Request copy of WAP State Plan 2015" on the outside of the letter.

The State Plan contact: For additional information regarding the public hearing or written comments please send an email to WAPStatePlan.Year2015@dc.gov.

DDOE appreciates the time, insight, and expertise that go into submitting comments. DDOE will carefully consider all of the comments that it receives.

Instructions for Submitting Written Comments

Written comments should: (1) identify the commenter, and commenter's organization, if any; and (2) be clearly marked "WAP FY 2015", and be mailed or hand-delivered to DDOE Energy Administration, Energy Efficiency and Conservation Branch, 1200 First Street, N.E., 5th Floor Washington, DC 20002, or emailed to WAPStatePlan.Year2015@dc.gov.

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 10, 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 SIX

18935
ANC-6B

Application of Sonja Sweek, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, and the maximum height and number of stories of accessory structures requirements under § 2500.4, to allow the construction of a two-story garage in the R-4 District at premises 515 7th Street, S.E. (Square 877, Lot 853).

WARD SIX

18940
ANC-6A

Application of H Street Legacy, LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the off-street parking requirements under § 2101.1, and a special exception from the roof structure setback requirements under §§ 411.11 and 770.6, to construct a six-story multi-family residential building with ground floor retail in the HS-A/C-3-A District at premises 1371-1375 H Street N.E. (Square 1027, Lot 848).

WARD THREE

18941
ANC-3F

Application of Thomas and Patty Johnson, pursuant to 11 DCMR § 1520.1, for a special exception from the aggregate side yard requirements under § 1518.3, to construct a second story addition in the FH-TSP/R-1-A District at premises 3318 Fessenden Street, N.W. (Square 2033, Lot 2).

WARD ONE

18944
ANC-1A

Application of Michael Reitz, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the nonconforming structure requirements under § 2001.3, to allow the construction of a third-story addition to an existing single-family dwelling in the D/R-5-B District at premises 1505 Harvard Street N.W. (Square 2577, Lot 42).

WARD EIGHT

18945
ANC-8C

Application of Gertha Davis, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the rear yard setback requirements under § 404.1, the open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to allow the construction of an addition to an existing single-family dwelling in the R-2 District at premises 3655 Horner Place, S.E. (Square 6090, Lot 803).

WARD SIX

18911
ANC-6D

Application of Potomac Electric Power Company, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the public space requirements under § 633, and the off-street parking space requirements under § 2101.1, and a special exception from the utilities requirements under § 608.1, to construct a new electric substation in the CG/CR District at premises 100 block of Q Street, S.W. (Square 603, Lot 809).

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to authority set forth in Article III of Reorganization Plan No. 1 of 1983, effective March 31, 1983; Mayor's Order 83-92, dated April 7, 1983; Section 6(h) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.06(h) (2012 Repl.)); and Mayor's Order 2002-33, dated February 11, 2002, hereby gives notice of the intent to adopt amendments to Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) (the "Housing Code").

The proposed rulemaking would repeal Subtitle A (Chapters 1-13) of Title 14 and replace Subtitle A with new Chapters 1-13 to harmonize the Housing Code with the 2013 District of Columbia Construction Codes (Title 12, Subtitles A-M, of the DCMR, published March 28, 2014 at 61 DCR 2782). While maintaining the core provisions of the Housing Code relating to landlord and tenant responsibilities and obligations, the proposed rulemaking would require landlords and tenants to comply with the applicable property maintenance provisions set forth in the 2013 District of Columbia Property Maintenance Code, which carries forward unique District of Columbia property maintenance requirements in the 2013 District of Columbia Property Maintenance Code Supplement, 12 DCMR Subtitle G, as well as model code requirements published by the International Code Council. The proposed rulemaking also amends the current rules to clarify the enforcement and notification procedures for unsafe and imminently dangerous buildings, premises and equipment, and clarifies the regulation and licensing of transient housing businesses.

The Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published May 16, 2014 at 61 DCR 4951 and reflects changes made in response to comments submitted by the public.

Strike the Housing Regulations, Chapters 1-13 of Title 14 DCMR, HOUSING, in their entirety, and insert the following in their place:

TITLE 14

CHAPTER 1	**ADMINISTRATION AND ENFORCEMENT**
CHAPTER 2	**HOUSING BUSINESS LICENSES**
CHAPTER 3	**LEASES AND SECURITY DEPOSITS**
CHAPTER 4	**RESPONSIBILITIES OF HOUSING BUSINESSES**
CHAPTER 5	**TENANT RESPONSIBILITIES**
CHAPTER 6	**APARTMENTS AND APARTMENT HOUSES**
CHAPTER 7	**TRANSIENT HOUSING BUSINESSES**
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CHAPTER 1: ADMINISTRATION AND ENFORCEMENT

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100 GENERAL

100.1 The provisions of Chapters 1-8 of this title shall apply to every residential premises or part of any premises (including those owned by the District of Columbia government) that is offered for rent, lease or occupancy, or is occupied or used, as a habitation by a person other than the owner or the owner's invitees, including, but not limited to, the rental of a dwelling unit or rooming unit in a residential building that the owner also occupies, and transitional housing as defined in 29 DCMR § 2599.1.

100.2 The provisions of the Property Maintenance Code, as defined in Section 199 of this chapter, shall apply to any residential premises or part of any premises within the scope of § 100.1, and are incorporated by this reference. These include, but are not limited to, the following provisions of the Property Maintenance Code:

(a) Exterior Property Areas (12-G DCMR § 302);

(b) Pest Elimination (12-G DCMR § 309);

(c) Light, Ventilation and Occupancy Limitations (12-G DCMR Chapter 4);

(d) Plumbing Facilities and Fixture Requirements (12-G DCMR Chapter 5);

(e) Mechanical and Electrical Requirements (12-G DCMR Chapter 6); and

(f) Fire Safety Requirements (12-G DCMR Chapter 7).

100.3 The Property Maintenance Code establishes minimum requirements and standards for the following: premises, structures, equipment, and facilities for light, ventila-

tion, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and safe and sanitary maintenance; the responsibilities of owners, operators, tenants, and occupants; and occupancy of existing structures and premises.

100.4 The purpose of the Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with the Property Maintenance Code are required to be altered or repaired to provide a minimum level of health and safety as required therein.

100.5 Repairs, alterations, additions or other work done as a result of any requirement established in Chapters 1-8 of this title or in the Property Maintenance Code shall be accomplished under permit and in the manner provided in the Construction Codes.

100.6 Nothing herein or in the Property Maintenance Code shall be deemed to negate or impair tenant rights set forth in Title 14, including, but not limited to, the right to seek a preliminary or permanent injunction to abate public nuisances (Subsection 101.11), the implied warranty of habitability (Section 301), or the void lease doctrine (Section 302).

100.7 Owners and tenants have legal responsibilities with regard to maintenance of their buildings, including structures, equipment and exterior property, and to each other as set forth in the Property Maintenance Code, Title 14 of the District of Columbia Municipal Regulations (the "Housing Code"), and other applicable statutes and regulations.

100.8 Each section and subsection of Chapters 1-8 of this title shall be independent of and severable from every other section or subsection, and the finding or holding of any section or subsection to be void, invalid, or ineffective for any cause shall not be deemed to affect any other section or subsection.

100.9 No residential premises may be occupied, or offered for occupancy, for consideration unless the applicable license has been obtained from the District.

101 ENFORCEMENT AND PENALTIES

101.1 Any person, other than a person licensed as a housing business or transient housing business under authority of D.C. Official Code § 47-2828 (2012 Repl.) and Chapters 2 and 8 of this title, who fails to comply with any applicable provision of Chapters 1-8 of this title shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($300), or by imprisonment for not more than ninety (90) days, in lieu of, or in addition to, any fine, for such failure to comply.

101.2 No further penalties shall be imposed under § 101.1 for an offense during the period in which an appeal from a criminal conviction of that offense is pending.

101.3 Any person licensed as a housing business or a transient housing business under authority of D.C. Official Code § 47-2828 (2012 Repl.) and Chapters 2 and 8 of this title, who fails to comply with any applicable provision of Chapters 1-8 of this title shall, upon conviction, be punished by a fine not to exceed three hundred dollars ($300) or imprisonment for not more than ninety (90) days for each such failure to comply.

101.4 Civil fines, penalties, and fees may be imposed as additional sanctions to criminal prosecution or other civil actions for a violation of Chapters 1-8 of this title, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Official Code §§ 2-1801 *et seq*. (2012 Repl.)) ("Civil Infractions Act") or, if applicable, the Rental Housing Act of 1985 as amended [D.C. Law 6-10; D.C. Official Code §§ 42-3501.01 *et seq*. (2012 Repl. & 2013 Supp.)] (the "Rental Housing Act"). Infractions of Chapters 1-8 shall be adjudicated pursuant to the Civil Infractions Act.

101.5 In addition to other penalties authorized by statute or regulation, the code official may serve one (1) or more notices or orders in accordance with Section 107, which may impose a fine or other penalty on any person or persons responsible for a violation of the provisions of Chapters 1-8 of this title.

101.6 Any person, including an owner, operator, occupant or tenant, who causes a violation of any provision of Chapters 1-8 of this title is subject to the penalties set forth in § 101.

101.7 In the event of any failure to comply with any provision of Chapters 1-8 of this title, each and every day such violation continues shall constitute a separate offense.

101.8 The penalties prescribed in §§ 101.1 and 101.3 shall be applicable to each separate offense, except as provided in § 101.2.

101.9 The violation of any provision of Chapters 1-8 of this title or the failure to comply with a requirement of Chapters 1-8 shall also be grounds for denial of any application for, or the institution of proceedings for suspension or revocation of, any housing business license, transient housing business license, or license endorsement issued under Chapter 2 of this title or Chapter 28 of Title 47 of the D.C. Official Code (2012 Repl. & 2014 Supp.).

101.10 Where any person violates a provision of Chapters 1-8 of this title or fails to comply therewith or with any of the requirements thereof, following notice as prescribed in Section 107 of this chapter, the code official may cause such condition to be corrected. The costs of any corrective action, and all expenses incident

thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, bear interest and be collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code (2012 Repl. & 2014 Supp.).

101.11 Nothing herein shall be deemed to abrogate any rights an owner, operator, occupant or tenant may have to pursue resolution of any legal disputes in Superior Court or Small Claims Court, through the Rental Accommodations Division of the District of Columbia Department of Housing and Community Development, the Office of Administrative Hearings, or any other adjudicative body with jurisdiction over such disputes.

101.12 Without negating, restricting or otherwise limiting any authorized remedies or penalties, this section expressly declares a public policy in favor of speedy abatement of public nuisances that violate this title, and preliminary and permanent injunction may be sought from Courts of competent jurisdiction where:

(a) The maintenance of any habitation in violation of the provisions of Chapters 1-8 of this title or the Property Maintenance Code constitutes a danger to the health, welfare, or safety of the occupants; or.

(b) The abatement of such public nuisances by criminal prosecution or by compulsory repair, condemnation, and demolition alone has been or will be inadequate; or

(c) Such public nuisances cause specific, immediate, irreparable and continuing harm to the occupants of these habitations, and damage the quality of life and the mental development and well-being of the occupants, as well as their physical health and personal property, and this harm cannot be fully compensated for by an action for damages, rescission or equitable setoff for the reduction in rental value of the premises.

102 REVIEW AND APPEALS

102.1 The owner of a building or other structure or any person adversely affected or aggrieved by a final decision or order of the code official based in whole or in part upon Chapters 1-8 of this title, may appeal to the Office of Administrative Hearings (OAH), unless D.C. Official Code § 42-3502.04(b) requires a petition to be filed with the Rent Administrator. Except where an expedited hearing is requested pursuant to § 102.2, the OAH appeal shall be filed within ten (10) business days after the date the person appealing the decision of the code official had notice or knowledge of the decision, or should have had notice or knowledge of the decision, whichever is earlier.

102.2 Timely appeals of notices or orders shall stay the enforcement of the notice or order until the appeal is heard by OAH, with the following exceptions:

(a) Closure or imminent danger notices or orders issued pursuant to § 105, and related orders to vacate premises; or

(b) Closure notices or orders issued pursuant to § 104, and related orders to vacate premises, except where the tenant or occupant has requested an expedited OAH hearing in accordance with § 102.2.

102.3 Where a notice or order to close or vacate residential premises is issued pursuant to § 104, a tenant or occupant of the premises affected by the closure has a right to request an expedited hearing by OAH prior to the closure, subject to the following conditions:

(a) The tenant or occupant shall file the request for an expedited hearing with OAH no later than the date specified in the closure order for tenants or occupants to vacate the structure or unit;

(b) OAH review shall be based solely on the issue of whether the premises are unsafe or unfit for occupancy requiring a building closure under the provisions of § 104;

(c) Enforcement of the closure notice or order shall be stayed until OAH issues a written decision; and

(d) OAH shall hold a hearing within seventy-two (72) hours of receipt of a timely request, and shall issue a decision within seventy-two (72) hours after the hearing. For purposes of computing the seventy-two (72) hour period, weekends and legal holidays shall be excluded.

Nothing herein shall be construed to authorize an expedited hearing for any notices or orders issued, or actions taken, pursuant to § 105.

102.4 Appeal of a closure notice or order issued pursuant to § 105, or a request for an expedited hearing pursuant to § 102.2, shall not preclude the code official from issuing a notice or order pursuant to § 105 for the same premises or structure, while such appeal or hearing is pending.

103 DUTIES AND POWERS OF THE CODE OFFICIAL

103.1 The Director of the District of Columbia Department of Consumer and Regulatory Affairs, or a duly authorized representative, shall be the code official for purposes of enforcing the provisions of Chapters 1-8 of this title pertaining to (a) the condition of premises, or equipment thereon, and (b) the licensing of housing

businesses or transient housing businesses. The Director of the Department of Housing and Community Development, or a duly authorized representative, shall be the code official for purposes of enforcing the provisions of Chapters 1-8 of this title pertaining to the Rental Housing Act.

103.2 The code official is authorized to inspect the premises of any housing business or transient housing business, and shall make all of the required inspections or shall have authority to accept reports of inspection by approved agencies. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

103.3 The code official is authorized to enter a structure or premises at all reasonable times to inspect and for the purpose of enforcing Chapters 1-8 of this title, subject to the provisions of this section. If entry is refused or not obtained, the code official is authorized to obtain an administrative search warrant issued pursuant to D.C. Official Code § 11-941 (2012 Repl.) or D.C. Superior Court Civil Rule 204, or to pursue any other recourse provided by law.

103.4 The code official, both prior to the issuance of a housing business license or a transient housing business license and during the license period, is authorized, at all reasonable hours, to enter and inspect the premises occupied or to be occupied by a housing business or transient housing business, except as provided in § 103.5.

103.5 If it appears that any portion of a premises is under the exclusive control of a tenant, or if the owner or operator of a housing business so claims, the code official shall not enter that portion of the premises without first having obtained permission from the tenant or the tenant's agent, except as provided in § 103.6 and subject to constitutional restrictions on unreasonable searches and seizures.

103.6 If a tenant of a housing business does not give permission to inspect that portion of the premises under the tenant's exclusive control, the code official shall not enter that portion of the premises unless the code official has:

(a) A valid administrative warrant permitting the inspection, issued pursuant to D.C. Official Code § 11-941 (2012 Repl.) or D.C. Superior Court Civil Rule 204; or

(b) A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent any imminent danger to the public health or welfare.

103.7 When the code official presents a valid administrative search warrant that permits inspection of premises under a tenant's exclusive control, the tenant of a housing business who refuses to give permission to inspect that portion of the premises shall be in violation of the Property Maintenance Code and Chapters 1-8 of this title.

103.8 If the owner or operator of a housing business or transient housing business, or agent of such owner or operator, refuses to permit the code official to inspect the premises occupied or to be occupied by a housing business or transient housing business, such refusal shall be cause for withholding the issuance of a license for those premises until the inspection is permitted, and/or cause for the revocation of any existing license.

103.9 As a condition of receiving a housing business or transient housing business license under D.C. Official Code § 47-2828 (2012 Repl.), the owner or operator of a housing business or transient housing business must agree to:

(a) Allow access to the Department for any inspection required under the Construction Codes; and

(b) Notify any affected tenant whose unit requires inspection, where applicable.

103.10 The code official, and authorized representatives of the code official, shall carry proper credentials when inspecting structures or premises in the performance of their duties under Chapters 1-8 of this title.

103.11 The code official is authorized to issue all necessary notices or orders to ensure compliance with Chapters 1-8 of this title, and to institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code §§ 42-3131.01 *et seq*. (2012 Repl.)), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2002, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code §§ 42-3171.01 *et seq*. (2012 Repl.)).

103.12 Whenever in the enforcement of Chapters 1-8 of this title or another code or ordinance, the responsibility of more than one code official of the District is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners, operators, tenants and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

104 UNSAFE STRUCTURES AND EQUIPMENT

104.1 When premises, including structures or equipment thereon, are found by the code official, in whole or in part, to be unsafe or dangerous, or when a structure is found unfit for human occupancy, or is found to be unlawful, such structure may be closed by the code official pursuant to the provisions of this section or § 108 of the Property Maintenance Code, and may be referred to the Board of Condemna-

tion pursuant to An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code §§ 6-901 *et seq*. (2012 Repl. & 2014 Supp.)).

104.2 An unsafe structure is a building or other structure, or anything attached to or connected with a building or other structure, that is found to be unsafe or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

104.3 Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

104.4 A structure is unfit for human occupancy whenever the code official finds that such structure is: unsafe; unlawful; or, due to the degree to which the structure is in disrepair or lacks maintenance, is unsanitary or vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Property Maintenance Code; or whenever the code official finds that the location of the structure constitutes a hazard to the occupants of the structure or to the public.

104.5 An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Property Maintenance Code, or erected, altered or occupied contrary to law.

104.6 For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

(a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the Construction Codes as related to the requirements for existing buildings.

(b) Any walking surface of any aisle, passageway, stairway, exit or other means of egress that is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

(c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, which is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

(e) The building or structure, or part of the building or structure, is likely to collapse partially or completely, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

(f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

(g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance or hazard to children who might play in the building or structure or a harbor for vagrants, criminals or immoral persons, or that could enable persons to resort to the building or structure for committing a nuisance or an unlawful act.

(h) The building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the Construction Codes, or of any law or ordinance, to such an extent as to present a substantial risk of fire, building collapse or any other threat to life and safety.

(i) A building or structure, used or intended to be used for dwelling purposes, that is determined by the code official to be unsanitary, unfit for human habitation, or in a condition that is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system or other cause.

(j) Any building or structure that is determined by the code official to be a threat to life or health because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause.

(k) Any portion of a building or structure that remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure or portion thereof is abandoned so as to become an attractive nuisance or hazard to the public.

104.7 Whenever the code official determines that the repair record on any boiler, air conditioning system, heating equipment, elevator, moving stairway or other equipment on the premises or within a structure reflects the need for replacement of the equipment, the code official may declare the equipment "unserviceable" and order the replacement of the equipment.

104.8 If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official, after providing notice as prescribed in § 107, is authorized to post a closure placard on the premises and order the structure closed so as not to be an attractive nuisance. Upon failure of the owner to close the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any legal resource.

104.9 The provisions of § 111.3, Authority to Disconnect Service Utilities, of 12-A DCMR, shall apply to Chapters 1-8 of this title and are hereby incorporated by reference.

104.10 Whenever the code official has found a premises or structure to be unsafe or unfit for occupancy or has found equipment on the premises or in the structure to be unsafe or unlawful under the provisions of this section, notice shall be posted in a conspicuous place in or about the premises or structure affected by such notice and shall be served on the owner or the person or persons responsible for the premises, structure or equipment in accordance with § 107 and An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, as amended, approved March 1, 1899 (30 Stat. 923; D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.)). If the notice pertains to equipment, it shall also be placed on the equipment found to be unsafe or unlawful. The notice shall be in the form prescribed in § 107. The code official is authorized to order the owner to close and barricade the structure or dwelling unit within a specified period of time.

104.11 Whenever the code official has found a premises or structure to be unsafe or unfit for occupancy or has found equipment on the premises or in the structure to be unsafe or unlawful under the provisions of this section, the code official is authorized to order tenants or occupants of residential premises to vacate the premises within a time sufficient to allow the owner to comply with the order to close and barricade the premises, subject to the provisions of § 107.6. If any tenant or occupant fails to vacate the premises within the time period set forth in the notice or order, the code official is authorized to order the removal of the tenants or occupants.

104.12 The code official is authorized to order tenants or occupants of residential premises to vacate the premises within a time sufficient to allow the owner to comply

with the order to close and barricade the premises, provided that tenants or occupants shall be given at least five calendar days to vacate the premises. If any tenant or occupant fails to vacate the premises within the time period set forth in the notice or order, subject to the appeal provisions of § 102.3, the code official is authorized to order the removal of the tenants or occupants.

104.13 The removal of tenants from unsafe residential premises, or the service of an order to vacate pursuant to this chapter shall not be considered an eviction or notice to vacate under D.C. Official Code § 42-3505.01 (2012 Repl.) except as provided by § 42-3505.01(n). Nothing herein shall be construed to nullify or abrogate any other rights to which a tenant or occupant is entitled under District laws or regulations, including relocation assistance, the right to reoccupy the rental unit following rehabilitation, or the right to pursue rights and remedies under D.C. Official Code, Title 42, Chapter 34 (2012 Repl. & 2014 Supp.).

104.14 Repairs to, or removal or demolition of, a historic landmark or building or structure located within an historic district shall comply with D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.).

104.15 Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises a closure placard bearing the words "These Premises are Unsafe and Its Occupancy Has Been Prohibited by the Code Official," or to post the defective equipment with a placard bearing the words "Removed from Service." The placard shall include a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.

104.16 The code official shall authorize removal of the applicable placards whenever the defect or defects upon which the closure or removal from service actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by § 101.

104.17 Any occupied structure, closed and placarded by the code official, shall be vacated as ordered by the code official. Any person who occupies a placarded premises or operates placarded equipment, and any owner or any person responsible for the premises who allows anyone to occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by § 101.

104.18 The owner, operator, or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. Notwithstanding any other penalties or remedies set forth in § 101, where the owner, operator or occupant of a structure, premises or equipment deemed unsafe by the code official fails to abate such unsafe condition following notice as prescribed in § 104.3, the code official may cause such condition to be

corrected and the costs of any corrective action, and all expenses incident thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, and shall bear interest and be collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

104.19 The code official shall create and maintain a report on any unsafe condition. The report shall state the occupancy of the structure or building and the nature of the unsafe condition.

104.20 The code official is authorized to refer a building or structure determined to be unsafe under this § 104 to the Board for the Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903 (2012 Repl.).

105 EMERGENCY MEASURES

105.1 The code official is hereby authorized and empowered to order and require the tenants and occupants to vacate the premises forthwith when, in the opinion of the code official: there is imminent danger of failure or collapse of a building or other structure which endangers life; or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials; or when the health or safety of occupants of the premises or those in the proximity of the premises is immediately endangered by an unsanitary condition or by the operation of defective or dangerous equipment. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [code official]." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

105.2 Where the code official posts a closure or imminent danger notice pursuant to this section, the code official is authorized to order all tenants or occupants to vacate the imminently dangerous structure or dwelling unit. The closure notice shall include the time by which the premises must be vacated, provided that tenants and occupants shall have at least twenty-four (24) hours to vacate unless the code official determines that tenants and occupants must leave the premises immediately for their personal safety. If any tenant or occupant fails to vacate the structure or unit within the time specified in the notice or order, the code official is authorized to order removal of the tenant or occupant from the structure or unit.

105.3 The removal of tenants and occupants from imminently dangerous premises, or the service of an order to vacate, pursuant to this section shall not be considered an eviction or notice to vacate under D.C. Official Code § 42-3505.01 (2012 Repl.) except as provided by § 42-3505.01(n). Nothing herein shall be construed to nullify or abrogate any other rights to which a tenant or occupant is entitled under District laws or regulations, including relocation assistance, the right to reoccupy the rental unit following rehabilitation, or the right to pursue rights and remedies under D.C. Official Code Title 42, Chapter 34.

105.4 Emergency measures affecting a historic landmark or a building or structure located within an historic district shall comply with D.C. Official Code § 6-803(b) (2012 Repl.).

105.6 Whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall further cause such other action to be taken as the code official deems necessary to meet such emergency.

105.7 When necessary for the public safety, the code official is authorized to temporarily close sidewalks, streets, buildings, other structures, and places adjacent to such unsafe structure, and prohibit them from being used.

105.8 For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

105.9 Where the code official causes emergency work to be done pursuant to § 105, the costs incurred in the performance of emergency work, and all expenses incident thereto, shall be deemed a special assessment and shall be assessed as a tax against the property on which the violating condition existed, bear interest and be collected in the same manner as delinquent general taxes in the District are collected in accordance with D.C. Official Code § 47-1205 (2012 Repl.). Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

105.10 If the code official determines that no other shelter is available to tenants or occupants removed from residential premises pursuant to § 105.6, the code official has discretion to assess all expenses incident to tenant relocation as a cost of emergency repairs, including, but not limited to, temporary housing, security deposits and the first month's rent if required, costs associated with cleaning the premises to comply with the Property Maintenance Code, utility removal or disconnection costs, court costs, fines, and penalties.

105.11 The code official is authorized to refer a building or structure determined to be

imminently dangerous under § 105 to the Board for the Condemnation of Insanitary Buildings for issuance of an order of condemnation pursuant to D.C. Official Code § 6-903 (2012 Repl.).

106 DEMOLITION

106.1 The code official is authorized to initiate proceedings pursuant to D.C. Official Code §§ 42-3173.01 *et seq*. (2012 Repl.) to demolish or enclose a "deteriorated structure" as defined in that section.

107 NOTICES AND ORDERS

107.1 In addition to other penalties authorized by statute or regulation, whenever the code official determines that there has been a violation of Chapters 1-8 of this title or has reasonable grounds to believe that a violation has occurred, the code official is authorized to serve one or more of the following notices or orders, which may impose a fine or other penalty, on an owner or the person or persons responsible for the violation:

(a) A notice of violation;

(b) A notice of infraction;

(c) A combined notice of violation and notice of infraction; or

(d) Any other order or notice authorized to be issued by the code official.

107.2 Service of a notice of violation or order shall be in the manner prescribed in §§ 107.7-107.10, except as otherwise provided herein. Notices of infraction shall be issued in accordance with the procedures and fine amounts set forth in § 201 of the Civil Infractions Act and Title 16 of the DCMR.

107.3 Issuance of a notice of violation, notice of infraction, or combined notice of violation and notice of infraction pursuant to this section, prior to taking other enforcement action, is at the discretion of the code official. Issuance of notice of violation, notice of infraction, or combined notice of violation and notice of infraction shall not be a prerequisite to criminal prosecution, civil action, corrective action, or civil infraction proceeding based upon a violation of Title 14, Chapters 1-10.

107.4 Additional notice procedures may apply to historic buildings pursuant to D.C. Official Code §§ 6-801 *et seq*. (2012 Repl.).

107.5 A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or require abatement of the illegal action or condition, and must:

(a) Be in writing;

(b) Include the name and address of the person or entity being cited;

(c) Include a description of the real estate sufficient for identification;

(d) Include a statement of the violation or violations, the code section(s) violated and why the notice or order is being issued;

(e) Include, if the notice or order affords an opportunity to abate a violation, a reasonable period of time by which the required repairs and improvements must be made;

(f) Include, if applicable, a specific time by which unsafe or imminently dangerous premises shall be closed, barricaded and/or vacated, or equipment placed out of service;

(g) Include a statement informing the property owner of the right to appeal pursuant to § 102; and

(h) Include a statement of the rights of the District of Columbia, pursuant to § 101.10, to abate the violation without the owner's consent if the owner fails to comply with the notice or file a timely appeal; to assess the costs of such abatement against the owner; and to place a tax lien on the property for the costs of such abatement.

107.6

(a) Where the code official issues an order to close and barricade a residential structure or dwelling unit pursuant to §§ 104 or 105, the closure order shall include all information required by § 107.5 and shall also include the following:

(i) The date by which tenants or occupants of the structure or unit are required to vacate the structure or unit; and

(ii) A statement informing tenants or occupants of the structure or unit of the right to appeal and/or request an expedited hearing pursuant to § 102.

(b) A copy of the closure order shall be provided to tenants in accordance with § 107.10.

(c) If any tenant or occupant fails to vacate the structure or unit within the time specified in the closure order, the code official is authorized to order removal of the tenant or occupant from the structure or unit.

107.7 The code official shall effect service of a notice or order (not including notices of

infraction) upon the property owner or person(s) responsible for the violation or violations by one of the following methods, any of which shall be deemed proper service:

(a) Personal service on the property owner or persons responsible, or the agents thereof; or

(b) By electronic mail to the last-known electronic mail address of the person or business to be notified, provided that a copy of the notice or order is posted in a conspicuous place in or about the structure or premises affected by such notice; or

(c) Delivering the notice to the last known home or business address of the property owner or persons responsible as identified by the tax records, business license records, or corporate registration records, and leaving it with a person over the age of sixteen (16) years residing or employed therein; or

(d) Mailing the notice, via first class mail postage pre-paid, to the last known home or business address of the property owner or persons responsible or the agents thereof as identified by the tax records, business license records or corporate registration records; or

(e) If the notice is returned as undeliverable by the U.S. Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure or premises affected by such notice.

107.8 After an inspection of a dwelling unit occupied by a tenant, the code official shall provide the tenant with a copy of any notice or order with respect to that unit issued to the owner pursuant to Chapters 1-8 of this title. This requirement will be satisfied by mailing a copy to the tenant by first-class mail, leaving a copy at the tenant's residence, or any other reasonable method in the code official's discretion. Upon request to the code official by a person or agency acting on behalf of a tenant entitled to receive a copy of a notice or order under this section, with a written authorization from the tenant, such person or agency shall be provided with a copy of the notice or order by any reasonable method in the code official's discretion.

107.9 In any instance where a violation of Chapters 1-8 of this title affect more than one tenant of a residential building or dwelling, including violations involving common space, the code official shall post a copy of any notice or order issued to the owner pursuant to § 107 for a reasonable time in one or more locations within the building or buildings in which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all tenants affected. Any tenant directly affected by the violation(s) shall, upon request to the code official,

be provided with a copy of the posted notification by any reasonable method in the code official's discretion. Upon request to the Director by a person or agency acting on behalf of a tenant entitled to receive a copy of a notice or order under this section, with a written authorization from the tenant, such person or agency shall be provided with a copy of the notice or order by any reasonable method in the code official's discretion.

107.10 Where closure notices or orders are issued pursuant to §§ 104 or 105 and the building or structure has multiple dwelling units, in addition to posting the notice pursuant to § 107.9, the code official shall leave a copy of the closure notice or order at each unit in the building or structure subject to closure.

107.11 Signs, placards, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, obstructed or tampered with, or removed without authorization from the code official.

107.12 The code official shall not be subject to any other tenant notification provisions, except as set forth in this § 107.

107.13 It shall be unlawful for the owner of any dwelling unit or structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person or entity until the provisions of the notice or order have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice or order.

108 TRANSITORY PROVISIONS

108.1 The laws and regulations in force on the date of adoption of this amendment to 14 DCMR shall remain in effect for the purposes specified in Subsection 108.2.

108.2 The laws and regulations in force on the date of adoption of this amendment to 14 DCMR shall apply with respect to violations or infractions committed prior to said date, whether the prosecutions or adjudications of those violations or infractions are begun before or after said date.

109 [RESERVED]

110 [RESERVED]

111 REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT

111.1 This section implements the policy of the District of Columbia regarding requests for reasonable accommodation, as required by the Fair Housing Act, as amended, 42 U.S.C. § 3604(f)(3)(B) ("Fair Housing Act"), in its rules, policies, and procedures for handicapped individuals. The policy of the District of Columbia is to facilitate housing for individuals with disabilities and to comply fully with the spirit and the letter of the Fair Housing Act.

111.2 Individuals with disabilities seeking reasonable accommodation in housing programs provided by the District of Columbia Housing Authority (DCHA) should follow procedures set forth in 14 DCMR, Chapter 74.

111.3 Any person who is eligible under the Fair Housing Act may request a reasonable accommodation pursuant to the provisions of this chapter, as provided by 42 U.S.C. § 3604(f)(3)(B). A request for a reasonable accommodation does not affect a person's obligations to act in compliance with other applicable District laws and regulations not at issue in the requested accommodation.

111.4 All requests for reasonable accommodation under the Fair Housing Act shall be submitted to the Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Washington, D.C. 20014, or such office as the Mayor may assign or delegate.

111.5 All requests for reasonable accommodation shall be in writing. The Director, or his or her designee, will assist any individual with reducing a reasonable accommodation request to writing, upon request by that individual. Each reasonable accommodation request shall provide, at a minimum, the following information:

(a) Name and address of person(s) requesting accommodation;

(b) Name and address of dwelling owner;

(c) Name and address of dwelling at which accommodation is requested;

(d) Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;

(e) Reason that the requested accommodation may be necessary in order for the person or persons with a handicap, as such term is defined by the Fair Housing Act, 42 U.S.C. § 3602(h), to use and enjoy the dwelling; and

(f) If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).

111.6 The applicant shall mark as "CONFIDENTIAL" any information submitted with the application that the applicant believes should not be made public. The Director shall maintain this information in a confidential file separate from the application. Only agency personnel expressly authorized by the Director shall have access to the confidential file.

111.7 The Director, or his or her designee, or such other officer as the Director may assign or delegate, may conduct an appropriate inquiry into the request for reasonable accommodation and may:

(a) Grant the request;

(b) Grant the request subject to specified conditions; or

(c) Deny the request.

111.8 If necessary to reach a decision on the request for reasonable accommodation, the Director may request further information from the applicant consistent with the Act, specifying in detail the information required.

111.9 The Director may consult with other District agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the District.

111.10 The Director shall issue a written final decision on the request not more than forty-five (45) days after receiving written request for reasonable accommodation; however, in the event that the Director requests further information under § 111.7, the running of this period shall be tolled from the date of the request through the date of the applicant's response.

111.11 The Director may consider the following criteria when deciding whether a request for accommodation is reasonable:

(a) Whether the requested accommodation would require a fundamental alteration of a legitimate District policy; and

(b) Whether the requested accommodation would impose undue financial or administrative burdens on the District government.

111.12 The Director shall set forth in writing the decision on the request for reasonable accommodation. If the Director denies the request in whole or in part, the Director shall explain in detail the basis of the decision, including the Director's findings on the criteria set forth in § 111.10. The Director's decision and notice shall be sent to the applicant by certified mail.

111.13 If the Director fails to render his or her decision on a request for reasonable accommodation within the time allotted by § 111.10, the request shall be deemed granted.

111.14 The Director's decision pursuant to § 111.12 shall be deemed a final decision of the District of Columbia government, and, therefore, there shall not be any further resort to administrative remedies.

111.15 The Director shall maintain a file of all requests for reasonable accommodation under the Fair Housing Act, and a file of all decisions made on such requests. The file may be reviewed in the Office of the Director upon request during regular business hours, or such other office as the Mayor may designate; provided, however, that any material identified as "CONFIDENTIAL" by the applicant as permitted by § 111.6 shall not be made available for public inspection.

111.16 Upon written notice to the Director, an applicant for a reasonable accommodation may withdraw the request without prejudice.

111.17 While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the dwelling that is the subject of the request shall remain in full force and effect.

199 DEFINITIONS

199.1 Where terms used in Chapters 1-8 of this title are not defined therein but are defined in the Construction Codes, such terms shall have the meanings ascribed to them as stated in the Construction Codes.

199.2 For the purpose of Chapters 1-8 of this title, the following words and terms shall have the meanings ascribed. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "sleeping unit" or "housekeeping unit," are stated in Chapters 1-8, they shall be construed as though they were followed by the words "or any part thereof." Wherever the word or words "occupied," "is occupied," "used," or "is used" appear, such word or words shall be construed as if followed by the words "or is intended, arranged or designed to be used or occupied".

Apartment – a dwelling unit.

Apartment house – Any building or part of a building in which there are three (3) or more dwelling units which are occupied, or offered for occupancy, for consideration.

Boarding house – Any building or part of a building where meals, or sleeping accommodations and meals, are furnished for a consideration, or offered for a consideration, to three (3) or more guests. A boarding house shall be

considered a housing business if sleeping accommodations are furnished or offered on a monthly or longer basis.

Building Code – The 2012 International Building Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Building Code Supplement, 12-A DCMR, or any successor thereto.

Code official – The government official or other designated authority charged with the administration and enforcement of this code or portions thereof, or a duly authorized representative.

Construction Codes – The most recent edition of the codes published by the International Code Council, or by a comparable nationally recognized and accepted code development organization, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in Title 12 of the District of Columbia Municipal Regulations (or any successor thereto).

Common space – Also referred to herein as "common areas." See § 202 of the Property Maintenance Code.

Director – The Director of the District of Columbia Department of Consumer and Regulatory Affairs.

Dwelling – A building that contains one (1) or two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling (for purposes of Section 111) – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families. See § 3604(f)(3)(B) of the Fair Housing Act, as amended (42 U.S.C. 3604(f)(3)(B)).

Dwelling, multiple – A building that contains more than two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes. A multiple dwelling may be occupied for permanent residence or transiently, as the more or less temporary abode of persons who are lodged with or without meals.

Dwelling unit – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Existing Building Code- The 2012 International Existing Building Code pub-

lished by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Existing Building Code Supplement, 12-J DCMR , or any successor thereto.

Fire Code – The 2012 International Fire Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Fire Code Supplement, 12-H DCMR, or any successor thereto.

Habitation – Any building or part of any building used for living or sleeping purposes, including, but not limited to, buildings with dwelling units, sleeping units, housekeeping units or rooming units.

Hotel – A building or part of a building in which not less than thirty (30) habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites on a daily basis and where meals, prepared in a kitchen on the premises by the management or a concessionaire of the management, may be eaten in a dining room accommodating simultaneously not less than thirty (30) persons. The dining room shall be internally accessible from the lobby.

If kitchen or dining room facilities are operated by a concessionaire, the hotel licensee and its manager shall be liable for compliance with all regulations applicable to the kitchen and dining area, including the penalties under those regulations, unless otherwise specifically provided in Chapters 1-8 of this title.

Household – One (1) family related by blood, marriage, adoption, or foster agreement, or not more than six (6) persons who are not so related, living together as a single house-keeping unit; provided, that the term household shall include a religious community having not more than fifteen (15) members.

Housing accommodation – Any structure or building in the District of Columbia containing one (1) or more rental units and the land appurtenant thereto. The term "housing accommodation" does not include (a) any hotel, inn or other lodging with a valid certificate of occupancy; (b) any structure, including any room in the structure, used primarily for transient occupancy and in which at least sixty percent (60%) of the rooms devoted to living quarters for tenants or guests were used for transient occupancy as of May 20, 1980.

For the purposes of Chapters 38 through 44 of this title, a rental unit shall be deemed to be used for transient occupancy only if the owner or opera-

tor of the rental unit is subject to and pays the sales tax imposed by § 114(a)(3) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Official Code § 47-2001(n)(l)(c) (2012 Repl.)).

Housing Business – A business licensed, or required to be licensed, under D.C. Official Code § 47-2828 (2012 Repl.), including, but not limited to, a residential building with a dwelling unit or rooming unit offered for rent or lease, regardless of whether the housing business owner or operator also occupies the building.

A housing business shall not include any premises used for lodging.

Landlord – The owner or operator of a housing business as defined herein.

Lodging - A building or part thereof where, for compensation, customers are provided with, or offered, temporary housing for an agreed upon term of less than thirty (30) consecutive days. Lodging includes, but is not limited to, hotels, motels, inns, and bed and breakfast establishments. Lodging also includes dwellings, or parts of dwellings, that the owner also occupies, where the owner furnishes for a consideration, or offers for a consideration, sleeping accommodations on a transient basis to three (3) or more guests. Lodging does not include emergency shelters.

Motel – a building containing at least thirty (30) non-connecting rooming units or sleeping units, reserved exclusively for transient guests. Each unit must have a private bath and at least one (1) private parking space. The term "motel" shall include motor courts, tourist courts, and motor lodges.

Occupant – See § 202 of the Property Maintenance Code.

Operator – See § 202 of the Property Maintenance Code. The term "operator" when used in Chapters 1-8 of this title also includes any agent of the operator.

Owner – See § 202 of the Property Maintenance Code. The term "owner" when used in Chapters 1-8 of this title also includes any agent of the owner or any operator appointed by the owner to conduct the business of the owner.

Person – See § 202 of the Property Maintenance Code.

Premises – See § 202 of the Property Maintenance Code.

Property Maintenance Code – The 2012 Property Maintenance Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Property

Maintenance Code Supplement, 12-G DCMR, or any successor thereto.

Property Manager – See 14 DCMR § 204.1.

Recyclable- as defined in the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code §§ 8-1001 *et seq.* (2012 Repl.)).

Rental Housing Act - The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3501.01 *et seq*. (2012 Repl. & 2014 Supp.)).

Rental unit – Any part of a building or structure which is rented or offered for rent for residential (non-transient) occupancy, including, but not limited to, an apartment, dwelling unit, rooming unit, sleeping unit, housekeeping unit, single-family house and the land appurtenant thereto, suite of rooms, or duplex.

Residential building – Any building which is wholly or partly used or intended to be used for living and sleeping by human occupants.

Residential premises – Any building wholly or partly used or intended to be used for living and sleeping by human occupants; any fences, walls, sheds, garages, or other accessory buildings or structures appurtenant to the building; and the lot, plot or parcel of land on which the building and appurtenant structures are located.

Rooming house – Any building or part of a building containing sleeping accommodations occupied for a consideration by, or offered for occupancy for a consideration to, three (3) or more persons who are not members of the household of the owner or lessee of the building or part of the building, and which accommodations are not under the exclusive control of the occupants of the accommodations. A rooming house may be a housing business or a transient housing business depending on whether or not the accommodations are occupied or furnished for occupancy by transient guests.

Rooming unit – Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Sleeping unit – See § 202 of the Property Maintenance Code.

Structure - See § 202 of the Property Maintenance Code.

Tenant – Any person, including a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits of any rental unit owned by another person.

Transient – less than thirty (30) consecutive days.

Transient housing business - A business licensed, or required to be licensed, under D.C. Official Code § 47-2828 (2012 Repl.) and Chapter 7 of this title, that provides or offers lodging for a consideration. Transient housing businesses include, but are not limited to, hotels, motels, inns, rooming houses, bed and breakfast establishments and boarding houses. A transient housing business also includes any building or part of a building that the owner also occupies where customers are provided with, or offered, lodging, for consideration for a period of less than thirty (30) consecutive days.

CHAPTER 2: HOUSING BUSINESS LICENSES

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200 GENERAL LICENSING REQUIREMENTS

200.1 The provisions of this chapter shall be applicable to residential housing businesses ("housing businesses") as defined in § 199.2.

200.2 No person shall operate a housing business, as that term is defined in § 199.2, in any premises in the District of Columbia without first receiving a business license for the premises from the Department of Consumer and Regulatory Affairs (Department).

200.3 A housing business licensee shall conspicuously post the license or a copy of the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any person lawfully residing at the premises.

200.4 Each applicant for a housing business license shall, as a condition to the issuance of a license, indicate on the license application the name and contact information of the person responsible for the daily management of the premises, which includes the facilitation of maintenance and repairs. Except for property owners who manage their own premises, such person shall be a property manager licensed in the District of Columbia as provided in Section 204.

200.5 The appointment or employment of a person to conduct property maintenance and repairs shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of such person, or the contact information for such person, the licensee shall deliver to the Director of the Department of Consumer and Regulatory Affairs a written notice of the change not later than five (5) days after the change.

200.6 For purposes of Chapter 2, the person owning and operating a housing business shall be the owner of the premises where such business is conducted; provided, however, where premises are leased or otherwise legally transferred to another person, and such person (a) is operating a housing business on the premises, or in any part thereof, and (b) is legally responsible for maintenance and repairs of said premises, then such person shall be deemed to be the owner and operator of the housing business.

201 APPLICABILITY

201.1 Housing business licenses shall be required for all residential housing businesses, including, but not limited to, the following:

(a) Rental of a detached one-family dwelling or townhouse for a term of ninety days or more, which shall include the rental of duplexes, individual condominium units, and individual rooms (including individual rooms in a residential building that the licensee also occupies);

(b) Rental of a basement apartment, or accessory structure in a single-family home where the main residence is occupied by the property owner or another tenant;

(c) Apartment houses, which shall include the rental of buildings with three (3) or more dwelling units;

(d) Boarding houses or rooming houses where sleeping accommodations are furnished or offered to guests on a monthly or longer basis; and

(e) Other housing accommodations.

201.2 A valid Certificate of Occupancy issued by the Department shall be required at the time of application for licensure, except that a certificate of occupancy shall not be required for a one-family dwelling.

201.3 A housing business license shall not be required for rental to one household for a term of less than ninety (90) days of (a) a detached one-family dwelling, (b) a townhouse, (c) a condominium unit, or (d) an individual room in any of the foregoing.

201.4 Each housing provider, as defined in the Rental Housing Act (D.C. Official Code § 42-3501.03(15) (2014 Supp.)), shall file a registration/claim of exemption with the Department of Housing and Community Development's Rental Accommodations Division at the time of application for licensure, unless excluded pursuant to § 42-3502.05(e) (2012 Repl.).

202 INSPECTION OF PREMISES

202.1 As a condition of licensure, the owner or operator of a housing business shall allow the Department, and any other District government agency responsible for enforcement of this title and the Construction Codes, to inspect the premises of its housing business.

202.2 The owner or operator of a housing business shall:

(a) Comply with all statutes and regulations relating to:

(1) Rodents, waste storage and disposal, and maintenance of waste containers;

(2) Maintenance of common spaces under the licensee's control so that they are free of trash and debris; and

(3) Height of grass or weeds;

(b) Maintain the premises in a manner that complies with the applicable provisions of the D.C. Official Code, the Property Maintenance Code, the Fire Code, Chapters 1-8 of this title and other applicable District of Columbia laws and regulations pertaining to fire, life safety and public welfare; and

(c) Comply with all other District of Columbia and federal statutes and regulations that govern housing businesses as applicable.

202.3 The Director shall determine whether a licensee is in compliance with all applicable provisions of the business license laws and regulations and shall require that the building or part of the building to be licensed complies with all laws and regulations.

202.4 In accordance with § 202.1, the Director may develop an inspection program establishing a regular system of inspections for housing business licensees, with more frequent inspections for any licensee found to be in violation of the applicable statutes or regulations.

203 REGISTERED AGENT FOR NON-RESIDENT LICENSEES

203.1 Any non-resident person who owns or operates a housing business in the District of Columbia, or a licensee that is a non-resident owner of at least one (1) rental unit in the District of Columbia, shall appoint and continuously maintain a registered agent for service of process.

203.2 The non-resident owner or operator shall appoint a registered agent by filing a written statement with the Director on a prescribed form.

203.3 The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia.

203.4 The non-resident owner or operator shall, within seven (7) business days of occurrence, file a written statement notifying the Director of any change of registered agent, or any change in name, address or other information about the agent provided pursuant to § 203.2.

203.5 Pursuant to D.C. Official Code § 42-903(b)(2) (2012 Repl.) and Mayor's Order 2002-33, effective February 11, 2002, the Director shall serve as the registered agent for the non-resident owner if:

(a) A registered agent is not appointed under § 203.1; or

(b) The individual or organization appointed under § 203.1 ceases to serve as the resident agent and no successor is appointed.

203.6 Pursuant to D.C. Official Code § 42-903(d) (2012 Repl.), a non-resident owner or operator of one (1) or more rental units in the District in violation of this section shall be subject to a penalty of three hundred dollars ($300).

204 LICENSED PROPERTY MANAGER REQUIREMENT

204.1 Each housing business licensee shall designate the person responsible for the daily management of the property, which includes the facilitation of maintenance and repairs on the property, as provided in Subsections 200.4 and 200.5.

204.2 Except for property owners who manage their own buildings, the person designated under Sections 200.4 and 200.5 shall be licensed as a property manager in accordance with D.C. Official Code § 47-2853.01 *et seq*. (2012 Repl.), and Chapter 26 of Title 17 of the District of Columbia Municipal Regulations.

204.3 For purposes of this chapter, the term "property manager" means an agent for the owner of real estate in all matters pertaining to property management, as defined in D.C. Official Code § 47-2853.141 (2012 Repl.), which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services.

204.4 The property manager shall comply with the requirements of D.C. Official Code §§ 47-2853.141 through 47-2853.143 (2012 Repl.), and any regulations issued pursuant thereto.

205 RENEWAL OF HOUSING BUSINESS LICENSES

205.1 The Director may, upon application by a licensee, issue a renewal of a housing business license subject to subsequent determination that all provisions of the applicable laws and regulations are being observed by the licensee.

205.2 The premises of each license renewal applicant shall be subject to the inspection provisions of this chapter.

206 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

206.1 Refusal to permit any authorized District of Columbia official to inspect the premises occupied or to be occupied by a housing business shall be cause for withholding the issuance of a license for the premises until such time as inspection is permitted; provided, that the refusal of any residential tenant to permit such an inspection shall not result in the revocation or suspension of the housing business license, nor shall such refusal result in the assessment of penalties against the owner or operator of a housing business.

206.2 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:

(a) Refusal to permit any authorized District of Columbia official to inspect the premises owned or operated by a licensed housing business;

(b) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed;

(c) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business;

(d) Operation of the business in violation of the District's Zoning Regulations;

(e) Failure to maintain any qualification for licensure;

(f) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business; or

(g) The making of any false statement in the license application.

(h) Multiple, uncorrected violations of Chapters 1-8 of this title and the Property Maintenance Code.

206.3 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period.

206.4 [RESERVED]

206.5. Revocations or suspensions of housing business licenses are proposed actions and shall become final upon occurrence of one of the following conditions:

(a) Fifteen (15) business days after service of the notice of revocation or suspension in accordance with § 206, when the license holder fails to request a hearing from the Office of Administrative Hearings within the filing period prescribed in § 206.11; or

(b) Upon issuance of an order by the Office of Administrative Hearings affirming the license revocation or suspension following a hearing requested by the license holder pursuant to § 206.11.

206.6 The license holder shall be provided written notice of the code official's order to revoke or suspend the license. This notice shall include the following:

(a) A copy of the written order;

(b) A statement of the grounds for revocation or suspension of the license; and

(c) A statement advising the license holder of the right to appeal the revocation or suspension in accordance with § 206.

206.7 The code official shall effect service of a notice to revoke or suspend a housing business license by one of the following methods:

(a) Personal service on the license holder or the license holder's agent;

(b) Delivering the notice to the last known home or business address of the license holder as identified by the license application, the tax records, or business license records, and leaving it with a person over the age of sixteen (16) residing or employed therein;

(c) Mailing the notice, via first class mail at least ten (10) days prior to the date of the proposed action, to the last known home or business address of the license holder or the license holder's agent as identified by the license application, the tax records, or business license records; or

(d) If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

206.8 For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

206.9 Once the initial notice has been served:

(a) The respondent shall notify the Department within five (5) days of service of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and

(b) All other notices, orders, or any other information regarding the revocation may be sent by the Department via first class mail.

206.10 The license holder may request a hearing by the Office of Administrative Hearings (OAH) as provided in § 206.11.

206.11 The license holder may appeal a notice of revocation or suspension to the Office of Administrative Hearings (OAH) no later than ten (10) business days after service upon the license holder of written notice of the revocation or suspension, pursuant to Chapter 18A of Title 2 of the D.C. Official Code (D.C. Official Code §§ 2-1801.01 *et seq*. (2012 Repl. & 2014 Supp.)) and any regulations promulgated thereunder.

206.12 Within ten (10) business days after the revocation or suspension of a housing business license becomes final in accordance with § 206.5, DCRA shall notify the Rent Administrator of the revocation or suspension, and shall provide the Rent Administrator with a copy of the code official's notice of revocation or suspension, or a copy of the OAH decision relating thereto.

206.13 The Director's refusal to issue or renew a housing business license may be appealed to OAH pursuant to the provisions of § 102.1.

207 LICENSE AND USER FEES

207.1 The Department is authorized to collect

An annual rental unit fee in the amount of twenty-one dollars and fifty cents ($21.50) per rental unit as established by the Rental Housing Act (D.C. Official Code § 42-3504.01 (2012 Repl. & 2014 Supp.)) which shall be collected at the initial issuance of the housing business license and biennially at the renewal of the license in an amount of forty-three dollars ($43) per rental unit.

207.2 The Department is authorized to establish and collect the following fees, applicable to housing businesses, in addition to the fees required for obtaining the business license:

(a) A re-inspection fee of one hundred twenty dollars ($120) pursuant to D.C. Official Code § 42-3131.01(d) (2012 Repl.), for each re-inspection of a housing business premises to determine whether noted violations of this title or the Construction Codes including, but not limited to, Property

Maintenance Code violations, have been abated. The fee shall be collected after the re-inspection has occurred.

(b) An initial administrative fee of one hundred seventy-five dollars ($175) for any abatement undertaken by the Department to correct conditions violative of this title or the Construction Codes. This fee shall be in addition to the actual cost of the abatement or the fair market value of the abatement, whichever is higher, and all expenses incident thereto, as authorized by D.C. Official Code § 42-3131.01(d) (2012 Repl.) Where the corrective actions are undertaken by Department employees, each person-hour of labor performed on the abatement shall be assessed at the rate of sixty dollars ($60).

(c) To cover the cost of the Department's proactive inspection program, a fee of fifty dollars ($50) per unit on rental accommodations of three (3) units or more shall be charged at the issuance and renewal of the license. The maximum fee for each building owned or operated by the licensee shall be two thousand five hundred dollars ($2,500) every two years. The Department is authorized, at the Director's discretion, to combine the proactive inspection fee with the fees for housing business license issuance and renewal in order to facilitate billing and collection of the fees.

299 DEFINITIONS

299.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 3: LEASES AND SECURITY DEPOSITS

SECTION
300 LEASE PROVISIONS
301 IMPLIED WARRANTY AND OTHER REMEDIES
302 VOIDING LEASE FOR VIOLATIONS OF PROPERTY MAINTENANCE CODE
303 SIGNED COPIED OF AGREEMENTS AND APPLICATIONS
304 PROHIBITED WAIVER CLAUSES IN LEASE AGREEMENTS
305 INSPECTION OF PREMISES AFTER BREACH OF WARRANTY OR VOIDED LEASE
306 WRITTEN RECEIPTS FOR PAYMENTS BY TENANT
307 PROHIBITION OF RETALIATORY ACTS AGAINST TENANTS
308 SECURITY DEPOSITS
309 REPAYMENT OF SECURITY DEPOSITS TO TENANTS
310 RETURN OF SECURITY DEPOSIT: INSPECTION OF PREMISES
311 INTEREST ON SECURITY DEPOSIT ESCROW ACCOUNTS
312 [RESERVED]
313 [RESERVED]
314 [RESERVED]
315 DISCLOSURES REQUIRED
399 DEFINITIONS

300 LEASE PROVISIONS

300.1 Every owner of a rental unit shall advise each tenant in writing, either in the lease between the parties or otherwise, of the maximum number of occupants permitted in the rental unit leased or rented to that tenant.

300.2 The owner of a rental unit shall, at the commencement of any tenancy, provide to each tenant a copy of the provisions of Chapter 3 and a copy of the following sections of Chapter 1 of this title:

(a) Section 101 (Enforcement and Penalties); and

(b) Section 107 (Copies of Notices and Orders).

301 IMPLIED WARRANTY AND OTHER REMEDIES

301.1 There shall be deemed to be included in the terms of any lease or rental agreement covering a rental unit an implied warranty that the owner will maintain the premises in compliance with the Property Maintenance Code and Chapters 1-8 of this title. Nothing herein shall be deemed to nullify or supersede any tenant maintenance responsibilities established by the Property Maintenance Code or Chapters 1-8 of this title.

301.2 The rights, remedies, and duties set forth in this chapter and the Property Maintenance Code shall not be deemed to be exclusive of one another unless expressly so declared or to preclude a court of law from determining that practices, acts, lease provisions and other matters not specifically dealt with in this chapter are contrary to public policy, unconscionable, or otherwise unlawful.

302 VOIDING LEASE FOR VIOLATION OF THE PROPERTY MAINTENANCE CODE

302.1 The leasing of any rental unit, including associated common space, which the owner knows or should reasonably know at the beginning of the tenancy is unsafe or unsanitary due to violations of the Property Maintenance Code or Chapters 1-8 of this title (whether or not those violations are the subject of a notice issued under the Property Maintenance Code or Chapters 1-8), shall render void the lease or rental agreement for the rental unit.

302.2 After the beginning of the tenancy, if the rental unit becomes unsafe or unsanitary due to violations of the Property Maintenance Code or Chapters 1-8 of this title within that unit or in the common space of the premises (whether or not the violations are the subject of a notice issued under the Property Maintenance Code or Chapters 1-8 of this title), the lease or rental agreement for the unit shall be rendered void if both of the following apply:

(a) The violations did not result from the intentional acts or negligence of the tenant or his or her invitees or guests; and

(b) The violations are not corrected within the time allowed for correction under a notice or order issued pursuant to the Property Maintenance Code or Chapters 1-8 of this title (or, if a notice or order has not been issued, within a reasonable time after the owner or operator has knowledge or reasonably should have knowledge of the violations).

303 SIGNED COPIES OF AGREEMENTS AND APPLICATIONS

303.1 In each lease or rental of a rental unit entered into after June 12, 1970, the owner or operator shall provide to the tenant upon execution (or within seven (7) days after execution) an exact, legible, completed copy of any agreement or application which the tenant has signed.

303.2 This section shall not be subject to the notice requirements of Section 107 of Chapter 1 of this title.

304 PROHIBITED WAIVER CLAUSES IN LEASE AGREEMENTS

304.1 Any provision of any lease or agreement contrary to, or providing for a waiver of, the terms of this chapter, or § 101 of Chapter 1, or § 107.7 of the Property Maintenance Code shall be void and unenforceable.

304.2 No person shall cause any provision prohibited by this section to be included in a lease or agreement respecting the use of the property in the District of Columbia, or demand that any person sign a lease or agreement containing any such provision.

304.3 No owner shall cause to be placed in a lease or rental agreement any provision exempting the owner or premises from liability or limiting the liability of the owner or the residential premises from damages for injuries to persons or property caused by or resulting from the negligence of the owner (or the owner's agents, servants, or employees) in the operation, care, or maintenance of the leased premises, or any facility upon or portion of the property of which the leased premises are a part.

304.4 No owner shall place (or cause to be placed) in a lease or rental agreement a provision waiving the right of a tenant of residential premises to a jury trial, or requiring that the tenant pay the owner's court costs or legal fees, or authorizing a person other than the tenant to confess judgment against a tenant. This subsection shall not preclude a court from assessing court or legal fees against a tenant in appropriate circumstances.

304.5 The provisions of this section shall not be subject to any notice requirements of Section 107 of Chapter 1 of this title.

305 INSPECTION OF PREMISES AFTER BREACH OF WARRANTY OR VOIDED LEASE

305.1 Following a judicial determination that the owner has breached the implied warranty of habitability applying to the premises (under § 301 of this chapter), or following a judicial determination that a lease or rental agreement is void (under § 301 of this chapter), the owner shall obtain a certificate from the Director that the housing accommodation is in compliance with the Property Maintenance Code prior to the next reletting of the rental units subject to the judicial determination.

306 WRITTEN RECEIPTS FOR PAYMENTS BY TENANT

306.1 In each lease or rental of a rental unit, the owner shall provide written receipts for all monies paid to him or her by the tenant as rent, security, or otherwise, unless the payment is made by personal check.

306.2 Each receipt issued under this section shall state the following:

(a) The exact amount received;

(b) The date the monies are received; and

(c) The purpose of the payment.

306.3 Each receipt shall also state any amounts still due which are attributable to late charges, court costs, or any other such charge in excess of rent.

306.4 If payment is made by personal check, and there is a balance still due which is attributable to late charges, court costs, or any other such charge in excess of rent, the owner shall provide a receipt stating the nature of the charges and the amount due.

306.5 The provisions of this section shall not be subject to the notice requirements of § 107 of Chapter 1 of this title.

307 PROHIBITION OF RETALIATORY ACTS AGAINST TENANTS

307.1 No action or proceeding to recover possession of a rental unit may be brought against a tenant, nor shall an owner otherwise cause a tenant to quit a rental unit involuntarily, in retaliation for any of the actions listed in § 307.3.

307.2 No demand for an increase in rent from the tenant, nor decrease in the services to which the tenant has been entitled, nor increase in the obligations of a tenant shall be made in retaliation against a tenant for any of the actions listed in § 307.3.

307.3 This section prohibits retaliation by an owner or an agent of an owner against a tenant for taking any of the following actions:

(a) The making of a good faith complaint or report to the owner or a governmental authority concerning housing deficiencies, directly by the tenant or through a tenant organization;

(b) The good faith organization of a tenant organization, or membership in a tenant organization;

(c) The good faith assertion of rights under Chapters 1-8 of this title, including rights under § 301 and § 302 of this chapter, and § 101 of Chapter 1.

308 SECURITY DEPOSITS

308.1 For purposes of this chapter, the term "security deposit" shall mean all monies paid to the owner by the tenant as a deposit or other payment made as security for performance of the tenant's obligations in a lease or rental of the property.

308.2 Any security deposit or other payment required by an owner as security for performance of the tenant's obligations in a lease or rental of a rental unit shall not exceed an amount equivalent to the first full month's rent charged to that tenant for the unit, and shall be charged only once by the owner to the tenant with regard to that unit.

308.3 All monies paid to an owner by tenants for security deposits or other payment made as security for performance of the tenant's obligations shall be deposited by the owner in an interest bearing escrow account established and held in trust in a financial institution in the District of Columbia insured by a federal or state agency for the sole purposes of holding such deposits or payments.

308.4 The owner of more than one residential building may establish one (1) escrow account for holding security deposits or other payments by the tenants of those buildings.

308.5 For each security deposit or other payment covered by this section, the owner shall clearly state in the lease or agreement or on the receipt for the deposit or other payment the terms and conditions under which the payment was made.

308.6 The housing business provider shall post in the lobby of the building and rental office at the end of each calendar year, the following information: where the tenants' security deposits are held and what the prevailing rate was for each six-month period over the past year. At the end of a tenant's tenancy, the housing provider shall list for the tenant the interest rate for each six- month period during the tenancy.

308.7 The provisions of this section shall not be applicable to Federal or District of Columbia agencies' dwelling units leased in the District of Columbia, or to units for which rents are Federally-subsidized.

308.8 The Office of Administrative Hearings (OAH) is authorized to adjudicate complaints for the non-return of tenant security deposits and for the nonpayment of interest on tenant security deposits.

309 REPAYMENT OF SECURITY DEPOSITS TO TENANTS

309.1 Within forty-five (45) days after the termination of the tenancy, the owner shall do one of the following:

(1) Tender payment to the tenant, without demand, of any security deposit and any similar payment paid by the tenant as a condition of tenancy in addition to the stipulated rent, and any interest due the tenant on that deposit or payment as provided in § 311; or

(2) Notify the tenant in writing, to be delivered to the tenant personally or by certified mail at the tenant's last known address, of the owner's intention to withhold any security deposit or other monies and apply the monies toward defraying the cost of expenses properly incurred under the terms and conditions of the security deposit agreement.

309.2 The owner, within thirty (30) days after notifying the tenant pursuant to § 309.1 (2) of the owner's intention to withhold the security deposit or other monies, shall tender a refund of the balance of the deposit or other payment, including interest not used to defray such expenses, and at the same time give the tenant an itemized statement of the repairs and other uses to which the monies were applied and the cost of each repair or other use.

309.3 Failure by the owner to comply with § 309.1 and § 309.2 of this section shall constitute prima facie evidence that the tenant is entitled to full return, including interest as provided in § 311, of any deposit or other payment made by the tenant as security for performance of his or her obligations or as a condition of tenancy, in addition to the stipulated rent.

309.4 Failure by the owner to serve the tenant personally or by certified mail, after good faith effort to do so, shall not constitute a failure by the owner to comply with § 309.1 and § 309.2.

309.5

(a) Any housing provider violating the provisions of this section by failing to return a security deposit rightfully owed to a tenant in accordance with the requirements of this section shall be liable for the amount of the deposit withheld or, in the event of bad faith, for treble that amount.

(b) For the purposes of this paragraph, the term "bad faith" means any frivolous or unfounded refusal to return a security deposit or other similar payment, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken.

310 RETURN OF SECURITY DEPOSIT: INSPECTION OF PREMISES

310.1 In order to determine the amount of the security deposit or other payment to be returned to the tenant, the owner may inspect the rental unit within three (3) days, excluding Saturdays, Sundays, and holidays, before or after the termination of the tenancy.

310.2 The owner or owner's agent shall conduct the inspection, if the inspection is to be conducted, at the time and place specified in the notice provided to the tenant pursuant to this section.

310.3 The owner shall notify the tenant in writing of the time and date of the inspection.

310.4 The notice of inspection shall be delivered to the tenant, or at the rental unit in question, at least ten (10) days before the date of the intended inspection.

311 INTEREST ON SECURITY DEPOSIT ESCROW ACCOUNTS

311.1 The interest in the escrow account described in § 308.3 on all money paid by the tenant prior to or during the tenancy as a security deposit, decorating fee, or similar deposit or fee, shall commence on the date the money is actually paid by the tenant and shall accrue at not less than the statement savings rate then prevailing on January 1st and on July 1st for each six- (6-) month period (or part thereof) of the tenancy which follows those dates. On those dates, the statement savings rate in the District of Columbia financial institution in which the escrow account is held shall be used. All interest earned shall accrue to the tenant except as provided in § 309.

311.2 Interest on an escrow account shall be due and payable by the owner to the tenant upon termination of any tenancy of a duration of twelve (12) months or more, unless an amount is deducted under procedures set forth in § 309.1 and § 309.2. Any housing provider violating the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section, shall be liable to the tenant, as applicable, for the amount of the interest owed, or in the event of bad faith, for treble that amount. For the purposes of this paragraph, the term 'bad faith' means any frivolous or unfounded refusal to pay the interest on the security deposit, as required by law, that is motivated by a fraudulent, deceptive, misleading, dishonest, or unreasonably self-serving purpose and not by simple negligence, bad judgment, or an honest belief in the course of action taken. Any housing provider who willfully violates the provisions of this section by failing to pay interest on a security deposit escrow account that is rightfully owed to a tenant in accordance with the requirements of this section shall be subject to a civil fine of not more than $5,000 for each violation.

311.3 If the housing provider invests the security deposit in an account with an interest rate that exceeds that of the statement savings rate as required in § 311.1, the housing provider may apply up to thirty percent (30%) of the excess interest for administrative costs or other purposes.

311.4 Except in cases where no interest is paid to the tenant as provided in § 311.2, the owner shall not assign the account or use it as security for loans.

311.5 It is the intent of this section that the account referred to in this section and § 309 shall be used solely for the purpose of securing the lessees' performance under the lease.

311.6 Sections 309-311 shall not be subject to the notice requirements of § 107 of Chapter 1 of this title.

312 [RESERVED]

313 [RESERVED]

314 [RESERVED]

315 DISCLOSURES REQUIRED

315.1 At the time a prospective tenant files an application to lease any rental unit, and prior to the acceptance of a nonrefundable application fee or security deposit, the owner of the housing business shall provide the disclosures required by § 222 of the Rental Housing Act (D.C. Official Code § 42-3502.22(b)(1)).

315.2 A violation of this section shall be adjudicated pursuant to D.C. Official Code §42-3502.04(b) (2012 Repl.).

399 DEFINITIONS

399.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 4: RESPONSIBILITIES OF HOUSING BUSINESSES

SECTION
401 RESPONSIBILITIES OF HOUSING BUSINESSES
499 DEFINITIONS

401 RESPONSIBILITIES OF HOUSING BUSINESSES

401.1 The owner or operator of a housing business shall comply with the provisions of this title and of the Property Maintenance Code as applicable including, but not limited to, the following provisions of the Property Maintenance Code:

(a) Exterior Property Areas (12-G DCMR § 302);

(b) Exterior Structure (12-G DCMR 304);

(c) Interior Structure (12-G DCMR § 305);

(d) Pest Elimination (12-G DCMR § 309);

(e) Light, Ventilation and Occupancy Limitations (12-G DCMR Chapter 4);

(f) Plumbing Facilities and Fixture Requirements (12-G DCMR Chapter 5);

(g) Mechanical and Electrical Requirements (12-G DCMR Chapter 6); and

(h) Fire Safety Requirements (12-G DCMR Chapter 7).

401.2 The provisions of the Property Maintenance Code are intended to supersede any property maintenance provisions now or previously set forth in Title 14 applicable to housing businesses, and, any such property maintenance provisions shall be enforced pursuant to the administrative and enforcement provisions set forth in Chapter 1 of the Property Maintenance Code.

401.3 No owner or operator of a housing business shall rent or offer to rent or permit the occupancy of any rental unit which is in violation of the provisions of the Property Maintenance Code or Chapters 1-8 of this title.

401.4 The owner or operator of a housing business, in addition to any duties imposed upon such owner or operator by Chapters 1-8 of this title, shall be responsible for compliance with the requirements of the Property Maintenance Code, except insofar as responsibility for compliance is imposed upon the tenant alone pursuant to the provisions of the Property Maintenance Code or this title.

401.5 No person shall rent or offer for rent any part of a building or structure for residential occupancy, or operate any housing business in any building, or part of a building, in which there is another business, trade, or commercial activity from which noxious gases, fumes, mists, vapors, dusts, offensive odors, or excessive noises arise or are generated.

401.6 The owner or operator of a housing business shall provide to each tenant, when the tenant first enters into possession of a rental unit, an adequate lock and key for each door used or capable of being used as an entrance to or egress from the unit, and shall keep each lock in good repair. Each lock shall be capable of being locked from inside and outside the unit.

401.7 When furnished by the operator of a housing business, mattresses shall not be made of moss, sea grass, excelsior, husks, or shoddy.

499 DEFINITIONS

499.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 5: TENANT RESPONSIBILTIES

SECTION
501 RESPONSIBILITIES OF TENANTS
599 DEFINITIONS

501 RESPONSIBILITIES OF TENANTS

501.1 A tenant shall be responsible for complying with the provisions of this title and the Property Maintenance Code that are applicable to him or her including, but not limited to, the following provisions of the Property Maintenance Code:

(a) Rubbish and Garbage (12-G DCMR § 308);

(b) Pest Elimination (12-G DCMR § 309); and

(c) Defacement of Property (12-G DCMR § 302.9).

In addition, the tenant shall be responsible for a violation of the Property Maintenance Code and this title to the extent that he or she has the power to prevent the occurrence of the violation. A tenant has the power to prevent the occurrence of a violation if the violation is caused by the tenant's intentional acts or negligence, or the intentional acts or negligence of the tenant's invitees or guests, including any and all persons occupying or visiting the tenant's habitation with the express or implied permission of the tenant.

The fact that a tenant is or may be liable for a violation of the Property Maintenance Code or any other law or is found liable for civil or criminal penalties does not relieve the owner of the obligation to keep the premises, and every part thereof, in good repair, and to comply with all applicable provisions of this title and the Property Maintenance Code.

501.2 In addition to the tenant's responsibilities under § 501.1, the tenant shall specifically be responsible for the following:

(a) Keeping the part of the premises that the tenant occupies and uses, including common areas, as clean and sanitary as the conditions of the premises permit;

(b) Disposing from the tenant's rental unit all rubbish, garbage, and other organic or flammable waste in a clean, safe, and sanitary manner;

(c) Keeping all plumbing fixtures as clean and sanitary as the condition of those fixtures permits;

(d) Properly using and operating all electrical, gas, plumbing, and heating fixtures and appliances.

(e) Providing as needed for the tenant's own use sufficient, lawful and separate receptacles for the storage of ashes, garbage, recyclable materials, and refuse in the tenant's rental unit.

(f) Placing all garbage, refuse, recyclable materials, and ashes from each rental unit in receptacles and transferring to the designated place of common storage on the premises, unless the collection and transfer is provided by the owner or operator.

501.3 A tenant shall not do, or permit any person on the premises with the tenant's permission to do, any of the following:

(a) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the premises, structure or dwelling unit; or

(b) Willfully or wantonly destroy, deface, damage, impair, or remove any part of the facilities, equipment, or appurtenances to the dwelling unit.

599 DEFINITIONS

599.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 6: APARTMENTS AND APARTMENT HOUSES

SECTION
600 GENERAL PROVISIONS
601 REGISTRATION OF TENANTS
602 POSTING OF INFORMATION ON BUILDING MANAGEMENT
603 DESIGNATION OF APARTMENTS
604 ELEVATOR MAINTENANCE
699 DEFINITIONS

600 GENERAL PROVISIONS

600.1 The provisions of this chapter shall be applicable to every building or part of a building occupied, used, or held out for use as an apartment house.

600.2 The provisions of the Property Maintenance Code and Chapters 1 through 6 of this title shall be applicable to premises used or held out for use as an apartment house.

600.3 No apartment house shall be operated without a valid housing business license in accordance with Chapter 2 of this title.

601 REGISTRATION OF TENANTS

601.1 The owner of an apartment house shall establish and maintain, within five (5) business days after the opening of the business, a book, books, record, or records in which shall be written in English the name of each tenant of every apartment in the apartment house together with the address of the apartment house and the number of the apartment in which the tenant is residing.

601.2 The registration book, books, record, or records shall be kept current and in good repair at all times within the District of Columbia, and shall be open for inspection by the departments of the District government responsible for enforcement of District laws and regulations.

602 POSTING OF INFORMATION ON BUILDING MANAGEMENT

602.1 The owner of an apartment house shall provide information regarding the building management in a notice framed under clear glass or plastic, and shall post the notice or cause the notice to be posted in a conspicuous place in the apartment building to which the notice applies.

602.2 The notice shall contain the name, address and the telephone number of a responsible representative of the building management who may be reached in the event of complaints or emergency situations.

602.3 The notice shall also contain information regarding the manner in which that representative or an alternate representative may be reached after normal working hours and on Sundays and holidays.

603 DESIGNATION OF APARTMENTS

603.1 Each apartment entrance door shall be distinctively numbered or lettered and all other rooms in the apartment buildings shall be distinctively identified.

603.2 The provisions of this section shall not apply to rooms in individual apartments.

603.3 The owner of each apartment house shall maintain and provide the tenants of each apartment the use of a secure mail receptacle which has been approved by the United States Postal Service.

603.4 Each receptacle, other than those in an apartment house that has twenty-four (24) hour-a-day desk clerk service, shall be required to have a lock that will enable it to be secured and the owner shall provide each tenant with a key to the lock.

603.5 Installation, security specifications, and maintenance of mail receptacles shall be consistent with the requirements of postal service laws and regulations.

603.6 The owner shall be responsible for the proper installation of mail receptacles, and shall maintain the same in safe and good working condition.

603.7 In the event of disrepair, the owner shall have a reasonable time (not to exceed seven (7) working days) to repair mail receptacles.

604 ELEVATOR MAINTENANCE

604.1 In apartment buildings equipped with passenger elevators, the owner shall maintain at least one (1) elevator in operation at all times when the building is occupied.

604.2 Alteration, repair and maintenance of existing elevators shall comply with the Construction Codes as applicable.

605 NOISE

605.1 Where construction work is conducted in an occupied rental unit within an apartment building, the owner shall comply with the District of Columbia Noise Con-

trol Act of 1977, effective December 30, 1977 (D.C. Law 2-53; 24 DCR 5293 (December 30, 1977)) (DCMR Title 20, Chapters 27-29).

605.2 In any case where noise from construction, repair, or maintenance work will continue over a period of more than forty-eight (48) hours from the time the work is first initiated until the conclusion of the job (including periods of time when no work is being done) and the noise from the work will exceed sixty (60) decibels, the landlord shall provide the tenant with not less than five (5) days written notice of the construction, repair, or maintenance work, including the dates and times that the work will occur and a description of the work to be done; provided, that emergency work which is necessary to restore property to a safe condition following a public calamity or act of God, or work required to protect the health and safety of persons, shall be undertaken promptly and shall not require advance written notice.

699 DEFINITIONS

699.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 7: TRANSIENT HOUSING BUSINESSES

SECTION

700 GENERAL PROVISIONS
701 RESIDENT MANAGER
702 REGISTRATION AND ROOM ASSIGNMENT
703 ROOM KEYS
704 VERMIN
705 BEDDING AND TOWELS
706 FOOD SAFETY PROVISIONS
707 POSTING OF RATES AND OCCUPANCY LOADS
799 DEFINITIONS

700 GENERAL PROVISIONS

700.1 The provisions of this chapter shall be applicable to every building or part of a building occupied, used, or offered for lodging.

700.2 The provisions of the Property Maintenance Code and Chapters 1, 7 and 8 of this title shall apply to premises used or held out for use as lodging.

700.3 Owners and operators of hotels, motels, inns and other lodging must obtain a transient housing business license in accordance with Chapter 8 of this title and D.C. Official Code § 47-2828 (2012 Repl.). Lodging shall not be provided in a building or part of any building, including a dwelling that the owner also occupies, without a valid transient housing business license in accordance with Chapter 8.

700.4 The owner or operator of a transient housing business shall comply with the provisions of this title and of the Property Maintenance Code as applicable including, but not limited to, the following provisions of the Property Maintenance Code:

(a) Exterior Property Areas (12-G DCMR § 302);

(b) Exterior Structure (12-G DCMR §304);

(c) Interior Structure (12-G DCMR § 305);

(d) Pest Elimination (12-G DCMR § 309);

(e) Light, Ventilation and Occupancy Limitations (12-G DCMR Chapter 4);

(f) Plumbing Facilities and Fixture Requirements (12-G DCMR Chapter 5);

(g) Mechanical and Electrical Requirements (12-G DCMR Chapter 6); and

(h) Fire Safety Requirements (12-G DCMR Chapter 7).

700.5 The provisions of the Property Maintenance Code shall supersede any conflicting property maintenance provisions now or previously set forth in Title 14 applicable to transient housing businesses, and, any such property maintenance provisions shall be enforced pursuant to the administrative and enforcement provisions set forth in Chapter 1 of the Property Maintenance Code.

700.6 For purposes of Chapters 7 and 8, the person owning and operating a transient housing business shall be the owner of the premises where such business is conducted; provided, however, if the premises used to conduct a transient housing business are leased or otherwise controlled by a person who is not the property owner, and such person is legally responsible for maintenance and repairs of said premises, then such person shall be deemed to be the owner and operator of the housing business.

701 RESIDENT MANAGER

701.1 If the owner of the premises does not reside in person on the premises and does not superintend in person the operation or conduct of the lodging, the owner shall designate a manager or other person who is responsible for the premises.

701.2 The designated manager or other person shall reside on the premises, shall superintend in person the operation or conduct of the lodging, and shall have complete charge of the premises. Notwithstanding the foregoing, the manager of a hotel or motel shall not be required to reside on the premises.

702 REGISTRATION AND ROOM ASSIGNMENT

702.1 Each person who owns or operates a transient housing business shall at all times keep a register in which there shall be maintained the following information:

(a) The name of each person occupying a room; and

(b) The date of arrival and date of departure of each person occupying a room.

702.2 Each room shall be numbered, and the number shall be indicated in the register.

702.3 No fictitious names shall knowingly be entered in the register.

702.4 No room shall be assigned to persons of different genders without their express consent, except in the case of children accompanied by parent or guardian.

702.5 The register shall be available for inspection by officials of the District of Columbia.

703 ROOM KEYS

703.1 The entrance door to each rooming, housekeeping, or sleeping unit shall be provided with a lock.

703.2 A key for each unit shall be furnished to each respective lodger.

703.3 A duplicate key or keys shall be retained by the proprietor or manager.

703.4 The owner or manager shall have access to all units at all reasonable hours.

704 VERMIN

704.1 All food in sleeping rooms shall be kept in vermin-proof containers.

704.2 All preparations used for the extermination of vermin, such as sodium fluoride, shall be conspicuously colored and kept in containers clearly labeled "POISON".

704.3 Containers of poison shall not be placed with receptacles containing spices or condiments or other food substances.

705 BEDDING AND TOWELS

705.1 It shall be the duty of the lodging owner or operator to thoroughly clean any room which has been allocated to the use of any person before allocating the use of that room to another person.

705.2 All bedding shall be kept in a clean and sanitary condition.

705.3 Each new lodger shall be provided with clean and fresh bed linens, and towels, unused by any other person or guest since the last laundering, and with sufficient soap for ordinary use.

705.4 Each lodger shall be provided with an adequate supply of clean towels, sheets and pillowcases that are changed daily, except at facilities where housekeeping is the responsibility of the lodger. Where the lodger agrees in writing, the lodging owner or operator is allowed to change linens and towels on another regular schedule, not to exceed one week between changes.

705.5 The requirements of § 705.3 and § 705.4 shall not apply if the lodger agrees in writing to furnish his or her own linens and towels.

706 FOOD SAFETY PROVISIONS

706.1 Owners and operators of transient housing businesses may be required to comply with food safety requirements including, but not limited to, the Food Safety Code, 25-A DCMR.

706.2 It shall be unlawful for any person in the District of Columbia to operate a transient housing business where meals or lunches are served to ten (10) or more persons without having received certification from a nationally recognized and accredited organization as a food protection manager or without employing or contracting the services of a certified food protection manager.

706.3 The Department of Health shall have full power and authority at any time to make any examinations and tests which may be necessary to determine whether any food handler has a disease in a communicable form or is a carrier of a communicable disease.

706.4 It shall be the duty of all food handlers to submit to examination at the request of the Department of Health, and any food handler who refuses to submit to an examination shall not be employed or continue to be employed as a food handler in any transient housing business.

706.5 No person knowing himself or herself to be afflicted with disease in a communicable form shall work as a food handler in any transient housing business.

706.6 Except with the approval of the Department of Health, no operating proprietor or manager of any transient housing business shall employ or continue to employ any person as a food handler if the operating proprietor or manager has reason to suspect the person is afflicted with disease in a communicable form.

707 POSTING OF RATES AND OCCUPANCY LOAD

707.1 The owner or operator of each hotel, motel, inn or other lodging shall post in a conspicuous place within each rooming, housekeeping or sleeping unit a card stating the maximum number of occupants permitted in that room under this title.

707.2 The owner or operator of each hotel, motel, inn or other lodging shall post in a conspicuous place within each rooming, housekeeping or sleeping unit a card stating the maximum rates charged for that unit under varying conditions of occupancy.

707.3 Occupancy of hotels, motels and other lodging shall be in accordance with the Property Maintenance Code.

799 DEFINITIONS

799.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 8: TRANSIENT HOUSING BUSINESS LICENSES

SECTION
800 GENERAL LICENSING REQUIREMENTS
801 APPLICABILITY
802 INSPECTION OF PREMISES
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804 LICENSING OF PROPERTY MANAGERS
805 RENEWAL OF TRANSIENT HOUSING BUSINESS LICENSES
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899 DEFINITIONS

800 GENERAL LICENSING REQUIREMENTS

800.1 No person shall operate a transient housing business, as that term is defined in § 199.2, in any premises in the District of Columbia without first receiving a business license or license endorsement as a transient housing business for the premises from the Department, unless exempted by this Chapter 8.

800.2 A transient housing business licensee shall conspicuously post the license or a copy of the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any person lawfully residing at the premises.

800.3 Each applicant for a transient housing business license shall, as a condition to the issuance of a license, indicate on the license application the name and contact information of the person responsible for the daily management of the premises, which includes the facilitation of maintenance and repairs. Except for property owners who manage their own premises, such person shall be a property manager licensed in the District of Columbia in accordance with § 804.

800.4 The appointment or employment of a property manager, as required by § 800.3, shall be maintained during the period of time for which a license is issued. If any change is made in the appointment or employment of a property manager, or in the contact information for such person, the licensee shall deliver to the Director of the Department of Consumer and Regulatory Affairs a written notice not later than five (5) days after the change.

801 APPLICABILITY

801.1 Transient housing business licenses shall be required for all lodging, including, but not limited to, the following:

(a) Hotels;

(b) Motels;

(c) Bed and breakfast establishments;

(d) Hostels;

(e) Rooming houses and boarding houses where sleeping accommodations are furnished or offered to transient guests; and

(f) Corporate or short-term stay apartments;

(g) Other lodging, unless exempted by this title.

801.2 A valid Certificate of Occupancy issued by the Department shall be required at the time of application for licensure, except that a certificate of occupancy shall not be required for a one-family dwelling.

801.3 Where use of residential premises for lodging is authorized as a home occupation use under the District of Columbia Zoning Regulations, 11 DCMR, the owner shall obtain a home occupation permit. The Department is also authorized to require a transient housing business license.

801.4 Operation of hotels, motels, inns, rooming houses, boarding houses, bed and breakfast establishments and other lodging may be subject to other requirements, including, but not limited to, those set forth in Chapter 7 of this title; the Food Safety Code, Title 25-A of the DCMR; and the District of Columbia Zoning Regulations, Title 11 of the DCMR.

802 INSPECTION OF PREMISES

802.1 As a condition of licensure, the owner of a transient housing business shall allow the Department, and any other District government agency responsible for enforcement of this title and the Construction Codes, to inspect the premises where the transient housing business is conducted.

802.2 Owners of transient housing businesses shall:

(a) Maintain the premises in a manner that complies with the applicable provisions of the D.C. Official Code, the Property Maintenance Code, the Fire Code, Chapters 1-8 of this title and other applicable District of Columbia laws and regulations relating to fire, life safety and public welfare; and

(b) Comply with all other District of Columbia and federal statutes and regulations that govern transient housing businesses, as applicable.

802.3 The Director shall determine whether the owner of a transient housing business is in compliance with all applicable provisions of the business license laws and regulations and shall require that the building or part of the building to be licensed complies with all laws and regulations.

802.4 In accordance with § 802.1, the Director may develop an inspection program establishing a regular system of inspections for transient housing business licensees, with more frequent inspections for any licensee found to be in violation of the applicable statutes or regulations.

803 REGISTERED AGENT FOR NON-RESIDENT LICENSEES

803.1 Any non-resident person who owns or operates a transient housing business in the District of Columbia shall appoint and continuously maintain a registered agent for service of process.

803.2 The non-resident owner or operator shall make the appointment by filing a written statement with the Director on a prescribed form.

803.3 The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia.

803.4 The non-resident owner or operator shall, within seven (7) business days of occurrence, file a written statement notifying the Director of any change of registered agent, or any change in name, address, or other information required by § 803.2.

803.5 Pursuant to D.C. Official Code § 42-903(b)(2) (2012 Repl.) and Mayor's Order 2002-33, effective February 11, 2002, the Director shall serve as the registered agent for the non-resident owner if:

(a) A registered agent is not appointed under § 803.1; or

(b) The individual or organization appointed under § 803.1 ceases to serve as the resident agent and no successor is appointed.

804 LICENSED PROPERTY MANAGER REQUIREMENT

804.1 Each transient housing business licensee shall designate the person responsible for the daily management of the premises, which includes the facilitation of maintenance and repairs on the premises, in accordance with Subsections 800.4 and 800.5.

804.2 Except for licensees who manage their own premises, the person designated under Subsection 804.1 shall be licensed as a property manager in accordance with D.C.

Official Code §§ 47-2853.01 *et seq*. (2012 Repl.), and Chapter 26 of Title 17 of the District of Columbia Municipal Regulations.

804.3 For purposes of this chapter, the term "property manager" means an agent for the owner of real estate in all matters pertaining to property management, as defined in D.C. Official Code § 47-2853.141 (2012 Repl.), which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services.

804.4 The property manager shall comply with the requirements of D.C. Official Code §§ 47-2853.141 through 47-2853.143 (2012 Repl.), and any regulations issued pursuant thereto.

805 RENEWAL OF TRANSIENT HOUSING BUSINESS LICENSES

805.1 The Director may, upon application by a licensee, issue a renewal of a transient housing business license subject to a determination that all provisions of the applicable laws and regulations are being observed by the licensee.

805.2 The premises of each license renewal applicant shall be subject to the inspection provisions of this chapter.

806 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

806.1 Refusal to permit any authorized District of Columbia official to inspect the premises occupied or to be occupied by a transient housing business shall be cause for withholding the issuance of a license for the premises until such time as inspection is permitted; provided, that the refusal of any occupant other than the owner, operator or property manager to permit such an inspection shall not result in the revocation or suspension of the transient housing business license, nor shall such refusal result in the assessment of penalties against the owner or operator of a transient housing business.

806.2 The Director may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:

(a) Refusal to permit any authorized District of Columbia official to inspect the premises occupied by a licensed transient housing business;

(b) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed;

(c) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business;

(d) Operation of the business in violation of the District's Zoning Regulations;

(e) Failure to maintain qualification for licensure;

(f) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business; or

(g) The making of any false statement in the license application.

(h) Multiple, uncorrected violations of Chapters 1-8 of this title and the Property Maintenance Code.

806.3 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period.

806.4 [RESERVED]

806.5 Revocations or suspensions of transient housing business licenses are proposed actions and shall become final upon occurrence of one of the following conditions:

(a) Fifteen (15) business days after service of the notice of revocation or suspension in accordance with § 806, when the license holder fails to request a hearing from the Office of Administrative Hearings within the filing period prescribed in § 806.11; or

(b) Upon issuance of an order by the Office of Administrative Hearings affirming the license revocation following a hearing requested by the license holder pursuant to § 806.11.

806.6 The license holder shall be provided written notice of the code official's order to revoke or suspend the license. This notice shall include the following:

(a) A copy of the written order;

(b) A statement of the grounds for revocation or suspension of the license; and

(c) A statement advising the license holder of the right to appeal the revocation or suspension in accordance with § 806.

806.7 The code official shall effect service of a notice to revoke or suspend a transient housing business license by one of the following methods:

(a) Personal service on the license holder or the license holder's agent;

(b) Delivering the notice to the last known home or business address of the license holder as identified by the license application, the tax records, or

business license records, and leaving it with a person over the age of sixteen (16) residing or employed therein;

(c) Mailing the notice, via first class mail at least ten (10) days prior to the date of the proposed action, to the last known home or business address of the license holder or the license holder's agent as identified by the license application, the tax records, or business license records; or

(d) If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

806.8 For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

806.9 Once the initial notice has been served:

(a) The respondent shall notify the Department of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and

(b) All other notices, orders, or any other information regarding the revocation may be sent by the Department via first class mail.

806.10 The license holder may request a hearing by the Office of Administrative Hearings (OAH) as provided in Subsection 806.11.

806.11 The license holder may appeal a notice of revocation or suspension to the Office of Administrative Hearings (OAH) no later than ten (10) business days after service upon the license holder of written notice of the revocation or suspension, pursuant to Chapter 18A of Title 2 of the D.C. Official Code (D.C. Official Code §§ 2-1801.01 *et seq*. (2012 Repl. & 2014 Supp.)) and any regulations promulgated thereunder.

806.12 The Director's refusal to issue or renew a transient housing business license may be appealed to OAH pursuant to the provisions of § 102.1.

807 LICENSE AND USER FEES

807.1 The following fees shall apply to a transient housing business in addition to the fees required for obtaining the business license:

(a) Pursuant to D.C. Official Code § 42-3131.01(c) (2012 Repl.), a fee of one hundred twenty dollars ($120) shall be collected for any reinspection of a transient housing business licensee's premises to determine whether noted violations of this title or the Construction Codes have been abated. The

fee shall be collected after the reinspection has occurred;

(b) An initial administrative fee of one hundred seventy-five dollars ($175) for any abatement undertaken by the Department to correct conditions violative of this title or the Construction Codes. This fee shall be in addition to the actual cost of the abatement or the fair market value of the abatement, whichever is higher, and all expenses incident thereto, as authorized by D.C. Official Code § 42-3131.01(d) (2012 Repl.) Where the corrective actions are undertaken by Department employees, each person-hour of labor performed on the abatement shall be assessed at the rate of sixty dollars ($60);

(c) To cover the cost of the Department's proactive inspection program, a fee of fifty dollars ($50) per sleeping, dwelling or rooming unit in lodging consisting of three (3) units or more shall be charged at the issuance and renewal of the license. The maximum fee per lodging shall be two thousand five hundred dollars ($2,500) every two years. The Department is authorized, at the Director's discretion, to combine the proactive inspection fee with the fees for issuance and renewal of transient housing business licenses in order to facilitate billing and collection of the fees.

899 DEFINITIONS

899.1 The provisions and definitions set forth in § 199 shall be applicable to this chapter.

CHAPTER 9: [RESERVED]

CHAPTER 10: [RESERVED]

CHAPTER 11: [RESERVED]

CHAPTER 12: [RESERVED]

CHAPTER 13: [RESERVED]

All persons desiring to comment on these proposed regulations should submit comments in writing to Matt Orlins, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at Matt.Orlins @dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar ($1.00) will be charged for each copy of the proposed rulemaking requested. Free copies of these proposed regulations are available on the DCRA website at http://dcra.dc.gov by going to the "About DCRA" tab, clicking on "News Room", and then clicking on "Rulemaking".

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to Section 5(a)(1) and (e)(1) of the District of Columbia College Access Act, approved November 12, 1999, (Pub. L. 106-98; D.C. Official Code § 38-2702(f), and § 38-2704(a)(1) and (e) (2012 Repl.)); Section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11) (2012 Repl. & 2014 Supp.)); and Mayor's Order 2000-138 (September 7, 2000), hereby gives notice of his intent to amend Section 7004 ("Eligibility Determination") of Chapter 70 ("Tuition Assistance Grant Program") of Title 29 ("Public Welfare") of the District of Columbia Municipal Regulations ("DCMR"), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the rulemaking is to allow the program to send all applicant status notification, including eligibility and ineligibility letters, to applicants via email. By permitting the D.C. TAG program to send written notifications of applicant status via email, as opposed to sending it through regular mail, the proposed rules allow the program to save money and time, and ensure that applicants are made aware of their tuition assistance status as soon as possible and can plan accordingly.

Chapter 70, TUITION ASSISTANCE GRANT PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 7004.2 of Section 7004, ELIGIBILITY DETERMINATION, is amended to read as follows:

7004 ELIGIBILITY DETERMINATION

…

7004.2 The Grant Program Office shall send a written notification to the applicant informing him or her of their eligibility to receive tuition assistance. Effective April 1, 2015, the written notification shall be sent to the email address provided by the applicant, or to the applicant's mailing address on file, if an email address has not been provided or if the Grant Program Office receives notice that the email address provided is incorrect or inactive. Additionally, all applicant status notifications and other communications to the applicant from the Grant Program Office may be sent via email. In addition, if the student is determined to be eligible for the tuition assistance, the Grant Program Office will inform the institution(s) listed on the student's application as schools the student is most likely to attend by providing a list of eligible students to the institution.

Persons wishing to comment on this notice of rulemaking should submit their comments in writing by mail or hand delivery, including or through an electronic submission to: Office of the State Superintendent of Education, 810 1st Street, NE, Washington, D.C. 20002, Attn: Jamai Deuberry re: "Email Eligibility Communications Tuition Assistance Grant Program

Regulations," or to Jamai.Deuberry@dc.gov with subject, "Attn: Jamai Deuberry, Email Eligibility Communications Tuition Assistance Grant Program Regulations". Questions may be directed to (202) 727-6436. All comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. All comments received will be taken into consideration during the proposed rulemaking process prior to final adoption of these rules. Additional copies of this proposal are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c) (2), (3), (7), (10), (13), and (19), 14, 15, 20, 20f and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (3), (7), (10), (13), and (19), 50-313, 50-314, 50-319, 50-325 and 50-329 (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt a new Chapter 19 (Neighborhood Van Service) and to amend Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking would create a new Chapter 19 to establish the Neighborhood Van Service Pilot program, a two-year pilot program for a new public vehicle-for-hire service that would provide safe, quality, comfortable, affordable, wheelchair-accessible transportation to District residents residing in underserved areas of the District designated as "neighborhood van zones." The rulemaking would establish: (1) licensing and operating requirements for a business to provide neighborhood van service; (2) licensing and operating requirements for the wheelchair-accessible vehicles that would be used to provide neighborhood van service; (3) rules authorizing the Office to make grants to neighborhood van businesses for the acquisition of vehicles; and (4) other rules necessary for the operation and oversight of neighborhood van service. The proposed rulemaking would amend Chapter 99 (Definitions) to add definitions necessary for the proposed Chapter 19.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*.

A new CHAPTER, 19, NEIGHBORHOOD VAN SERVICE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is added to read as follows:

1900 APPLICATION AND SCOPE

1900.1 This chapter establishes licensing, operating, and other requirements for the Neighborhood Van Service ("NVS") Pilot Program, a two-year pilot program for a public vehicle-for-hire service which provides safe, quality, comfortable, affordable, wheelchair-accessible transportation to District residents in underserved areas, known as neighborhood van ("NV") zones. The provisions of this chapter are intended to ensure the safety of passengers, operators and the public, to protect consumers, and for other lawful purposes within the authority of the Commission.

1900.2 The provision of this chapter shall be interpreted to comply with the language and intent of the Establishment Act.

1900.3 In the event of a conflict between a provision of this chapter and a provision another chapter of this title, the more restrictive provision shall apply.

1901 GENERAL PROVISIONS

1901.1 No person shall participate in providing neighborhood van service in the District without first having procured all applicable licenses and met all requirements of this title and other applicable laws.

1901.2 No business shall provide neighborhood van service unless the person is a neighborhood van business ("NV business") with a current certificate of operating authority issued pursuant to this chapter.

1901.3 No operator or vehicle shall provide neighborhood van service unless the operator, vehicle, and affiliated NV business are in compliance with all applicable provisions of this title and other applicable laws.

1901.4 There shall be two (2) NV zones, designated as follows:

(a) Zone 7: the geographical boundary of Ward 7, excluding west of the Anacostia River and Kingman Island; and

(b) Zone 8: the geographical boundary of Ward 8, including the retail area to the south and east of the intersection of Good Hope Road, S.E. and Alabama Avenue, S.E. to include by not extending beyond: Erie Street, S.E. to the south, 30th Street S.E. to the east and the intersection of Akron Place, S.E. and 30th Street to the North.

1901.5 The Office may issues an administrative issuance or instruction identifying one (1) or more neighborhood van stands to be located on private property with the written consent of the owner. A neighborhood van stand shall be used by NV operators only in compliance with § 1905.10 (b)(3). An NV operator shall not use a taxicab stand.

1901.6 Subject to the availability of funds, the Office may make a grant to an NV business granted a certificate of operating authority under § 1904, for the acquisition a vehicle meeting the requirements of § 1906.7 in an amount not to exceed forty thousand dollars ($40,000) per vehicle, provided that there shall be a total of no more than four (4) vehicles for Zone 7 and a total of no more than three (3) vehicles for Zone 8. Each grant shall be made pursuant to all applicable laws, regulations, and guidelines, any Office issuance or instruction, and any terms and conditions stated in the grant. An NV business whose certificate of operating

authority is suspended or revoked may be required to refund to the Office any grant provided under this subsection.

1901.7 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1901.8 At the conclusion of the pilot program, any vehicle used to provide neighborhood van service shall revert to the District subject to the terms of any grant made for its acquisition, for further use by the District, for charitable or non-profit use, or any other lawful purpose.

1901.9 The Office shall not alter the definition of an NV zone in § 1901.4 during the pilot program, except where required or authorized by law or on an emergency basis for any reason which would support the promulgation of emergency rulemaking pursuant to the APA.

1902 NEIGHBORHOOD VAN BUSINESS – ELIGIBILITY

1902.1 Any such owner of a NV business ("applicant") may apply for a certificate of operating authority to participate in the pilot program by submitting an application pursuant to § 1903.

1902.2 Each applicant shall reside and maintain a bona fide place of business in an NV zone. The bona fide place of business may be an in-home business operated consistent with District law.

1902.3 Each applicant shall possess all necessary endorsements on its DCRA basic business license for provision of neighborhood van service, as required.

1902.4 Each applicant shall possess insurance pursuant to Chapter 9 which extends to its participation in neighborhood van service, including all associated operators and vehicles.

1902.5 Each applicant shall be in compliance with, or ready and able to comply with, all operating requirements in § 1905.

1903 NEIGHBORHOOD VAN BUSINESS – APPLICATION

1903.1 Each applicant shall provide the following information and documentation to the Office in a form established by the Office:

(a) The name, address, telephone number, email address and fax number, if any, of the applicant, and of its authorized representatives;

(b) The address of the applicant's bona fide place of business in the District and proof of compliance with all applicable District laws and regulations applicable to the operation of a place of business in the District;

(c) A statement by the applicant that the applicant will not engage in unlawful discrimination under this title or other applicable laws, and will provide service throughout its designated NV zone as established by the Office;

(d) A Clean Hands Act certification that the applicant has complied with the District of Columbia Office of Tax and Revenue registration and filing requirements;

(e) Information and documentation showing that the applicant is in compliance with, or ready and able to comply with, all the operating requirements in § 1905, including a list of all operators and vehicles with which the business is associated to provide service; and

(f) Such other information and documentation as the Office deems necessary to determine that the applicant meets the requirements for approval under this title and other applicable laws.

1903.2 Each application filed with the Office under this section shall be:

(a) Full and complete;

(b) Accompanied by full and complete documentation; and

(c) Notarized and provided under penalty of perjury.

1903.3 Each applicant for an NV business shall comply with all filing deadlines and other administrative requirements in an Office instruction or issuance for the processing of applications. Failure to comply with an instruction or issuance shall be sufficient grounds to deny an application.

1904 NEIGHBORHOOD VAN BUSINESS – REVIEW OF APPLICATION AND DECISION

1904.1 The Office shall review each application pursuant to the Clean Hands Act and shall deny the application of any applicant that is in compliance with the Clean Hands Act.

1904.2 An application may be denied if the applicant does not cooperate with the Office during the application process, if the application is not complete, or if the applicant provides materially false information for the purpose of inducing the Office to grant the application.

1904.3 If the Office denies an application:

(a) The Office shall state the reasons for its decision in writing; and

(b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, the decision shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) calendar days. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office.

1904.4 Operating authority under this chapter shall be effective for the duration of the pilot program, and shall allow the NV business to operate only within the NV zone for which it is approved.

1904.5 The Office shall provide each approved NV business with a physical certificate reflecting the Office's approval. The certificate shall be the property of the Office, and shall be returned to the Office at the end of the pilot program, if the business is no longer operating, and as otherwise required by this title.

1904.6 The Office shall maintain on the Commission's website the name and contact information of each business approved to provide neighborhood van service and the NV zone in which it is approved to operate.

1905 OPERATING REQUIREMENTS

1905.1 Each NV business shall at all times operate in compliance with the applicable provisions of this title and other applicable laws, including all eligibility requirements.

1905.2 Each NV business shall at all times maintain a bona fide place of business in the NV zone where it has authority to operate. Failure to have a bona fide place of business within the District shall result in the suspension or revocation of the business's certificate of operating authority.

1905.3 Each NV business shall maintain its business records for five (5) years and make such records available for inspection upon demand as provided in Chapter 7.

1905.4 Each NV business and operator shall cooperate with the Office and District enforcement officials, including complying with all compliance orders issued orally and in writing. Failure to timely and fully comply with a compliance order shall subject the operator or owner to the civil penalties provided in Chapter 7.

1905.5 Each NV business, operator, and vehicle shall at all times be in compliance with the insurance requirements of Chapter 9.

1905.6 Each NV business shall ensure that all its associated operators and vehicles are in compliance with the applicable provisions of this title.

1905.7 Each NV business shall maintain with the Office a current and accurate inventory of all active operators and vehicles providing neighborhood van service, updated in such manner and at such times as determined by the Office, and including the following information:

(a) For each operator: name, telephone number(s), AVID operator's license number; and

(b) For each vehicle: year, make, model, tag number, and additional vehicle information, if any, as may be determined by the Office through an administrative issuance or instruction.

1905.8 Each NV business shall provide service within its designated NV zone a minimum of twenty (20) hours per day, from 6:00 a.m. to 12:00 midnight.

1905.9 Each NV vehicle shall:

(a) Be a new wheelchair accessible van of mid-roof height with a passenger capacity of up to seven (7) ambulatory passengers, up to six (6) wheelchair passengers in non-collapsed wheelchairs, or a combination of the two and:

(1) Have appropriate access and egress for wheelchairs using a ramp or power lift;

(2) Be capable of being loaded without any inconvenience to sitting passengers;

(3) Have sufficient restraints for all passengers; and

(4) Comply with any additional requirements as stated in an Office issuance or instruction and in any grant approved by the Office;

(b) Be equipped with and use a permanently mounted dome light as directed by the Office;

(c) Be painted in the taxicab uniform color scheme pursuant to § 503.3(a) and (b), and display such markings and advertisements for neighborhood van service as directed by the Office;

(d) Have a permanently mounted fare box as directed by the Office;

(e) Display such vehicle tags as are made available by DMV and directed by the Office;

(f) Meet the vehicle safety inspection requirements of § 608 as if it were a taxicab;

(g) Be designated as a "non-smoking" vehicle, in which no individual shall ever smoke;

(h) Be inspected by the Office for compliance with this subsection prior to being placed in service; and

(i) Be operated only by an operator who is in compliance with §§ 1905.10.

1905.10 Each NV operator shall:

(a) Possess a current and valid DCTC accessible vehicle identification (AVID) operator's license;

(b) Operate the vehicle as follows:

(1) By providing service only within the boundaries of the NV zone for which the NV business is authorized to operate;

(2) By cruising and accepting street hails throughout the NV zone, or prearranged by telephone, in a manner consistent all applicable provisions of this title and other applicable laws with;

(3) By stopping at a neighborhood van stand designated by the Office for not more than fifteen (15) minutes unless actively picking-up or discharging passengers, and provided that no operator shall use a taxicab stand;

(4) By charging only the fare authorized by § 1905.13; and

(5) By carrying at all times on his or her person, or having readily available inside the vehicle for production upon demand by a District enforcement official, the following documents:

(A) The operator's personal driver's license;

(B) The vehicle's DMV registration;

(C) The operator's AVID license; and

(D) An insurance card evidencing a valid and effective commercial insurance policy meeting the requirements of Chapter 9.

1905.11 An operator's failure to comply with § 1905.10(b)(5) may result in the impoundment of the vehicle pursuant to the Impoundment Act, in addition to any other penalty authorized by this title and other applicable laws.

1905.12 Each NV operator shall comply with the following operating requirements to the same extent as if the operator and vehicle were providing taxicab service:

(1) § 807.3 (Distracted Driving Safety Act);

(2) § 807.4 (Use of mobile phone or other electronic device);

(3) § 810.2 (Unauthorized signs);

(4) § 814.7 (Counterfeiting of documents);

(5) §§ 816.1-816.14 (Standards of conduct including reporting of arrest);

(6) § 817.1 (Harassment and use of physical force);

(7) § 818 (Prohibition of discrimination);

(8) §§ 819.1-819.5 (Consumer service and passenger relations);

(9) § 821.5 (Prohibition of loitering); and

(10) § 821.7 (Prohibition on using taxicab stands).

1905.13 Each NV business and operator shall charge a flat fare of six dollars ($6.00) for each one-way trip, plus a gratuity, if any, which shall only be paid by cash or by coupons made available to passengers by the District government. No additional rates or charges shall be allowed.

1905.14 No passenger surcharge shall be collected from the passenger or paid to the District in connection with neighborhood van service.

1905.15 No NV vehicle shall operate through digital dispatch.

1906 PROHIBITIONS

1906.1 No NV business or operator shall violate an applicable provision of this title or other applicable law.

1906.2 No NV business or operator shall provide service outside the NV zone designated by the Office.

1906.3 No NV operator shall provide service while under the influence of illegal intoxicants, or under the influence of legal intoxicants that have been prescribed with a warning against use while driving or operating equipment.

1906.4 No NV operator shall stop or loiter, except to pick-up or discharge a passenger, except at a designated neighborhood van stand, as permitted by § 1905.10(b)(3).

1906.5 No NV vehicle shall occupy a taxicab stand.

1906.6 There shall be no eating or drinking an NV vehicle.

1907 PENALTIES

1907.1 Each violation of this chapter by an NV operator shall subject the operator to:

(a) A civil fine established by a provision of this chapter;

(b) Enforcement action other than a civil fine, as provided in Chapter 7. In the case of an operator suspended pursuant to Chapter 7, in addition to any conditions available under Chapter 7, one or more of the following conditions which may be imposed at the expense of the operator where the Office determines the condition is related to the violation, including, but not limited to:

(1) Completion of a course in anger management course, cultural sensitivity course, sexual harassment training, driver education, or another subject related to the misconduct; or

(2) Re-taking of any or all training components required for an AVID operator's license;

(c) Impoundment of the vehicle pursuant to the Impoundment Act, D.C. Official Code § 50-331; or

(d) A combination of the sanctions enumerated in paragraphs (a) through (c).

1907.2 Each violation of this chapter by a NV business shall subject the business to:

(a) A civil fine established by a provision of this chapter;

(b) Enforcement action other than a civil fine, as provided in Chapter 7; and

(c) A combination of the sanctions enumerated in paragraphs (a) and (b).

1907.3 Except where otherwise specified in this title, the following civil fines are established for violations of this chapter, which shall double for the second violation of the same provision, and triple for the third and subsequent violations of the same provision thereafter:

(a) A civil fine of one hundred ($100) dollars where no civil fine is enumerated;

(b) For a violation of § 1905.4 for failure to cooperate: a civil fine of three hundred dollars ($300);

(c) For a violation of § 1905.10(b)(5) for failure to comply with documentation requirements: a civil fine of two hundred fifty dollars ($250);

(d) For a violation of § 1905.12(c)(7) by violating § 818 (Prohibition of discrimination) or § 1905.12(c)(8) by violating § 819.1-819.5 (Consumer service and passenger relations), notwithstanding the civil fine imposed in Chapter 8: a civil fine of five hundred dollars ($500); and

(e) For a violation of § 1905.13 by charging an unauthorized fare, including an unlawful gratuity: a civil fine of two hundred fifty dollars ($250); or, in the case of an unlawful gratuity, a civil fine of two hundred fifty dollars ($250) or an amount equal to ten (10) times the amount of the unlawful gratuity, whichever is greater.

1907.4 The enforcement of this chapter shall be governed by the procedures of Chapter 7.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1, is amended as follows:

"Neighborhood van business" – a business with operating authority to provide neighborhood van service in a neighborhood van zone, as defined in this chapter.

"Neighborhood van service" – a public vehicle-for-hire service which provides

wheelchair-accessible transportation to District residents residing in a neighborhood van zone, as defined in this chapter, for which passengers pay a fixed fare for a one-way trip.

"Neighborhood van zone" – a geographic area designated by the Office within which a neighborhood van business is permitted to operate.

"NV business" – a neighborhood van business as defined in this chapter.

"NV zone" – a neighborhood van zone as defined in this chapter.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the D.C. Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), (8), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (5), (7), (8), (19), 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 4 (Payment Service Providers), Chapter 8 (Operation of Taxicabs), and 16 (Dispatch Services) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend Chapters 4 and 16 to require that each payment service provider ("PSP") integrate with the District of Columbia Universal Taxicab App ("DC TaxiApp"), for which service and support are provided by the District of Columbia Taxicab Industry Co-op ("Co-op"). Integration between all PSPs and the DC TaxiApp would expand the payment choices available to passengers who use the DC TaxiApp, allowing them to make both in-vehicle payments (cash or payment card) and digital payments. The existing rules allowing any digital dispatch service to integrate with any PSP would not be affected by these amendments. The expenses of integration with all PSPs with current operating authority would be paid by the Co-op. The proposed amendments to Chapter 8 would require each taxicab operator who uses a DDS which does not ensure that the passenger surcharge is collected from the passenger and paid to the District for each taxicab trip to establish and maintain an individual taxicab operator surcharge account, to ensure that the District is paid all passenger surcharges as required by law. Chapters 8 and 16 would also be amended to clarify that once a trip has been accepted by a taxicab operator through digital dispatch, the taxicab operator must pick up the passenger and complete the trip after the passenger has been picked up, and that the failure to do so shall be treated as a refusal to haul under Chapter 8.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 408, OPERATING REQUIREMENTS APPLICABLE TO PSPs AND DDSs, is amended as follows:

Subsection 408.16 is amended to read as follows:

408.16 Each PSP shall integrate with the District of Columbia Universal Taxicab App ("DC TaxiApp") in a manner consistent with § 1613.13(b) not later than the

implementation date set forth in §§ 1612 and 1613, and may integrate with any DDS, subject to the following requirements.

(a) The reasonable and documented expenses for integration between the DC TaxiApp and each PSP shall be paid as follows:

(1) For integration with each PSP which has operating authority on the implementation date set forth in § 1612: by the District of Columbia Taxicab Industry Co-op ("Co-op"); and

(2) For integration with each PSP which obtains operating authority after the implementation date in § 1612: shared equally by the Co-op and each PSP.

(b) Each PSP that fails to integrate or to maintain integration as required by this subsection shall be subject to a civil fine of one thousand dollars ($1,000) for each day it is not integrated in the manner required by this subsection, in addition to any other penalty available under Chapter 7.

(c) Integration shall in all cases require a connection via technology that meets Open Web Application Security Project ("OWASP") security guidelines, that complies with the current standards of the PCI Security Standards Council ("Council") for payment card data security, if such standards exist, and, if not, then with the current guidelines of the Council for payment card data security, and, that, for direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association.

Chapter 8, OPERATION OF TAXICABS, is amended as follows:

Section 802 is amended to read as follows:

802 TAXICAB OPERATOR SURCHARGE ACCOUNTS

802.1 Each taxicab operator who uses a digital dispatch service ("DDS") which does not ensure that the passenger surcharge is collected from the passenger and paid to the District for each taxicab trip shall open and maintain a taxicab operator surcharge account ("account") as provided in this section and any applicable Office instruction, issuance, or guidance.

802.2 An account shall be opened by the operator with the Office (which for purposes of this subsection shall include the Office of the Chief Financial Officer) within fourteen (14) days after the operator associates with the DDS.

802.3 An account shall be opened by filing the documents and information required by the Office, and making an initial deposit of one hundred dollars ($100). No

administrative fee shall be charged by the Office for opening or maintaining an account.

802.4 The operator shall make monthly deposits to the account as necessary to ensure a minimum account balance at all times of fifty dollars ($50), provided however, that the minimum account balance may be maintained by the operator through automatic payments to the account if the operator chooses to provide the Office with account information for a payment card, or a checking or savings account belonging to the operator held as a federally-insured financial institution, to which the Office may post charges as necessary to maintain the minimum account balance.

802.5 The Office may make monthly deductions from the account based on an assumption that the operator is conducting not more than one hundred (100) fare paying trips per month, for which the District is owed passenger surcharges of not more than twenty five dollars ($25), provided however, that an operator may request that the Office conduct an account reconciliation not more than once per quarter based on trip data or other reliable and verified information provided to or otherwise in the possession of the Office, and the Office shall then make such adjustments to the account as necessary based on the reconciliation.

802.6 A request for a quarterly reconciliation of the operator's account pursuant to § 802.5 shall be conducted by the Office within twenty-one (21) days of its receipt.

802.7 The Office may at any time make an adjustment to the account, based on trip data or other reliable and verified information in its possession, to ensure that the account accurately reflects the amount of passenger surcharges owed to the District by the operator.

802.8 The Office shall provide a statement of account activity to each operator annually at a time determined by the Office.

802.9 Each reconciliation under § 802.5, each adjustment to the account under § 802.7, and each statement of account activity under § 802.8, shall be provided in writing to the operator.

802.10 The balance of an account, if any, shall be refunded to the operator by the Office within thirty (30) days following any event which results in the operator's no longer being required to maintain an account, by providing the operator with a check, where appropriate, and a final statement of account activity, which may be mailed to the operator's address on file with the Office, provided however, that if the operator owes any amount to the Office at that time, the account shall remain open pending the payment of all amounts owed, any collection activity by the District, and any enforcement action under Chapter 7.

802.11 An operator may dispute any decision of the Office concerning an account, following a reconciliation, where appropriate, by appealing the Office's decision to the Chief of Operations, and thereafter to the Commission, whose decision shall be a final agency action, provided however, that an appeal shall not stay an operator's legal obligation to provide passenger surcharges owed to the District pending the outcome of any appeal regardless of any dispute by the operator.

802.12 An operator who:

(a) Fails to open an account as required by § 802.1 shall be subject to a civil fine of two hundred fifty dollars ($250).

(b) Fails to maintain the minimum account balance as required by § 802.4 shall be subject to a civil fine of twenty five dollars ($25).

(c) Willfully fails to pay a passenger surcharge owed to the District which is subject to payment through an account under this section shall, in lieu of any civil fine otherwise established by a provision of this title, shall be subject to a civil fine of five hundred dollars ($500).

(d) Violates any other provision of this section shall be subject to a civil fine of fifty dollars ($50).

Section 819, PROHIBITIONS, is amended as follows:

A new Subsection 819.10 is added to read as follows:

819.10 Once a trip has been accepted by a taxicab operator through digital dispatch, the taxicab operator shall not fail to pick up the passenger or to complete the trip after the passenger has been picked up. A violation of this subsection shall be treated as a refusal to haul under this section or § 818.

Chapter 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 1605, PROHIBITIONS, is amended as follows:

Subsection 1605.5 is amended to read as follows:

1605.5 Once a trip has been accepted by a taxicab operator through digital dispatch, the taxicab operator shall not fail to pick up the passenger or to complete the trip after the passenger has been picked up. A violation of this subsection shall be treated as a refusal to haul pursuant to Chapter 8, and subject to the penalties provided in that chapter.

Section 1613, DISTRICT OF COLUMBIA TAXICAB CO-OP, is amended as follows:

Subsection 1613.13 is amended to read as follows:

(b) Establish and maintain a digital dispatch service, registered and operated in compliance with this chapter, which at all times, maintains integration between the DC TaxiApp and each PSP in a manner consistent with § 408.16, to ensure that:

(1) Each passenger who books a ride through the DC TaxiApp may choose to make either an in-vehicle payment (cash or payment card) or a digital payment;

(2) The passenger surcharge is collected from the passenger and paid to the District for each trip; and

(3) The PSP is able to comply with all obligations under Chapters 4 and 6.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-345
December 29, 2014

SUBJECT: Reappointments and Appointment – District of Columbia Emergency Medical Services Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009, D.C. Law 17-357, D.C. Official Code § 7-2341.22 (2012 Repl.), it is hereby **ORDERED** that:

1. **CYNTHIANA LIGHTFOOT** is reappointed to the District of Columbia Emergency Medical Services Advisory Committee (**"Advisory Committee"**), as a representative of a professional medical organization, and the Chairperson, for a term to end December 12, 2017.

2. **DR. WENDY GREENE** is reappointed to the Advisory Committee, as a representative of hospitals located in the District, for a term to end December 12, 2017.

3. **DR. WILLIAM STRUDWICK** is reappointed to the Advisory Committee, as a representative of hospitals located in the District, for a term to end December 12, 2017.

4. **KENNETH L. LYONS** is reappointed to the Advisory Committee, as a representative of labor organizations representing emergency medical services personnel, for a term to end December 12, 2017.

5. **DR. JOELLE SIMPSON** is reappointed to the Advisory Committee, as a representative concerned with pediatric trauma care, for a term to end December 12, 2017.

6. **DR. JACK A. SAVA** is reappointed to the Advisory Committee, as a representative of a commercial ambulance service, for a term to end December 12, 2017.

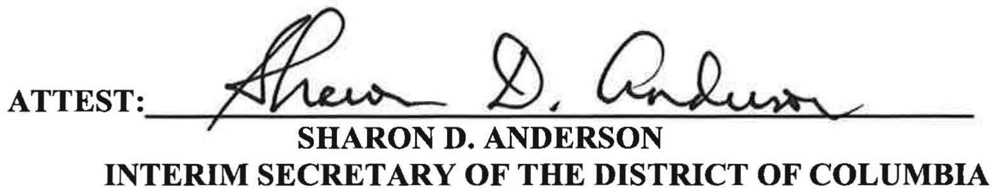
7. **ANNE M. RENSHAW** is reappointed to the Advisory Committee, as a community representative for seniors or elders, for a term to end December 12, 2017.

8. **DR. JORGE L. DELGADO** is reappointed to the Advisory Committee, as a community representative of the Latino community, for a term to end December 12, 2017.

9. **DR. DAVID P. MILZMAN** is appointed to the Advisory Committee, as a representative of a professional health organization, replacing Catherine F. Goss, for a term to end December 12, 2017.

10. **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 2014-346
December 29, 2014

SUBJECT: Reappointments and Appointment – Commission on Re-Entry and Returning Citizen 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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and in accordance with section 4 of the Office of Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007, D.C. Law 16-243, D.C. Official Code § 24-1303 (2012 Repl.), and Mayor's Order 2012-31, dated February 28, 2012, which re-designated the Commission on Re-Entry and Ex-Offender Affairs as the Commission on Re-Entry and Returning Citizen Affairs (**"Commission"**), it is hereby **ORDERED** that:

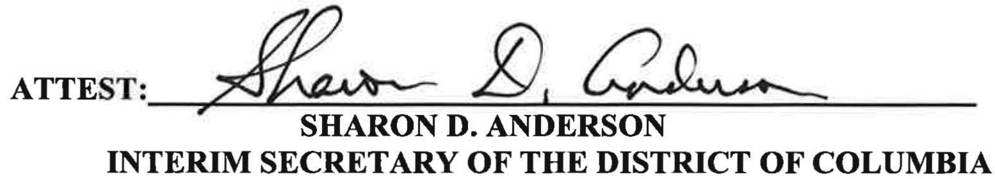
1. **JAMES BERRY**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia on December 23, 2014, pursuant to Proposed Resolution 20-0997, is reappointed as a public voting member of the Commission, for a term to end August 4, 2017.

2. **JAMES R. LINDSAY**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia on December 23, 2014, pursuant to Proposed Resolution 20-0977, is reappointed as a public voting member of the Commission, for a term to end August 4, 2016.

3. **TRINA ROBINSON**, who was nominated by the Mayor on July 11, 2014 and deemed approved by the Council of the District of Columbia on December 23, 2014, pursuant to Proposed Resolution 20-0998, is appointed as a public voting member of the Commission, replacing Louise Giesey White, for a term to end August 4, 2016.

4. **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 2014-347
December 29, 2014

SUBJECT: Appointment – Health Benefit Exchange Authority Executive Board

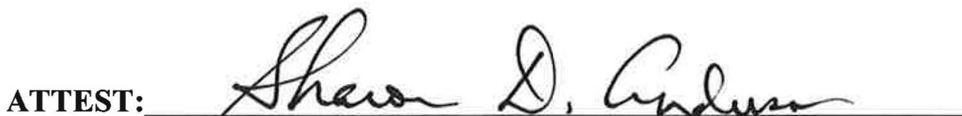
ORIGINATING AGENCY: Office of the Mayor

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.), section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f) (2012 Repl.), and in accordance with section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012, D.C. Law 19-94, D.C. Official § 31-3171.05 (2012 Repl.), it is hereby **ORDERED** that:

1. **NANCY J. HICKS**, who was nominated by the Mayor on October 21, 2014, and whose nomination was deemed approved by the Council of the District of Columbia on December 13, 2014 pursuant to Proposed Resolution 20-1108, is appointed as a voting member of the Health Benefit Exchange Authority Executive Board, replacing Dr. Mohammad Akhter, to complete the remainder of a term to end July 6, 2016.

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 2014-348
December 29, 2014

SUBJECT: Reappointment and Appointments – Saint Elizabeth's Redevelopment Initiative Advisory Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with Mayor's Order 2012-21, dated February 9, 2012, as amended by Mayor's Order 2014-242, dated October 23, 2014, it is hereby **ORDERED** that:

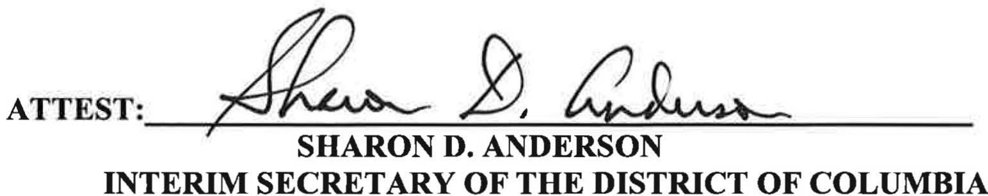
1. **LARS ETZKORN** is reappointed as a member of the Saint Elizabeth's Redevelopment Initiative Advisory Board (**"Board"**) for a term to end on August 31, 2015, and shall serve in the capacity of Vice Chairperson of the Board, replacing Herbert S. Miller, at the pleasure of the Mayor.

2. **DR. BARRON HARVEY** is appointed as a member of the Board for a term to end on August 31, 2015, and shall serve in the capacity of Vice Chairperson of the Board, replacing George Vradenburg, at the pleasure of the Mayor.

3. **COREY ARNEZ GRIFFIN** is appointed as a public member of the Board, to complete the remainder of a term to end August 31, 2015.

4. **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 2014-349
December 29, 2014

SUBJECT: Reappointment and Appointments – District of Columbia Commission on Persons with Disabilities

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 Mayor's Order 2009-165, dated September 25, 2009, it is hereby **ORDERED** that:

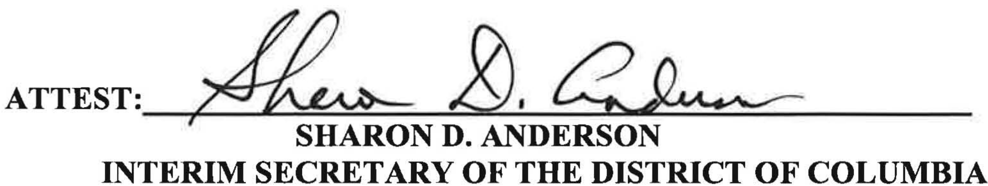
1. **DERRICK SMITH** is reappointed as a public member of the District of Columbia Commission on Persons with Disabilities (**"Commission"**), for a term to end September 30, 2017.

2. **JULIA WOLHANDLER** is appointed as a public member of the Commission, for a term to end September 30, 2017.

3. **TIFFANY QUEEN MCLAURIN-SMALLWOOD** is appointed to the Commission, as a member representing the Developmental Disabilities State Planning Council, for a term to end September 30, 2017.

4. **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 2014-350
December 30, 2014

SUBJECT: Designation of Special Event Areas for the 2015 District of Columbia Mayoral Inauguration

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Thursday, January 1, 2015, between the hours of 8:00 a.m. and 11:30 a.m., the following areas are hereby designated as special events areas (**"Special Event Areas"**) to be used a parade route in association with the Inaugural Fresh Start 5K:

   a. Beginning at Oyster Adams Bilingual School at 2801 Calvert Street NW a traveling east on Calvert Street to 28th Street NW, to Southeast on 28th Street NW to Rock Creek Drive NW, traveling Southwest on Rock Creek Drive NW to Normanstone Drive NW, traveling Northwest on Normanstone Drive NW to 32nd Street NW, North on 32nd Street NW to Woodland Drive NW, traveling Northwest on Woodland Drive to Garfield Street NW, traveling West on Garfield Street NW to 33rd Place NW, North on 33rd Place to Cathedral Avenue NW, East on Cathedral Avenue NW to 32nd Street NW, East on Klingle Road NW to Cortland Place NW, East on Cortland Place NW to Devonshire Place NW, Northeast on Devonshire Place NW to Cortland Place NW, Southwest on Cortland Place to 28th Street NW, South on 28th Street NW to Cathedral Avenue NW, West on Cathedral Avenue NW to 32nd Street NW, South on 32nd Street NW to Garfield Street NW, East on Garfield Street NW to 29th Street NW, South on 29th Street NW to Finish Line on West side of Oyster Adams Bilingual School campus.

2. On Friday, January 2, 2015, between the hours of 6:00 a.m. and 11:30 a.m., the following areas are hereby designated as Special Events Areas to be used in association with the Inaugural Interfaith Service:

   a. The North curb lane of G Street NW between 9th Street and 10th Streets NW; and
   b. The East and West curb lanes of 10th Street NW between G Street and G Place NW.

3. On Friday, January 2, 2015, between the hours of 5:00 p.m. and 12 a.m. (midnight), the following areas are hereby designated as Special Event Areas to be used in association with the Inaugural Ball:

   a. The East curb lane of 9th Street NW between M Street and Mt. Vernon Place NW;

   b. The West curb lane of 7th Street NW between M Street and Mt. Vernon Place NW;

   c. The North and South curb lanes of L Street NW between 7th and 9th Streets NW;

   d. The North curb lane of K Street NW between 9th and 10th Streets NW; and

   e. The North curb lane of K Street NW between 6th and 7th Street NW.

4. On Saturday, January 3, 2015, between the hours of 12 p.m. (noon) and 8:00 p.m., the following area is hereby designated as a Special Event Area to be used in association with the Inaugural Kids Party:

   The South curb lane of Mississippi Avenue SE, between 6th Street and 10th Place SE.

5. DC Proud Inaugural Committee is authorized to operate said Special Event Areas, and to conduct necessary and appropriate activities in aid of the use of the designated Special Event Areas associated with the 2015 District of Columbia Mayoral Inauguration.

6. This Order is an authorization for the closure of the designated streets and restricted use of the designated curb lanes. All building, health, safety, and use of public space requirements shall remain in effect and applicable to the Special Event Areas designated by this Order.

7. **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 2014-351
December 31, 2014

SUBJECT: Appointment – Acting Secretary of the District of Columbia

ORIGINATING AGENCY: Office of the Mayor

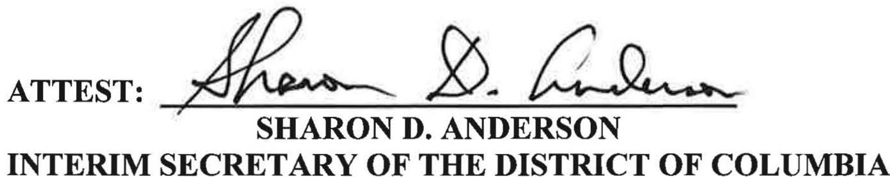
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat.790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **LAUREN C. VAUGHAN** is appointed Acting Secretary of the District of Columbia and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2014-257, dated October 29, 2014.

3. **EFFECTIVE DATE**: This Order shall become effective 12:01 a.m., January 2, 2015.

VINCENT C. GRAY
MAYOR

ATTEST: 

SHARON D. ANDERSON
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 14, 2015
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-00090; Steak Ice 1310 H, LLC, t/a Pizza Parts & Servic, 1320 H Street NE, License #97355, Retailer DR, ANC 6A
Application for a New License

Show Cause Hearing (Status) **9:30 AM**
Case # 14-CC-00121; S &W D.C., LLC, t/a Smith & Wollensky, 1112 19th Street NW, License #6000, Retailer CR, ANC 2B
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status) **9:30 AM**
Case # 14-CC-00141; Kookoovaya, Inc., t/a We, the Pizza, 305 Pennsylvania Ave SE, License #82062, Retailer CR, ANC 6B
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty

Fact Finding Hearing* **9:30 AM**
Jose C. Pineda
Application for a Manager's License

Fact Finding Hearing* **9:30 AM**
Sean P. Wolf
Application for a Manager's License

Show Cause Hearing* **10:00 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
January 14, 2015

10:00 AM

Show Cause Hearing*
Case # 14-251-00003 and 14-251-00003(a); Chloe, LLC, t/a District, 2473 18th Street NW, License #92742, Retailer CR, ANC 1C
Interfered with an Investigation

Show Cause Hearing* **11:00 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* **11:00 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

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

Fact Finding Hearing* **1:30 PM**
Beletesh, Ltd., t/a Serv-U-Liquors, 1935 9th Street NW, License #60026, Retailer A , ANC 1B
License in Safekeeping

Show Cause Hearing* **2:00 PM**
Case # 14-CMP-00327; Continental Wine & Liquors, LLC, t/a Continental Wine and Liquors, 1100 Vermont Ave NW, License #78964, Retailer A, ANC 2F
No ABC Manager on Duty

Fact Finding Hearing* **3:00 PM**
Balducci's Holding, LLC, t/a To Be Determined; 3263 M Street NW, License #88667, Retailer B, ANC 2E
License in Safekeeping

Fact Finding Hearing* **3:30 PM**
H2, LLC, t/a Satellite Room; 2047 9th Street NW, License #87296, Retailer CT ANC 1B
Request for a Change of Hours

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY JANUARY 14, 2015
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-082439 – **Kushi Izakaya** – Retail - CR – 465 K STREET NW
[Establishment appears to have ceased operations. The Licensee was advised via USPS in a letter dated 11/13/2014 to place license in Safekeeping within 10 days and letter was returned undeliverable.]

ABRA-021995 – **Pines of Florence** - Retail – CR – 2100 CONNECTICUT AVENUE NW
[Establishment appears to have ceased operations. The Licensee was advised via USPS in a letter dated 11/13/2014 to place license in Safekeeping within 10 days and letter was returned undeliverable.]

ABRA-093635 - **Bodogs** – Retail - CR – 614 E STREET NW
[Establishment appears to have ceased operations. The Licensee was advised via USPS in a letter dated 11/13/2014 to place license in Safekeeping within 10 days and letter was returned undeliverable.]

ABRA-008348 – **Hunan Peking** – Retail – DR – 3251 PROSPECT STREET NW #500
[Establishment has requested cancellation of license.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, JANUARY 14, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On January 14, 2015 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-00198 Ruby Tuesday #5320, 3365 14TH ST NW Retailer C Restaurant, License#: ABRA-075456

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2. Case#14-AUD-00117 Comet Pizza, 5037 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-074897

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3. Case#14-251-00323 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

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4. Case#14-251-00320 Midtown, 1219 CONNECTICUT AVE NW Retailer C Nightclub, License#: ABRA-072087

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5. Case#14-CMP-00707 Nando's Peri Peri, 819 7TH ST NW 1 Retailer C Restaurant, License#: ABRA-078979

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6. Case#14-AUD-00112 El Sauce Restaurant And Carry-Out, 1227 11TH ST NW Retailer D Restaurant, License#:ABRA-072654

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7. Case#14-AUD-00111 Las Canteras, 2307 18TH ST NW Retailer C Restaurant, License#: ABRA-072685

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8. Case#14-CMP-00708 Vapiano, 623 H ST NW Retailer C Restaurant, License#: ABRA-076727

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9. Case#14-CC-00197 El Chucho - Cocina Superior, 3313 11TH ST NW Retailer C Restaurant, License#:ABRA-085471

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10. Case#14-251-00322 Cities, 919 19th ST NW Retailer C Restaurant, License#: ABRA-086319

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11. Case#14-AUD-00116 Lillie's Restaurant, 2915 CONNECTICUT AVE NW Retailer C Restaurant, License#:ABRA-087273

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12. Case#14-AUD-00114 Mad Momos, 3605 14TH ST NW Retailer C Restaurant, License#: ABRA-088409

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13. Case#14-CMP-00597 Cava Mezze Grill, 4237 Wisconsin AVE NW Retailer C Restaurant, License#: ABRA-090698

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14. Case#14-CMP-00706 Red Apron Butchery/ The Partisan, 709 D ST NW Retailer C Restaurant, License#: ABRA-090742

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JANUARY 14, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Request for Reconsideration of Board Order No. 2014-497, submitted by Emanuel Mpras, Esq. on behalf of Anacostia Market, dated December 30, 2014. ***Anacostia Market,*** 1303 Good Hope Road, SE, Retailer B, License No.: 086470.

*** 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, JANUARY 14, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Manager's License. ***Mohamed K. Azab*** -ABRA 096854.

***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.**

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections hereby gives notice that there are vacancies in five (5) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3C04, 5A04, 7F07, 8B06 and 8D06

Petition Circulation Period: **Monday, January 12, 2015 thru Monday, February 2, 2015**
Petition Challenge Period: **Thursday, February 5, 2015 thru Wednesday, February 11, 2015**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY

GRANT FOR
Boat Sewage Pumpout System

The District Department of the Environment (DDOE) is seeking eligible entities, as defined below, to promote improved water quality and increased compliance with the District of Columbia's ordinance prohibiting discharge of sanitary sewage from vessels, D.C. Official Code § 8-103.06 (m). DDOE seeks applications for a project for the purchase, improvement, and installation of one or more boat sewage pumpout systems or for the purchase and use of a pumpout boat in District of Columbia waters.

Beginning 1/9/2015, 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 and related information from the "attachments" section.
>
> **Email** a request to 2014cvarfa.grants@dc.gov with "Request copy of RFA 2015-1506" 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 Joanne Goodwin at (202) 535-1798 to make an appointment and mention this RFA by name); or
>
> **Write** DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Joanne Goodwin RE:2015-1506" on the outside of the letter.

The deadline for application submissions is 2/8/2015, 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 2014cvarfa.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

☒-Faith-based organizations;

☒-Government agencies; and

☒-Universities/educational institutions.

Period of Awards: The end date for the work of this grant program will be September 30, 2015.

Available Funding: The total amount available for this RFA is approximately $95,600**.** 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 2014cvarfa.grants@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6508-R1 to NBC Universal to operate one existing diesel-fired emergency generator set located in Washington, DC. The contact person for the facility is Eric Schroeder, Administration and Building Services Manager, at (202) 885-4898.

Emergency Generator to be Permitted:

Equipment Location	Address	Generator Size	Engine Size	Permit No.
NBC Universal	4001 Nebraska Ave. NW Washington, DC 20016	2,000 kW	2,937 bhp	6508-R1

The proposed emission limits are as follows:

a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
6.4	3.5	0.20

b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].

c. In addition to Condition II (b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart 1, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*

d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.86
Oxides of Nitrogen (NO_x)	10.53
Volatile Organic Compounds (VOC)	0.23
Total Particulate Matter (PM Total)	0.0575
Oxides of Sulfur (SO_x)	0.00891

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

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

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

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

No written comments or hearing requests postmarked after February 9, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6509-R1 to the NBC Universal, to operate one existing diesel-fired emergency generator set located in Washington, DC. The contact person for the facility is Eric Schroeder, Administration and Building Services Manager, at (202) 885-4898.

Emergency Generator to be Permitted:

Equipment Location	Address	Generator Size	Engine Size	Permit No.
NBC Universal	4001 Nebraska Ave. NW Washington, DC 20016	500 kW	755 bhp	6509-R1

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

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6915 to New Cingular Wireless PCS, LLC, dba AT&T Mobility, to construct and operate one diesel fired emergency generator set, located in Washington, DC. The contact person for the applicant is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency generator set to be permitted:

Equipment Location	**Address**	**Generator Standby Rating (Engine Size)**	**Model Numbers (Engine/ Generator)**	**Permit No.**
5600 East Capitol St. NE Washington, DC	5600 East Capitol St. NE Washington, DC 20019	80 kW (131 bhp/97.7 kW)	Generac/ SD080	6915

The proposed emission limits are as follows:

a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
4.0	5.0	0.30

b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].

c. In addition to Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*

d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.05
Oxides of Nitrogen (NO_x)	0.20
Volatile Organic Compounds (VOC)	0.20
Total Particulate Matter (PM Total)	0.01
Oxides of Sulfur (SO_x)	0.07

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

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

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

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

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6917 to New Cingular Wireless PCS, LLC dba AT&T Mobility to construct and operate one emergency natural gas fired generator located in Washington, DC. The contact person for the facility is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency generator to be permitted:

Equipment Location	**Address**	**Generator Size**	**Engine Size**	**Permit No.**
AT&T Mobility 1818 Newton Street NW Washington, DC	AT&T Mobility 1818 Newton Street NW Washington, DC 20010	80 kW	124.94 bhp	6917

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/hp-hr)	
NOx + HC	CO
10.0	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator engines, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the generator engine are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	8.111
Oxides of Nitrogen (NO_x)	0.127
Total Particulate Matter (PM Total)	0.005247
Volatile Organic Compounds (VOCs)	0.123
Oxides of Sulfur (SO_x)	0.000159

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

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

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

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
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No written comments or hearing requests postmarked after February 9, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6919 to New Cingular Wireless PCS, LLC dba AT&T Mobility to construct and operate one emergency natural gas generator located in Washington, DC. The contact person for the facility is Barbara Walden, Manager, Environment, Health and Safety, at (925) 327-2532.

Emergency generator to be permitted:

Equipment Location	**Address**	**Generator Size**	**Engine Size**	**Permit No.**
AT&T Mobility 200 K Street NW Washington, DC	AT&T Mobility 200 K Street NW Washington, DC 20001	50 kW	82.1 bhp	6919

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/hp-hr)	
NOx + HC	CO
10.0	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator engines, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the generator engine are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	4.308
Oxides of Nitrogen (NO_x)	0.114
Total Particulate Matter (PM Total)	0.004351
Volatile Organic Compounds (VOCs)	0.072
Oxides of Sulfur (SO_x)	0.000132

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

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

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

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

No written comments or hearing requests postmarked after February 9, 2015 will be accepted.

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6959 to to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with 49 HP diesel fired engine at 387 37th Place SE, Washington DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The proposed emission limits are as follows:

a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a) and (d)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
7.5	5.5	0.60

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart 1, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

   1. 20 percent during the acceleration mode;

   2. 15 percent during the lugging mode;

   3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*

d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	<0.05
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.131
Total Particulate Matter (PM Total)	<0.01
Oxides of Sulfur (SO_x)	<0.01

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

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

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

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District Department of the Environment
1200 First Street NE, 5th Floor
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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6960 to to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with 66.5 bhp natural gas fired engine at 3 Washington Circle NW, Washington DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	<0.01
Oxides of Sulfur (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made

available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

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

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6961 to to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 30 kW emergency generator set with a 66.5 bhp natural gas fired engine at 2435 Alabama Avenue SE, Washington DC. The contact person for the facility is Bryan Scallon, Director of Operations, at 800-488-7900.

The proposed emission limits are as follows:

a. Emissions from each unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(d), and 40 CFR 60 Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NOx + HC	CO
10	387

b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	**Maximum Annual Emissions (tons/yr)**
Carbon Monoxide (CO)	0.60
Oxides of Nitrogen (NO_x) plus Total Hydrocarbons (THC)	0.19
Total Particulate Matter (PM Total)	<0.01
Oxides of Sulfur (SO_x)	<0.01

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made

available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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HEALTH BENEFIT EXCHANGE AUTHORITY

NOTICE OF PUBLIC MEETING

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Monday, January 12, 2015 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 730 225 966.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH

HEALTH REGULATION LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Chiropractic
January 13, 2015

On January 13, 2015 at 1:00 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 1:00 pm until 2:30 pm to plan, discuss, or hear reports concerning licensing issues ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 2:30 pm to 3:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 4:30 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA CMBE (202) 724-8755.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING

January 13, 2015
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

I. Call to order and verification of quorum.

II. Presentation – CohnReznick auditors.

III. Approval of minutes from the December 9, 2014 and the December 16, 2014 board meetings.

IV. DCHFA Annual Meeting and Elections.

V. Vote to close meeting to discuss the approval of the Channing Phillips project and bond transaction and a McKinney Act Loan associated with the Deanwood Hills project.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Channing Phillips project and bond transaction and a McKinney Act Loan associated with the Deanwood Hills project. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

VI. Re-open meeting.

VII. Consideration of DCHFA Final Bond Resolution No. 2015-01 for Channing Phillips.

VIII. Consideration of DCHFA Resolution No. 2015-01(G) for a McKinney Act Loan associated with Deanwood Hills.

IX. Interim Executive Director's Report.

X. Other Business.

- Revised Investment Policy
- Update – Financial Management Software Proposals

XI. Adjournment.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, January 14, 2015 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room on the Second Floor. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on January 13, 2015. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

I. Call to Order

II. Commission Communication

III. Commission Action Items

IV. Government Communications and Presentations

V. General Counsel's Report

VI. Staff Reports

VII. Public Comment Period

VIII. Adjournment

UNIVERSITY OF THE DISTRICT OF COLUMBIA

BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETINGS

Regular Meetings of the Board of Trustees - 2015

Tuesday, January 27, 2015 – 5:00 p.m.
Tuesday, April 14, 2015 – 5:00 p.m.
Tuesday, July 14, 2015 – 5:00 p.m.
Tuesday, November 17, 2015 – 5:00 p.m.

All meetings will be held in the Board Room, Third Floor, Building 39 at the University of the District of Columbia, Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Information regarding the meetings, including 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.

WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)

NOTICE OF PUBLIC MEETINGS

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled the following meetings for 2015:

January 15
February 12
March 12
April 9
May 14
June 11
July 9
September 10
October 8
November 12
December 10

Meetings are held in the Dr. Charlene Drew Jarvis Board Room of the Walter E. Washington Convention Center, 801 Mt. Vernon Place, N.W., Washington, D.C. 20001, beginning at 10:00 a.m. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Sean Sands
Chief of Staff
Washington Convention and Sports Authority

(202) 249-3012
sean.sands@eventsdc.com

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