



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-99, Fiscal Year 2016 Budget Request Act of 2015
- D.C. Council enacts Act 21-100, Sale of Synthetic Drugs Emergency Amendment Act of 2015
- Department of Health announces funding availability for Psychosocial Support Services for Transgender Persons Living with HIV/AIDS
- Department of Housing and Community Development announces funding availability for the Affordable Housing Capital Subsidy
- Department of Human Services announces availability of the Community Services Block Grant Program Supplemental State Plan and Application for public review and comment
- Metropolitan Police Department establishes procedures for licensing persons to carry concealed firearms for self-defense
- D.C. Water and Sewer Authority revises rates for water and sewer services

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et seq. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR 300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §2-501 et seq. (2012 Repl.).

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AN ACT

D.C. ACT 21-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 9, 2015

To adopt the request of the District of Columbia government for appropriation and authorization for the fiscal year ending September 30, 2016.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2016 Budget Request Act of 2015".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 2016.

**DIVISION A
DISTRICT OF COLUMBIA APPROPRIATION REQUEST**

TITLE I--FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$274,401,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$14,192,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, \$123,638,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$73,981,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$62,590,000, to remain available until September 30, 2017, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$6,000,000 of the funds provided under this heading among the items and entities funded under this heading: Provided further, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a

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program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$49,890,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students, and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

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FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$43,200,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112-10), to be allocated as follows: for the District of Columbia Public Schools, \$20,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia: Provided, That within funds provided for opportunity scholarships \$3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$24,300,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,900,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2017, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$270,000.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$435,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR CLIMATE RISK MANAGEMENT

For a Federal payment to the District of Columbia for development of a climate change adaptation plan to identify climate risks to the District of Columbia, vulnerabilities, and mitigation options, \$750,000.

FEDERAL PAYMENT FOR DC SOLAR POWER INITIATIVE

For a Federal payment to the District of Columbia for the expansion of the D.C. Department of Environment's EnergySmart D.C. Solar Initiative, \$1,000,000.

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FEDERAL PAYMENT FOR ST. ELIZABETHS EAST CAMPUS DEVELOPMENT

For a Federal payment to the District of Columbia for establishment of the St. Elizabeths Research and Development Innovation Center on the East Campus of the St. Elizabeths campus in Washington, D.C., \$9,800,000.

FEDERAL PAYMENT FOR PERMANENT SUPPORTIVE HOUSING

For a Federal payment to the District of Columbia for construction of new transitional housing units for homeless families in the District of Columbia, \$6,000,000.

FEDERAL PAYMENT FOR ARTS AND CULTURAL AFFAIRS GRANTS

For a Federal payment to the District of Columbia Commission on Arts and Humanities for competitive grants for general operating support for District-based organizations whose primary function is the exhibition or presentation of, or training in, fine arts and humanities in the District of Columbia, \$1,000,000.

FEDERAL PAYMENT FOR MASS TRANSIT INNOVATION PLAN

For a Federal payment to the Washington Metropolitan Area Transit Authority to fund a strategic plan for regional mass transit innovation, \$1,000,000.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$5,000,000.

**FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS
IN THE DISTRICT OF COLUMBIA**

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$14,900,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

TITLE II--DISTRICT OF COLUMBIA FUNDS--SUMMARY OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this Act, the total

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amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2016 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$13,021,759,000 (of which \$7,355,048,000 shall be from local funds (including \$320,374,000 from dedicated taxes), \$983,019,000 shall be from Federal grant funds, \$2,174,640,000 shall be from Medicaid payments, \$587,347,000 shall be from other funds, \$1,501,000 shall be from private funds, \$116,350,000 shall be from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note), and \$1,803,855,000 shall be from enterprise and other funds); provided further, that of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance; provided further, that of these funds the District's intra-District authority shall be \$807,710,000; in addition, for capital construction projects, an increase of \$1,935,304,000, of which \$1,508,479,000 shall be from local funds, \$105,297,000 from the Local Transportation Fund, \$106,000,000 from Federal Payment funds, \$16,545,000 from the District of Columbia Highway Trust Fund, and \$203,835,000 from Federal grant funds, and a rescission of \$820,696,000, of which \$732,349,000 is from local funds, \$12,500,000 from private grant funds, \$16,626,000 from the Local Transportation Fund, \$16,545,000 from the District of Columbia Highway Trust Fund, and \$42,676,000 from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,114,608,000, to remain available until expended; provided further, that the amounts provided under this heading are to be available, allocated, and expended as proposed under this title and Title III of this Act, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2016 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia; provided further, that this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs; provided further, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.), as amended by this Act; provided further, that the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to ensure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2016; except, that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**TITLE III--DISTRICT OF COLUMBIA FUNDS - - DIVISION OF EXPENSES
OPERATING EXPENSES****GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$786,463,000 (including \$687,151,000 from local funds, \$29,259,000 from Federal grant funds, \$69,645,000 from other funds, and \$408,000 from private funds); provided; that there are appropriated such additional amounts as may be

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necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor; provided further, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District, to be allocated as follows:

(1) Council of the District of Columbia. – \$22,321,000 from local funds; provided, that not to exceed \$25,000 shall be available for the Chairman from this appropriation for official reception and representation expenses and for purposes consistent with the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided, that all funds deposited into the Council Technology Projects Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Office of the District of Columbia Auditor. – \$4,663,000 from local funds;

(3) Advisory Neighborhood Commissions. – \$927,000 from local funds; provided, that all funds deposited into the Agency Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) Uniform Law Commission. – \$50,000 from local funds;

(5) Office of the Mayor. – \$11,111,000 (including \$ 7,825,000 from local funds and \$3,286,000 from Federal grant funds); provided, that not to exceed \$25,000 shall be available for the Mayor for official reception and representation expenses; provided further, all interest earned on the funds that the District of Columbia received pursuant to the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (113 Stat. 1501; Pub. L. No. 106-113), under the heading “Federal Payment for the Incentives for Adoption of Children” and for the establishment of a scholarship fund for District of Columbia children without parents due to the September 11, 2001 terrorist attack under this same heading, pursuant to the District of Columbia Appropriations Act, 2001, approved December 21, 2001 (115 Stat. 923; Pub. L. No. 107-96), shall be retained in the Fund without reversion to the General Fund and shall be available to the District of Columbia for the purposes of the Fund until expended;

(6) Mayor’s Office of Legal Counsel. – \$1,596,000 from local funds;

(7) Office of the Senior Advisor. – \$1,894,000 from local funds ;

(8) Office of the City Administrator. –\$6,420,000 (including \$6,129,000 from local funds and \$291,000 from other funds); provided, that not to exceed \$10,600 shall be available for the City Administrator for official reception and representation expenses;

(9) Deputy Mayor for Greater Economic Opportunity. – \$698,000 from local funds;

(10) D.C. Office of Risk Management. – \$2,923,000 from local funds;

(11) D.C. Department of Human Resources. – \$8,627,000 (including \$8,175,000 from local funds and \$452,000 from other funds);

(12) Office of Disability Rights. – \$1,606,000 (including \$1,070,000 from local funds and \$536,000 from Federal grant funds);

(13) Captive Insurance Agency. – \$1,489,000 (including \$1,422,000 from local funds and \$67,000 from other funds); provided that all funds deposited into the Agency Fund

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(Free Standing Clinics/Insurance) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Captive Insurance Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(14) Office of Finance and Resource Management. – \$21,873,000 (including \$21,572,000 from local funds and \$301,000 from other funds);

(15) Office of Contracting and Procurement. – \$21,343,000 (including \$20,968,000 from local funds and \$375,000 from other funds);

(16) Office of the Chief Technology Officer. – \$72,531,000 (including \$58,268,000 from local funds, \$114,000 from Federal grant funds, and \$14,149,000 from other funds); provided, that all funds deposited into the D.C. Net Service Support Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(17) Department of General Services. – \$324,253,000 (including \$317,877,000 from local funds and \$6,376,000 from other funds); provided, that all funds deposited into the Eastern Market Enterprise Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Department of General Services Stormwater Retention Credit Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(18) Contract Appeals Board. – \$1,449,000 from local funds;

(19) Board of Elections. – \$7,390,000 from local funds;

(20) Office of Campaign Finance. – \$2,704,000 from local funds; provided, that all funds deposited into the Special Purpose Revenue fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(21) Public Employee Relations Board. – \$1,274,000 from local funds;

(22) Office of Employee Appeals. – \$1,745,000 from local funds;

(23) Metropolitan Washington Council of Governments. –\$472,000 from local funds;

(24) Office of the Attorney General for the District of Columbia. – \$81,558,000 (including \$57,124,000 from local funds, \$22,177,000 from Federal grant funds, \$1,849,000 from other funds, and \$408,000 from private funds); provided, that all funds deposited into the Child SPT - TANF/AFDC Collections Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Child SPT -Reimbursements and Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Child SPT - Interest Income Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nuisance Abatement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Litigation Support Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that not to exceed \$10,600 shall be available for the Attorney General for official reception and representation expenses;

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(25) D.C. Board of Ethics and Government Accountability. – \$1,774,000 (including \$1,684,000 from local funds and \$90,000 from other funds); provided, that all funds deposited into the Lobbyist Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Board of Ethics and Accountability Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(26) Statehood Initiatives Agency. – \$230,000 from local funds;

(27) Office of the Inspector General. – \$17,215,000 (including \$14,595,000 from local funds and \$2,620,000 from Federal grant funds);

(28) Office of the Chief Financial Officer. – \$162,865,000 (including \$118,144,000 from local funds, \$525,000 from Federal grant funds, and \$44,196,000 from other funds); provided, that not to exceed \$10,600 shall be available for the Chief Financial Officer for official reception and representation expenses; provided further, that amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia; provided further, that all funds deposited into the OFT Central Collection Unit Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Recorder of Deeds Surcharge Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; and

(29) Office of the Secretary. - \$3,463,000 (including \$1,963,000 from local funds and \$1,500,000 from other funds); provided, that all funds deposited into the Emancipation Day Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$547,063,000 (including \$254,832,000 from local funds (including \$1,170,000 from dedicated taxes), \$100,370,000 from Federal grant funds, \$180,713,000 from other funds, \$348,000 from private funds, \$9,800,000 from funds previously appropriated from this Act under the heading “Federal Payment for St. Elizabeths East Campus Development”), and \$1,000,000 from funds previously appropriated from this Act under the heading “Federal Payment for Arts and Cultural Affairs Grants”), to be allocated as follows:

(1) Office of the Deputy Mayor for Planning and Economic Development. – \$48,772,000 (including \$17,550,000 from local funds, \$2,594,000 from Federal grant funds, \$18,827,000 from other funds, and \$9,800,000 from funds previously appropriated from this Act under the heading “Federal Payment for St. Elizabeths East Campus Development”); provided, that all funds deposited into the Industrial Revenue Bond program are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the H Street Retail Priority Area Grant Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Soccer Stadium Financing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

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(2) Office of Planning. – \$10,312,000 (including \$9,362,000 from local funds, \$525,000 from Federal grant funds, \$100,000 from other funds, and \$325,000 from private funds); provided, that all funds deposited into the Historic Landmark and Historic District Filing Fees (Local) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Historical Landmark and Historic District Filing Fees (O-Type) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(3) Department of Small and Local Business Development. – \$10,338,000 (including \$9,642,000 from local funds and \$696,000 from Federal grant funds); provided, that all funds deposited into the Small Business Capital Access Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Streetscape Loan Relief Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) Office of Film, Television and Entertainment. – \$13,601,000 (including \$3,405,000 from local funds and \$10,196,000 from other funds); provided, that all funds deposited into the DC Film Incentive Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Cable Franchise Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) Office of Zoning. – \$2,606,000 from local funds;

(6) Department of Housing and Community Development. – \$61,723,000 (including \$12,619,000 from local funds, \$47,057,000 from Federal grant funds, and \$2,046,000 from other funds); provided, that all funds deposited into the CU 1&2 Affordable Housing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DHCD Unified Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Land Acquisition for Housing Development Opportunities (LAHDO) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the RLF Escrow Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Rehab Repay Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Home Again Revolving Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the HPAP - Repay Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(7) Department of Employment Services. – \$142,203,000 (including \$54,699,000 from local funds, \$48,379,000 from Federal grant funds, \$39,124,000 from other funds, and \$1,000 from private funds); provided, that \$1,385,000 shall be transferred to the Office of Administrative Hearings for hearing appeals related to unemployment insurance benefits; provided, that all funds deposited into the Workers' Compensation Administration Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until

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expended; provided further, that all funds deposited into the UI Administrative Assessment Tax Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the UI Interest/Penalties Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Workers' Compensation Special Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Reed Act Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(8) Real Property Tax Appeals Commission. – \$1,636,000 from local funds;

(9) Department of Consumer and Regulatory Affairs. – \$44,012,000 (including \$15,052,000 from local funds and \$28,959,000 from other funds); provided, that all funds deposited into the Basic Business License Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Green Building Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the R-E Guar. & Educ. Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nuisance Abatement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the OPLA – Special Account are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Board of Engineers Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Corporate Recordation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(10) Office of the Tenant Advocate. – \$2,788,000 from local funds;

(11) D.C. Commission on the Arts and Humanities. – \$16,880,000 (including \$14,696,000 from local funds, \$684,000 from Federal grant funds, \$500,000 from other funds, and \$1,000,000 from funds previously appropriated from this Act, under the heading “Federal Payment for Arts and Cultural Affairs Grants”, to fund competitively awarded grants for nonprofit fine and performing arts organizations based in and primarily serving the District); provided, that all funds deposited into the Special Purpose Revenue Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(12) Alcoholic Beverage Regulation Administration. – \$8,142,000 (including \$1,170,000 from local funds (including \$1,170,000 from dedicated taxes) and \$6,972,000 from other funds); provided, that all funds deposited into the ABC - Import And Class License Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(13) Public Service Commission. – \$13,186,000 (including \$435,000 from Federal grant funds, \$12,729,000 from other funds, and \$22,000 from private funds); provided, that all funds deposited into the Operating - Utility Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that

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all funds deposited into the PJM Settlement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(14) Office of the People's Counsel. – \$7,648,000 from other funds; provided, that all funds deposited into the Advocate for Consumers Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(15) Department of Insurance, Securities, and Banking. – \$25,610,000 from other funds; provided, that all funds deposited into the Foreclosure Mediation Fund (Temporary) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Insurance Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the HMO Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Foreclosure Mediation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Capital Access Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(16) Housing Authority Subsidy. – \$59,425,000 from local funds;

(17) Housing Production Trust Fund Subsidy. – \$50,179,000 from local funds;

and

(18) Business Improvement Districts Transfer. – \$28,000,000 from other funds.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$1,294,375,000 (including \$1,087,295,000 from local funds, \$147,445,000 from Federal grant funds, \$60,000 from Medicaid payments, \$56,676,000 from other funds, \$435,000 from funds previously appropriated in this Act under the heading "Federal Payment for the District of Columbia National Guard", \$1,900,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council", and \$565,000 from funds previously appropriated in this Act under the heading "Federal Payment for Judicial Commissions"), to be allocated as follows:

(1) Metropolitan Police Department. – \$510,973,000 (including \$499,973,000 from local funds, \$3,066,000 from Federal grant funds, and \$7,934,000 from other funds); provided, that all funds deposited into the Asset Forfeiture Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Fire and Emergency Medical Services Department. – \$231,798,000 (including \$230,278,000 from local funds and \$1,520,000 from other funds);

(3) Police Officers' and Firefighters' Retirement System. – \$136,115,000 from local funds;

(4) Department of Corrections. – \$150,733,000 (including \$122,176,000 from local funds and \$28,557,000 from other funds); provided, that all funds deposited into the Correction Trustee Reimbursement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Welfare Account are, without regard to fiscal year, authorized for expenditure and shall

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remain available until expended; provided further, that all funds deposited into the Correction Reimbursement-Juveniles Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) District of Columbia National Guard. – \$13,317,000 (including \$5,026,000 from local funds, \$7,855,000 from Federal grant funds, and \$435,000 from funds previously appropriated in this Act under the heading “Federal Payment for the District of Columbia National Guard”); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available pursuant to this Act and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved;

(6) Homeland Security and Emergency Management Agency. – \$132,744,000 (including \$4,552,000 from local funds and \$128,192,000 from Federal grant funds);

(7) Commission on Judicial Disabilities and Tenure. – \$295,000 from funds previously appropriated in this Act under the heading “Federal Payment for Judicial Commissions”;

(8) Judicial Nomination Commission. – \$270,000 from funds previously appropriated in this Act under the heading “Federal Payment for Judicial Commissions”;

(9) Office of Police Complaints. – \$2,292,000 from local funds;

(10) District of Columbia Sentencing and Criminal Code Revision Commission. – \$1,610,000 from local funds;

(11) Office of the Chief Medical Examiner. – \$10,501,000 from local funds;

(12) Office of Administrative Hearings. – \$8,865,000 (including \$8,805,000 from local funds and \$60,000 from Medicaid payments);

(13) Criminal Justice Coordinating Council. – \$3,067,000 (including \$1,167,000 from local funds and \$1,900,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council”);

(14) Office of Unified Communications. – \$45,168,000 (including \$28,197,000 from local funds and \$16,971,000 from other funds); provided, that all funds deposited into the 911 & 311 Assessments Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Prepaid Wireless 911 Charges Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(15) Department of Forensic Sciences. – \$14,936,000 (including \$14,476,000 from local funds and \$460,000 from Federal grant funds);

(16) Corrections Information Council. – \$482,000 from local funds;

(17) Office of Victim Services and Justice Grants. – \$30,363,000 (including \$20,799,000 from local funds, \$7,871,000 from Federal grant funds, and \$1,693,000 from other funds) provided, that not less than \$200,000 shall be available to fund the District of Columbia

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Poverty Lawyer Loan Assistance Program, established by the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1701.01 *et seq.*); provided further, that \$4,078,000 shall be made available to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents; provided further, that \$1,000,000 shall be transferred to the Community-based Violence Reduction Fund, established by section 3014 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.121), for use by the Justice Grants Administration for the purpose of providing grants for the development of programs to intervene with children who are chronically truant; provided further, that all funds deposited into the Crime Victims Assistance Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Domestic Violence Shelter & Transitional Housing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Community-based Violence Reduction Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; and

(18) Office of the Deputy Mayor for Public Safety and Justice. - \$846,000 from local funds.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national-defense education programs, \$2,233,291,000 (including \$1,891,784,000 from local funds (including \$4,306,000 from Dedicated Taxes), \$244,707,000 from Federal grant funds, \$16,669,000 from other funds, \$132,000 from private funds, \$40,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support", and \$40,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement"), to be allocated as follows:

(1) District of Columbia Public Schools. – \$785,860,000 (including \$727,492,000 from local funds, \$31,230,000 from Federal grant funds, \$7,138,000 from other funds, and \$20,000,000 from funds previously appropriated in the Act under the heading "Federal Payment for School Improvement"); provided, that this appropriation shall not be available to subsidize the education of any nonresident of the District at any District public elementary or secondary school during fiscal year 2016 unless the nonresident pays tuition to the District at a rate that covers 100 percent of the costs incurred by the District that are attributable to the education of the nonresident (as established by the Chancellor of the District of Columbia Public Schools); provided further, that not to exceed \$10,600 for the Chancellor shall be available for official reception and representation expenses; provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2016, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2017 (as submitted to Congress), and the amount of such payment shall be chargeable against the final

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amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2017; provided further, that all funds deposited into the E-Rate Education Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the ROTC Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DHHS Afterschool Program-Copayment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the At-Risk Supplemental Allocation Preservation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the District of Columbia Public Schools Advertisements and Sponsorships Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Teachers' Retirement System. – \$44,469,000 from local funds;

(3) Office of the State Superintendent of Education. – \$415,918,000 (including \$142,265,000 from local funds (including \$4,306,000 from dedicated taxes), \$212,558,000 from Federal grant funds, \$991,000 from other funds, \$104,000 from private funds, \$40,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Resident Tuition Support”, and \$20,000,000 from funds previously appropriated in the Act under the heading “Federal Payment for School Improvement”); provided, that of the amounts provided to the Office of the State Superintendent of Education, \$1,000,000 from local funds shall remain available until June 30, 2016 for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided further, that all funds deposited into the Blackman and Jones Consent Decree Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Charter School Credit Enhancement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Student Residency Verification Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the State Athletic Acts Program & Office Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Community Schools Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) District of Columbia Public Charter Schools. – \$677,744,000 from local funds; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(2)); provided further, that of the amounts made available to District of Columbia public charter schools, \$230,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the

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District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(6)); provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2016 an amount equal to 30 percent of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2017 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2017; provided further, that the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school;

(5) University of the District of Columbia Subsidy Account. – \$70,942,000 from local funds; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2016, a tuition-rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area; provided further, that this appropriation shall not be used for the purpose of relocating the community college from 801 North Capitol Street, N.E., to the University of the District of Columbia's campus located at 4200 Connecticut Avenue, N.W.; provided further, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2016, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2017 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2017; provided further, that not to exceed \$10,600 for the President of the University of the District of Columbia shall be available for official reception and representation expenses;

(6) District of Columbia Public Library. – \$57,385,000 (including \$55,927,000 from local funds, \$919,000 from Federal grant funds, and \$540,000 from other funds); provided, that not to exceed \$8,500 for the Public Librarian shall be available for official reception and representation expenses; provided further, that all funds deposited into the Copies and Printing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SLD E-Rate Reimbursement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Library Collections Account are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Books from Birth Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(7) District of Columbia Public Charter School Board. – \$8,000,000 from other funds; provided, that all funds deposited into the Public Charter School Board Administrative

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Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(8) Non-Public Tuition. – \$74,415,000 from local funds;

(9) Special Education Transportation. – \$93,805,000 from local funds; provided, that, notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency under the direction of the Office of the State Superintendent of Education, on July 1, 2016, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the Special Education Transportation agency in the proposed budget of the District of Columbia for fiscal year 2017 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency under the District of Columbia Appropriations Act, 2017; provided further, that amounts appropriated under this heading may be used to offer financial incentives as necessary to reduce the number of routes serving 2 or fewer students;

(10) D.C. State Board of Education. – \$1,182,000 (including \$1,154,000 from local funds and \$28,000 from private funds); and

(11) Office of the Deputy Mayor for Education. – \$3,571,000 from local funds.

HUMAN SUPPORT SERVICES

Human support services, \$4,498,616,000 (including \$1,875,651,000 from local funds (including \$100,959,000 from dedicated taxes), \$408,452,000 from Federal grant funds, \$2,174,580,000 from Medicaid payments, \$34,319,000 from other funds, \$613,000 from private funds, \$6,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Permanent Supportive Housing,” and \$5,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Testing and Treatment of HIV/AIDS”); to be allocated as follows;

(1) Department of Human Services. – \$460,150,000 (including \$270,601,000 from local funds, \$170,551,000 from Federal grant funds, \$15,798,000 from Medicaid payments, and \$3,200,000 from other funds), and \$6,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Permanent Supportive Housing,”; provided, that all funds deposited into the SSI Payback Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Child and Family Services Agency. – \$233,814,000 (including \$163,995,000 from local funds, \$68,559,000 from Federal grant funds, \$1,200,000 from other funds, and \$59,000 from private funds);

(3) Department of Behavioral Health. – \$252,531,000 (including \$226,856,000 from local funds, \$17,411,000 from Federal grant funds, \$3,471,000 from Medicaid payments, \$4,251,000 from other funds, and \$544,000 from private funds); provided, that all funds deposited into the APRA - Choice in Drug Treatment (HCSN) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; in addition to the funds otherwise appropriated under this Act, the Department of Behavioral Health may expend any funds that are or were paid by the United States Virgin Islands to the District in fiscal year

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2015 or fiscal year 2016 to compensate the District for care previously provided by the District to patients at the St. Elizabeths hospital and are not otherwise appropriated under this Act; provided, that the availability of the funds is certified by the Chief Financial Officer before any expenditure; provided further, that the funds shall be expended in a manner determined by the Director of the Department of Behavioral Health;

(4) Department of Health. – \$211,644,000 (including \$78,870,000 from local funds, \$114,619,000 from Federal grant funds, \$13,155,000 from other funds, and \$5,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Testing and Treatment of HIV/AIDS”); provided, that all funds deposited into the Health Professional Recruitment Fund (Medical Loan Repayment) are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Board of Medicine Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Pharmacy Protection Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SHPDA Fees Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Civic Monetary Penalties Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the SHPDA Admission Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the ICF/MR Fees & Fines are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Human Services Facility Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Communicable and Chronic Disease Prevention and Treatment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) Department of Parks and Recreation. – \$41,700,000 (including \$39,159,000 from local funds and \$2,541,000 from other funds);

(6) D.C. Office on Aging. – \$39,184,000 (including \$31,369,000 from local funds and \$7,815,000 from Federal grant funds);

(7) Unemployment Compensation Fund. – \$6,887,000 from local funds;

(8) Employees’ Compensation Fund. – \$20,221,000 from local funds; provided, that all funds deposited into the Worker’s Compensation Rev-Settlement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Agency Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(9) Office of Human Rights. – \$4,008,000 (including \$3,741,000 from local funds and \$267,000 from Federal grant funds);

(10) Office on Latino Affairs. – \$2,782,000 from local funds;

(11) Children and Youth Investment Collaborative. – \$4,260,000 from local funds;

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(12) Office of Asian and Pacific Islander Affairs. – \$835,000 from local funds;

(13) Office of Veterans' Affairs. – \$419,000 (including \$414,000 from local funds and \$5,000 from other funds); provided, that all funds deposited into the Office of Veterans Affairs Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(14) Department of Youth Rehabilitation Services. – \$105,676,000 from local funds; provided, that amounts appropriated herein may be expended to implement the provisions of section 105(k) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.05(k)); provided further, that of the local funds appropriated for the Department of Youth Rehabilitation Services, \$12,000 shall be used to fund the requirements of the Interstate Compact for Juveniles;

(15) Department of Disability Services. – \$162,374,000 (including \$117,625,000 from local funds, \$28,230,000 from Federal grant funds, \$9,146,000 from Medicaid payments, \$7,363,000 from other funds, and \$10,000 from private funds); provided, that all funds deposited into the Randolph Shepherd Unassigned Facilities Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Cost of Care-Non-Medicaid Clients Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(16) Department of Health Care Finance. – \$2,921,126,000 (including \$771,356,000 from local funds (including \$71,345,000 from dedicated taxes), \$1,000,000 from Federal grant funds, \$2,146,166,000 from Medicaid payments, and \$2,605,000 from other funds); provided, that all funds deposited into the Healthy DC Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Nursing Homes Quality of Care Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Stevie Sellows Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Medicaid Collections-3rd Party Liability Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Bill Of Rights (Grievance and Appeals) Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Hospital Provider Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Hospital Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(17) D.C. Health Benefit Exchange Subsidy. – \$29,614,000 in local funds (including \$29,614,000 in dedicated taxes); provided, that all funds deposited into the District of Columbia Health Benefit Exchange Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; and

(18) Deputy Mayor for Health and Human Services. – \$1,391,000 from local funds.

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PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$772,361,000 (including \$580,425,000 from local funds (including \$66,664,000 from dedicated taxes), \$34,524,000 from Federal grant funds, \$154,662,000 from other funds, \$750,000 from funds previously appropriated in this Act under the heading “Federal Payment for Climate Risk Management,” \$1,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for DC Solar Power Initiative,” and \$1,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Mass Transit Innovation Plan”), to be allocated as follows:

(1) Department of Public Works. – \$132,549,000 (including \$124,874,000 from local funds and \$7,675,000 from other funds); provided, that all funds deposited into the Solid Waste Disposal Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Super Can Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(2) Department of Transportation. – \$113,676,000 (including \$85,025,000 from local funds, \$7,945,000 from Federal grant funds, and \$20,706,000 from other funds); provided, that all funds deposited into the Bicycle Sharing Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Performance Parking Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Tree Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DDOT Enterprise Fund-Non Tax Revenues Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Sustainable Transportation Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that, in addition, there are appropriated any amounts received, or to be received, from the Potomac Electric Power Company, or any of its related companies, successors or assigns, for the purpose of paying or reimbursing the District Department of Transportation for the costs of designing, constructing, acquiring and installing facilities, infrastructure and equipment for use and ownership by the Potomac Electric Power Company, or any of its related companies, successors or assigns, related to or associated with the undergrounding of electric transmission lines in the District, and any interest earned on those funds, which amounts and interest shall not revert to the unrestricted fund balance of the general Fund of the District of Columbia at the end of a fiscal year, but shall be continually available until expended for the designated purposes; provided further, that all funds deposited into the Vision Zero Pedestrian and Bicycle Safety Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the BID Parking Abatement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided

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further, that all funds deposited into the DDOT Stormwater Retention Credit Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(3) Department of Motor Vehicles. – \$38,105,000 (including \$28,091,000 from local funds and \$10,014,000 from other funds); provided, that all funds deposited into the Motor Vehicle Inspection Station Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(4) District Department of the Environment. – \$106,292,000 (including \$17,156,000 from local funds, \$26,579,000 from Federal grant funds, \$60,807,000 from other funds, and \$750,000 from funds previously appropriated in this Act under the heading “Federal Payment for Climate Risk Management,” and \$1,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for DC Solar Power Initiative”); provided, that all funds deposited into the Storm Water Permit Review Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, all funds deposited into the Sustainable Energy Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Brownfield Revitalization Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Anacostia River Clean Up Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Wetlands Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Energy Assistance Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the LUST Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Soil Erosion/Sediment Control Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the DC Municipal Aggregation Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Fishing License Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Renewable Energy Development Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Special Energy Assessment Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Air Quality Construction Permits Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the WASA Utility Discount Program Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Pesticide Product Registration Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Storm Water Fees Fund are, without regard to fiscal year, authorized for expenditure and

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shall remain available until expended; provided further, that all funds deposited into the Stormwater In Lieu Fee Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Economy II Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Residential Aid Discount Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Residential Essential Services Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Benchmarking Enforcement Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(5) D.C. Taxicab Commission. – \$8,399,000 (including \$1,100,000 from local funds, and \$7,299,000 from other funds); provided, that all funds deposited into the Taxicab Assessment Act Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Public Vehicles for Hire Consumer Service Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(6) Washington Metropolitan Area Transit Commission. – \$127,000 from local funds; and

(7) Washington Metropolitan Area Transit Authority. – \$373,213,000 (including \$324,053,000 from local funds (including \$66,664,000 from dedicated taxes), \$48,160,000 from other funds, and \$1,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for Mass Transit Innovation Plan”); provided, that all funds deposited into the Dedicated Taxes Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended; provided further, that all funds deposited into the Parking Meter WMATA Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

FINANCING AND OTHER

Financing and Other, \$1,085,735,000 (including \$977,911,000 from local funds (including \$147,275,000 from dedicated taxes), \$18,262,000 from Federal grant funds, \$74,663,000 from other funds, and \$14,900,000 from funds previously appropriated in this Act under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia”), to be allocated as follows:

(1) Repayment of Loans and Interest. – \$615,003,000 (including \$591,627,000 from local funds, \$18,262,000 from Federal grant funds, and \$5,114,000 from other funds) for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90);

(2) Repayment of Interest on Short-Term Borrowings. – \$3,750,000 from local funds for payment of interest on short-term borrowing;

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(3) Debt Service - Issuance Costs. – \$6,000,000 from local funds for the payment of debt service issuance costs;

(4) Schools Modernization Fund. – \$14,276,000 from local funds for the Schools Modernization Fund, established by section 4042 of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 1-325.41);

(5) Repayment of Revenue Bonds. – \$7,832,000 from local funds (including \$7,832,000 from dedicated taxes) for the repayment of revenue bonds;

(6) Settlements and Judgments. – \$21,292,000 from local funds for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government; provided, that this appropriation shall not be construed as modifying or affecting the provisions of section 101 of this Act;

(7) John A. Wilson Building Fund. – \$4,745,000 from local funds for expenses associated with the John A. Wilson building;

(8) Workforce Investments. – \$17,815,000 from local funds for workforce investments; provided, that all funds deposited into the CU 1&2 Compensation and Class Reform Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended;

(9) Non-Departmental. – \$21,286,000 (including \$2,754,000 from local funds and \$18,532,000 from other funds), to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act, to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget;

(10) Emergency Planning and Security Fund. – \$14,900,000 from funds previously appropriated in this Act under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia”; provided, that, notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading “Federal Payment for Emergency Planning and Security Costs in the District of Columbia” to this local appropriations heading;

(11) Master Equipment Lease/Purchase Program. – \$48,413,000 from local funds;

(12) Pay-As-You-Go Capital Fund. – \$72,466,000 (including \$21,449,000 from local funds and \$51,017,000 from other funds) to be transferred to the Capital Fund, in lieu of capital financing;

(13) District Retiree Health Contribution. – \$95,400,000 from local funds for a District Retiree Health Contribution;

(14) Highway Trust Fund Transfer. – \$22,504,000 from local funds (including \$22,504,000 from dedicated taxes); and

(15) Convention Center Transfer. – \$120,054,000 from local funds (including \$116,939,000 from dedicated taxes).

RE-ENROLLED ORIGINAL**ENTERPRISE AND OTHER FUNDS**

The amount of \$1,803,855,000 from enterprise and other funds, shall be provided to enterprise funds as follows; provided, that, in the event that certain dedicated revenues exceed budgeted amounts, the District may increase its General Fund budget authority as needed to transfer all such revenues, pursuant to local law, to the Highway Trust Fund, the Washington Convention Center, and the Washington Metropolitan Transit Authority.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

Pursuant to section 445a of the District of Columbia Home Rule Act, approved August 6, 1996 (110 Stat. 1698; D.C. Official Code § 1-204.45a), which provides that the Council may comment and make recommendations concerning such annual estimates but shall have no authority to revise the budget for the District of Columbia Water and Sewer Authority, the Council forwards this non-appropriated budget request: For operation of the District of Columbia Water and Sewer Authority, \$541,605,000 from enterprise and other funds, of which no outstanding debt exists for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund. For construction projects, \$3,218,789,000, to be distributed as follows: \$365,127,000, for the Sanitary Sewer System; \$676,912,000 for the Water Treatment System; \$545,245,000 for the Water Distribution System; \$1,352,530,000 for the Combined Sewer Overflow Program; \$99,116,000 for the Washington Aqueduct; \$10,329,000 for the Stormwater Program; and \$169,530,000 for the capital equipment program; in addition, \$24,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority"; provided, that the requirements and restrictions that are applicable to General Fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$62,728,000 from enterprise and other funds.

D.C. LOTTERY AND CHARITABLE GAMES CONTROL BOARD

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriations Act, 1982, approved December 4, 1981 (Pub. L. No. 97-91; 95 Stat. 1174), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; codified in scattered cites in the D.C. Official Code), \$220,000,000 from enterprise and other funds; provided, that the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues; provided further, that no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board; provided further, that, after notification to the Mayor, amounts appropriated herein may be increased by an amount necessary for the Lottery and Charitable Games Enterprise Fund to make transfers to the General Fund of the

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District of Columbia and to cover prizes, agent commissions, and gaming related fees directly associated with unanticipated excess lottery revenues not included in this appropriation.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-711), \$32,302,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board; provided, that the District of Columbia Retirement Board shall provide to Congress and the Mayor and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds; provided further, that the District of Columbia Retirement Board shall provide to the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION AND SPORTS AUTHORITY

For the Washington Convention Center Enterprise Fund, including for functions previously performed by the District of Columbia Sports and Entertainment Commission, \$129,670,000 from enterprise and other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$10,798,000 from enterprise and other funds.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

For the University of the District of Columbia, \$153,968,000 from enterprise and other funds; provided, that these funds shall not revert to the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available until expended, without regard to fiscal year limitation.

D.C. PUBLIC LIBRARY AGENCY TRUST FUND

For the District of Columbia Public Library Trust Fund, \$17,000 from enterprise and other funds.

UNEMPLOYMENT INSURANCE TRUST FUND

For the Unemployment Insurance Trust Fund, \$235,000,000 from enterprise and other funds.

HOUSING PRODUCTION TRUST FUND

For the Housing Production Trust Fund, \$100,000,000 from enterprise and other funds; provided, that all funds deposited into the Housing Production Trust Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

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TAX INCREMENT FINANCING (TIF) PROGRAM

For Tax Increment Financing, \$70,006,000 from enterprise and other funds.

BALLPARK REVENUE FUND

For the Ballpark Revenue Fund, \$67,507,000 from enterprise and other funds.

REPAYMENT OF PILOT FINANCING

For Repayment of Payment in Lieu of Taxes Financing, \$18,741,000 from enterprise and other funds.

NOT-FOR-PROFIT HOSPITAL CORPORATION

For the Not-For-Profit Hospital Corporation, \$129,000,000 from enterprise and other funds.

HEALTH BENEFIT EXCHANGE AUTHORITY

For the District of Columbia Health Benefit Exchange Authority, \$32,513,000 from enterprise and other funds; provided, that all funds deposited into the District of Columbia Health Benefit Exchange Fund are, without regard to fiscal year, authorized for expenditure and shall remain available until expended.

CASH FLOW RESERVE FUND

All funds deposited into the Cash Flow Reserve Fund, established pursuant to D.C. Official Code § 47-392.02, are without regard to fiscal year, authorized for expenditure and shall remain available until expended.

FISCAL STABILIZATION RESERVE ACCOUNT FUND

All funds deposited into the Fiscal Stabilization Reserve Account Fund, established pursuant to D.C. Official Code § 47-392.02, are without regard to fiscal year, authorized for expenditure and shall remain available until expended.

CAPITAL OUTLAY

For capital construction projects, an increase of \$ 1,935,304,000, of which \$1,508,479,000 shall be from local funds, \$105,297,000 from the Local Transportation Fund, \$106,000,000 from Federal Payment funds, \$11,693,000 from the District of Columbia Highway Trust Fund, and \$203,835,000 from Federal grant funds, and a rescission of \$820,696,000, of which \$732,349,000 is from local funds, \$12,500,000 is from private grant funds, \$16,626,000 from the Local Transportation Fund, \$16,545,000 from the District of Columbia Highway Trust Fund, and \$42,676,000 from Federal grant funds appropriated under this heading in prior fiscal years, for a net amount of \$1,114,608,000; to remain available until expended; provided, that all funds provided by this appropriation title shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this heading may be

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increased by the amount transferred from funds appropriated in this act as Pay-As-You-Go Capital funds.

TITLE IV--GENERAL PROVISIONS

Sec. 101. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Sec. 102. The District of Columbia government is authorized to approve reprogramming and transfer requests of local funds under this Act through November 7, 2016.

Sec. 103. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the 4 prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Sec. 104. Except as otherwise provided in this section, none of the funds made available by this Act or by any other act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of Police;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

RE-ENROLLED ORIGINAL

Sec. 105. Legislative Autonomy.

(a) In General- Section 602 (sec. 1-206.02, D.C. Official Code) is amended by striking subsection (c).

(b) Congressional Resolutions of Disapproval-

(1) IN GENERAL- The District of Columbia Home Rule Act is amended by striking section 604 (sec. 1-206.04, D.C. Official Code).

(2) CLERICAL AMENDMENT- The table of contents is amended by striking the item relating to section 604.

(3) EXERCISE OF RULEMAKING POWER- This subsection and the amendments made by this subsection are enacted by Congress--

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as a part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(c) Conforming Amendments-

(1) DISTRICT OF COLUMBIA HOME RULE ACT-

(A) Section 303 (sec. 1-203.03, D.C. Official Code) is amended--

(i) in subsection (a), by striking the second sentence; and

(ii) by striking subsection (b) and redesignating subsections (c) and

(d) as subsections (b) and (c).

(B) Section 404(e) (sec. 1-204.04(3), D.C. Official Code) is amended by striking 'subject to the provisions of section 602(c)' each place it appears.

(C) Section 462 (sec. 1-204.62, D.C. Official Code) is amended--

(i) in subsection (a), by striking '(a) The Council' and inserting 'The Council'; and

(ii) by striking subsections (b) and (c).

(D) Section 472(d) (sec. 1-204.72(d), D.C. Official Code) is amended to read as follows:

'(d) Payments Not Subject to Appropriation- The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under subsection (a).'

(E) Section 475(e) (sec. 1-204.75(e), D.C. Official Code) is amended to read as follows:

'(e) Payments Not Subject to Appropriation- The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under this section.'

RE-ENROLLED ORIGINAL

(2) OTHER LAWS-

(A) Section 2(b)(1) of Amendment No. 1 (relating to initiative and referendum) to title IV (the District Charter) (sec. 1-204.102(b)(1), D.C. Official Code) is amended by striking ‘the appropriate custodian’ and all that follows through ‘portion of such act to’.

(B) Section 5 of Amendment No. 1 (relating to initiative and referendum) to title IV (the District Charter) (sec. 1-204.105, D.C. Official Code) is amended by striking ‘, and such act’ and all that follows and inserting a period.

(C) Section 16 of the District of Columbia Election Code of 1955 (sec. 1-1001.16, D.C. Official Code)--

(i) in subsection (j)(2)--

(I) by striking ‘sections 404 and 602(c)’ and inserting ‘section 404’, and

(II) by striking the second sentence; and

(ii) in subsection (m)--

(I) in the first sentence, by striking ‘the appropriate custodian’ and all that follows through ‘parts of such act to’,

(II) by striking ‘is held. If, however, after’ and inserting ‘is held unless, under’, and

(III) by striking ‘section, the act which’ and all that follows and inserting ‘section.’.

(d) Effective Date.

The amendments made by this Act shall apply with respect to each act of the District of Columbia--

(1) passed by the Council of the District of Columbia and signed by the Mayor of the District of Columbia;

(2) vetoed by the Mayor and repassed by the Council;

(3) passed by the Council and allowed to become effective by the Mayor without the Mayor’s signature; or

(4) in the case of initiated acts and acts subject to referendum, ratified by a majority of the registered qualified electors voting on the initiative or referendum, on or after October 1, 2013.

Sec. 106. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the “District of Columbia Appropriations Act, 2016.”

RE-ENROLLED ORIGINAL

DIVISION – B
DISTRICT OF COLUMBIA AUTHORIZATION REQUEST
OMNIBUS PROVISIONS

Sec. 201. Sections 47-391.07(b) and 47-392.09 of the District of Columbia Official Code are repealed.

Sec. 202. Congressional review streamlining.

(a) Section 602(c)(1) of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), is amended by striking the phrase “(excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than three days).”

(b) The amendments made by this section shall apply with respect to each act of the District of Columbia—

(1) passed by the Council of the District of Columbia and signed by the Mayor of the District of Columbia;

(2) vetoed by the Mayor and repassed by the Council; or

(3) passed by the Council and allowed to become effective without the Mayor's signature, on or after the effective date of this section.

Sec. 203. Section 11201 of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 734; D.C. Official Code § 24-101), is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Reimbursement to District of Columbia Department of Corrections.— The United States Government shall reimburse the District of Columbia Department of Corrections its costs of providing custody and care for:

“(1) Felons committed by the Superior Court of the District of Columbia from the date of sentencing until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons;

“(2) Previously sentenced felons committed to the Department of Corrections as violators of parole, supervised release, or probation from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons; and

“(3) Previously sentenced felons held by or committed to the Department of Corrections on writs from the date of commitment until transfer to a penal or correctional facility operated or contracted for by the Bureau of Prisons.”.

Sec. 204. (a)(1) IN GENERAL.--The District of Columbia is authorized to renew or enter into a new Interstate Compact for Juveniles for the purposes of placing youth in appropriate therapeutic settings and providing and receiving supervision for youth in other jurisdictions.

(2) DELEGATION.--Any compact for juveniles that the Council of the District of Columbia authorizes the Mayor to execute on behalf of the District may contain provisions that

RE-ENROLLED ORIGINAL

delegate the requisite power and authority to the Interstate Commission for Juveniles to achieve the purposes for which the interstate compact is established.

(b) Section 406 of An Act to reorganize the courts of the District of Columbia, to revise the procedures for juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, approved July 29, 1970 (84 Stat. 678; D.C. Official Code § 24-1106), is repealed.

Sec. 205. Section 103 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.03), is amended by adding a new paragraph (16) to read as follows:

“(16) The term “Attorney General” means the Attorney General for the District of Columbia provided for by part C-I of title IV.”.

Sec. 206. Section 424b of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-204.26), is amended by striking the phrase “Procurement Practices Act of 1986” and inserting the phrase “Procurement Practices Reform Act of 2010” in its place.

Sec. 207. Sections 2, 3, and 4 of the Domestic Partnership Police and Fire Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-358; 56 DCR 1188), are enacted into law.

Sec. 208. Section 602(a)(5) of the District of Columbia Home Rule Act, approved on December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(5)), is amended by striking the phrase “of the District” the first time it appears and inserting the phrase “of the District, unless his or her source of income derives from District local funds” in its place.

Sec. 209. Section 602(a)(5) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(5)), is amended by striking the phrase “of any individual not a resident of the District” and inserting the phrase “of any individual not a resident of the District, except professional athletes,” in its place.

This division may be cited as the “District of Columbia Omnibus Authorization Act, 2016”.

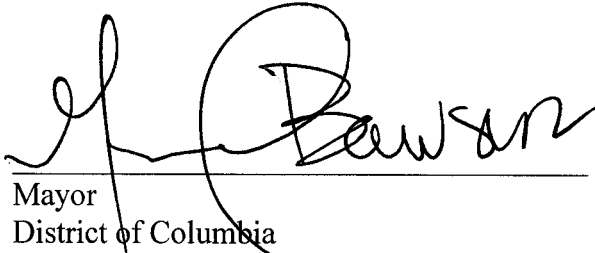
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Sec. 3. Effective date.

This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 9, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 10, 2015

To amend, on an emergency basis, section 47-2844 of the District of Columbia Official Code to enable the Mayor to suspend or revoke the business license of any business engaged in the buying or selling of a synthetic drug and to enable the Chief of Police to seal a business licensee’s premises for up to 96 hours for the buying or selling of a synthetic drug; and to amend the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to designate the sale of a synthetic drug as a per se imminent danger to the health or safety of District residents and provide for an administrative hearing after the sealing of a business licensee’s premises.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sale of Synthetic Drugs Emergency Amendment Act of 2015”.

Sec. 2. Section 47-2844(a-2) of the District of Columbia Official Code is amended as follows:

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

(1) The lead-in language is amended by striking the phrase “subsection (a-1) of this section” and inserting the phrase “subsection (a-1) of this section and paragraph (1A) of this subsection” in its place.

(2) Subparagraph (A) is amended by striking the phrase “subsection” and inserting the phrase “paragraph” in its place.

(3) Subparagraph (B) is amended by striking the phrase “subsection” and inserting the phrase “paragraph” in its place.

(4) Subparagraph (C) is amended by striking the phrase “subsection” and inserting the phrase “paragraph” in its place.

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

“(1A) In addition to the provisions of subsection (a-1) of this section and paragraph (1) of this subsection, the Mayor or the Chief of Police, notwithstanding § 2-1801.04(a)(1)), may take the following actions against, or impose the following requirements upon, any licensee, or agent or employee of a licensee, that knowingly engages or attempts to engage in the purchase, sale, exchange, or any other form of commercial transaction involving a synthetic drug, including the possession of multiple units of a synthetic drug:

“(A) For the first violation of this paragraph:

“(i) The Mayor shall issue a fine in the amount of \$10,000;

ENROLLED ORIGINAL

“(ii) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), may seal the licensee's premises, or a portion of the premises, for up to 96 hours without a prior hearing;

“(iii) The Mayor may issue a notice to revoke all licenses issued to the licensee pursuant to this chapter.

“(iv)(I) With 14 days of having a licensee's premises sealed for the sale of a synthetic drug, the Mayor shall require the licensee to submit a remediation plan to the Director of the Department of Consumer and Regulatory Affairs, that contains the licensee's plan to prevent any future recurrence of purchasing, selling, exchanging, or otherwise transacting any synthetic drug and acknowledgement that a subsequent occurrence of engaging in prohibited activities may result in the revocation of all licenses issued to the licensee pursuant to this chapter.

“(II) If the licensee fails to submit a remediation plan in accordance with this sub-subparagraph, or if the Mayor, in consultation with the Chief of Police, rejects the licensee's remediation plan, the Mayor shall provide written notice to the licensee of the defects in any rejected remediation plan and the Mayor's intent to revoke all licenses issued to the licensee pursuant to this chapter.

“(III) If the licensee cures the defects in a rejected remediation plan, the Mayor may suspend any action to revoke any license of the licensee issued pursuant to this chapter.

“(B) For any subsequent violation of this paragraph:

“(i) The Mayor shall issue a fine in the amount of \$20,000;

“(ii) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), may seal the licensee's premises, or portion of the premises, for up to 30 days, without a prior hearing.

“(C) If a licensee's premises is sealed under subparagraph (A) or (B) of this paragraph, a licensee shall have the right to request a hearing with the Office of Administrative Hearings within 2 business days after service of notice of the sealing of the premises pursuant to subparagraph (D) of this paragraph.

“(D) At the time of the sealing of the premises under subparagraph (A) or (B) of this paragraph, the Director of the Department of Consumer and Regulatory Affairs shall post at the premises and serve on the licensee, a written notice and order stating:

“(i) The specific action or actions being taken;

“(ii) The factual and legal bases for the action or actions;

“(iii) The right, within 2 business days after service of notice of the sealing of the premises, to request a hearing with the Office of Administrative Hearings;

“(iv) The right, within 2 business days of a timely request being received by the Office of Administrative Hearings, to a hearing before an administrative law judge; and

“(v) That it shall be unlawful for any person to enter the sealed premises for any purpose without written permission of the Director of the Department of Consumer and Regulatory Affairs.

ENROLLED ORIGINAL

“(E) A licensee shall pay a fine issued pursuant to subparagraph (A) or (B) of this paragraph within 20 days after adjudication. If the licensee fails to pay the fine within the specified time period, the Mayor may seal the premises until the fine is paid.

“(F) For the purposes of this paragraph, the term:

“(i) “Business days” means days in which the Office of Administrative Hearings is open for business.

“(ii) “Synthetic drug” means any product possessed, provided, distributed, sold, or marketed with the intent that it be used as a recreational drug, such that its consumption or ingestion is intended to produce effects on the central nervous system or brain function to change perception, mood, consciousness, cognition or behavior in ways that are similar to the effects of marijuana, cocaine, amphetamines or Schedule I narcotics under § 48-902.04. The term “synthetic drug” also includes any chemically synthesized product (including products that contain both a chemically synthesized ingredient and herbal or plant material) possessed, provided, distributed, sold or marketed with the intent that the product produce effects substantially similar to the effects created by compounds banned by District or federal synthetic drug laws or by the U.S. Drug Enforcement Administration pursuant to its authority under the Controlled Substances Act, approved October 27, 1970 (84 Stat. 1247; 21 U.S.C. § 812). The following factors shall be treated as indicia that a product is being marketed with the intent that it be used as a recreational drug:

“(I) The product is not suitable for its marketed use (such as a crystalline or powder product being marketed as “glass cleaner”);

“(II) The individual or business providing, distributing, displaying or selling the product does not typically provide, distribute, or sell products that are used for that product’s marketed use (such as liquor stores, smoke shops, or gas/convenience stores selling “plant food”);

“(III) The product contains a warning label that is not typically present on products that are used for that product’s marketed use including, “Not for human consumption”, “Not for purchase by minors”, “Must be 18 years or older to purchase”, “100% legal blend”, or similar statements;

“(IV) The product is significantly more expensive than products that are used for that product’s marketed use;

“(V) The product resembles an illicit street drug (such as cocaine, methamphetamine, or Schedule I narcotic) or marijuana; or

“(VI) The licensee or any employee of the licensee has been warned by a District government agency or has received a criminal incident report, arrest report, or equivalent from any law enforcement agency that the product or a similarly labeled product contains a synthetic drug.”.

Sec. 3. Section 106 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective March 8, 1991 (D.C. Law 8-237; D.C. Official Code § 2-1801.06), is amended as follows:

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

ENROLLED ORIGINAL

(1) Strike the phrase "premises are primarily used" and insert the phrase "premises are used" in its place.

(2) Add a new sentence at the end to read as follows:
"Selling synthetic drugs, as defined in D.C. Official Code § 47-2844(a-2)(1A)(F)(ii), shall be a per se imminent danger to the health or safety of the residents of the District."

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

(1) The existing text is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended by striking the phrase "A licensee" and inserting the phrase "Except as provided in paragraph (2) of this subsection, a licensee" in its place.

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

"(2) A licensee engaged in the sale of synthetic drugs in violation of D.C. Official Code § 47-2844(a-2)(1A) shall have the right to request a hearing within 2 business days after service of notice of the sealing of the premises. The Office of Administrative Hearings shall hold a hearing within 2 business days of receipt of a timely request, and shall issue a decision within 2 business days after the hearing."

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED

July 10, 2015

ENROLLED ORIGINAL

A RESOLUTION

21-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 16, 2015

To approve the removal of portions of 13th, 14th, Butternut, and Dahlia Streets, N.W., within Parcels 319/2, 319/3, 319/4, and 319/5, as shown on the Surveyor's Plat filed under S.O. 14-20028, from the plan of the permanent system of highways of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Abandonment of the Highway Plan for Portions of 13th, 14th, Butternut and Dahlia Streets, NW, S.O. 14-20028, Resolution of 2015".

Sec. 2. The Mayor has proposed the abandonment of the plan of the permanent system of highways of the District of Columbia (the "Highway Plan") for portions of 13th, 14th, Butternut and Dahlia Streets, N.W., within Parcels 319/2, 319/3, 319/4, and 319/5, as shown on the Surveyor's Plat filed under S.O. 14-20028.

Sec. 3. Pursuant to section 6 of An Act To amend an Act of Congress approved March second, eighteen hundred and ninety-three, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council approves the abandonment of the Highway Plan referred to in section 2.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 16, 2015

To approve the proposed rules of the Alcoholic Beverage Control Board to modify and renew the Adams Morgan Moratorium Zone for 3 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adams Morgan Moratorium Zone Rules Approval Resolution of 2015”.

Sec. 2. Pursuant to D.C. Official Code § 25-211(b), the Mayor transmitted to the Council on March 23, 2015, proposed rules of the Alcoholic Beverage Control Board to modify and renew the existing Adams Morgan Moratorium Zone for 3 years. The Council approves the proposed rules, published at 61 DCR 8999, to amend section 304 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 16, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 001 through 003 to Contract No. DCAM-14-CS-0095B with MCN Build, LLC, for design-build services for Langdon Education Campus, and to authorize payment in the aggregate amount of \$8,698,428.86 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCAM-14-CS-0095B Change Order Nos. 001 through 003 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 001 through 003 to Contract No. DCAM-14-CS-0095B for design-build services for Langdon Education Campus, and to authorize payment in the aggregate amount of \$8,698,428.86 for the goods and services received and to be received under these change orders.

(b) Last year, the Council approved Contract No. DCAM-14-CS-0095B (CA20-0352) to provide design-build services for the modernization of Langdon Education Campus with a target Guaranteed Maximum Price (“GMP”) of \$9.2 million. Thereafter, the Department of General Services issued Change Order No. 001 (\$0), and Change Order No. 002 (\$962,029.86), with a total aggregate value of \$962,029.86; thus, Council approval was not required.

(c) Council approval of Change Order No. 003 is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because this change order will increase the total expenditures under Contract No. DCAM-14-CS-0095B to an amount in excess of \$1 million during a 12-month period.

(d) In addition, Council approval is necessary to compensate MCN Build, LLC for work to be completed under Change Order No. 003 to Contract No. DCAM-14-CS-0095B.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-14-CS-0095B Change Order Nos. 001 through 003 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To reappoint Mr. Corbett A. Price as a principal member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Principal Member Corbett Price Reappointment Resolution of 2015”.

Sec. 2. The Council of the District of Columbia reappoints:

Mr. Corbett A. Price
3520 Massachusetts Avenue, N.W.
Washington, D.C. 20007
(Ward 3)

as a principal member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and section 2 of the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11), for a term to end June 30, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Washington Metropolitan Area Transit Authority, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design-build services for Kramer Middle School, and to authorize payment in the aggregate amount of \$1,023,848 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A Approval and Payment Authorization Emergency Declaration Resolution 2015".

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design-build services for Kramer Middle School, and to authorize payment in the aggregate amount of \$1,023,848 for the goods and services received and to be received under the change orders.

(b) In 2014, the Council approved Contract No. DCAM-14-CS-0095A with Turner Construction Company to provide design-build services for the modernization of Kramer Middle School with a Guaranteed Maximum Price ("GMP") of \$28,959,000. Thereafter, the Department issued Change Order No. 001 (\$31,765.00), Change Order No. 002 (\$878,195.00), and Change Order No. 003 (\$56,212.00), with a total aggregate value of \$966,172.00; thus, Council approval was not required.

(c) The Department has issued Change Order No. 004, in the amount of \$57,676 to revise the scope of work to include new auditorium windows.

(d) The aggregate value of Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A exceeds the \$1 million threshold under section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(e) Approval of Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A is necessary to compensate Turner Construction Company for the work performed and to be performed under the change orders.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 001 through 004 to Contract No. DCAM-14-CS-0095A Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To approve the proposed contracts (CA 21-74, CA 21-75, CA 21-76, CA 21-77, CA 21-78, and CA 21-79) between the District of Columbia and Super Salvage, Inc., Potomac Electric Power Company (“Pepco”), Rollingwood Real Estate, LLC, and DC Stadium LLC, for the acquisition of several properties from Super Salvage, Inc., Pepco, and Rollingwood Real Estate, LLC, the conveyance of another property to Pepco, the improvement of the acquired properties with a soccer stadium by DC Stadium LLC, and the lease of the stadium property to DC Stadium LLC, all related to the development of a soccer stadium at Buzzard Point.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Omnibus Soccer Stadium Contracts Approval Resolution of 2015”.

Sec. 2. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council a proposed Purchase and Sale Agreement (CA 21-74) between the District and Super Salvage, Inc. in the amount of \$15,861,752 for the purchase by the District of real property that will be part of the site for the proposed soccer stadium at Buzzard Point.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the proposed Purchase and Sale Agreement with Super Salvage, Inc.

Sec. 3. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council a proposed Purchase and Sale Agreement (CA 21-75) between the District and Potomac Electric Power Company (“Pepco”) in the amount of \$15,800,000 for the sale by the District of real property located at 1st and K Streets, N.W.

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(b) Notwithstanding 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.*), the Council approves the proposed Purchase and Sale Agreement with Pepco.

Sec. 4. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council a proposed Purchase and Sale Agreement (CA 21-76) between the District and Rollingwood Real Estate, LLC in the amount of \$10,325,920 for the purchase by the District of real property that will be part of the site for the proposed soccer stadium at Buzzard Point.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the proposed Purchase and Sale Agreement with Rollingwood Real Estate, LLC.

Sec. 5. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council a proposed Purchase and Sale Agreement (CA 21-77) between the District and Potomac Electric Power Company (“Pepco”) in the amount of \$39,345,788 for the purchase by the District of real property that will be part of the site for the proposed soccer stadium at Buzzard Point.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the proposed Purchase and Sale Agreement with Pepco.

Sec. 6. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council the Amended and Restated Development Agreement (CA 21-78) between the District and DC Stadium LLC for the construction of a soccer stadium at Buzzard Point.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Amended and Restated Development Agreement with D.C. Stadium LLC.

Sec. 7. (a) On June 9, 2015, pursuant to the Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), as amended by the Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015, effective May 8, 2015 (D.C. Act 21-59; 62 DCR 5962), the Mayor transmitted to the Council the Amended and Restated Ground Lease (CA 21-79) between the District and D.C. Stadium LLC for the lease of the soccer stadium property at Buzzard Point to DC Stadium LLC.

(b) Notwithstanding 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.*), the Council approves the Amended and Restated Ground Lease with DC Stadium LLC.

Sec. 8. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 9. 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. 10. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve the employment contract of Mr. Ronald F. Mason, Jr., submitted by the Board of Trustees of the University of the District of Columbia, for Mr. Mason to serve as President of the University of the District of Columbia for a period beginning July 6, 2015, and ending on or before June 30, 2018.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Employment Contract of Mr. Ronald F. Mason, Jr. as President of the University of the District of Columbia Emergency Declaration Resolution of 2015".

Sec. 2. There exists an immediate need to approve the employment contract of Mr. Ronald F. Mason, Jr. prior to Council recess, as the start date of his employment as President of the University of the District of Columbia is projected to be July 6, 2015. Doing so will ensure continuity as the university moves forward with the implementation of its Strategic Plan and its accreditation preparedness. Mr. Mason will succeed Dr. James E. Lyons, Sr., who has served as Interim President of the University of the District of Columbia since March 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Employment Contract of Mr. Ronald F. Mason, Jr. as President of the University of the District of Columbia Emergency Approval Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To approve, on an emergency basis, the employment contract of Mr. Ronald F. Mason, Jr., submitted by the Board of Trustees of the University of the District of Columbia, for Mr. Mason to serve as President of the University of the District of Columbia for a period beginning July 6, 2015, and ending on or before June 30, 2018.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Employment Contract of Mr. Ronald F. Mason, Jr. as President of the University of the District of Columbia Emergency Approval Resolution of 2015”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the employment contract of Mr. Ronald F. Mason, Jr., which was transmitted to the Council by the University of the District of Columbia’s Vice Chairperson of the Board of Trustees on June 5, 2015 and is reflected in the contract and resolution adopted by the board at a meeting on June 1, 2015.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the University of the District of Columbia Board of Trustees and the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve measures that are necessary to support action taken on the District's Fiscal Year 2016 Budget and Financial Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2016 Budget Support Emergency Declaration Resolution of 2015".

Sec. 2. (a) The Fiscal Year 2016 Budget Support Act of 2015 contains various measures necessary to support the Fiscal Year 2016 Budget and Financial Plan.

(b) There are several time-sensitive provisions contained in the Fiscal Year 2016 Budget Support Act of 2015 that need to be in place in advance of October 1, 2015.

(c) Other provisions in the emergency bill will retain the October 1, 2015, applicability date as provided in the permanent legislation, but should be enacted prior to October 1, 2015, to allow agencies and stakeholders to prepare for implementation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2016 Budget Support Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to institute a moratorium on the construction or operation of any additional facilities that provide automobile painting services in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ward 5 Paint Spray Booth Moratorium Emergency Declaration Resolution of 2015”.

Sec. 2. (a) It is necessary to place a moratorium on the establishment of new and renewed paint spray booths within Ward 5.

(b) This emergency legislation addresses the immediate and longstanding concerns of residents who are adversely affected by the noxious fumes emanating from already existing paint spray booth operators. Not all operators are in compliance with current law and even those that are, due to the low threshold of certain regulations, persistently pollute the air with such fumes.

(c) There are several pending permit applications in Ward 5 under consideration before the Department of the Environment. The possible granting of these permits will exacerbate the problem by adding new operators within a ward with an already high concentration and disproportionate number of such operators.

(d) The effects of the fumes have a negative impact on economic development and property value within the ward, as well as the quality of life of its residents.

(e) The Council previously enacted legislation entitled the Air Quality Amendment Act of 2014, effective September 9, 2014, (D.C. Law 20-135; 61 DCR 6767). One of the purposes of this law is to combat toxic odors. Even with this, however, the complaints from residents due to such odors caused by paint spray booths remain frequent and steady.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Ward 5 Paint Spray Booth Moratorium Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. DCFB-2012-D-0007 with Advanced Data Processing, Inc., to provide ambulance billing and collection services, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFB-2012-D-0007 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Contract No. DCFB-2012-D-0007 with Advanced Data Processing, Inc., ("ADP") to provide ambulance billing and collection services, and to authorize payment for the goods and services received and to be received under the contract.

(b) On October 1, 2012, the Office of Contracting and Procurement ("OCP"), on behalf of the Fire and Emergency Medical Services Department, awarded Contract No. DCFB-2012-D-0007 to ADP in an estimated amount of \$876,840 for the period from October 1, 2012, through March 31, 2013. Actual expenditures for this period were \$1,245,767.

(c) By Modification No. 1, the contract was extended until September 30, 2013.

(d) By Modification No. 2, OCP increased the estimated amount of the contract by \$980,000 for the period from April 1, 2013, through September 30, 2014. Actual expenditures for this period were \$881,611.

(e) Modification No. 3 was an administrative change only.

(f) By Modification No. 4, OCP extended the term of the contract from October 1, 2013, through March 31, 2014, for an estimated additional amount of \$980,000. Actual expenditures for this period were \$1,058,255.

(g) Modification No. 5 was an administrative change only.

(h) By Modification No. 6, OCP extended the term of the contract from April 1, 2014, through September 30, 2014, and increased the estimated amount for Contract No. DCFB-2012-D-0007 by \$ 980,000. Actual expenditures for this period were \$1,072,189.61.

(i) By Modification No. 7, OCP extended the term of the contract from October 1, 2014, through December 31, 2014, for an estimated additional amount of \$531,000. Actual expenditures for this period were \$495,246.65.

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(j) Modification No. 8 extended the contract to September 30, 2015, and increased the estimated amount by \$1,592,820.

(k) The total estimated amount of Contract No. DCFB-2012-D-0007, including the foregoing modifications, is \$6,345,889.26 for the period from October 1, 2012, through September 30, 2015.

(l) Approval is necessary to allow the continuation of these vital services. Without this approval, ADP cannot be paid for goods and services provided in excess of \$1 million for each 12-month period of the contract.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFB-2012-D-0007 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to amend section 47-2844 of the District of Columbia Official Code to enable the Mayor to suspend or revoke the business license of any business engaged in the buying or selling of a synthetic drug and to enable the Chief of Police to seal a business licensee's premises for up to 96 hours for the buying or selling of a synthetic drug; and to amend the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to designate the sale of a synthetic drug as a per se imminent danger to the health or safety of District residents and provide for an administrative hearing after the sealing of a business licensee's premises.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sale of Synthetic Drugs Emergency Declaration Resolution of 2015".

Sec. 2. (a) The sale of prohibited synthetic drugs in the District of Columbia has continued despite enforcement by multiple District agencies. Prohibited synthetic drugs have the potential for life-threatening harm of users, and users in the District and nationwide have experienced severe health consequences for their use.

(b) Enactment of the Sale of Synthetic Drugs Emergency Amendment Act of 2015, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-259), will enable the District to immediately seal the premises of, or levy a fine against, a business engaging in the sale of synthetic drugs, which presents an imminent health, safety, and welfare risk to the residents of the District.

(c) Determination of whether a product is a "synthetic drug" would be based on a number of factors, including:

(1) The product is not suitable for its marketed use (such as powders being marketed as "glass cleaner");

(2) The business selling the product does not sell the products used for the product's marketed use (such as a liquor store selling "plant food");

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(3) The product contains labeling not typically found on products used for its marketed use (such as “Not for human consumption,” “100% legal,” “Must be 18 years or older to purchase”);

(4) The product is significantly more expensive than products used for its marketed use or resembles an illegal drug; or

(5) The business or any of its employees was warned by a District government agency that a product it was selling was a synthetic drug.

(d) The proposed legislation would allow the District to seal the premises of an offending business, issue heavy fines, and require an administrative hearing within a few days of the event. Because violators of this increased enforcement scheme would face significant financial penalties, it may dissuade other businesses from engaging in the same prohibited behavior.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sale of Synthetic Drugs Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 with GCS, Inc., for design-build services for the St. Elizabeths Chapel renovation, and to authorize payment in the aggregate amount of \$1,177,427 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 for design-build services for the St. Elizabeths Chapel renovation, and to authorize payment in the aggregate amount of \$1,177,427 for the goods and services received and to be received under these change orders.

(b) Contract No. DCAM-14-CS-0104 was previously approved by the Council (CA20-0310) and Change Order No. 001 was also approved by the Council (CA20-0423). Thereafter, the Department of General Services issued Change Order No. 002 (\$45,124) and Change Order No. 003 (\$171,520). The aggregate value of these change orders was less than \$1 million; thus, Change Order Nos. 002 and 003 did not require Council approval.

(c) Change Order No. 004 (\$960,783) will cause the aggregate value of the change orders issued, after the Council's last approval of Change Order No. 001, to exceed the \$1 million threshold pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Change Order Nos. 002 through 004 in the aggregate amount of \$1,177,427 is necessary to compensate GCS, Inc., for work completed and to be completed pursuant to Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 for design-build services for the St. Elizabeths Chapel renovation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 002 through 004 to Contract No. DCAM-14-CS-0104 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 with Allied Barton Security Services, LLC, for city-wide security services, and to authorize payment in the aggregate amount of \$5,216,538.93 for the goods and services received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 with Allied Barton Security Services, LLC, for city-wide security services, and to authorize payment in the aggregate amount of \$5,216,538.93 for the goods and services received under these modifications.

(b) Contract No. DCAM-12-NC-0031 was competitively bid and awarded to Allied Barton Security Services, LLC. Modification No. 6 was approved by the Council in the amount of \$21,721,800 for Option Year 2 as CA20-297. Thereafter, Modification No. 7 was issued with a value of \$62,500. Modification No. 8 extended the contract's period of performance to April 19, 2014. Modification No. 9 had a value of \$504,000. Modification Nos. 7 and 9 had an aggregate value of \$566,500 and did not require Council approval. The Department of General Services recently issued Modification No. 10, which exercised Option Year 3 in the amount of \$22,986,000 and was approved by the Council as CA21-39.

(c) Modification No. 11 increases the not-to-exceed value of Option Year 2 of Contract No. DCAM-12-NC-0031 by \$4,650,038.93, which exceeds the \$1 million threshold set forth in section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Modification Nos. 7, 9, and 11 in the aggregate amount of \$5,216,538.93 is necessary to compensate Allied Barton Security Services, LLC, for additional security services provided at the direction of the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 7, 9, and 11 to Contract No. DCAM-12-NC-0031 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M037 to Contract No. DCKA-2011-C-0121 with Ratp Dev McDonald Transit, LLC, to increase the contract ceiling to allow capacity for additional operation and maintenance services related to the DC Streetcar Program, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCKA-2011-C-0121 Modification No. M037 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. M037 to Contract No. DCKA-2011-C-0121 with Ratp Dev McDonald Transit, LLC, to increase the contract ceiling to allow capacity for additional operation and maintenance services related to the DC Streetcar Program on behalf of the District Department of Transportation.

(b) Modification No. M037 to Contract No. DCKA-2011-C-0121 will modify the contract by increasing the ceiling price for the term of this multiyear contract with Ratp Dev McDonald Transit, LLC, in the amount of \$15,930,457, which will increase the contract ceiling to \$37,944,630.20. The term will be from the date of award through June 30, 2017.

(c) Council approval is necessary since this modification increases the expenditures under the contract to an amount in excess of \$1 million during a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKA-2011-C-0121 Modification No. M037 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 5 and proposed Modification No. 6 to Contract No. GAGA-2014-C-0026A to provide occupational and physical therapy assessment, consultation, and intervention services to the District and to authorize payment for the services to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. GAGA-2014-C-0026A Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists a need to approve Modification No. 5 and proposed Modification No. 6 to Contract No. GAGA-2014-C-0026A with Educational Based Services to provide occupational and physical therapy assessment, consultation, and intervention services to the District and to authorize payment for the services to be received under that contract.

(b) On June 19, 2015, by Modification No. 5, the District of Columbia Public Schools exercised a partial option of option year one of Contract No. GAGA-2014-C-0026A to provide occupational and physical therapy assessment, consultation, and intervention services for the period from June 20, 2015, through July 31, 2015.

(c) Modification No. 6 is now necessary to exercise the remainder of option year one for the total not-to-exceed amount of \$1,411,888.10.

(d) Council approval is necessary because these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Educational Based Services cannot be paid for services provided in excess of \$1 million for the contract period June 20, 2015, through June 19, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. GAGA-2014-C-0026A Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow applicants that received notification on July 25, 2014, that their medical marijuana cultivation center was eligible for registration to modify their application; to allow holders of cultivation center registrations that own or have valid leases for the real property adjacent to their existing cultivation centers to expand their facilities into that adjacent real property for purposes of increasing production not to exceed the authorized limit; and to increase the number of living plants medical marijuana cultivation centers may possess at any time to 1000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Cultivation Center Expansion Amendment Act Emergency Declaration Resolution of 2015”.

Sec. 2. (a) Enactment of the Medical Marijuana Cultivation Center Expansion Emergency Amendment Act of 2015, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-255) (“Act”), will enable the District to increase the number of live marijuana plants to assuage the demand for medical marijuana in medical marijuana distribution centers.

(b) The District is currently experiencing higher demand for medical marijuana than there is capacity to produce.

(c) The Act will enable existing cultivation centers to expand the size of their facilities when they have leaseholds for adjacent real property.

(d) The Act will also authorize twice the number of live marijuana plants, up to a maximum of 1000, for all cultivation centers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Cultivation Center Expansion Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Human Care Agreement No. DCHT-2014-C-0010-A01, Human Care Agreement No. DCHT-2014-C-0018-A01, Human Care Agreement No. DCHT-2014-C-0024-A01, and Modification No. DCHT-2014-C-0024-A01-M002 with American Health Care Services, Inc., for home health agency temporary staffing services; Human Care Agreement No. DCHT-2014-C-0010-A03, Modification No. DCHT-2014-C-0010-A03-M002, Modification No. DCHT-2014-C-0010-A03-M003, Human Care Agreement No. DCHT-2014-C-0018-A03, Modification No. DCHT-2014-C-0018-A03-M003, Human Care Agreement No. DCHT-2014-C-0024-A03, and Modification No. DCHT-2014-C-0024-A03-M002 with Capital Care, Inc., for home health agency temporary staffing services; Human Care Agreement No. DCHT-2014-C-0010-A05, Human Care Agreement No. DCHT-2014-C-0018-A05, Human Care Agreement No. DCHT-2014-C-0024-A05, and Modification No. DCHT-2014-C-0024-A05-M0003 with Family and Health Care Solutions, Inc., for home health agency temporary staffing services; Human Care Agreement No. DCHT-2014-C-0010-A02, Modification No. DCHT-2014-C-0010-A02-M002, Human Care Agreement No. DCHT-2014-C-0018-A02, Modification No. DCHT-2014-C-0018-A02-M003, Human Care Agreement No. DCHT-2014-C-0024-A02, and Modification No. DCHT-2014-C-0024-A02-M003 with Integrated Community Services, Inc., for home health agency temporary staffing services; Human Care Agreement No. DCHT-2014-C-0010-A04, Human Care Agreement No. DCHT-2014-C-0018-A04, Human Care Agreement No. DCHT-2014-C-0024-A04, and Modification No. DCHT-2014-C-0024-A04-M003 with Lifeline, Inc. for home health agency temporary staffing services; and Human Care Agreement No. DCHT-2014-C-0010-A06, Human Care Agreement No. DCHT-2014-C-0018-A06, Human Care Agreement No. DCHT-2014-C-0024-A06, and Modification No. DCHT-2014-C-0024-A06-M0002 with MBI Health Services, LLC, for home health agency temporary staffing services; and to authorize payment for the services received and to be received under these human care agreements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Omnibus Home Health Agency Temporary Staffing Services Human Care Agreements Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

ENROLLED ORIGINAL

Sec. 2. (a) There exists an immediate need to:

(1) Approve the following contract actions:

(A) Human Care Agreement No. DCHT-2014-C-0010-A01, Human Care Agreement No. DCHT-2014-C-0018-A01, Human Care Agreement No. DCHT-2014-C-0024-A01, and Modification No. DCHT-2014-C-0024-A01-M002 with American Health Care Services, Inc., for home health agency temporary staffing services;

(B) Human Care Agreement No. DCHT-2014-C-0010-A03; Modification No. DCHT-2014-C-0010-A03-M002; Modification No. DCHT-2014-C-0010-A03-M003; Human Care Agreement No. DCHT-2014-C-0018-A03, Modification No. DCHT-2014-C-0018-A03-M003; Human Care Agreement No. DCHT-2014-C-0024-A03; and Modification No. DCHT-2014-C-0024-A03-M002 with Capital Care, Inc., for home health agency temporary staffing services;

(C) Human Care Agreement No. DCHT-2014-C-0010-A05, Human Care Agreement No. DCHT-2014-C-0018-A05, Human Care Agreement No. DCHT-2014-C-0024-A05, and Modification No. DCHT-2014-C-0024-A05-M0003 with Family and Health Care Solutions, Inc., for home health agency temporary staffing services;

(D) Human Care Agreement No. DCHT-2014-C-0010-A02, Modification No. DCHT-2014-C-0010-A02-M002, Human Care Agreement No. DCHT-2014-C-0018-A02, Modification No. DCHT-2014-C-0018-A02-M003, Human Care Agreement No. DCHT-2014-C-0024-A02, Modification No. DCHT-2014-C-0024-A02-M003 with Integrated Community Services, Inc., for home health agency temporary staffing services;

(E) Human Care Agreement No. DCHT-2014-C-0010-A04, Human Care Agreement No. DCHT-2014-C-0018-A04, Human Care Agreement No. DCHT-2014-C-0024-A04, and Modification No. DCHT-2014-C-0024-A04-M003 with Lifeline, Inc., for home health agency temporary staffing services; and

(F) Human Care Agreement No. DCHT-2014-C-0010-A06, Human Care Agreement No. DCHT-2014-C-0018-A06, Human Care Agreement No. DCHT-2014-C-0024-A06, and Modification No. DCHT-2014-C-0024-A06-M0002 with MBI Health Services, LLC, for home health agency temporary staffing services; and

(2) Authorize payment for the services received and to be received under the human care agreements described in paragraph (1) of this subsection.

(b) In April 2014, the District awarded human care agreements to American Health Services, Inc., Capital Care, Inc., Family and Health Care Solutions, Inc., Integrated Community Services, Inc., Lifeline, Inc., and MBI Health Services, LLC, on an emergency basis, each in the not-to-exceed contract amount of \$1 million for a period of performance of 120 days to provide personal care assistance (“PCA”) services for District Medicaid beneficiaries.

(c) In August 2014, the District again awarded human care agreements to American Health Services, Inc., Capital Care, Inc., Family and Health Care Solutions, Inc., Integrated Community Services, Inc., Lifeline, Inc., and MBI Health Services, LLC, on an emergency basis, each in the not-to-exceed contract amount of \$1 million for the period of performance of 90 days to provide PCA services for District Medicaid beneficiaries.

ENROLLED ORIGINAL

(d) Between October 31, 2014, and November 3, 2014, the District awarded human care agreements, on a sole source basis, to American Health Services, Inc., Capital Care, Inc., Family and Health Care Solutions, Inc., Integrated Community Services, Inc., Lifeline, Inc., and MBI Health Services, LLC, in the not-to-exceed contract amounts between \$1 million and \$2 million for the period of performance beginning the day after the expiration of the August 2014 emergency human care agreements and ending on June 30, 2015, to provide PCA services for District Medicaid beneficiaries.

(e) During the performance of the April 2014 emergency human care agreements, the August 2014 emergency human care agreements, and the sole source human care agreements, the District issued certain modifications, in various amounts ranging from \$400,000 to \$3,144,128.68, to American Health Services, Inc., Capital Care, Inc., Family and Health Care Solutions, Inc., Integrated Community Services, Inc., Lifeline, Inc., and MBI Health Services, LLC, increasing the not-to-exceed contract amount for each contractor to an amount in excess of \$1 million during a 12-month period.

(f) Approval of the contract actions set forth in subsection (a) of this section is necessary to allow the continuation of these vital services for District Medicaid beneficiaries. Without this approval, American Health Services, Inc., Capital Care, Inc., Family and Health Care Solutions, Inc., Integrated Community Services, Inc., Lifeline, Inc., and MBI Health Services, LLC, cannot be paid for goods and services provided in excess of \$1 million pursuant to the human care agreements.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Omnibus Home Health Agency Temporary Staffing Services Human Care Agreements Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc. for managed care organization healthcare services for Medicaid beneficiaries for the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the goods and services received and to be received under the contract modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc., (Trusted) for providing managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the services received and to be received under the contract modification.

(b) On May 1, 2013, the District awarded to Thrive Health Plan (District of Columbia), Inc., Contract No. DHCF-2013-C-0003-A01 in the not-to-exceed (NTE) amount of \$542,535,279 for the period of May 1, 2013, through April 30, 2014, to provide managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(c) On December 13, 2013, the District Office of Contracting and Procurement (OCP) issued Modification M005 to Contract No. DHCF-2013-C-0003-A01 changing the contractor's name from "Thrive Health Plans, Inc." to "Trusted Health Plan (District of Columbia), Inc."

(d) On April 30, 2014, OCP issued Modification No. M007 to Contract No. DHCF-2013-C-0003-A01 with Trusted exercising Option Year One in the NTE amount of \$737,041,491, for the period May 1, 2014, through April 30, 2015, to continue providing managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

ENROLLED ORIGINAL

(e) On April 30, 2015, OCP issued Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted exercising Option Year Two in the NTE amount of \$338,670,442 for the period May 1, 2015, to September 30, 2015, to continue providing managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program without interruption.

(f) OCP seeks retroactive Council approval of Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 in the total NTE amount of \$338,670,442 for the period May 1, 2015, through September 30, 2015.

(g) Approval is necessary to allow the continuation of these vital goods and services for District Medicaid beneficiaries. Without this approval, Trusted cannot be paid for goods and services provided in excess of \$1 million pursuant to the contract modification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. M015 to Contract No. DHCF-2013-C-0003-A01 with Trusted Health Plan (District of Columbia), Inc., Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., for managed care organization healthcare services for the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the goods and services received and to be received under the contract modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., (AmeriHealth) to continue providing managed care organization healthcare services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program, and to authorize payment for the services received and to be received under the contract modification.

(b) On April 30, 2013, the District awarded to AmeriHealth Contract No. DHCF-2013-C-0003-A02 in the not-to-exceed (NTE) amount of \$542,535,279 for the period of May 1, 2013, through April 30, 2014, to provide managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(c) On April 28, 2014, the District Office of Contracting and Procurement (OCP) issued Modification No. M007 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth exercising Option Year One in the NTE amount of \$737,041,491, for the period May 1, 2014, through April 30, 2015, to continue providing managed care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(d) OCP issued Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth on April 30, 2015, to exercise Option Year Two for the period from May 1, 2015, through September 30, 2015, in the NTE amount \$338,670,442 to continue providing managed

ENROLLED ORIGINAL

care organization services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program without interruption.

(e) OCP seeks retroactive Council approval of Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 in the total NTE amount of \$338,670,442 for the period May 1, 2015, through September 30, 2015.

(f) Approval is necessary to allow the continuation of these vital goods and services for District Medicaid beneficiaries. Without this approval, AmeriHealth cannot be paid for goods and services provided in excess of \$1 million pursuant to the contract modification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar Family Choice, Inc., for managed care organization healthcare services for the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the goods and services received and to be received under the contract modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar Family Choice, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar Family Choice, Inc., (MedStar) for providing managed care organization healthcare services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program and to authorize payment for the goods and services received and to be received under the contract modification.

(b) On May 1, 2013, the District awarded to MedStar Contract No. DHCF-2013-C-0003-A03 in the not-to-exceed (NTE) amount of \$542,535,279 for the period of May 1, 2013, through April 30, 2014, to provide managed care organization healthcare services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(c) On April 30, 2014, the District Office of Contracting and Procurement (OCP) issued Modification No. M007 to Contract No. DHCF-2013-C-0003-A03 with MedStar exercising Option Year One in the NTE amount of \$737,041,491 for the period May 1, 2014, through April 30, 2015, to continue providing managed care organization healthcare services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(d) On April 30, 2015, OCP issued Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar exercising Option Year Two in the NTE amount of

ENROLLED ORIGINAL

\$338,670,442 for the period May 1, 2015, to September 30, 2015, to continue providing managed care organization healthcare services to the Medicaid eligible population enrolled in the District of Columbia Healthy Families Program and the DC Health Care Alliance Program.

(e) OCP seeks retroactive Council approval of Modification No. 015 to Contract No. DHCF-2013-C-0003-A03 with MedStar in the total NTE amount of \$338,670,442 for the period May 1, 2015, through September 30, 2015.

(f) Approval is necessary to allow the continuation of these vital goods and services for District Medicaid beneficiaries. Without this approval MedStar cannot be paid for goods and services provided in excess of \$1 million pursuant to the contract modification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar Family Choice, Inc., Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCHC-2015 M-0015 with the United States Department of Defense Logistics Agency, Defense Supply Center Philadelphia to provide pharmaceuticals to supply the AIDS Drug Assistance Program, Medicaid, and other District indigent-care programs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCHC-2015 M-0015 Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Health, proposes to enter into a multiyear agreement with the United States Department of Defense Logistics Agency, Defense Supply Center Philadelphia (“DLA/DSCP”) to provide pharmaceuticals to supply the AIDS Drug Assistance Program, Medicaid, and other District indigent care programs.

(b) The price under this multiyear contract with the DLA/DSCP is in the not-to-exceed amount of \$172,209,636.

(c) Approval is necessary to allow the District to receive the benefit of these vital services in a timely manner from DLA/DSCP.

(d) These critical services can only be obtained through an award of the multiyear contract with DLA/DSCP.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCHC-2015 M-0015 Emergency Approval Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To approve, on an emergency basis, multiyear Contract No. DCHC-2015 M-0015 with the United States Department of Defense Logistics Agency, Defense Supply Center Philadelphia to provide pharmaceuticals to supply the AIDS Drug Assistance Program, Medicaid, and other District indigent-care programs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCHC-2015 M-0015 Emergency Approval Resolution of 2015”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCHC-2015 M-0015, a multiyear agreement with the United States Department of Defense Logistics Agency, Defense Supply Center Philadelphia to provide pharmaceuticals to supply the AIDS Drug Assistance Program, Medicaid, and other District indigent-care programs, in the not-to-exceed amount of \$172,209,636. The term will be from the date of award through September 30, 2016.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement 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 resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 2015

To declare the existence of an emergency with respect to the need to approve Blanket Purchase Agreement No. DOC108575 and Purchase Orders PO464923, PO480867, PO481916, PO483589, PO488803, PO492965, PO493959, PO493967, PO495335, and PO496400 with Cardiac Connection Quality Compliance Corp. to provide Registered Nurses II services and to authorize payment for the goods and services received and to be received under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Blanket Purchase Agreement No. DOC108575 and Purchase Orders Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Blanket Purchase Agreement No. DOC108575 and Purchase Orders PO464923, PO480867, PO481916, PO483589, PO488803, PO492965, PO493959, PO493967, PO495335, and PO496400 with Cardiac Connection Quality Compliance Corp. to provide Registered Nurses II services and to authorize payment for the goods and services received and to be received under the contracts.

(b) On June 3, 2013, Blanket Purchase Agreement No. DOC108575 (“Contract”) was awarded to Cardiac Connection Quality Compliance Corp. for the period from June 3, 2013, to June 2, 2014.

(c) Between June 27, 2013, and May 15, 2014, the Department of Health Care Finance issued 10 purchase orders pursuant to the Contract with a total Contract not-to-exceed amount of \$975,000.

(d) During the Contract period of performance, the Department of Health Care Finance ordered nursing services in the amount of \$1,112,561 from Cardiac Connection Quality Compliance Corp.

(e) Council approval is necessary because the actual value of the Contract and the purchase orders issued pursuant to the Contract exceeded \$1,000,000 during a 12-month period.

(f) Approval of the Contract and Purchase Orders is necessary to allow payment for goods and services received by the District for vital services under the Contract and purchase orders. Without this approval, Cardiac Connection Quality Compliance Corp. cannot be paid for goods and services it provided and will provide in excess of \$1,000,000.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Blanket Purchase Agreement No. DOC108575 and Purchase Orders Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

B21-295

Higher Education Licensure Commission Amendment Act of 2015

Intro. 7-8-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education with comments from the Committee of the Whole

B21-298

Active Duty Pay Differential Amendment Act of 2015

Intro. 7-10-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

B21-299

Fiscal Year 2016 Tax Revenue Anticipation Notes Act of 2015

Intro. 7-10-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PROPOSED RESOLUTIONS

PR21-280 Public Charter School Board Ricarda Ganjam Confirmation Resolution of 2015

Intro. 7-1-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR21-281 Not-for-Profit Hospital Corporation Board of Directors Khadijah Tribble Confirmation Resolution of 2015

Intro. 7-1-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

PR21-282 Individuals Between 134% and 210% FPL State Plan Amendment Approval Resolution of 2015

Intro. 7-6-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF JUNE 30, 2015

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Williams, Natalie	Deputy Chief of Staff	6	Excepted Service - Reg Appt
Fox, Ashley	Communications Specialist	3	Excepted Service - Reg Appt
Simpson, Derrell	Staff Assistant	4	Excepted Service - Reg Appt
Horen, Elizabeth	Constituent Services Specialist	4	Excepted Service - Reg Appt
Hunt, Kelly	Legislative Aide	2	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-100: Request to reprogram \$2,400,000 of Fiscal Year 2015 Local Funds Budget Authority within the Department of General Services (DGS) was filed in the Office of the Secretary on July 10, 2015. This reprogramming is needed to cover maintenance repairs to several D.C. Public Schools for the upcoming year.

RECEIVED: 14 day review begins July 13, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-083980
Licensee: Bloomingdale Hospitality, LLC
Trade Name: Boundary Stone Public House
License Class: Retailer's Class "C" Tavern
Address: 116 Rhode Island Ave., N.W.
Contact: Stephen O'Brien, Esq.: 202-625-7700

WARD 5

ANC 5E

SMD 5E07

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

LICENSEE REQUESTS THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATION:

Requesting to expand occupancy load inside the premises to 94 and to expand Sidewalk Cafe seating capacity to 48 seats.

CURRENT HOURS OF OPERATION

Sunday through Thursday 9 am – 2 am and Friday & Saturday 9 am – 3 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am – 2 am and Friday & Saturday 10 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-093542
Licensee: EZ Group, LLC
Trade Name: Crème
License Class: Retailer's Class "C" Restaurant
Address: 2436 14th Street, N.W.
Contact: Jeff Jackson, Agent: 202-251-1566

WARD 1

ANC 1B

SMD 1B05

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Sidewalk Café with 11 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 10 am – 12 am, Monday through Friday 5 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Roll Call Hearing Date: September 14, 2015
Protest Hearing Date: December 2, 2015

License No.: ABRA-099556
Licensee: Independence 4 U, LLC
Trade Name: Declaration
License Class: Retailer's Class "C" Restaurant
Address: 804 V Street, N.W.
Contact: Camelia Mazard: 202-589-1834

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 2, 2015 at 4:30pm.

NATURE OF OPERATION

New full service casual dining restaurant specializing in intercontinental small-plate food with occasional live entertainment to include DJs, as well as occasional live music (3-4 piece band). Seating inside premises is 50. Total capacity inside premises is 65. Sidewalk Café with seating for 12.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE**SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES**

Sunday 10am – 11pm, Monday through Thursday 11am-12am, Friday 11am -3am and Saturday, 10am-3am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE**SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ**

Sunday 10am – 11pm, Monday through Thursday 11am-12am, Friday 11am -1am and Saturday, 10am-1am

HOURS OF LIVE ENTERTAINMENT

Sunday 10am-11pm, Monday through Thursday 6pm-12am, Friday 6pm -3am, and Saturday 10am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 17, 2015
 Petition Date: August 31, 2015
 Roll Call Hearing Date: September 14, 2015
 Protest Hearing Date: December 2, 2015

License No.: ABRA- 099558
 Licensee: Espita 1 – Shaw LLC
 Trade Name: Espita Mezcaleria
 License Class: Retailer’s Class “C” Restaurant
 Address: 1250 9th Street, N.W.
 Contact: Stephen J. O’Brien: 202-625-7700

WARD 2 ANC 2F SMD 2F06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 2, 2015 at 1:30pm.

NATURE OF OPERATION

New full-service, high-quality restaurant with a bar specializing in Mexican cuisine and serving breakfast, lunch, dinner and late night fare. Seating inside premises is 88. Total capacity inside premises is 149. Sidewalk Café with seating for 58.

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

Sunday 9am-1am, Monday through Thursday 11am-1am, Friday 11am-2am, Saturday 9am-2am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday 9am-11pm, Monday through Thursday 11am-11pm, Friday 11am -12am, Saturday, 9am-12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-097277
Licensee: Lemlem Gebrewahd
Trade Name: Freedom Lounge
License Class: Retailer's Class "C Restaurant
Address: 1920 9th Street, N.W.
Contact: Lemlem Gebrewahd: 202-684-0671

WARD 1 ANC 1B SMD 1B02

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from C Restaurant to C Tavern.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11 am - 3 am, Friday & Saturday 11 am - 4 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Monday through Thursday 11 am - 2 am, Friday through Sunday 11 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Roll Call Hearing Date: September 14, 2015
Protest Hearing Date: December 2, 2015

License No.: ABRA-099532
Licensee: Capital Riverfront Hotel LLC
Trade Name: Hampton Inn & Suites Washington D.C./Navy Yard Area
License Class: Retailer's Class "C" Hotel
Address: 1265 1st Street, S.E.
Contact: Paul L. Pascal: 202-589-1834

WARD 6

ANC 6D

SMD 6D02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for December 2, 2015 at 4:30pm.

NATURE OF OPERATION

New 168 room hotel with food service providing breakfast, lunch and dinner. Rooftop summer garden with seating for approximately 50 patrons. Sidewalk Café with seating for 14 patrons. No entertainment, dancing or nude performances.

HOURS OF OPERATION FOR INSIDE PREMISES, ROOFTOP SUMMER GARDEN AND SIDEWALK CAFÉ

24 Hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES, ROOFTOP SUMMER GARDEN AND SIDEWALK CAFÉ

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: June 5, 2015
Petition Date: July 20, 2015
Hearing Date: August 3, 2015

License No.: ABRA-097821
Licensee: Last Laugh, LLC
Trade Name: High Dive
License Class: Retailer’s Class “C” Tavern
Address: 2337 18th Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 1 ANC 1C SMD 1C07

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

NATURE OF SUBSTANTIAL CHANGE

Request is to have a Sidewalk Cafe. The Sidewalk Cafe capacity is 14. The premises capacity is 15.

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

Sunday through Thursday 11am -2am
Friday through Saturday 11am-3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 11am- 10pm
Friday through Saturday 11am- 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-097821
Licensee: Last Laugh, LLC
Trade Name: High Dive
License Class: Retailer's Class "C" Tavern
Address: 2337 18th Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 1

ANC 1C

SMD 1C07

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

NATURE OF SUBSTANTIAL CHANGE

Request is to have a Sidewalk Café and Entertainment Endorsement. The Sidewalk Cafe capacity is 14 and the premises capacity is 15.

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

Sunday through Thursday 11am -2am
Friday through Saturday 11am-3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 11am- 10pm
Friday through Saturday 11am- 2am

PROPOSED HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-092860
Licensee: Ivy and Coney, LLC
Trade Name: Ivy and Coney
License Class: Retailer's Class "C" Tavern
Address: 1537 7th Street, N.W.
Contact Information: Cheryl Webb: 202-277-7461

WARD 2

ANC 2B

SMD 2B05

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 the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE:

To add a Summer Garden with seating for 35.

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 10am-2am, Friday and Saturday 10am-3am

APPROVED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

Sunday through Thursday: 10am-2am, Friday and Saturday: 10am-3am

APPROVED HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-072780
Licensee: Aha, Corp.
Trade Name: Java House
License Class: Retailer's Class "D" Restaurant
Address: 1645 Q Street, N.W.
Contact Information: Adeshir Yazdani & Payam Yazdani: 202-587-6622

WARD 2

ANC 2B

SMD 2B04

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 the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE:

Request Class Change from "D" Restaurant to "C" Restaurant

APPROVED HOURS OF OPERATION FOR PREMISES AND SIDEWALK CAFE

Sunday through Thursday 7am-11pm, Friday and Saturday 7am-12am

APPROVED HOURS OF ALCOHOLIC BEVERAGE**SALES/SERVICE/CONSUMPTION FOR PREMISES AND SIDEWALK CAFE**

Sunday through Thursday 11am-11pm, Friday and Saturday 11am-12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015
Protest Hearing: December 2, 2015

License No.: ABRA-099451
Licensee: Flores, LLC
Trade Name: Joselyn Restaurant, Bar & Lounge
License Class: Retailer's Class "C" Restaurant
Address: 3303 Georgia Avenue, N.W.
Contact: Jeff Jackson: 202 251-1566

WARD 1

ANC 1A

SMD 1A09

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. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on December 2, 2015 at 1:30 pm.

NATURE OF OPERATION

New Restaurant serving Italian and Latin cuisine. Offering Latin dance lessons. Entertainment Endorsement. Total Occupancy Load of 68.

HOURS OF OPERATON

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am-2 am, Friday and Saturday 10 am –3 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6 pm –1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-005811
Licensee: Ben Incorporated
Trade Name: Madrid Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 1714 Connecticut Ave. N.W.
Contact: Jemal Bouzid: 202-328-6228

WARD 2

ANC 2B

SMD 2B01

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from C Restaurant to C Tavern.

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10 am – 12 am, Monday through Friday 8 am – 2 am & Saturday 8 am – 3 am

CURRENT HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday 10 am – 12 am, Monday Friday 10 am – 2 am, Saturday 10 am – 3 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 10 am -12 am, Friday & Saturday 10 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015
Protest Date: December 2, 2015

License No.: ABRA-098132
Licensee: Hoang, LLC
Trade Name: Pho 14
License Class: Retailer's Class "C" Restaurant
Address: 1436 Park Road, N.W.
Contact: Tommy Hoang : 202-986-2288

WARD 1

ANC 1A

SMD 1A05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30 pm on December 2, 2015.

NATURE OF OPERATION

Restaurant serving authentic Vietnamese food that will close early. Total Occupancy Load of 80.

**HOURS OF OPERATION & ALCOHOLIC BEVERAGE
SALES/SERVICE/CONSUMPTION**

Sunday through Wednesday 11am – 9:30 pm and Thursday through Saturday 11 am – 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015

License No.: ABRA-073443
Licensee: Kovaler, LLC
Trade Name: Veranda
License Class: Retailer's Class "C Restaurant
Address: 1100 P Street, N.W.
Contact: Aleksander Duni: 202-234-6870

WARD 2

ANC 2F

SMD 2F04

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from C Restaurant to C Tavern.

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 12 am, Friday & Saturday 11 am – 1:30 am

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ AND SUMMER GARDEN

Sunday through Saturday 11 am – 10:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015
Protest Date: December 2, 2015

License No.: ABRA-097647
Licensee: WW 1875 Connecticut Ave LLC
Trade Name: We Work
License Class: Retailer's Class "C" Tavern
Address: 1875 Connecticut Ave., N.W.
Contact: Stephen O'Brien, Agent: 202-625-7700

WARD 1 ANC 1C SMD 1C01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on December 2, 2015.

NATURE OF OPERATION

Shared professional office space with food, beverages, beer and wine available for members (tenants) and their guests. Total Occupancy Load of 100. Applicant requests a Summer Garden with 50 seats and an Entertainment Endorsement so that members may stage events for clients and guests, which may include audio-visual components and a DJ. No nude performances.

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

Monday through Saturday 11 am – 10 pm

HOURS OF ENTERTAINMENT INSIDE PREMISES AND IN SUMMER GARDEN

Monday through Saturday 11 am – 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 17, 2015
Petition Date: August 31, 2015
Hearing Date: September 14, 2015
Protest Date: December 2, 2015

License No.: ABRA-097654
Licensee: WW 718 7th Street, LLC
Trade Name: We Work
License Class: Retailer's Class "C" Tavern
Address: 718 7th Street, N.W.
Contact: Stephen O'Brien, Agent: 202-625-7700

WARD 2 ANC 2C SMD 2C01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on December 2, 2015.

NATURE OF OPERATION

Shared professional office space with food, beverages, beer and wine available for members (tenants) and their guests. Applicant requests Entertainment Endorsement so that members may stage events for clients/guests which may include audio/visual components and a DJ. No nude performances. 100 total seats.

HOURS OF OPERATION & ALCOHOLIC BEVERAGE/SALES/SERVICE/CONSUMPTION

Monday through Saturday 11 am – 10 pm

HOURS OF ENTERTAINMENT CONTINUING AFTER 6 PM

Monday through Saturday 11 am – 9 pm

BOARD OF ELECTIONS

**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure “Public Accountability Safety Standards Act of 2016 for the District of Columbia Government” is a proper subject matter for initiative at the its regular meeting on Wednesday, September 2, 2015 at 10:30 a.m., One Judiciary Square, 441 4th Street, N.W., Suite 280N, Washington, DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, August 27, 2015 to the Board of Elections, General Counsel’s Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number, and name of the organization represented (if any) by calling the General Counsel’s office at 727-2194 no later than Monday, September 2, 2015 at 4:00 p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

Public Accountability Safety Standards Act of 2016
for the District of Columbia Government

SUMMARY STATEMENT

Substance Abuse Test for District of Columbia Candidates & Serving Officials

Substance

Alcohol & Schedule I-IV Controlled Substance

Test

Candidates

Congressional Seats
Council Seats & Chairman

Mayor
Attorney General

- Voluntary Test Passing candidate exempt from signature requirements
- Petition Challengers substance test before filing DCBOEE challenge
- Declared Winners test 48 hours after DCBOEE announcement
- Fail test advance to passing candidate

Serving Officials

Congressional Seats
Attorney General
Agency Chiefs and Directors

Mayor
Council Chairman
Council Members

Public or Legislative Meetings and Hearings
Emergency or Temporary Legislation

LEGISLATIVE TEXT

1. BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA that this Act may be cited as the:

Public Accountability Safety Standards Act of 2016 (aka PASS).

2. This law is to prevent the use of alcohol and Schedule I-IV Control Substances by "Safety Sensitive Personnel who are:

A. Candidates for elected office, in the District of Columbia.

B. Petition Challenger(s) who file against candidates at the District of Columbia Board of Elections and Ethics.

C. Serving Officials

- 1. Elected Officials of the District of Columbia Government
- 2. Agency Chiefs or Directors of all departments or agencies of the District of Columbia Government

D. Tier One Support Staff and Hired Independent Contractors

- 1. Executive Office of the Mayor – Deputy Mayors
- 2. Office of the Attorney General: Assistant Attorney General of the District of Columbia Government – Tier One Support Staff.

A. Civil or criminal cases when District of Columbia Government as Defendant. One per Hearing or one per month of attorney(s) arguing case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails substance test, individual is automatically terminated without benefits.

B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to subject represented or Assistant Attorney General.

3. Office of the Attorney General: Contract Private Consultants or Law Firms

- A. Civil or criminal cases when District of Columbia Government as Defendant. One per Hearing or one per month of attorney(s) representing and arguing case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails substance test, individual is automatically terminated without benefits.
 - B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to subject represented or Assistant Attorney General.
4. Office of the Inspector General:
Tier One Support Staff – Agents, Auditors, Inspectors, Analysts, and Investigators.
- A. Unwarranted investigations. Each Investigator and authorizing supervisor(s) for the duration of one per week substance test. Any person who fails substance shall be automatically terminated without benefits.
 - B. Warranted, approval of Court only. One substance test of each individual who is a participant of investigating team.
5. Office of the Inspector General – Contract Private Consultants , Contract Investigators and Auditors
- A. Unwarranted investigations. Absolute disclosure of names of investigators and person of authority, Each Investigator and person(s) of authority, for the duration, one per week substance test. Any person who fails substance shall be automatically terminated.
 - B. Warranted, approval of Court only. One substance test of each individual who is a participant of investigating team
- 6 District of Columbia Parking Enforcement .
- A. Unwarranted investigations. Absolute disclosure of names of investigators and person of authority, Each Investigator and person(s) of authority, for the duration, one per week substance test. Any person who fails substance shall be automatically terminated without benefits.
 - B. Any staff member, independent contractor and/or Government employee who issues District of Columbia parking tickets within authorized or unauthorized hours or after 6 PM shall be required along

with Supervisor who authorizes order past standard work hours, to have a mandatory substance test weekly pending order. Failed substance test: automatic termination of position.

- i. PASS does not discriminate or hold any prejudice of any individual's, ethnic origin, sex, sexual preference, religious beliefs, religion, age, financial status or country of origin.

3.0. Administers of Tests

1. Defense Intelligence Agency
2. National Security Agency

- i. Any identified Administer of tests has the right to add other US Agency(s) or any Departments, military or non military to substitute personnel without congressional approval and oversight, to assist in testing of Candidates, Petition Challenger(S), Serving Officials, Elected or Appointed Agency Chiefs and Directors.

4.0 Witness of Tests

- i. District of Columbia Narcotics Task Force or District of Columbia Fire EMS
- ii. Witness of Tests shall be selected randomly by the Administers of test on the day of notice to any candidate or serving officials.
Witness of test has absolute immunity from termination of Position or Department and from any Department Executive's, Supervisor's or Director's questions and public disclosure when serving.

5.0 Benefits of PASS for the District of Columbia.

- i. To assure absolute confidence of election(s) and elected or serving officials in the District of Columbia Government.
- ii. To install independent budget autonomy request from the U.S. Congress for the daily and yearly operations of the District of Columbia Government.
- iii. Approval of the District of Columbia voting authority inside of the House of Representatives (1 vote), Senate (1 vote) to participate on behalf of residents of the district of Columbia
- iv. Undeniable approval for a chartered commonwealth territory rights renewable every 200 years or non revocable by Congressional approval pending the District of Columbia Mayor City Council and Government does not change or remove key safety regulations or the Public Accountability Safety Standards Law of 2016.

1.0 Substance

Alcohol & Schedule I-IV Controlled Substance.

1.1 **Alcohol** liquor, beer, wine, and other beverages containing alcohol, other than mouth wash.

1.2 **Schedule I-IV Controlled Substance.** Title 21 US Code Chapter 13 Sec. 812.

(a) Establishment

There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after October 27, 1970, and shall be updated and republished on an annual basis thereafter.

(b) Placement on schedules; findings required

Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on October 27, 1970, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

(1) Schedule I.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has no currently accepted medical use in treatment in the United States.

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) Schedule II.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) Schedule III.—

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) Schedule IV.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) Schedule V.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

(c) Initial schedules of controlled substances

Schedules I, II, III, IV, and V shall, unless and until amended ^[1]pursuant to section 811 of this title, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

Schedule I

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.

(2) Allylprodine.

(3) Alphacetylmethadol. ^[2]

(4) Alphameprodine.

(5) Alphamethadol.

(6) Benzethidine.

(7) Betacetylmethadol.

(8) Betameprodine.

(9) Betamethadol.

(10) Betaprodine.

(11) Clonitazene.

(12) Dextromoramide.

(13) Dextrophan.

(14) Diampromide.

(15) Diethylthiambutene.

(16) Dimenoxadol.

(17) Dimepheptanol.

- (18) Dimethylthiambutene.
- (19) Dioxaphetyl butyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.
- (23) Etoxeridine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Levomoramide.
- (28) Levophenacymorphan.
- (29) Morpheridine.
- (30) Noracymethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.
- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piritramide.
- (39) Proheptazine.
- (40) Properidine.
- (41) Racemoramide.
- (42) Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine.
- (2) Acetyldihydrocodeine.
- (3) Benzylmorphine.
- (4) Codeine methylbromide.
- (5) Codeine-N-Oxide.
- (6) Cyprenorphine.
- (7) Desomorphine.
- (8) Dihydromorphine.
- (9) Etorphine.
- (10) Heroin.
- (11) Hydromorphanol.
- (12) Methyl-desorphine.
- (13) Methylhydromorphine.

- (14) Morphine methylbromide.
- (15) Morphine methylsulfonate.
- (16) Morphine-N-Oxide.
- (17) Myrophine.
- (18) Nicocodeine.
- (19) Nicomorphine.
- (20) Normorphine.
- (21) Pholcodine.
- (22) Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylamide.
- (10) Marihuana.
- (11) Mescaline.
- (12) Peyote.
- (13) N-ethyl-3-piperidyl benzilate.
- (14) N-methyl-3-piperidyl benzilate.
- (15) Psilocybin.
- (16) Psilocyn.
- (17) Tetrahydrocannabinols.
- (18) 4-methylmethcathinone (Mephedrone).
- (19) 3,4-methylenedioxypyrovalerone (MDPV).
- (20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (27) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (28) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

(d)

(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(2) In paragraph (1):

(A) The term “cannabimimetic agents” means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(B) Such term includes—

(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). Schedule II

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) coca ^[3]leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the substances referred to in this paragraph.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine.

(2) Anileridine.

(3) Bezitramide.

(4) Dihydrocodeine.

(5) Diphenoxylate.

(6) Fentanyl.

(7) Isomethadone.

(8) Levomethorphan.

(9) Levorphanol.

(10) Metazocine.

(11) Methadone.

(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.

(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

(14) Pethidine.

(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.

(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.

(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.

(18) Phenazocine.

(19) Piminodine.

(20) Racemethorphan.

(21) Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers. Schedule III

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chlorhexadol.

(3) Glutethimide.

(4) Lysergic acid.

(5) Lysergic acid amide.

(6) Methyprylon.

(7) Phencyclidine.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

- (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (e) Anabolic steroids. Schedule IV
- (1) Barbital.
- (2) Chloral betaine.
- (3) Chloral hydrate.
- (4) Ethchlorvynol.
- (5) Ethinamate.
- (6) Methohexital.
- (7) Meprobamate.
- (8) Methylphenobarbital.
- (9) Paraldehyde.
- (10) Petrichloral.
- (11) Phenobarbital.

2.0 Test

2.1 Administers of Test

2.11 Defense Intelligence Agency or any Division of Agency that has immunity from Congressional oversight and authority to test:

- A. Candidates
- B. Agency Chief or Directors
- C. Petition Challenger(s)
- D. Tier One Support Staff – District of Columbia Office of the Attorney General, District of Columbia Office of the Inspector General, Executive Office of the Mayor.
- E. Tier One Support Contractors – Private investigators and Security Guards, Private Law Firms or individual Attorneys at Law.

2.12 National Security Administration or any Division of Agency that has immunity from Congressional oversight and authority to test:

- A. Elected Serving Officials
- B. Voluntary Test – Candidate Positions or temporary replacement of elected officials or serving appointed officials
- C. Temporary Replacements of Elected Officials or Serving Officials

2.13 (Test Witness) DC Metropolitan Police Narcotics Division or DC Fire EMS

2.20 **Random:** Subject being tested will be notified between 8:00 AM and 8:30 AM of the day of test. Test to be administered between the hours 10:00AM to Council hearing ending at 441 4th St. NW, 1350 Pennsylvania Avenue NW, any DC leased, DC owned facilities within the borders of the United States or foreign countries.

2.21 **Procedure:** Portable Test Kit and/or breath analyzer, hair, blood, oral swab or urine sample.

2.3 **Alcohol Testing:** Breathalyzer not to exceed .08% .

2.4 **Test Refusal:** Subject actions will be reported to the press, media, radio, television, internet and public, same or next day by press release to all major newspapers and broadcast stations by the District of Columbia Attorney General or Counsel Chairman.

- A. Candidate – Automatic disqualification, with prejudice.
- B. Petition Challenger(s) – Automatic disqualification with prejudice
- C. Serving officials - Automatic termination without benefits.
- D. Emergency or Temporary Legislation - Automatic termination without benefits.
- E. Public or Legislation Meetings and Hearings - Automatic termination without benefits.
- F. Declared Veto - Automatic termination without benefits.

2.5 **Public or Legislative Meetings and Hearings.** Subject, who is voting or nonvoting, can be excused to be tested having had prior written notice on the day of the test.

2.6 **Emergencies or Temporary Legislation.** All subjects will be tested without notice. Non Passing alcohol and substance results – vote shall not be counted, and official to be automatically terminated.

2.7 **Declared Veto.** Subject tested 24 hours after declaration of veto at location of order – veto can be stricken or removed

2.8 **Schedule I-IV Controlled Substance** One test only.

3.0 Candidates

3.1 Congressional Seats

- 3.11 United States Shadow Representative Article 1 Sec. 2 U.S. Constitution
- 3.12 Delegate to the House of Representatives DC Official Code 1-401,
- 3.13 United States Shadow Senator Article 1 Sec. 3 U.S. Constitution

3.2 **Mayor of the District of Columbia** DC Official Code 1-204.21

3.3 **Council Chairman** DC Official Code §§ 1-204.02 and 1.204.03

3.4 **Council Seats:**

3.41 Council Member At Large DC Official Code 1-204.02

3.42 Council Member At Large DC Official Code 1-204.02

3.43 Council Member At Large DC Official Code 1-204.02

3.44 Council Member At Large DC Official Code 1-204.02

3.5 **Ward Council Members**

3.51 Council Member - Ward 1 DC Official Code 1-204.02

3.52 Council Member - Ward 2 DC Official Code 1-204.02

3.53 Council Member - Ward 3 DC Official Code 1-204.02

3.54 Council Member - Ward 4 DC Official Code 1-204.02

3.56 Council Member - Ward 5 DC Official Code 1-204.02

3.57 Council Member - Ward 6 DC Official Code 1-204.02

3.58 Council Member - Ward 7 DC Official Code 1-204.02

3.59 Council Member - Ward 8 DC Official Code 1-204.02

3.6 **Attorney General of the District of Columbia** DC Official Code 1-201.83.

3.7 **Voluntary Test:** Optional procedure for candidate who seeks office to be tested for Alcohol and Substances pending after declaration of position sought, one test same day declaring candidacy.

Candidate must pass alcohol and substance test in order to have automatic ballot access and be exempt from petition signature requirements.

3.8 **Petition Challenger(s)** Chapter 10 Title 3 DCMR 1006 :

- i. Any individual, company, law firm, profit or nonprofit foundation, PAC, political party, special interest group, trade union, activist group, community organization, unions and lobbyists, whom challenges petitions filed by any candidate seeking any position shall take a mandatory alcohol and drug test, day of filing petition to DCBOEE. Petition challenger must take one alcohol and substance test and pass as an individual and shall have a right to transfer challenge to law firm, private consultant, any registered business of the District of Columbia. All staff members, employees, executive directors or owners of entity, must take and pass one alcohol and substance test in order for the challenger's transfer to be accepted by DCBOEE.
- ii. Results by test administrators, submitted to DCBOEE and District of Columbia Court of Appeals within 48 hours of transfer.

- iii. Failure of test is automatic dismissal with prejudice, by DCBOEE, from any future petition challenges.
- iv. If entity is a business or any other organization it must be registered by the District of Columbia Consumer and Regulatory and Affairs, one hear before challenge.

3.9 Declared Winners:

Any Primary, General or Special Election with affiliation of all political parties, no party and write-ins must after declared winner must take a test 24 hours after DCBOEE announcement of winning. If candidate winner fails to show within 24 hours, that candidate will be disqualified automatically from the winners list and the test shall advance to the next competing candidate of the same party for Primary Election.

- i. For General Election: the winner is the next candidate of opposing party , no party or write-in by largest to smallest voting percentage.
- ii. For Special Election: Declared winning candidate must test within 24 hours of DCBOEE notice. If fail alcohol and substance test, the test will advance to next competing candidate until passing results by a candidate.

3.10 Fail test:

- A. Primary Election: Advance to competing and passing candidate of party affiliation. One test only per candidate, 24 hour notice, failure to appear for test results in automatic disqualification.
- B. General Election: Advance to opposite political party, or no-political party, write-in with highest to lowest percentage competing for position. One test, only per candidate, within 24 hours.
- C. Special Election: Advance to any candidate passing the test regardless of party or voting percentage margin. One test per candidate, 24 hours after notice. Failure to appear results in automatic disqualification.

- 3.11 **Pre Medical Condition.** Any candidate with prescription for use of a schedule I-IV shall be off of prescribed drug before competing or winning any office sought before declaration of candidacy to DCBOEE.

4.0 Random Tests – Serving Officials

(Elected to Office)

Definition: Per year by position to be tested at offices of Federal buildings, District of Columbia, owned or leased facilities and residences, if conducting meetings on behalf of the

District of Columbia, not limited to any state in the United States of America or international territories..

4.1 **Congressional Seats**

4.11 **United States Shadow Representative** (2 per year)

4.12 **Delegate to the US House of Representatives** (3 per year)

4.13 **United States Shadow Senator** (2 per year)

4.14 **United States Shadow Senator** (2 per year)

4.15 **Mayor for the District of Columbia:** (2 per year), additional test to include: submitting yearly budget request to Congress, declaring curfews, declaring marshal law, declaring vetoes or unwarranted internal investigations of citizens or employees.

4.16 **Council Chairman** (8 per year)

4.17 **Council Chairman Pro-Tempore** (6 per year)

4.20 **Council Seats:**

4.21 **Ward Council Members At Large**

4.22 **Council Member At Large** (4 per year)

4.23 **Council Member At Large** (4 per year)

4.24 **Council Member At Large** (4 per year)

4.25 **Council Member At Large** (4 per year)

4.3 **Ward Council Members**

4.31 **Council Member - Ward 1** (3 per year)

4.32 **Council Member - Ward 2** (3 per year)

4.33 **Council Member - Ward 3** (3 per year)

4.34 **Council Member - Ward 4** (3 per year)

4.35 **Council Member - Ward 5** (3 per year)

4.36 **Council Member - Ward 6** (3 per year)

4.37 **Council Member - Ward 7** (3 per year)

4.38 **Council Member - Ward 8** (3 per year)

4.4 **Attorney General for the District of Columbia** (10 per year)

4.5 **Failed Test** Failed automatic termination of individual without benefits.

4.51 **Breathalyzer** not to exceed .08%. May fail one time.

4.52 **Schedule I-IV Controlled Substance.** May not fail one test.

- 4.6 **Administrative Medical Prescription Leave:** U.S. Licensed physician diagnosis for use to cure a disease or condition. Marijuana or Schedule I-IV Control Substances.

4.61 **Ward Council Members** (Wards 1 through 8)

Option 1. Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority by passing alcohol and substance test. If Chief of Staff does not pass test he or she will not be eligible for the position. The position shall be filled by the ANC individual of the Ward in a random lottery drawing by the elected Attorney General of the Council in a lottery of ANC individuals whom volunteer their name to be considered for Temporary Council Member position. Temporary Council Member must be able to pass an alcohol and substance test at the time of lottery.

Option 2. Governing Authority Leave up to 160 days maximum Chief of Staff or ANC of Ward, has voting and signing authority until medical examination determines Council Member fit to return before end of election term.

Option 3. Complete resignation of position with all benefits in place, if condition is non recoverable and Special Election to take place within 90 days.

4.62 **Council Chairman**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority if he or she passes alcohol and substance test. If Chief of Staff does not pass test the Council Chairman pro tempore will assume the position, pending passing of the alcohol and substance tests. If Council Chairman pro tempore does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days. Council Chairman is eligible to retain benefits and seek office next election cycle.

4.63 **Council Chairman Pro-Tempore**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority after passing of alcohol and substance test. If Chief of Staff does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days.

Council Chairman Pro-Tempore can retain benefits and seek office next election cycle.

4.64 **Council Members at Large**

Option 1 Administrative Medical Leave for 1 to 30 days. Chief of Staff has voting and signing authority after passing of alcohol and substance test. If Chief of Staff

does not pass test he or she will not be eligible for the position and a special election for the position will take place for position within 90 to 120 days.

Council Member at Large can retain benefits and seek office next election cycle.

4.65 **Attorney General** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.66 **Mayor** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.67 **United States Shadow Representative** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.68 **Delegate to the US House of Representatives** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

4.69 **United States Shadow Senator** can retain benefits and seek office next election cycle under rules of passing alcohol and substance tests.

5.0 Random Tests – Serving Officials

(Agency Chiefs and Directors Appointed to Office)

Definition: Per year by position to be tested at office, Federal offices, District owned or leased facility and residences if conducting meetings on behalf of the District of Columbia, not limited to any state in the United States of America or international territories.

5.1 Agency Chiefs and Directors

5.11 District of Columbia Executive Office of the Mayor

A. Position of Deputy Mayors (4 per year)

5.12 District of Columbia Government Assistant Attorney General

A. **Independent contract attorneys or Law firm** (8 per year or 1 per Court Hearing)

B. **District of Columbia Government Assistant Attorney Generals** (6 per year).

5.13 District of Columbia Parking Enforcement

A. Director (8 per year)

B. Staff Members (8 per year)

5.14 District of Columbia Metropolitan Police Department

A. Chief (10 per year)

5.15 District of Columbia Government Homeland Security

A. Director and Chief (10 per year)

5.16 District of Columbia Inspector General

A. Inspector General (10 per year).

5.17 District of Columbia Fire Department

A. Chief (10 per year)

5.18 District of Columbia Department of Transportation

A. Director (8 per year)

5.19 District of Columbia Department of Public Works

A. Director (4 per year)

5.20 District of Columbia Office of the Chief Financial Officer

A. Chief Financial Officer. (10 per year)

5.21 District of Columbia Department of Health

A. Director (6 per year)

5.22 District of Columbia Department of Consumer and Regulatory Affairs

A. Director (2 per year)

5.23 District of Columbia Public Schools

A. Superintendent (6 per year) or Chancellor (6 per year)

B. Chief of Staff (4 per year)

5.24 Office of Small and Local Business Development

A. **Director** (8 per year)

5.25 **District of Columbia Water**

A. General Manager (8 per year)

B. General Counsel (6 per year)

5.26 **District of Columbia Public Service Commission**

A. Chairperson (Chairman) (4 per year)

B. Commissioners (4 per year)

C. General Counsel (6 per year)

5.27 **District of Columbia Board of Elections and Ethics**

A. Chairman (8 per year)

B. Board Members (4 per year)

C. General Counsel (6 per year)

5.28 All other Agency Chiefs and Directors (Appointed or Non Appointed) (2 per year)

5.40 **Random:** Subject being tested will be notified between at 9:00 AM and 9:30 AM of the day of test. Test to be administered between the hours 11:00AM to 6 PM.

5.41 **Benefit Option** Any elected and serving officials of the District of Columbia who resigns up to 1 hour before alcohol and substance test shall have rights and access to full benefits..

5.42 **Failed Test:** Automatic termination of individual.

5.42.1 Breathalyzer not to exceed .08%. May fail one test.

5.42.2 Schedule I-IV Controlled Substances. May not fail one test.

5.42.3 Medical Prescription: Marijuana and Schedule I-IV substances by licensed U.S. physician .

Option 1. Administrative Leave for up to 30 days. Must have Licensed U.S. physician prescription), with Deputy or Agency Assistant replacing Chief or Director until further notice if passes alcohol and substance test.

6.0 Lottery Drawings for Temporary Positions

(1-30 Days)

Ward Member: Any ANC regardless of political affiliation can submit a sealed envelope with their name and address to a lottery box where an envelope will be drawn by the Attorney General of the District of Columbia and Chairman, witnessed by Chairman of the Council.

A. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the ANC will be spoken aloud.

B. A substance test will be given to the selected ANC, on the spot by an Administer of the test. If subject fails test, proceed with next drawing until ANC passes test.

7.0 Public Disclosure - Press Release

Report results to DCBOEE, broadcast media (television , AM and FM radio). and print media (newspapers -local and out of territory), Internet web sites, (social media and others).

Spokesperson: Attorney General – Elected.

7.1 Candidates:

A. Voluntary – only if pass substance

B. Primary – Declared winning candidate(s) only from each political party or all independent candidates (No Party) who have ballot access.

C. General Elections – Declared winner(s) only press release of test results, pass or fail.

D. Special Elections – Declared winner(s) only of position.

E. Test Refusal – Press release of refusal.

F. Resign Before Test – Press release of resignation.

G. Petition Challenge – Press release of test results of Challenger(s): individual, private consultant, law firm, political party, trade and union organizations, etc..

7.2 Serving officials: All elected positions and agency Chiefs and Directors.

A. Fail Test: Press Release.

B. Resignation Before Test: Discretion of official.

C. Administrative Prescription Medical Leave: Press Release.

D. Refusal of Test: Press Release.

8.0 Act of Legislative Text

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official Code §1-206.02(c)(a)).

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

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Wednesday, July 8, 2015, of Carlos Rosario International Public Charter School’s request to amend its charter agreement by revising its goals and academic expectations. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, August 17, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, September 21, 2015 at 6:30pm. If you wish to submit comments regarding this matter, you may do so by one of the following methods. All comments must be submitted on or before Monday, August 17, 2015. You may also sign-up to testify in at person at the public hearing on Monday, August 17, 2015 by emailing a request to public.comment@dcpsb.org by no later than 4:00 p.m. on Thursday, August 13, 2015.

Methods to Submit Public Comment:

1. Email: public.comment@dcpsb.org
2. Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street, NW, Suite 210, Washington, DC 20010
3. Hand Deliver/Courier: Same as the postal address
4. Call: 202-328-2660

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, SEPTEMBER 22, 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 ONE

19066
ANC-1B **Application of Gabriel and Stephanie Klein**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403, and the rear yard requirements under § 404, to allow the construction of a rear addition and conversion of an existing flat to a three-unit apartment house in the R-4 District at premises 1100 Euclid Street N.W. (Square 2865, Lot 115).

WARD FOUR

19067
ANC-4C **Appeal of ANC 4C**, pursuant to 11 DCMR §§ 3100 and 3101, from a May 18, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1505734, to allow the construction of a rear two-story addition and conversion of a one-family dwelling into a three-unit apartment house in the R-4 District at premises 1117 Allison Street N.W. (Square 2918, Lot 59).

WARD ONE

19068
ANC-1B **Application of The Old Penecost Church Temple of Truth**, pursuant to 11 DCMR § 3103.2, for variances from the lot area requirements under § 401.3, and the off-street parking requirements under § 2101.1, to allow the construction of four new flats on four new record lots in the R-4 District at premises 727 Hobart Place N.W. (Square 2888, Lot 202).

WARD ONE

19071
ANC-1A **Application of Morton Street Mews LLC**, pursuant to 11 DCMR § 3104.1, for a special exception under § 337 for the conversion of a non-residential building constructed before 1958 into an eight-unit apartment house not meeting the requirements of § 330.7 in the R-4 District at premises 777 Morton Street N.W. (Square 2894, Lot 98).

BZA PUBLIC HEARING NOTICE

SEPTEMBER 22, 2015

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THIS APPLICATION WAS POSTPONED FROM THE PUBLIC HEARING OF APRIL 21, 2015 AND JUNE 23, 2015 AT THE APPLICANT'S REQUEST:**WARD ONE**

18979 **Application of Tiblez Adal**, pursuant to 11 DCMR § 3103.2, for a variance
ANC-1A from the nonconforming structure requirements under § 2001.3, to allow a
 substantially-completed two-story carriage house to be adaptively restored as an
 artist studio in the R-4 District at premises 400 K Street N.E. (Square 806, Lot
 44).

**THIS APPLICATION WAS REMOVED FROM THE EXPEDITED REVIEW
CALENDAR OF JULY 28, 2015:****WARD ONE**

19044 **Application of Gerald West**, pursuant to 11 DCMR § 3104.1 for a special
ANC-2B exception under § 223, not meeting the lot occupancy requirements under §
 403.2, the side yard requirements under § 405.8, and the open court requirements
 under § 406.1, to construct a two-story rear addition, one-story side addition, and
 a basement entry in the DC/R-4 District at premises 1508 Caroline Street N.W.
 (Square 190, Lot 59).

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,

BZA PUBLIC HEARING NOTICE
SEPTEMBER 22, 2015
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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, MARNIQUE Y. HEATH, VICE CHAIRPERSON, JEFFREY L. HINKLE, ONE BOARD SEAT VACANT, AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF FINAL RULEMAKING**

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2012 Repl.)) (the “Act”), hereby gives notice of the adoption of final rulemaking to amend Chapter 20 (Special Contracting Methods) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates Chapter 20 and implements the provisions in the Act that apply to special contracting methods, including multiyear contracts and contract options. The current Chapter 20 contains regulations that are outdated and inconsistent with the Act.

The CPO gave notice of the intent to adopt these rules on April 8, 2015, and the proposed rules were published in the *D.C. Register* on May 22, 2015, at 62 DCR 6685. No comments were received and no changes have been made to the text of the rules as published. The CPO took final action to adopt these rules on June 26, 2015 and they will become effective upon publication.

Chapter 20, SPECIAL CONTRACTING METHODS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:**Section 2000, MULTIYEAR CONTRACTS, is amended to read as follows:****2000 MULTIYEAR CONTRACTS**

2000.1 Unless prohibited by an appropriations act, a contracting officer may enter into a multiyear contract to obtain goods and services for any period of time deemed to be in the best interest of the District provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting and the contract is consistent with the requirement of § 2000.2 of this chapter. Payment and performance obligations for succeeding fiscal periods shall be subject to availability and appropriations of funds.

2000.2 A multiyear contract is authorized where the contracting officer determines that:

- (a) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
- (b) The multiyear term would encourage effective competition, promote economies in District procurement, or otherwise be in the best interest of the District.

2000.3 Multiyear contracting may be used in a procurement by competitive sealed bids or competitive sealed proposals or in a sole source procurement.

2000.4 Budget authority to fund a multiyear contract shall be obligated on an annual basis. The initial obligation of funds shall be for the period between the date of contract award through the end of the fiscal year in which the contract award occurs. Thereafter, each subsequent obligation of funds shall be made one (1) fiscal year at a time and must cover the contract amount that will be incurred in the fiscal year in which the contract work will be performed. First fiscal year requirements of the contract, and funds for requirements in each subsequent contract term, shall be obligated one (1) fiscal year at a time.

Section 2001, CANCELLATION OF MULTIYEAR CONTRACTS, is amended to read as follows:

2001 CANCELLATION OF MULTIYEAR CONTRACTS

2001.1 At the end of each fiscal year, a multiyear contract shall be canceled if sufficient budget authority is not available to fund the contract during a subsequent fiscal year.

2001.2 If a multiyear contract is canceled due to unavailability of funds, the contractor shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the goods delivered or services performed under the contract.

2001.3 If a multiyear contract is terminated for the convenience of the District, including items subject to cancellation, the District’s obligation shall not exceed the amount specified for contract performance plus the reasonable value of any nonrecurring costs incurred but not amortized in the price of the goods delivered or services performed under the contract.

2001.4 The costs of cancellation under §§ 2001.2 or 2001.3 may be paid from appropriations available for such purposes.

Section 2002, MULTIYEAR CONTRACT SOLICITATIONS, is amended to read as follows:

2002 MULTIYEAR CONTRACT SOLICITATIONS

2002.1 A solicitation for a multiyear contract shall include:

- (a) The amount of supplies or services required or the proposed contract period;

- (b) A unit price for each supply or service, which unit prices shall be the same throughout the contract (except to the extent price adjustments may be provided in the solicitation or resulting contract).
- (c) A clause stating that the multiyear contract will be cancelled if funds are not appropriated or otherwise made available to support the continuation of performance in any fiscal period succeeding the first and a statement that this clause does not affect either the District’s rights or the contractor’s rights under any termination clause in the contract; and
- (d) Whether bidders or offerors may submit prices for:
 - (1) The first fiscal period only;
 - (2) The entire time of performance only; or
 - (3) Both the first fiscal period and the entire time of performance.

Section 2003, LOWEST EVALUATED UNIT PRICE, is repealed and replaced with:

2003 [RESERVED]

Section 2004, CANCELLATION CEILING, is repealed and replaced with:

2004 [RESERVED]

Section 2005, USE OF OPTIONS, is amended to read as follows:

2005 USE OF OPTIONS

2005.1 The period within which an option may be exercised may extend beyond the date specified for completion of the services in a contract for services, but in no event shall the option be exercised after the contract term has expired.

2005.2 The base period in a contract for services or goods shall not exceed one (1) year, unless the contract is funded from an appropriation that is available for more than one (1) year or is a multiyear contract. The total of the base and option periods in a contract for services or goods shall not exceed five (5) years unless:

- (a) Prior to solicitation, the Director determines in writing that it is in the best interest of the District, and the solicitation for the contract specifies the total of the base and option periods of the contract; or
- (b) Prior to the expiration of a contract, the Director determines in writing that it is in the best interest of the District to extend the term beyond the total term specified in the contract and the contracting officer provides

justification for using a sole source modification in accordance with Chapter 17 of this title.

2005.3 The price of each option shall be readily discernible from the contract provisions.

Section 2006, SOLICITATION OF CONTRACT WITH OPTIONS, is repealed and replaced with:

2006 [RESERVED]

Section 2007, EVALUATION OF OPTIONS, is repealed and replaced with:

2007 [RESERVED]

Section 2008, EXERCISE OF OPTIONS, is amended to read as follows:

2008 EXERCISE OF OPTIONS

2008.1 When exercising an option, the contracting officer shall provide written notice to the contractor within the time period specified in the contract.

Section 2099, DEFINITIONS, is amended to read as follows:

2099 DEFINITIONS

2099.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Director - the Director of the Office of Contracting and Procurement (OCP) or the District of Columbia Chief Procurement Officer (CPO).

Multiyear contract - as used in this chapter, a contract for a period longer than twelve (12) months that is funded by annual appropriations.

Nonrecurring costs - those production costs which are generally incurred on a one-time basis and include costs such as plant or equipment relocation, plant rearrangement, pre-production engineering, initial spoilage and rework, and specialized work force training.

Option - a unilateral right in a contract under which, for a specified time, the District may elect to extend the term of a contract.

Recurring costs - the production costs that vary with the quantity being produced, such as labor and materials.

DEPARTMENT OF CORRECTIONS**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Corrections (Director), pursuant to Sections 2 and 4 of the District of Columbia Work Release Act, effective November 10, 1966 (80 Stat. 1519, Pub. L. 89-803; D.C. Official Code §§ 24-241.01, 24-241.03 (2012 Repl.)), hereby gives notice of the intent to take final rulemaking action for the adoption of an amendment to Chapter 5 (Correctional Institutions) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

Chapter 5 is amended through the addition of Section 533 (Work Release), to establish the work release options available for eligible inmates. The purpose of this rulemaking is to diversify the current options available to the D.C. Department of Corrections for work release, which allows for placement of certain inmates in a Community Correctional Center (CCC or Halfway House), to include Home Electronic Monitoring as an alternative to traditional incarceration. The rulemaking will reduce unnecessary incarceration, begin the process of reintegration back into society, maintain family and community ties, and allow work release, school and other authorized activities while still providing security, monitoring and support to the detained individual.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on May 29, 2015 at 62 DCR 6917. No comments on the proposed rules were received from the public during the thirty (30) day comment period, which expired on June 28, 2015, and no substantive changes were made to the text of the final rulemaking.. These rules were adopted as final on July 1, 2015 and shall become effective upon publication in the *D.C. Register*.

Chapter 5, CORRECTIONAL INSTITUTIONS, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended to include a new Section 533, to read as follows:

533 WORK RELEASE

- 533.1 The work release program administered by the Department of Corrections shall consist of confinement of inmates in either Community Correctional Centers with or without electronic monitoring or in private residences with electronic monitoring.
- 533.2 The Director of the Department of Corrections shall state in writing the terms and conditions under which a person granted work release privileges may be released from actual custody at the place of confinement during the time necessary to proceed to the person's place of employment or other authorized places, perform specified activities, and return to a place of confinement designated by the Director of the Department of Corrections.

533.3 In order to be eligible for work release, inmates must pass a medical clearance and have no other pending commitments, writs, holds, detainers or warrants.

533.4 For purposes of this chapter, the following terms shall have the meaning ascribed:

- (1) “Community Correctional Centers” – Residential facilities where inmates are placed to begin the process of reintegration into society and that allow work release and return to detention while still providing security, monitoring, and support.
- (2) “Electronic Monitoring” – Use of an ankle bracelet transmitter tracking (Global Positioning System – GPS) device to account for the location of an individual at all times, for the purpose of verifying compliance with all terms of the individual’s work release privileges including arrival at and departure from authorized locations and activities, and all other program requirements.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of corrections to the Notices of Final Rulemaking issued by the Department of Consumer and Regulatory Affairs (DCRA) and published in the *D.C. Register* on March 28, 2014, Part 2, at 61 DCR 3251, as amended by Notice of Final Rulemaking published in the *D.C. Register* on January 2, 2015 at 62 DCR 103.

The rulemakings adopt the *District of Columbia Construction Codes Supplement of 2013*, Title 12 of the District of Columbia Municipal Regulations (DCMR).

District of Columbia Fire Code Supplement of 2013, 12 DCMR Subtitle H, Chapter 1, ADMINISTRATION AND ENFORCEMENT, Section 105, PERMITS.

Correct the formatting and list numbering in Section 105.6.16 to replace numbers 2.3 through 2.11 with number 3 through 11, to read as follows:

105.6.16 Flammable and Combustible Liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the District of Columbia Department of Transportation (DDOT), nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than thirty (30) days.
- ~~2.3.~~ To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
- ~~2.4.~~ To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning

equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

- ~~2~~.5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
- ~~2~~.6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
- ~~2~~.7. To place temporarily out of service (for more than ninety (90) days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
- ~~2~~.8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
- ~~2~~.9. To manufacture, process, blend or refine flammable or combustible liquids.
- ~~2~~.10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
- ~~2~~.11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

This Errata Notice's correction to the final rulemaking published in the *D.C. Register* on March 28, 2014, as amended by the Notice of Final Rulemaking published in the *D.C. Register* on January 2, 2015, is non-substantive in nature and does not alter the intent, application, or purpose of the rules. The rules are effective upon the original publication date of March 28, 2014.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

METROPOLITAN POLICE DEPARTMENT**NOTICE OF FINAL RULEMAKING**

The Chief of the Metropolitan Police Department (Chief), pursuant to the authority under Section 911 of the License to Carry a Pistol Second Emergency Amendment Act of 2014 (Act), signed January 6, 2015 (D.C. Act 20-0564; 62 DCR 866 (January 23, 2015)), and any substantially similar emergency, temporary, or permanent versions of this legislation, hereby gives notice of the adoption of amendments to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking is part on ongoing process to establish procedures for licensing by the Metropolitan Police Department (MPD) of persons to carry a concealed pistol for self-defense. A 2014 court decision determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491 (October 10, 2014)).

Additionally, a court decision was issued on May 18, 2015, which may affect the “good reason” or “other proper reason” requirement for some concealed pistol applicants. (Memorandum-Decision and Order, *Wrenn v. District of Columbia*, No. 15-cv-162 (FJS) (D.D.C. May 18, 2015 http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/page_content/attachments/WrennOrder51815grantingPI.pdf))

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 6, 2015 at 62 DCR 2803. No comments were received and no changes have been made to this final rulemaking. A Notice of Third Emergency Rulemaking was published in the *D.C. Register* on July 17, 2015 (62 DCR ____).

The Chief adopted these rules as final on June 12, 2015 and they will become effective upon publication of this notice in the *D.C. Register*.

SUMMARY OF LICENSING SCHEME

The Act delegates rulemaking authority to the Chief to implement the concealed carry licensing scheme re-instituted by the Act. The Act permits the Chief to issue a concealed pistol carry license to a person who: 1) a) demonstrates: good reason to fear injury to his or her person or property; or b) has any other proper reason for carrying a pistol; and 2) is a suitable person to be so licensed. This rulemaking establishes standards by which the Chief will exercise the discretion the Act vests in him or her for each of the above requirements. The rulemaking also establishes application and investigation procedures. The rulemaking does not cover all regulations required by the Act for the licensing of concealed pistols. A future rulemaking will establish procedures for the renewal of concealed pistol licenses; a separate rulemaking issued by the Mayor has established procedures for the Concealed Pistol Licensing Review Board.

Some of the standards the Chief will use to consider license applications were established in the Act by the Council of the District of Columbia (Council). The Council derived the standards found in similar “may issue” handgun licensing or permitting schemes in the States of Maryland (good and substantial reason standard), New Jersey (justifiable need standard), and New York (proper cause standard). All of these schemes have been sustained as constitutional by U.S. Courts of Appeals. Additionally, some of the standards in these regulations have been adapted from the above states and earlier MPD regulations. Many of the application and investigation procedures were adapted from Maryland regulations. Key portions of the rulemaking include:

Good Reason To Fear Injury To Person Or Property

These regulations include the Act’s standards for “good reasons to fear injury to person or property” which includes “showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant’s life.”

The requirement of “showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks” includes language from New Jersey regulations defining the term “justifiable need” as well as New York City’s regulations defining the term “proper cause”. The requirement that the threats or attacks “demonstrate a special danger to applicant’s life” includes language contained in New Jersey regulations defining “justifiable need.”

The standard that a high crime area by itself does not establish good cause is language that appeared in the District’s prior concealed carry regulations and also appears in New York regulations.

Other Proper Reason for Carrying a Pistol

These regulations establish standards for “other proper reasons for carrying a pistol.” One standard is employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant’s person.” This standard, in some form, is found in the laws or regulations of Maryland, New Jersey, and New York City.

Another standard is “the need for a parent, son, daughter, sibling or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person.” That standard was adapted from a similar standard that appeared in MPD’s prior regulations.

Suitability To Obtain A Concealed Carry License

These regulations establish standards for suitability to obtain a concealed carry license, which include completion of a firearms safety and proficiency training course. Firearms safety and proficiency training courses are required by Maryland, New Jersey, Illinois, and many other states.

The suitability standard excludes applicants who are addicts or habitual users of alcohol or controlled substances, exhibit a propensity for violence or instability, or suffer from mental illness of a type that should prevent the carrying of a pistol. All of these standards are present and applied in Maryland, New Jersey, and New York. They were also part of MPD’s prior regulations.

The Council has narrowed the mental health standard that was present in the prior regulations. The prior regulations required a showing of a “sound mind.” Indications of an unsound mind included suffering from “any mental disorder” occurring during the previous five (5) years. The Act and this rulemaking limit the mental health determination to a mental illness or condition that creates a substantial risk that an applicant is a danger to himself or others. The consideration of mental health issues creating a danger to self or others is found in some form in both Maryland and New York.

Additionally, the Chief adapted language in the prior regulations to provide that an applicant with a mental health history that would otherwise render an applicant ineligible can submit a notarized report under oath from a registered psychologist or psychiatrist. The applicant must have a bona fide patient relationship with the psychologist or psychiatrist, have been examined within six (6) months prior to submitting the statement, and have been found that he or she is no longer suffering from any mental disorder, illness, or condition that creates a substantial risk that he or she is a danger to himself or herself or others.

Preliminary Approval Option

These regulations establish three (3) methods for an applicant to satisfy the firearms training requirements established by the Act. An applicant may first obtain a certificate of completion for the required firearms training and submit the certificate as part of an application.

The Act also provides certain circumstances under which an applicant may also submit a request for an exemption from the firearms training as part of the application.

Lastly, the applicant may submit a statement of intent to complete firearms training after the Chief considers all other matters contained in the application and issues a preliminary approval. The last method was designed to allow an applicant to receive a determination of eligibility for a conceal carry license before he or she would have to expend time and money to complete the required firearms training.

Chapter 23, GUNS AND OTHER WEAPONS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:

Section 2331, FEES, is amended to read as follows:

2331 FEES

2331.1 The following fees shall be charged in connection with the services provided under this chapter:

- (a) Accident reports – \$3.00;

- (b) Arrest records – \$7.00;
- (c) Fingerprints – \$35.00;
- (d) Firearm registration – \$13.00;
- (e) Firearms training instructor certification – \$400.00;
- (f) Transcript of records – \$3.00; and
- (g) License to carry a pistol – \$75.00.

New Sections 2332 through 2348 are added to read as follows:

2332 LICENSES FOR CONCEALED PISTOLS

2332.1 A person is eligible for issuance of a license to carry a concealed pistol (concealed carry license or license) only if the person:

- (a) Is twenty-one (21) years of age;
- (b) Meets all of the requirements for a person registering a firearm pursuant to the Firearms Control Regulations Act of 1975 (the Act), effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code §§ 7-2501.01 *et seq.* (2012 Repl. & 2014 Supp.));
- (c) Possesses a pistol registered pursuant to the Act;
- (d) Does not currently suffer nor has suffered in the previous five (5) years from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others; provided, that if the person no longer suffers such mental illness or condition, and that person has provided satisfactory documentation required under § 2337.3, then the Chief may determine that this requirement has been met;
- (e) Has completed a firearms training course, or combination of courses, conducted by an instructor (or instructors) certified by the Chief;
- (f) Has a bona fide residence or place of business:
 - (1) Within the District of Columbia;
 - (2) Within the United States and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of any State or subdivision of the United States; or

- (3) Within the United States and meets all registration and licensing requirements pursuant to the Act;
- (g) Has demonstrated to the Chief good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol; and
- (h) Is a suitable person to be so licensed.

2333 GOOD REASON TO FEAR INJURY TO PERSON OR PROPERTY

- 2333.1 A person shall demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life.
- 2333.2 For the purposes of satisfying the specifications of § 2333.1, a person shall allege, in writing, serious threats of death or serious bodily harm, any attacks on his or her person, or any theft of property from his or her person. The person shall also allege that the threats are of a nature that the legal possession of a pistol is necessary as a reasonable precaution against the apprehended danger.
- 2333.3 The person shall provide all evidence of contemporaneous reports to the police of such threats or attacks, and disclose whether or not the applicant has made a sworn complaint to the police or the courts of the District of Columbia concerning any threat or attack.
- 2333.4 The fact that a person resides in or is employed in a high crime area shall not by itself establish a good reason to fear injury to person or property for the issuance of a concealed carry license.

2334 OTHER PROPER REASON FOR CONCEALED CARRY LICENSE

- 2334.1 A person may allege any other proper reason that the Chief may accept for obtaining a concealed carry license which may include:
 - (a) Employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant's person; or
 - (b) The need for a parent, son, daughter, sibling, or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life in the manner described in § 2333.

2335 SUITABILITY TO OBTAIN A CONCEALED CARRY LICENSE

2335.1 A person is suitable to obtain a concealed carry license if he or she:

- (a) Meets all of the requirements for a person registering a firearm pursuant to the Act;
- (b) Has completed a firearms training course, or combination of courses, conducted by an instructor (or instructors) certified by the Chief;
- (c) Is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance, unless the habitual use of a controlled dangerous substance is under licensed medical direction;
- (d) Has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a concealed pistol a danger to the person or another; and
- (e) Does not currently suffer nor has suffered in the previous five (5) years from any mental disorder, illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others, or if the Chief has determined that the person is suitable based upon documentation provided by the person pursuant to § 2337.3.

2336 FIREARMS TRAINING COURSE REQUIREMENTS

2336.1 To satisfy the firearms training eligibility requirement of § 2332.1(e), a person shall obtain a certificate of completion from an instructor (or instructors) certified by the Chief that includes at least sixteen (16) hours of training, and covers the following:

- (a) Firearm safety, including firearm safety in the home, a discussion of prevention of access by minors, locking and storing of firearms, and use of safety devices such as secure lock boxes;
- (b) Firearm nomenclature;
- (c) The basic principles of marksmanship;
- (d) The care, cleaning, maintenance, loading, unloading, and storage of pistols;
- (e) Situational awareness, conflict management, and use of deadly force;
- (f) Selection of pistols and ammunition for defensive purposes; and

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

- 2336.2 In addition to the requirements of § 2336.1, a person shall complete at least two (2) hours of range training, including shooting a qualification course of fifty (50) rounds of ammunition from a maximum distance of fifteen (15) yards (forty-five (45) feet), and receiving a qualifying score of seventy percent (70%) as certified by the instructor.
- 2336.3 The Chief may, on a case by case basis, exempt a person from the requirements of §§ 2336.1 and 2336.2 if the person submits evidence that he or she has received firearms training in the U.S. military or has otherwise completed firearms training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required by the Act.
- 2336.4 An applicant may submit to the Chief the application required under § 2337 without including the certificate of completion of training required by this section; provided that if the Chief preliminarily approves the application pursuant to § 2339, the applicant has forty-five (45) days to submit the certificate of completion and successfully complete the range training.

2337 CONCEALED CARRY APPLICATIONS

- 2337.1 A complete concealed carry license application shall be submitted to the Firearms Registration Section in the format and on forms prescribed by the Chief.
- 2337.2 The application shall include:
- (a) The applicant's name, address, driver's license number or other government issued photo identification number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers, and email (optional);
 - (b) If applying as a District resident or business owner, proof of a bona fide District residence or place of business;
 - (c) Evidence of completion or intent to complete the firearms training requirements in § 2336 by:
 - (1) Proof of the applicant's completion of a firearm training course within the past two (2) years in the manner prescribed by the Chief in § 2336;

- (2) Support for the applicant's request for an exemption from the firearm training course requirement as permitted by the Act; or
- (3) If the applicant chooses to seek a preliminary approval pursuant to § 2339, then the applicant shall certify that he or she will provide proof of completion of the firearms training requirements within forty-five (45) days of the Chief's provisional approval of the application pursuant to § 2339;
- (d) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Chief on the application;
- (e) A declaration by the applicant as to whether or he or she currently suffers or has suffered in the previous five (5) years from any mental disorder, illness, or condition that creates a substantial risk that he or she is a danger to himself or herself or others. If the applicant attests to suffering from any mental disorder, illness, or condition, the applicant shall sign an authorization to disclose any treatment records related to those circumstances;
- (f) An authorization by the applicant to the Department of Behavioral Health, or any other similar agency or department of another state to disclose to the Chief information as to whether the applicant:
 - (1) Suffers from a mental illness or condition and has a history of violence; or
 - (2) Has been voluntarily or involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with a mental illness or condition;
- (g) Proof, including any documents, statements of third parties taken under oath and before a notary, or personal statements of the applicant to demonstrate to the Chief that the person has good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol;
- (h) Any information reasonably required by the Chief, as part of the application form or materials, to complete an investigation required by § 2338;
- (i) A declaration by the applicant that the applicant is not prohibited under federal or District law, or state law of the applicant's residence, from possessing a handgun;
- (j) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate; and

- (k) A declaration by the applicant acknowledging that the applicant shall be responsible for compliance with all federal and District laws, rules, regulations, and procedures that are applicable to this license.

2337.3 The Chief may find the applicant has satisfied the requirements of § 2331.1(d) if the applicant submits a notarized report under oath from a registered psychologist or psychiatrist, with which the applicant has bona fide patient relationship, stating that the psychologist or psychiatrist has examined the applicant within six (6) months prior to submitting the statement and found the applicant to no longer to be suffering from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others.

2337.4 The application must be accompanied by the fees for Fingerprints and License to carry a pistol listed in §§ 2331.1(c) and (g), respectively.

2337.5 The Chief may waive some or the entire application fee for good cause shown on the application.

2337.6 Any knowing material omission or false statement made by or provided by the applicant may be considered grounds for denial of a conceal carry license, or revocation for a license falsely obtained, and may subject the person to criminal prosecution for perjury.

2338 INVESTIGATION OF APPLICATION

2338.1 The Chief shall conduct an investigation of every applicant within a reasonable period of time after receipt of a completed application.

2338.2 The following areas shall be a part of the investigation of every applicant and shall be considered by the Chief in determining whether a concealed carry license shall be issued:

- (a) Age of the applicant;
- (b) Occupation, profession, or employment of the applicant;
- (c) Verification of the applicant's eligibility, including a firearms training course completion certificate from a certified trainer;
- (d) Verification of the information supplied by the applicant in the application;
- (e) Information received from personal references and other persons interviewed;
- (f) Information received from business or employment references as may be necessary in the discretion of the investigator;

- (g) Criminal record of applicant, including any juvenile record.
- (h) Medical or mental health history of applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
- (i) Psychiatric or psychological background of the applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
- (j) The applicant's propensity for violence or instability that could reasonably render the applicant's wearing, carrying, or transporting of a handgun a danger to the applicant or to others;
- (k) The applicant's use of intoxicating beverages or drugs;
- (l) The reasons given by the applicant for carrying, wearing, or transporting a handgun, and whether those reasons demonstrate good cause;
- (m) Whether the permit is necessary as a reasonable precaution for the applicant against apprehended danger; and
- (n) Any other areas the Chief determines are reasonably necessary to determine if the applicant is eligible to obtain a concealed carry license.

2339 PRELIMINARY APPROVAL

- 2339.1 The Chief shall issue a preliminary approval to carry a concealed pistol or provide a written denial of the application within a reasonable time after receiving an application containing all required supporting documents, with the exception of proof of completion of the firearms training requirements. A reasonable period of time shall normally be within ninety (90) days; however, the time may be extended by the Chief for an additional ninety (90) days where there is good cause for additional time to complete the investigation and the applicant is so notified in writing.
- 2339.2 After completing the investigation of the application, the Chief shall either:
- (a) Deny the application pursuant to § 2340; or
 - (b) Issue a preliminary approval of the application.
- 2339.3 If the Chief issues a preliminary approval of the application, it shall:
- (a) Be in writing;
 - (b) Notify the applicant that he or she has forty-five (45) days from the date of the preliminary approval to provide proof of completion of the firearms training course requirements in §§ 2336.1 and 2336.2; and

- (c) Notify the applicant that the Chief may deny the application pursuant to § 2340 if the applicant fails to provide the documentation required under paragraph (b) within the allotted time.

2339.4 If the applicant provides the information required under § 2339.3(b), the application shall be deemed complete and the Chief shall issue the license pursuant to § 2340.

2340 ISSUANCE OR DENIAL

2340.1 The Chief shall issue a license to carry a concealed pistol or provide a written denial of the application within a reasonable time after receiving a completed application. A reasonable period of time shall normally be within ninety (90) days; however, the time may be extended by the Chief for an additional ninety (90) days where there is good cause for additional time to complete the investigation and the applicant is so notified in writing.

2340.2 A completed application shall satisfy all the requirements prescribed by the Chief including evidence that applicant has satisfied the firearms training requirements in § 2336.

2340.3 A written denial provided by the Chief shall contain the reasons the application was denied and a statement of the applicant's appeal rights.

2340.4 The Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which a license is valid or effective.

2340.5 Unless otherwise limited or revoked by the Chief pursuant to § 2341, a concealed carry license expires two (2) years from the date of issuance.

2341 REVOCATION, LIMITATION, AND SUMMARY SUSPENSION

2341.1 The Chief may revoke a concealed carry license on a finding that the licensee:

- (1) No longer satisfies one or more of the concealed carry license qualifications set forth in the Act or any regulation authorized by the Act; or
- (2) Failed to comply with one or more requirements or duties imposed upon the licensee by the Act or any regulation authorized by the Act.

2341.2 A concealed carry license may be limited, after its issuance, as described in § 2340.4, upon a finding by the Chief that such limitation is necessary to protect the health, safety, security, or welfare of the District and its residents.

2341.3 The Chief shall provide a written notice of revocation or limitation to a person whose license is revoked or limited. The written notice shall contain:

- (a) The reasons the license was revoked or limited; and
- (b) A statement that the revocation or limitation will take effect unless the licensee requests an appeal to the Concealed Pistol Licensing Review Board (Board) no later than fifteen (15) days after the receipt of the notice of revocation or limitation.

2341.4 Unless a licensee has requested an appeal pursuant to § 2341.6(b), a licensee whose concealed carry license is revoked shall return the license to the Firearms Registration Section within fifteen (15) days after receipt of the notice of revocation.

2341.5 The Chief may summarily suspend or limit, without a hearing, a concealed carry license, when the Chief has determined that the conduct of the licensee presents an imminent danger to the health and safety of a person or the public.

2341.6 At the time of the summary suspension or limitation of a concealed carry license, the Chief shall provide the licensee with written notice stating:

- (a) The action that is being taken;
- (b) The basis for the action; and
- (c) The right of the licensee to request a hearing with the Board pursuant to § 2341.7.

2341.7 A licensee shall have the right to request a hearing by the Board within seventy-two (72) hours after service of notice of the summary suspension or limitation of the concealed carry license. The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request and shall issue a written decision within seventy-two (72) hours after the hearing.

2341.8 Upon receipt of a summary suspension notice issued pursuant to § 2341.6, the licensee shall immediately return his or her suspended license to the Chief.

2341.9 If the Board does not sustain a summary suspension, the suspended concealed carry license shall be returned to the licensee.

2342 APPEAL

2342.1 With the exception of an appeal of a summary suspension or limitation of a license, a person whose original or renewal license application is denied or whose license is revoked or limited may submit a written request to the Board to review the decision of the Chief within fifteen (15) days after receipt of the notice of denial, revocation, or limitation.

2343 AMMUNITION CARRIED BY LICENSEE

- 2343.1 A person issued a concealed carry license by the Chief, while carrying the pistol, shall not carry more ammunition than is required to fully load the pistol twice, and in no event shall that amount be greater than twenty (20) rounds of ammunition.
- 2343.2 A person issued a concealed carry license by the Chief may not carry any restricted pistol bullet as that term is defined in the Act.

2344 PISTOL CARRY METHODS

- 2344.1 A licensee shall carry any pistol in a manner that it is entirely hidden from view of the public when carried on or about a person, or when in a vehicle in such a way as it is entirely hidden from view of the public.
- 2344.2 A licensee shall carry any pistol in a holster on their person in a firmly secure manner that is reasonably designed to prevent loss, theft, or accidental discharge of the pistol.

2345 NON-RESIDENT APPLICATIONS FOR CONCEALED CARRY LICENSE

- 2345.1 A non-resident of the District, as defined by the Act, may apply to the Firearms Registration Section for a concealed carry license upon a showing that the applicant meets all of the eligibility requirements of § 2332.
- 2345.2 A non-resident may satisfy some or all of the firearms training requirements in § 2336 by providing proof of completion of a firearms training course in another state or subdivision of the United States.
- 2345.3 A non-resident shall obtain a certification from a firearms trainer that the applicant has received and completed training in District firearms law and the District law of self-defense.
- 2345.4 A non-resident must demonstrate to the Chief that he or she has a good reason to fear injury to his or her person or property, as defined by the Act and these regulations, by showing that the fear is from a cause that will likely be present in the District and is not a cause that is likely to be present only in another jurisdiction.
- 2345.5 A non-resident must demonstrate to the Chief that he or she has any other proper reason for carrying a pistol, as defined by the Act and these regulations, by showing that the other proper reason exists in the District.

2346 SIGNAGE TO PREVENT ENTRANCE BY CONCEALED CARRY LICENSEE ONTO NON-RESIDENTIAL PRIVATE PROPERTY

2346.1 Signs stating that the carrying of firearms is prohibited on any private property shall be clearly and conspicuously posted at any entrance, open to the public, of a building, premises, or real property.

2346.2 A sign shall be considered conspicuous if it is at least eight (8) inches by ten (10) inches in size and contains writing in contrasting ink using not less than thirty-six (36) point type.

2347 FIREARMS TRAINING INSTRUCTOR CERTIFICATION

2347.1 Any person providing firearms training to an applicant for a concealed carry license shall obtain a valid certification issued by the Chief in accordance with this section.

2347.2 A certified firearms training instructor shall obtain proof of certification from the Chief before providing instruction to an applicant for a concealed carry license.

2347.3 Upon a person's satisfactory completion of a required firearms training course, a certified firearms training instructor shall:

- (a) Provide the person a firearms training certificate that includes:
 - (1) The person's name and date of birth;
 - (2) The instructor's name;
 - (3) The length in hours of the course;
 - (4) The date of course completion;
 - (5) The location of the training;
 - (6) A declaration certifying that the course met the minimum standards prescribed by the Act and the Chief; and
 - (7) A declaration certifying that the person completed the course; and
- (b) Submit the requisite information to the Firearms Registration Section.

2347.4 A certified firearms training instructor application shall be submitted to the Security Officers Management Branch in the format prescribed by the Chief.

2347.5 The certified firearms training instructor application shall:

- (a) Meet, with the exception of Section 203(a)(13)(A) of the Act (D.C. Official Code § 7-2502.03(a)(13)(A) (2012 Repl. & 2014 Supp.)), all of the requirements for a person registering a firearm pursuant to the Firearms Control Regulations Act of 1975 (the Act), effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code §§ 7-2501.01 *et seq.* (2012 Repl. & 2014 Supp.));
- (b) Include the applicant's name, address, driver's license or other government issued photographic identification, place and date of birth, home address and telephone number, work address and telephone number, email address, name and location of firing range to be used to provide training, and business website address (optional);
- (c) Include proof of the applicant's formal training in the care, safety, and use of firearms, which may be satisfied pursuant to the conditions stated in Section 902(c) of the Act;
- (d) Include proof of the applicant's minimum of one (1) year of experience in instruction in the care, safety, and use of handguns; and
- (e) Include a detailed syllabus describing the methods and materials the trainer will use to conduct the firearms training for a concealed carry license.

2347.6 Any person licensed by the Chief as of the effective date of the Act to provide firearms instruction training to special police officers and who is seeking to be certified under this section shall not be required to pay the fees listed under § 2331.1; provided, that he or she shall pay the fees upon renewal of his or her firearms instructor license in March 2015.

2347.7 Upon receipt of a properly completed application, the Chief shall issue a certification or denial to the applicant within a reasonable time.

2347.8 A certified firearms training instructor license expires two (2) years from the date of issuance.

2348 SAFE STORAGE OF FIREARMS AT A PLACE OF BUSINESS

2348.1 No registrant shall store or keep any firearm on any premises under his or her control if he or she knows or reasonably should know that a minor or a person prohibited from possessing a firearm under D.C. Official Code § 22-4503 can gain access to the firearm.

2348.2 When not in storage, each registrant shall carry the firearm on his or her person or within such close proximity that he or she can readily retrieve or use it as if he or she carried it on his or her person; provided, that the firearm is entirely hidden from view of the public.

2348.3 If the firearm is stored at a place of business, it shall be stored in a gun safe, locked box, or other secure device affixed to the property.

Section 2399, DEFINITIONS, is amended by adding the following definitions:

2399 DEFINITIONS

Board – means the Concealed Pistol Licensing Review Board.

Bona fide patient relationship – means a relationship between a psychiatrist or psychologist and a patient in which:

- (a) A complete assessment of the patient’s mental health history, current mental health condition, and a current mental health examination has taken place; and
- (b) Where the psychiatrist or psychologist has responsibility for the ongoing care and mental health treatment of the patient.

Bona fide residence – means a dwelling place of a person that is documented by two (2) or more of the following:

- (a) Voter registration indicating the address of the dwelling place;
- (b) Motor vehicle registration indicating the address of the dwelling place;
- (c) Motor vehicle driver permit indicating the address of the dwelling place;
- (d) Withholding and payment of individual income taxes indicating the address of the dwelling place including:
 - (1) Copies of certified District or state income tax returns; and
 - (2) Copies of certified federal tax returns filed with the U.S. Internal Revenue Service;
- (e) Certified deed or lease or rental agreement for real property indicating the address of the dwelling place;
- (f) Cancelled checks or receipts for mortgage or rental payments;
- (g) Utility bills and payment receipts indicating the address of the dwelling place;

- (h) A copy of a bank account statement in the name of the applicant at the address of the dwelling place;
- (i) Copies of credit card or brokerage account statements mailed to the applicant at the address of the dwelling place; or
- (j) Copies of automobile insurance statements mailed to the applicant at the address of the dwelling place.

Licensee – means a person issued a license for a concealed pistol.

Place of business – means a business that is located in an immovable structure at a fixed location, as documented by a business license or certificate of occupancy, and that is operated and owned entirely, or in substantial part, by a firearm registrant.

Security Officers Management Branch – a part of the Police Business Services Division of the Metropolitan Police Department, located at 2000 14th Street, N.W., Washington, D.C. 20009.

Section 2399, DEFINITIONS, is amended by amending the definition of Chief to read as follows:

Chief – means the Chief of the Metropolitan Police Department or his or her designee.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**NOTICE OF FINAL RULEMAKING**

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, D.C. Official Code §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) (2012 Repl.) and D.C. Official Code § 34-2202.16 (2012 Repl.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on July 2, 2015, the Board took final action through adoption of Board Resolution #15-67 to amend Sections 112 (Fees) and 199 (Definitions) of Chapter 1 (Water Supply); and Sections 4100 (Rates for Water Service), 4101 (Rates for Sewer Service), and 4102 (Customer Assistance Program) of Chapter 41 (Retail Water and Sewer Rates) of Title 21 (Water and Sanitation) of the DCMR.

Pursuant to Board Resolution #15-24, dated February 5, 2015, DC Water's proposed rulemaking was published in the *D.C. Register* on February 20, 2015 at 62 DCR 2367. Further, a notice of public hearing was published in the *D.C. Register* on April 3, 2015 at 62 DCR 3934, and a public hearing was held on May 13, 2015. The record of the public hearing remained open until June 15, 2015, to receive written comments on the proposed rulemaking. DC Water also conducted eight (8) town hall meetings from April 1, 2015 through April 30, 2015 to receive comments on the proposed rulemaking. On June 23, 2015, the Retail Water and Sewer Rates Committee met to consider the comments offered at the May 13, 2015 public hearing and during the public comment period and recommendations from the DC Water General Manager.

On July 2, 2015, the Board, through Resolution #15-67, after consideration of all comments received and the report of the Retail Water and Sewer Rates Committee, voted to amend the DCMR to: implement a Customer Class-Based Volumetric Rate structure with differentiation based on the peaking demand of each customer class (residential, multi-family, and non-residential); implement a Lifeline Rate for the first four (4) hundred cubic feet (4 Ccf) of Residential customer water use; implement a combined retail water and sewer rate decrease of \$0.10 per one hundred cubic feet (Ccf) for the first 4 Ccf of water use; implement a combined retail water and sewer rate increase of \$0.69 per Ccf for water usage greater than 4 Ccf; implement a combined retail water and sewer rate increase of \$0.27 per Ccf of water use by multi-family customers; implement a combined retail water and sewer rate increase of \$0.81 per Ccf of water use by non-residential customers; implement an increase in the monthly Clean Rivers Impervious Surface Area Charge of \$3.55 per Equivalent Residential Unit; implement a new monthly Water System Replacement Fee; maintain the Right-of-Way Pass Through Charge at \$0.17 per Ccf; implement an increase the Payment-in-Lieu-of Taxes Fee of \$0.01 per Ccf.

No changes were made to the substance of the proposed regulations. Clarifying revisions were made to Subsection 112.10 to separate the meaning of the phrase "Water System Replacement

Fee” and placing the charges for residential, multi-family and non-residential customers in a paragraph. No changes were made to the charges as proposed. The credit for eligible Customer Assistance Program customers was expanded from a fixed credit of \$6.30 to one hundred percent (100%) of the monthly billed Water System Replacement Fee.

This final rulemaking will become effective October 1, 2015.

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

Section 112, FEES, amends Subsection 112.8 to read as follows:

112.8 Effective October 1, 2015, the District of Columbia Right-of-Way Occupancy Fee Pass Through Charge and the Payment-in-Lieu of Taxes (PILOT) Fee, shall be increased from sixty-three cents (\$0.63) for each one hundred cubic feet (1 Ccf) (or the equivalent of eighty-four cents (\$0.84) for each one thousand gallons (1,000 gals.) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) to sixty-four cents (\$0.64) for each one hundred cubic feet (1 Ccf) (or the equivalent of eighty-six cents (\$0.86) for each one thousand gallons (1,000 gals.)) of water used, divided as follows:

- (a) District of Columbia Right-of-Way Fee, assessed to recover the cost of fees charged by the District of Columbia to D.C. Water and Sewer Authority for use of District of Columbia public space and rights of way, shall be:
 - (1) Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used;
 - (2) Multi-Family Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
 - (3) Non-Residential Customers: seventeen cents (\$0.17) per Ccf (or the equivalent of twenty-two cents (\$0.22) per one thousand gallons (1,000 gals.)) of water used; and
- (b) Payment-in-Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia, assessed to cover the amount which D.C. Water and Sewer Authority pays each fiscal year to the District of Columbia, consistent with D.C. Water and Sewer Authority's enabling statute for public goods and services received from the District of Columbia: shall be increased from forty-six cents (\$0.46) per Ccf (or the equivalent of sixty-two cents (\$0.62) per one thousand gallons (1,000 gals.)) of water used to:

- (1) Residential Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used;
- (2) Multi-Family Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used; and
- (3) Non-Residential Customers: forty-seven cents (\$0.47) per Ccf (or the equivalent of sixty-four cents (\$0.64) per one thousand gallons (1,000 gals.)) of water used.

Section 112 is amended by adding a new Subsection 112.10 to read as follows:

112.10 For purposes of this section, the phrase “Water System Replacement Fee” (WSRF) means the monthly fee charged to residential, multi-family, and non-residential customers to recover the cost of the one percent (1%) renewal and replacement of aging water infrastructure.

- (a) Residential, multi-family, and non-residential customers shall be charged a monthly Water System Replacement Fee as follows:

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
5/8”	Single Register	\$ 6.30
3/4”	Single Register	\$ 7.39
1”	Single Register	\$ 9.67
1”x1.25”	Single and Multiple Register	\$ 15.40
1.5”	Single Register	\$ 41.35
2”	Single and Multiple Register	\$ 83.75
3”	Single and Multiple Register	\$ 232.13
4”	Single and Multiple Register	\$ 561.02
6”	Single and Multiple Register	\$ 1,292.14
8”	Single and Multiple Register	\$ 5,785.51
8”x2”	Multiple Register	\$ 1,899.60
8”x4”x1”	Multiple Register	\$ 2,438.35
10”	Single and Multiple Register	\$ 6,679.65
12”	Single and Multiple Register	\$ 6,679.65
16”	Single and Multiple Register	\$ 6,679.65

Section 199, DEFINITIONS, is amended by adding the following terms and definitions to read as follows:

Single Register – Meter that has only one device that displays the consumption volume.

Multiple Register – Meter that has two or more devices that can display the consumption volume at different flow rates (high or low) or different uses, including, but not limited to, Demand Flow and Fire Flow.

Chapter 41, RETAIL WATER AND SEWER RATES, is amended as follows:

Section 4100, RATES FOR WATER SERVICE, amends Subsection 4100.3 as follows:

- 4100.3 Effective October 1, 2015, the rate for retail metered water service shall be increased from three dollars and eighty-eight cents (\$3.88) for each one hundred cubic feet (1 Ccf) (or the equivalent of five dollars and nineteen cents (\$5.19) for each one thousand gallons (1,000 gals.)) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:
- (a) Residential Customers: three dollars and eight cents (\$3.08) per Ccf (or the equivalent of four dollars and twelve cents (\$4.12) for each one thousand gallons (1,000 gals.)) for the consumption of zero (0) to four (4) hundred cubic feet (Ccf) of water used.
 - (b) Residential Customers: three dollars and eighty-seven cents (\$3.87) per Ccf (or the equivalent of five dollars and seventeen cents (\$5.17) for each one thousand gallons (1,000 gals.)) for consumption greater than four (4) hundred cubic feet (Ccf) of water used.
 - (c) Multi-Family Customers: three dollars and forty-five cents (\$3.45) per Ccf (or the equivalent of four dollars and sixty-one cents (\$4.61) for each one thousand gallons (1,000 gals.)) of water used.
 - (d) Non-Residential Customers: three dollars and ninety-nine cents (\$3.99) per Ccf (or the equivalent of five dollars and thirty-three cents (\$5.33) for each one thousand gallons (1,000 gals.)) of water used.

Section 4101, RATES FOR SEWER SERVICE, is amended as follows:

4101 RATES FOR SEWER SERVICE

- 4101.1 Effective October 1, 2015, the rates for sanitary sewer service shall be:
- (a) The retail sanitary sewer service rate shall be increased from four dollars and seventy-four cents (\$4.74) for each one hundred cubic feet (1 Ccf) (or six dollars and thirty-three cents (\$6.33) for each one thousand gallons (1,000 gals.)) (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) of water used to:

- (1) Residential Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.
- (2) Multi-Family Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.
- (3) Non-Residential Customers: five dollars and forty-four cents (\$5.44) per Ccf (or the equivalent of seven dollars and twenty-seven cents (\$7.27) for each one thousand gallons (1,000 gals.)) of water used.

4101.2 The rates for sanitary sewer service for the discharge of groundwater, cooling water and non-potable water sources shall be:

- (a) The retail groundwater sewer charge for an unimproved real property under construction shall be two dollars and thirty-three cents (\$2.33) per Ccf (one hundred cubic feet (1 Ccf) equals seven hundred forty-eight and five hundredths gallons (748.05 gals.)) for groundwater discharged into the District's wastewater sewer system.
- (b) The retail cooling water sewer charge shall be the retail sanitary sewer service rate set forth in Subsection 4101.1(a) for cooling water discharged into the District's wastewater sewer system.
- (c) The retail non-potable water source sewer charge shall be the retail sanitary sewer service rate set forth in Subsection 4101.1(a) for non-potable water discharged into the District's wastewater sewer system.

4101.3 Effective October 1, 2015, the annual Clean Rivers Impervious Surface Area Charge (CRIAC or IAC) shall be increased from two hundred one dollars (\$201.00), billed monthly at sixteen dollars and seventy-five cents (\$16.75), per Equivalent Residential Unit (ERU), to two hundred forty-three dollars and sixty cents (\$243.60) per ERU, billed monthly as follows:

- (a) Residential Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.
- (b) Multi-Family Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.
- (c) Non-Residential Customers: twenty dollars and thirty cents (\$20.30) per month for each ERU.

4101.4 The CRIAC shall be based upon the Equivalent Residential Unit (ERU). An ERU is defined as one thousand square feet (1,000 sq. ft.) of impervious surface area, taking account of a statistical median of residential properties.

4101.5 All residential customers shall be assessed a CRIAC based on the following Six-Tier Residential Rate Structure for the CRIAC:

Tier	Size of Impervious Area (Square Feet)	Equivalent Residential Unit (ERU)
Tier 1	100 - 600	0.6
Tier 2	700 - 2000	1.0
Tier 3	2,100 - 3,000	2.4
Tier 4	3,100 - 7,000	3.8
Tier 5	7,100 - 11000	8.6
Tier 6	11,100 and more	13.5

4101.6 All non-residential and multi-family customers shall be assessed ERU(s) based upon the total amount of impervious surface area on each lot. This total amount of impervious surface shall be converted into ERU(s), truncated to the nearest one-hundred (100) square feet.

4101.7 Impervious Only Properties are defined and subject to the follow requirements:

- (a) Impervious Only Properties are properties that do not currently have metered water/sewer service (for example, parking lots) and may require the creation of new accounts; and
- (b) Effective October 1, 2012, Impervious Only Properties shall be billed as follows:
 - (1) Impervious Only Properties with three (3) or more ERU’s shall be billed monthly.
 - (2) Impervious Only Properties with less than three (3) ERU’s shall be billed every six (6) months.
 - (3) Customers who are billed for more than one (1) property and who participate in District of Columbia Water and Sewer Authority’s group billing program shall be billed monthly for all properties.

Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended as follows:

4102.1 CUSTOMER ASSISTANCE PROGRAM FOR HOUSEHOLDS AND TENANTS

- (a) Eligible households and tenants will receive an exemption from water service charges, sewer service charges, Payment-in-Lieu of Taxes (PILOT) and Right-of-Way (ROW) fees for the first Four Hundred Cubic Feet (4 Ccf) per month of water used. If the customer uses less than Four Hundred Cubic Feet (4 Ccf) of water in any month, the exemption will apply to that month's actual water usage.
- (b) Eligible households and tenants will receive a credit of one hundred percent (100%) off of the monthly billed Water System Replacement Fee.
- (c) Participation in the Customer Assistance Program is limited to single-family residential accounts and individually metered tenant accounts when the eligible applicant is responsible for paying for water services.
- (d) Eligibility is determined by the District of Columbia Department of Environment Energy Office.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**NOTICE OF FINAL RULEMAKING**

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) (2012 Repl.) and D.C. Official Code § 34-2202.16 (2012 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)), hereby gives notice that, at its regularly scheduled meeting on July 2, 2015, the Board took final action through adoption of Board Resolution #15-69 to amend Section 4103 (Fire Protection Service Fee) of Chapter 41 (Retail Water and Sewer Rates) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to Board Resolution #15-31, dated March 19, 2015, DC Water's proposed rulemaking was published in the *D.C. Register* on April 3, 2015 at 62 DCR 3973. Further, a notice of public hearing was published in the *D.C. Register* on April 3, 2015 at 62 DCR 3934, and a public hearing was held on May 13, 2015. The record of the public hearing remained open until June 15, 2015 to receive written comments on the proposed rulemaking. DC Water also conducted eight (8) town hall meetings from April 1, 2015 through April 30, 2015 to receive comments on the proposed rulemaking. On June 23, 2015, the Retail Water and Sewer Rates Committee met to consider the comments offered at the May 13, 2015 public hearing and during the public comment period and recommendations from the DC Water General Manager.

On July 2, 2015, the Board, through Resolution #15-69, after consideration of all comments received and the report of the Retail Water and Sewer Rates Committee, voted to amend the DCMR to: implement an increase in the DC Fire Protection Service Fee from \$6,885,340 per fiscal year to \$10,796,000 per fiscal year for FY 2015, FY 2016, and FY 2017.

No changes were made to the substance of the proposed regulations. The parenthetical phrase "plus the cost of fire hydrant inspections performed by the D.C. Fire and Emergency Medical Service" was deleted, since D.C. FEMS does not charge the District for their voluntary hydrant inspections.

This final rulemaking will become effective upon publication in the *D.C. Register*.

Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 4103, FIRE PROTECTION SERVICE FEE, is amended as follows:

4103 FIRE PROTECTION SERVICE FEE

- 4103.1 The charge to the District of Columbia for fire protection service, including, but not limited to the delivery of water flows for firefighting, as well as maintaining and upgrading public fire hydrants in the District of Columbia, shall be Ten Million Seven Hundred Ninety-Six Thousand Dollars (\$10,796,000) per fiscal year (FY) for FY 2015, FY 2016, and FY 2017.
- 4103.2 The fee may be examined every three years to determine if the fee is sufficient to recoup the actual costs for providing this service.
- 4103.3 In the event the actual costs are not being recouped, the District shall pay the difference and the fee will be appropriately adjusted pursuant to the rulemaking process.
- 4103.4 In the event the costs paid by the District of Columbia exceed the actual costs, the fee shall be adjusted pursuant to the rulemaking process.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****Z.C. ORDER NO. 15-08****Z.C. Case No. 15-08****(Text Amendment to 11 DCMR § 3180.1(c))****June 29, 2015**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendment to § 3180.1 of the Board of Zoning Adjustment (Board) Rules of Practice and Procedure, (Chapter 31 of Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR)). A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 24, 2015, at 62 DCR 5248. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendment

The amendment establishes a fee for a Board application to expand a chancery when there is no associated expansion of the existing gross floor area.

Procedures Leading to Adoption of Amendment

On March 26, 2014, the Office of Zoning (OZ) submitted a memorandum to the Commission that served as a petition requesting the proposed amendments. (Exhibit 1.) The current fee schedule for an application to expand a chancery is based upon the amount of gross floor area being added. Recently, OZ was unable to apply this schedule to several such applications because the proposed expansion would not increase the existing gross floor area, but rather involved the erection or expansion of a fence or similar structure. OZ requested waiver of §§ 3011.1 and 3011.2, which require referral to the Office of Planning for a written report prior to the Commission setting an amendment down for a public hearing. In addition to setting the case down for a public hearing, OZ requested that the Commission adopt the proposed amendment on an emergency basis and authorize the publication of a notice of proposed rulemaking.

At its regularly scheduled public meeting on March 30, 2015, the Commission voted to grant OZ's requests. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 24, 2015, at 62 DCR 5248 (Exhibit 2) and a notice of public hearing was published in the same volume (Exhibit 3). No comments were received in response to the notice.

A public hearing was held on June 1, 2015. Because this petition involved an amendment to the Board's Rules of Practice and Procedure, and not any zoning regulation, no referral was made to the National Capital Planning Commission.

At its regularly scheduled public meeting on June 29, 2015, the Commission voted to adopt the proposed amendment without making changes to the text as proposed.

Title 11 DCMR, ZONING, Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, Section 3180, SCHEDULE OF FEES, § 3180.1 is amended by adding a new subparagraph (c)(2) so that the entire subsection reads as follows:

3180.1 Except as provided in §§ 3180.1(e) and 3180.3, at the time of filing an appeal or application with the Board, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) For an application for a variance, one thousand forty dollars (\$1,040) for each provision of the Zoning Regulations from which a variance is requested;
- (b) For an application for a special exception:
 - (1) For a parking lot, parking garage, or accessory parking, one hundred four dollars (\$104) for each parking space;
 - (2) For a child development center or private school, thirty-three dollars (\$33) for each full-time or part-time student based on the maximum capacity requested, with a maximum of three thousand two hundred fifty dollars (\$3,250);
 - (3) For a college or university use, six thousand five hundred dollars (\$6,500) for the processing of a new or revised campus plan, and three thousand two hundred fifty dollars (\$3,250) for review of a specific building or use within an approved plan;
 - (4) For a residential use in the R-5-A Zone District under § 353, five hundred twenty dollars (\$520) for each dwelling unit;
 - (5) For a community-based residential facility, one hundred four dollars (\$104) for each person housed based on the maximum capacity requested (not including resident supervisors and their families), with a maximum of five thousand two hundred dollars (\$5,200);
 - (6) For an office use in the SP Zone District, fifty-two dollars (\$52) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area;
 - (7) For roof structures under § 411, two thousand six hundred dollars (\$2,600);

- (8) For a hotel or inn in the SP Zone District, one hundred four dollars (\$104) for each sleeping room or suite;
 - (9) For a gasoline service station, five thousand two hundred dollars (\$5,200);
 - (10) For a repair garage, one thousand five hundred sixty dollars (\$1,560);
 - (11) For a home occupation under § 203, one thousand five hundred sixty dollars (\$1,560);
 - (12) For an accessory apartment under § 202, three hundred twenty-five dollars (\$325);
 - (13) For a theoretical lot under § 2516, one thousand five hundred sixty dollars (\$1,560) for the first lot and five hundred twenty dollars (\$520) for each lot thereafter;
 - (14) For an intermediate materials recycling facility under § 802, five thousand two hundred dollars (\$5,200);
 - (15) For an antenna under § 211, two thousand six hundred dollars (\$2,600); and
 - (16) For any other special exception not listed in this section, one thousand five hundred sixty dollars (\$1,560);
- (c) For an application for permission to locate, replace, or expand a chancery in an R-5-D, R-5-E, or SP Zone District or in the Diplomatic (D) Overlay District, or to reconstruct an existing chancery that is destroyed in an R-1, R-2, R-3, R-4, R-5-A, R-5-B, or R-5-C Zone District, either:
- (1) Sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area; or
 - (2) Five hundred dollars (\$500) when the expansion does not result in an increase to gross floor area, such as the erection or enlargement of a fence.
- (d) For an application involving one owner-occupied one-family dwelling or flat, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars (\$325);

- (e) For an appeal of any decision of the Zoning Administrator or other administrative officer, one thousand forty dollars (\$1,040), except that the following appellants shall not be required to pay a filing fee:
 - (1) A department, office, or agency of the Government of the District of Columbia, including an Advisory Neighborhood Commission;
 - (2) The National Capital Planning Commission; and
 - (3) A citizens' association or association created for civic purposes that is not for profit; and
- (f) For a time extension, a minor modification of plans or a modification of conditions of an order of the Board for an owner-occupied one-family dwelling or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee.

On March 30, 2015, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On June 29, 2015, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on July 17, 2015.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING AND PUBLIC HEARING

NONROAD DIESEL EQUIPMENT ANTI-IDLING

The Director of the District Department of the Environment (DDOE or Department), pursuant to the authority set forth in Sections 5 and 6(b) of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985, as amended (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06(b) (2013 Repl.)); Sections 107(4) and 110 of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.07(4) and 8-151.10 (2013 Repl.)); and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the intent to adopt amendments to Chapter 9 (Air Quality – Motor Vehicular Pollutants, Lead, Odors, and Nuisance Pollutants) of Title 20 (Environment) 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*.

Further, these rules shall not become effective until approved by the Council of the District of Columbia, or forty-five (45) days after submission to the Council, not including Saturdays, Sundays, legal holidays, and days of Council recess, if the Council has not disapproved these rules.

This rulemaking action proposes to reduce diesel engine emissions that result from unnecessary idling and conserve fuel used by nonroad diesel engines. A nonroad diesel engine subject to this regulation is operated for purposes including, but not limited to, the following: construction, landscaping, recycling, landfilling, manufacturing, warehousing, composting, moving ground support equipment at airports or heliports, industrial activities, and other operations. The rulemaking adds detail to the District's existing mobile source idling policy.

The proposed rulemaking is modeled after a rule drafted by the Ozone Transport Commission (OTC). OTC is a multi-state organization created under the federal Clean Air Act (CAA) (42 U.S.C. §§ 7401–7626) that is responsible for advising the U.S. Environmental Protection Agency (EPA) on transportation of ozone pollution across state lines. OTC also develops and implements regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. Other OTC states that have similar nonroad idling limits include Connecticut, Massachusetts, New Jersey, and Rhode Island.

Diesel engines emit particulate matter (soot); oxides of nitrogen, which contribute to the formation of ground-level ozone (smog); hydrocarbons; hazardous air pollutants (air toxics); and black carbon. The District is currently in nonattainment of the national ambient air quality standards (NAAQS) for ground-level ozone and fine particulate matter. Such emissions can lead to serious health conditions such as asthma and allergies and can worsen heart and lung disease, especially in vulnerable populations such as children and the elderly. They also damage plants, animals, crops, water resources, and the global climate. Diesel exhaust was classified by EPA as

a “likely human carcinogen” in 2002, and by the International Agency for Research on Cancer (IARC) as being “carcinogenic to humans” in June 2012¹.

Unnecessary idling wastes fuel and increases maintenance requirements for all types of vehicles². A large portion of idling is the result of personal habit. It can be eliminated and result in significant fuel savings and reduced wear and tear on equipment. Modern diesel equipment does not need to idle for more than three (3) minutes to warm up, unless specifically instructed otherwise by the equipment manufacturer³. Shutting off and turning on the engine does not result in engine damage or increased wear as long as the engine manufacturer’s recommendations regarding warm-up and cool-down time are followed⁴.

The idling limitations are not intended to limit the functions of a vehicle or business. The proposed rulemaking explicitly grants exemptions to the idling limit and will allow the Department to consider other circumstances on a case-by-case basis. Multiple parties such as owners, operators, lessees, or permit holders for activities for which nonroad diesel equipment is being operated may be held liable for the same violation. The regulation does not grant exemptions for Tier 4 engines that meet EPA engine and fuel control limits using advanced emission control technologies. Stationary generators that may need air permits and their operation are not covered by this proposed regulation.

While the proposed rulemaking does not require a written idling policy, the Department does recommend that owners and operators of nonroad diesel equipment have a written idling policy in order to keep employees informed about the rule. By having a written company idling policy, it will be easier for a company to ensure that employees do not violate anti-idling regulations.

Information on how to identify types of nonroad diesel equipment or locate serial numbers on nonroad diesel equipment can be found on EPA’s website at:
<http://epa.gov/cleandiesel/documents/420b10025.pdf>.

This rulemaking action also proposes to add a definition for “power take-off equipment” to § 999.1. Once finalized, this regulation will be submitted to EPA as a revision to the District’s federally enforceable State Implementation Plan (SIP).

Notice is hereby given that a public hearing will be held on Tuesday, August 18, 2015, at 5:00 p.m. in Room 555 at 1200 First Street, N.E., 5th Floor, in Washington, D.C. The Department will host this meeting to allow concerned stakeholders to provide additional feedback on the draft regulations on June 30, 2015. This public outreach meeting will provide interested parties an opportunity to comment on the proposed regulations in an informal setting.

¹ Presentation by Chad Bailey, U.S. Environmental Protection Agency’s Office of Transportation and Air Quality (OTAQ), found at: <http://www.epa.gov/cleandiesel/documents/diesel-health-issues-5-21-14.pdf> (May 21, 2014).

² Gaines, Linda, et. al. “To Idle or Not To Idle: That Is the Question,” Argonne National Laboratory, found at: <http://www.transportation.anl.gov/pdfs/EE/642.PDF> (August 2014).

³ Taylor, G. W. (2003). *Review of the Incidence, Energy Use and Costs of Passenger Vehicle Idling* (page 3-5), Office of Energy Efficiency, Natural Resources Canada, found at: http://www.pgairquality.com/uploads/files/pdf/NRCAN2003-Reviewofthe%20ncidence_EnergyUse_CostsofPassengerVehicleIdling.pdf (August 7, 2014).

⁴ Ibid (page 4-10).

Chapter 9, AIR QUALITY – MOTOR VEHICULAR POLLUTANTS, LEAD, ODORS, AND NUISANCE POLLUTANTS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:

Section 900, ENGINE IDLING, is amended as follows:

By amending the title of the section to read:

900 ONROAD ENGINE IDLING AND NONROAD DIESEL ENGINE IDLING

By adding Subsections 900.2 through 900.4 to read:

- 900.2 No person owning, operating, leasing, or having control over a nonroad diesel engine, or the holder of the permit for the activity for which the nonroad diesel engine is being operated, shall cause or allow the idling of a nonroad diesel engine under its control or on its property for more than three (3) consecutive minutes.
- 900.3 Subsection 900.2 does not apply to locomotives, generator sets used on locomotives, marine vessels, recreational vehicles, farming equipment, military equipment when it is being used during training exercises, emergency or public safety situations, or any private use of a nonroad diesel engine that is not for compensation.
- 900.4 The idling limit in Subsection 900.2 does not apply to:
- (a) Idling necessary to ensure the safe operation of the equipment and safety of the operator, including idling to verify that the equipment is in good working order, or other conditions specified by the equipment manufacturer in the manual or other technical document accompanying the nonroad diesel engine;
 - (b) Idling for testing, servicing, repairing, or diagnostic purposes, including regeneration of a diesel particulate filter, in accordance with the equipment manufacturer manual or other technical document accompanying the nonroad diesel engine;
 - (c) Idling for less than fifteen (15) minutes when queuing (*i.e.*, when nonroad diesel equipment, situated in a queue of other vehicles, must intermittently move forward to perform work or a service), not including the time an operator may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.
 - (d) Idling by any nonroad diesel engine being used in an emergency or public safety capacity;

- (e) Idling for a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection; and
- (f) Idling for up to five (5) consecutive minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.

999 DEFINITIONS is amended as follows:

By amending the definition of “motor vehicle” to read:

Motor vehicle – any motor vehicle, as defined in § 1(a) of title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01).

By amending the text in Subsection 999.1 to read:

999.1 When used in this chapter, the following terms shall have the meanings ascribed:

By adding the following definitions:

Diesel fuel – any petroleum- or biomass-based liquid fuel intended for use in the diesel engine of a highway or motor vehicle, nonroad vehicle, or piece of nonroad equipment.

Farming equipment – any appliance used directly and principally for the purpose of producing agricultural products, including horticultural products, for sale and use or consumption off the premises. This definition includes any equipment or machinery used primarily in preparation of land, planting, raising, cultivating, irrigating, harvesting, or placing in storage of farm crops. This definition also includes any equipment or machinery used primarily for the purpose of feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or bees, or for dairying and the sale of dairy products. This definition also includes any equipment or machinery used primarily in any other agricultural or horticultural use or animal husbandry or any combination thereof.

Idling – running the engine of nonroad equipment or a motor vehicle while the nonroad equipment or motor vehicle is not moving and for purposes of a nonroad diesel engine, the equipment is not utilized in whole or in part for the necessary and work-related mechanical or electrical operation for which it was designed.

Locomotive – a self-propelled diesel-powered vehicle, for pulling or pushing freight or passenger cars on railroad tracks.

Marine vessel – any diesel-powered vehicle that is used or capable of being used as a means of transportation on water except amphibious vehicles.

Military equipment – equipment that meets military specifications, is owned by the U.S. Department of Defense or the U.S. military services or its allies, and is used in combat, combat support, combat service support, tactical or relief operations or training for such operations.

Nonroad diesel engine – any internal combustion engine that utilizes diesel fuel as its fuel source:

- (a) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (*e.g.*, garden tractors, off-highway mobile cranes, and bulldozers);
- (b) In or on a piece of equipment that is intended to be propelled while performing its function (*e.g.*, lawnmowers and string trimmers); or
- (c) That, by itself or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform; and
- (d) Unless:
 - (i) The engine is used to propel a motor vehicle or a vehicle solely for competition, or is subject to standards promulgated under Section 202 of the Clean Air Act;
 - (ii) The engine is regulated by a federal New Source Performance Standard promulgated under Section 111 of the Clean Air Act; or
 - (iii) The engine otherwise included in paragraph (c) of this definition remains or will remain at a location for more than twelve (12) consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine(s) that replaces an engine(s) at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a

single location on a permanent basis (*i.e.*, at least two (2) years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

Nonroad equipment – a piece of equipment that is powered by a nonroad diesel engine.

Power take-off equipment – a semi-permanently mounted system on a vehicle, separate from the vehicle engine, that is used to transmit power to a secondary implement or accessory.

Recreational vehicle – any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. This definition includes snowmobiles, all-terrain vehicles (ATVs), nonroad motorcycles, or any other legally registered motor vehicle when used for nonroad recreational purposes.

Public Participation

Comments on these proposed rules must be submitted, in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Ms. Jessica Daniels, District Department of the Environment, Air Quality Division, 1200 First Street, NE, 5th Floor, Washington, D.C. 20002 or sent electronically to jessica.daniels@dc.gov. Copies of the proposed rule may be obtained between the hours of 9:00 A.M. and 5:00 P.M. at the address listed above for a small fee to cover the cost of reproduction or on-line at <http://ddoe.dc.gov>.

All comments will be treated as public documents and may be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. The Department will look for the commenter's name and address on the comment. If a comment is sent by electronic mail ("email"), the email address will be automatically captured and included as part of the comment that is placed in the public record to be made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment. Including the commenter's name and contact information in the comment will avoid this difficulty.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF SECOND PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources (DCHR), pursuant to Mayor's Order 2008-92, dated June 26, 2008, and with the concurrence of the City Administrator; Mayor's Order 2007-95, dated April 18, 2007; Mayor's Order 2012-19, dated June 18, 2012; and in accordance with the provisions of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 4-1501.01 *et seq.* (2012 Repl.)); and Sections 422 (2), (3), and (11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code §§ 1-204.22(2), (3), (11) (2012 Repl.)), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following amendments to Chapter 4 (Organization for Personnel Management), of Title 6, Subtitle B (Government Personnel) of the District of Columbia Municipal Regulations (DCMR).

The main purpose of these rules is to amend Chapter 4, "Organization for Personnel Management," of Subtitle B of Title 6 of the DCMR, in its entirety.

A Notice of Proposed Rulemaking was initially published in the *D.C. Register* on September 12, 2014 at 61 DCR 009337. DCHR received several comments from union officials regarding the content of the rules, which resulted in the DCHR hosting several briefings on the proposed rules with union officials and management. As a result of those briefings, edits were made to Subsection 400.4 to clarify the reassignment requirements for employees deemed unsuitable for covered positions; and Subsection 401.3 to add language that states that labor agreements take precedent in cases of irreconcilable conflicts in the rules. Subsection 406.4 was amended to add language that states that employees occupying security sensitive positions at the time these rules are finalized are not subject to an initial consumer credit check. Subsection 406.9 was added to state that employees are not responsible for the cost of enhanced suitability screenings. Subsections 406.10 to 406.12 were moved to Section 408 (Assessing General Suitability Screening). Subsection 408.4 was deleted. Subsections 408.5 through 408.7 were moved to Section 406. Subsection 416.4 was revised to include language that the notification to the supervisor and the personnel authority shall occur within no more than five (5) days of the date of the arrest or service of complaint, or its equivalent, on the volunteer or employee. Subsection 424.1(b) is amended to increase the number of days to provide a written response to derogatory information to no less than ten (10) business days and no more than twenty-one (21) calendar days. Subsection 427.9 is amended to clarify that the personnel authority may not require blood tests to be performed to carry out random drug or alcohol tests. Subsections 431.4 through 431.9 are being renumbered and minor edits made. Other non-substantive amendments were made throughout the chapter. The proposed rulemaking published with this notice supersedes the Notice of Proposed Rulemaking published on September 12, 2014. Upon adoption, these rules will amend Chapter 4, Organization for Personnel Management, of Title 6-B DCMR, published at 32 DCR 75 (January 4, 1985) and amended at 33 DCR 4447 (July 25, 1986), 51 DCR 928 (January 23, 2004), 51 DCR 11591 (December 24, 2004), 52 DCR 6646 (July 15, 2005), 55 DCR 724 (January 25, 2008), 55 DCR 8870 (August 15, 2008), 56 DCR 004346 (June 5, 2009), and 58 DCR 00036 (January 21, 2011).

Chapter 39, TESTING FOR THE PRESENCE OF CONTROLLED SUBSTANCES AND ALCOHOL, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is repealed.

Chapter 4, ORGANIZATION FOR PERSONNEL MANAGEMENT, is repealed and replaced as follows:

The title of Chapter 4 of the D.C. Personnel Regulations is renamed to “Suitability”, and is further amended as follows:

400 EMPLOYEE SUITABILITY POLICY

400.1 The District government maintains a highly qualified and diverse workforce comprised of suitable individuals of moral character and dedication who carry out government business in a manner that honors the public trust. These employees are committed to promoting the safety and security of District personnel, residents, visitors, and government property.

400.2 It is the policy of the District government to assess the suitability of each applicant, appointee, volunteer, and employee through uniform background checks and drug and alcohol testing, as deemed necessary, which meet the District’s need for flexible personnel administration, government accountability, individual privacy, and other constitutionally protected rights.

400.3 General background checks, criminal background checks, and mandatory drug and alcohol testing shall be utilized to ensure that each applicant, appointee, volunteer, and employee possesses the character and background necessary to enhance the integrity and efficiency of the District government.

400.4 Unless otherwise specified in this chapter, an employee deemed unsuitable pursuant to this chapter, may be reassigned to a non-covered position, for which he or she is qualified and otherwise suitable. If reassignment cannot reasonably be accomplished, is inconsistent with another provision of these regulations, or is determined to not be in the best interests of the agency or the District, the employee shall be subject to immediate removal.

401 APPLICABILITY

401.1 Unless otherwise specified, the provisions of this chapter shall apply to all applicants, appointees, volunteers, and employees for positions within the District government agencies under the personnel authority of the Mayor, except for candidates for uniformed positions in the Fire and Emergency Medical Services Department and Metropolitan Police Department, who shall be covered by suitability provisions in Chapter 8 of these regulations.

401.2 Applicants, appointees, volunteers, and employees for positions within the District government under the personnel authority of independent agencies are

subject to the provisions of this chapter, unless otherwise specified by law, rules, or regulations.

401.3 Negotiated labor agreements shall be read to give effect to this chapter to the fullest extent possible. However, in the case of an irreconcilable conflict, a labor agreement shall control with respect to the specific conflict.

402 GENERAL SUITABILITY SCREENING

402.1 After the issuance of an offer of employment, and to the extent practicable before actual employment commences, all individuals shall undergo a general suitability screening. The personnel authority shall conduct a general suitability screening that includes verification of the following:

- (a) Past employment, including dates, compensation, titles held, duties, performance, and reason for separation;
- (b) Educational background, including all relevant diplomas and degrees;
- (c) Licenses, certifications, and training, required for the position; and
- (d) At least three (3) reference checks to ascertain character, reputation, relevant traits, and other relevant qualities, and whether the individual providing the reference would recommend the applicant for the position for which he or she is being considered. The reference checks shall be made with the individual's former employer; except, that personal references may be utilized instead of, or in addition to, checks with former employers, as deemed necessary by the personnel authority.

402.2 Unless otherwise provided by law, regulation, or Sections 406 through 438, in filling a position subject to a general suitability screening, a screening need not be conducted if the appointee is already employed with the District government in a position subject to a general suitability screening, and the nature of the personnel action for the new appointment is one (1) of the following:

- (a) Promotion;
- (b) Demotion;
- (c) Reassignment; or
- (d) An appointment or conversion of an employee who has been serving continuously with a District government agency for at least one (1) year in a position(s) under an appointment subject to a general background check.

403 CONDUCTING GENERAL SUITABILITY SCREENING

- 403.1 The personnel authority for each agency shall verify the following information, and shall record the date, time, means, and results of such verification:
- (a) Past employment;
 - (b) Residency (if a preference is claimed);
 - (c) Military service (if a preference is claimed);
 - (d) Education, if required by the position or if used to substitute for experience in qualifying the individual for the position;
 - (e) License, certification, or training, if required by the position or if used in qualifying the individual for the position; and
 - (f) References.
- 403.2 Upon completing a general suitability screening in accordance with Subsection 403.1, the personnel authority shall inform the agency of the results, and may make a determination that an appointee is not suitable for employment, and may thereby:
- (a) Deny him or her examination for, or appointment to, the position for which the individual had been considered; or
 - (b) Require the employing agency to terminate the appointee from District government service.
- 403.3 A subordinate agency that has been delegated personnel authority to conduct general suitability screenings shall promptly make an appropriate determination under Subsection 403.2 upon completing the general suitability screening, and immediately inform the program administrator of that determination in writing.
- 403.4 If any discrepancies, consistent with Section 408, are identified, a subordinate agency that has been delegated personnel authority to conduct general suitability screenings shall investigate to the fullest extent of their ability until the discrepancies are resolved. Individuals under consideration for the positions shall fully cooperate in any such investigation as a prerequisite to employment.
- 403.5 When a discrepancy cannot be resolved, the discrepancy shall be presented in writing to the personnel authority, who will determine within ten (10) days of receipt of the request, whether the individual is disqualified.

403.6 A general suitability screening shall be deemed valid for a period of one (1) year and need not be repeated by a program administrator for subsequent applications by the same individual for that period of time.

404 [RESERVED]

405 [RESERVED]

406 ENHANCED SUITABILITY SCREENING – GENERAL PROVISIONS

406.1 In addition to a general suitability screening, appointees, volunteers, and employees shall be subject to one (1) or more of the following enhanced suitability screenings, as dictated by the applicable position:

- (a) Pre-employment criminal background check;
- (b) Reasonable suspicion criminal background check;
- (c) Biennial criminal background check;
- (b) Traffic record check;
- (c) Consumer credit check;
- (d) Pre-employment drug and alcohol test;
- (e) Reasonable suspicion drug and alcohol test;
- (f) Random drug and alcohol test;
- (g) Post-accident or post-incident drug and alcohol test; or
- (h) Return-to-duty and follow-up drug and alcohol test.

406.2 Agencies under the personnel authority of the Mayor shall conform to the standards and procedures established in this chapter for screenings.

406.3 No individual may work in a safety or security sensitive position until the completion of a negative drug test.

406.4 Each current employee in a covered position shall be subject to an enhanced suitability screening beginning within forty-five (45) days of the publication in the *D.C. Register* of the Notice of Final Rulemaking implementing the criminal background check requirements of this chapter. The personnel authority shall notify each current employee in a covered position that he or she shall be subject to enhanced suitability screening under the chapter prior to conducting any such screening. Employees who occupy safety sensitive positions at the time these

rules become final shall be subject to a reasonable suspicion drug and alcohol test, a random drug and alcohol test, post-accident or post-incident drug and alcohol tests, and return-to-duty and follow-up drug and alcohol tests. Employees who occupy protection sensitive positions at the time these rules become final shall not be subject to an initial drug or alcohol test, but shall be subject to a reasonable suspicion drug and alcohol test, a random drug and alcohol test, post-accident or post-incident drug and alcohol tests, and return-to-duty and follow-up drug and alcohol tests. Employees who occupy security sensitive positions at the time these rules become final shall not be subject to an initial consumer credit check.

- 406.5 The Director of the DCHR (or his or her designee) shall publish in the Electronic-District Personnel Manual (or any other electronic procedural manual or manuals developed) positions in subordinate agencies subject to enhanced suitability screening pursuant to this chapter.
- 406.6 The position description for each position designated for an enhanced suitability screening shall include a statement of such designation and a statement indicating that incumbents of the position shall be subject to enhanced suitability screening.
- 406.7 Agencies subordinate to the Mayor and independent agencies that are subject to these regulations shall cover the full administrative costs of the enhanced suitability screenings listed in Subsection 406.1 of this chapter.
- 406.8 Employees shall not be responsible for the cost of any enhanced suitability screening requirements. Employees shall only be required to participate in suitability assessment activities while on-duty and in a pay status.
- 406.9 Unless otherwise provided pursuant to law or regulation, when an appointee is disqualified under the provisions of this chapter, the program administrator, at its discretion, may continue to rely on that determination with regard to subsequent applications for substantially similar positions with the same enhanced suitability requirements, for a period of not more than one (1) year from the date of the disqualification determination, after which a new suitability screening shall be required.
- 406.10 Upon expiration of the one (1) year period under Subsection 406.9, a new suitability screening shall be conducted and a re-determination made before the individual may be appointed.
- 406.11 Employees separated under Subsection 428.1 and appointees denied continued employment under Subsection 428.2 shall not be eligible for employment in a substantially similar safety sensitive or protection sensitive position for a period of one (1) year from the date of his or her removal or disqualification.

407 ENHANCED SUITABILITY SCREENING – RECRUITMENT REQUIREMENTS

407.1 In the case of competitive recruitment for a position requiring an enhanced suitability screening, the vacancy announcement and subsequent offer letter to the appointee shall state that:

- (a) The position for which he or she is applying has been identified and designated as requiring enhanced suitability screening;
- (b) If tentatively selected for the position, a criminal background check, traffic record check, consumer credit check, and mandatory drug and alcohol testing, as appropriate, will be conducted; and
- (c) The appointee to the position may be offered employment contingent upon receipt of a satisfactory enhanced suitability screening.

407.2 In the case of non-competitive recruitment for a position requiring enhanced suitability screening, the offer letter to the individual being considered for employment shall be provided and contain the information outlined in Subsection 407.1.

407.3 Subject to the approval of the program administrator, an appointee to a covered position may be offered employment contingent upon receipt of a satisfactory enhanced suitability screening. No appointees shall work in an unsupervised setting, prior to receiving the results of the screening, and prior to the employing agency making a determination that the appointee meets the requirements of the chapter.

408 ASSESSING GENERAL SUITABILITY SCREENINGS

408.1 The appropriate authority shall evaluate any derogatory information received during a general suitability screening and determine whether an individual is suitable for the specific position for which he or she has applied. If an individual is found unsuitable, he or she shall be disqualified from appointment to that position.

408.2 The reasons that may be used in making a determination of disqualification of an appointee may include, but shall not be limited to the following:

- (a) Delinquency or misconduct in prior employment;
- (b) Dishonest or other conduct of a nature that could undermine the public's confidence in the District government's integrity;
- (c) Any false statement, or the engagement in deception or fraud in connection with the examination or appointment process;

- (d) Evidence of ongoing abuse of a drug or alcohol; or
- (e) Any lawful and articulable reason that is neither arbitrary nor capricious.

408.3 Prior to disqualifying an appointee based on derogatory information, the personnel authority shall determine whether disqualification is warranted. The personnel authority shall make this determination by considering the conduct or event(s) related to the derogatory information in the context of:

- (a) The specific duties and responsibilities of the position;
- (b) The bearing, if any, the derogatory information has on those duties and responsibilities;
- (c) The length of time that has passed since the conduct or event(s);
- (d) The frequency and seriousness of the conduct or event(s);
- (e) Any mitigating information provided by an individual in response to the derogatory information; and
- (f) Whether, based on the totality of information available, the appointee possesses the necessary moral character and dedication to successfully serve the public.

409 POSITIONS SUBJECT TO ENHANCED SUITABILITY SCREENING

409.1 Each agency head (or his or her designee), with the concurrence of the program administrator, shall identify and determine which positions in the agency shall be subject to an enhanced suitability screening. In identifying the covered positions, the program administrator shall ensure that the duties and responsibilities of each position fall into one of the categories described in Subsection 409.2 of this section. The identification of these positions shall be consistent with the spirit of Subsection 400.2 of this chapter.

409.2 The types of positions that are subject to enhanced suitability screenings for appointees, volunteers, and employees are positions with duties and responsibilities that shall be categorized as follows:

- (a) Safety sensitive, which are positions with duties or responsibilities if performed while under the influence of drugs or alcohol could lead to a lapse of attention that could cause actual, immediate and permanent physical injury or loss of life to self or others;

- (b) Protection sensitive, which are positions with duties or responsibilities caring for or ensuring the well-being of children or youth, patients, the elderly, or other vulnerable persons; and
- (c) Security sensitive, which are positions of special trust that may reasonably be expected to affect the access to or control of activities, systems, or resources that are subject to misappropriation, malicious mischief, damage, or loss or impairment of communications or control.

409.3 An employee who is detailed, temporarily promoted, or temporarily reassigned from a non-covered position to a covered position shall affirmatively agree to an enhanced suitability screening to the position upon the effective date of the personnel action, and to biennial criminal background and traffic record checks, as appropriate, while detailed, temporarily promoted, or temporarily reassigned to the covered position.

410 SAFETY SENSITIVE POSITIONS – GENERAL PROVISIONS

410.1 In addition to the general suitability screening, individuals applying for or occupying safety sensitive positions are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Pre-employment drug and alcohol test;
- (d) Reasonable suspicion drug and alcohol test;
- (e) Post-accident or incident drug and alcohol test;
- (f) Random drug and alcohol test; and
- (g) Return-to-duty or follow-up drug and alcohol test.

410.2 Examples of safety sensitive duties and responsibilities include, but are not limited to:

- (a) Operating large trucks, heavy or power machinery, or mass transit vehicles;
- (b) Handling hazardous quantities of chemical, biological or nuclear materials;
- (c) Maintaining the safety of patrons in and around a pool or aquatic area;

- (d) Engaging in duties directly related to the public safety, including, but not limited to, responding or coordinating responses to emergency events; or
- (e) Carrying a firearm.

411 PROTECTION SENSITIVE POSITIONS – GENERAL PROVISIONS

411.1 In addition to the general suitability screening, individuals applying for or occupying protection sensitive positions are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Pre-employment drug and alcohol test;
- (d) Reasonable suspicion drug and alcohol test;
- (e) Post-accident or incident drug and alcohol test; and
- (f) Return-to-duty and follow-up drug and alcohol test.

411.2 Examples of protection sensitive duties and responsibilities include, but are not limited to, positions that:

- (a) Coordinate, develop, or support recreational activities;
- (b) Manage, plan, direct, or coordinate educational activities;
- (c) Perform tasks involving individual or group counseling; or
- (d) Assess, monitor, or support childcare activities.

412 SECURITY SENSITIVE POSITIONS – GENERAL PROVISIONS

412.1 In addition to the general suitability screening, individuals applying for or occupying positions deemed security sensitive are subject to the following checks and tests:

- (a) Criminal background check;
- (b) Traffic record check (as applicable);
- (c) Consumer credit check (as applicable);
- (d) Reasonable suspicion drug and alcohol test; and

(e) Post-accident or incident drug and alcohol test.

412.2 Examples of security sensitive duties and responsibilities include, but are not limited to, positions that:

(a) Handle currency;

(b) Have the ability to create, delete, or alter the financial, personnel, payroll, or related transactions of another person;

(c) Have routine access to the personal identifying information of others;

(d) Have routine access to master building keys or controls;

(e) Have the ability to create, delete, or alter any form of credentials, including, but not limited to, computer network credentials and any form of government identification;

(f) Have involvement in or access to homeland security and emergency management plans, after action reports, analytical products, hazard analyses, and/or risk assessments that relate to preparedness, response, mitigation, protection of critical infrastructure and key assets, or the protection of data related to persons and/or property before, during, and after an act of terrorism, manmade or natural disaster, or emergency event;

(g) Have access to networks, files, or drives that include classified, law enforcement sensitive, or for official use only information related to federal or District government terrorism investigations or other man-made disasters in either electronic or hard copy;

(h) Are in the Executive Service; and

(i) Are in the Excepted Service.

412.3 Positions located in secure facilities may be deemed security sensitive at the discretion of the personnel authority.

413 [RESERVED]

414 VOLUNTEERS

414.1 Individuals providing voluntary services to the District government shall be subject to general and enhanced suitability screening, specified in Sections 402 and 406, as applicable.

- 414.2 Individuals providing voluntary services performing duties and responsibilities in a covered position shall be subject to enhanced suitability screening.
- 414.3 Before a volunteer signs an agreement to perform in a covered position, he or she shall be notified in writing of the enhanced suitability screening before beginning volunteer activities and shall be subject to ongoing enhanced suitability screening while performing the duties and responsibilities of the covered position.
- 414.4 As a condition of an agreement for voluntary service, each individual subject to an enhanced suitability screening shall execute an acknowledgement and consent to the screening required by this chapter.

415 CRIMINAL BACKGROUND CHECKS – GENERAL PROVISIONS

- 415.1 The program administrator shall conduct any required criminal background checks.
- 415.2 Appointees, employees, or volunteers subject to criminal background checks shall submit to a criminal background check by means including, but not limited to, fingerprint and a National Criminal Information Center check.
- 415.3 Initial criminal background checks shall be conducted for appointees to covered positions pursuant to Subsection 406.1. For employees and volunteers in covered positions, a criminal background check shall be conducted on a biennial basis or whenever there is reasonable suspicion that the employee or volunteer has been arrested or charged with a criminal offense listed in Subsection 416.2(c).
- 415.4 Criminal background checks shall be conducted in accordance with the Metropolitan Police Department (MPD) and Federal Bureau of Investigations (FBI) policies and procedures and in an FBI-approved environment.
- 415.5 An individual with proof of an active federal security clearance shall not be subject to a criminal background check.

416 CRIMINAL BACKGROUND CHECK – AUTHORIZATION PROCESS

- 416.1 As a condition of employment, each individual subject to a criminal background check shall execute an acknowledgement and consent to the criminal background checks required by this chapter.
- 416.2 Prior to each criminal background check, the program administrator shall inform each individual subject to the check of the location of the office where the check will be conducted, when to report for the check, and provide each individual with all forms necessary to:

- (a) Authorize the MPD or another entity, as appropriate, to conduct the criminal background check and confirm that the appointee, employee, or unsupervised volunteer has been informed that the employing agency is authorized to conduct a criminal background check;
- (b) Complete a signed affirmation stating whether the individual:
 - (1) For the offenses listed in subparagraphs (c)(1) through (c)(9), has been convicted, pleaded *nolo contendere*, placed on probation before judgment, or placed on a stet docket; or
 - (2) Has been found not guilty by reason of insanity for any sexual offenses or intra-family offenses.
- (c) Disclose any court actions for an individual for whom a criminal background check is required, excluding acquittals or dismissals resulting from inadequate evidence, involving, but not limited to, the following criminal conduct:
 - (1) Murder, attempted murder, manslaughter, or arson;
 - (2) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, threats to do bodily harm, including domestic violence;
 - (3) Burglary;
 - (4) Robbery;
 - (5) Kidnapping;
 - (6) Illegal use or possession of a firearm;
 - (7) Sex offenses, including, but not limited to, indecent exposure, promoting, procuring, compelling, soliciting, or engaging in prostitution, corrupting minors (sexual relations with children), molesting, voyeurism, committing sexual acts in public, incest, rape, sexual assault, sexual battery, or sexual abuse, but excluding sodomy between consenting adults;
 - (8) Child abuse or cruelty to children;
 - (9) Unlawful distribution or possession of or with intent to distribute an illegal drug;
 - (10) Fraud;

- (11) Identity theft;
- (12) Embezzlement; or
- (13) Computer/cybercrime.

- (d) Acknowledge, in writing, that the individual has been notified of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report;
- (e) Acknowledge that the individual may be denied employment, or terminated, based on the outcome of the criminal background check;
- (f) Provide any additional identification that is required, such as name, social security number, date of birth, and gender; and
- (g) Inform the individual that a false statement on the form(s) may subject him or her to criminal penalties.

416.3 Upon receiving and completing the form(s) specified in this section, an individual shall report to the designated location to be fingerprinted.

416.4 Volunteers or employees in a covered position shall notify their supervisor and the personnel authority whenever they are arrested or charged with any criminal offense. Such notification shall occur within no more than seven (7) days of the arrest or service of a criminal complaint, or its equivalent, on the volunteer or employee. Failure to comply with this subsection shall constitute cause for disciplinary action under Chapter 16 of these regulations.

417 ASSESSING CRIMINAL HISTORIES

417.1 The program administrator shall evaluate any derogatory information obtained from a criminal background check and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.

417.2 Upon receipt, the program administrator shall review the criminal history of the individual.

417.3 All criminal convictions shall be considered when assessing suitability based on a criminal history.

417.4 The program administrator must evaluate an individual's criminal history to determine whether he or she is suitable for District service. To make this determination, the program administrator shall consider each criminal offense in the context of:

- (a) The specific duties and responsibilities of the position;

- (b) The bearing, if any, the derogatory information has to those duties and responsibilities;
- (c) The length of time that has passed since the criminal offense(s);
- (d) The age of the individual at the time of the criminal offense(s);
- (e) The frequency and seriousness of the criminal offense(s);
- (f) Any mitigating information provided by the individual in response to the derogatory information;
- (g) The contributing social or environmental conditions; and
- (h) The District’s policy favoring re-entry of ex-offenders into its work force.

417.5 Notwithstanding any other provision of this chapter, no individual may occupy a safety or protection sensitive position if he or she has been charged with any felony sexual offense(s) or any sexual offense(s) involving minors, and for such offense(s):

- (a) Was convicted, pleaded guilty, pleaded *nolo contendere*, placed on probation before judgment, or otherwise placed on a stet docket;
- (b) Was found not guilty by reason of insanity; or
- (c) Is currently listed on a sexual offender registry.

418 [RESERVED]

419 **TRAFFIC RECORD CHECKS – GENERAL PROVISIONS**

419.1 As a condition of employment, each individual subject to a traffic record check shall execute an acknowledgement and consent to the checks required by this chapter.

419.2 The program administrator shall be responsible for conducting traffic record checks pursuant to the provisions in this chapter, and for developing internal operating procedures for conducting the checks.

419.3 For the purposes of this chapter, traffic record checks shall be obtained from the traffic records maintained by the individual’s local motor vehicle administration.

420 TRAFFIC RECORD CHECKS – ASSESSING HISTORIES

- 420.1 The program administrator shall evaluate any derogatory information obtained from a traffic record check and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.
- 420.2 The assessment of traffic records shall be conducted substantially consistent with Subsection 417.4.
- 420.3 The review of the traffic records shall include, but is not limited to:
- (a) Checking the validity of an individual's driver's license;
 - (b) Checking for a pattern(s) of disregard for existing traffic regulations; and
 - (c) Checking whether there have been any conviction(s) for driving under the influence or while impaired.

421 [RESERVED]**422 CONSUMER CREDIT CHECKS – GENERAL PROVISIONS**

- 422.1 Consumer credit checks shall be conducted for appointees to finance related security sensitive positions.
- 422.2 Prior to conducting a consumer credit check, and as a condition of employment, an appointee subject to the check shall execute an authorization to obtain a consumer credit report which shall set forth the appointee's or employee's rights under the Fair Credit Reporting Act.
- 422.3 If any discrepancies are identified, the personnel authority shall fully investigate until the discrepancies are resolved. An appointee shall fully cooperate in any such investigation as a prerequisite to employment.

423 CONSUMER CREDIT CHECKS – ASSESSING HISTORIES

- 423.1 The program administrator shall evaluate any derogatory information obtained from a credit report and determine whether the individual is suitable for the position he or she occupies or for which he or she has applied.
- 423.2 When warranted, an appointee may be disqualified based on one (1) or more of the following:
- (a) Debts owed to the District government;

- (b) Active liens;
- (c) Current or repeated exhaustion of credit;
- (d) Bankruptcies and foreclosures; or
- (e) A pattern of late fees or financial activity establishing significant financial stress.

423.3 Prior to disqualifying an appointee based on derogatory credit information, the program administrator shall determine whether disqualification is warranted. To the extent practicable, the program administrator shall make this determination by considering the financial history in the context of:

- (a) The specific duties and responsibilities related to the position;
- (b) The bearing, if any, the derogatory information has to those duties and responsibilities;
- (c) The length of time that has passed since the reporting of the derogatory information;
- (d) The frequency and seriousness of the derogatory information;
- (e) Any mitigating information provided by the individual in response to the derogatory information; and
- (f) Whether, based on the totality of information available, the individual can reasonably be entrusted with the safety and security of government property and operations and possesses the necessary moral character and dedication to successfully serve the public.

424 CLARIFYING DEROGATORY INFORMATION

424.1 Whenever a general and enhanced suitability screening reveals derogatory information the program administrator shall:

- (a) Notify the individual as to the source, nature, and potential impact of the derogatory information; and
- (b) Allow the individual no less than ten (10) business days and no more than twenty-one (21) calendar days to provide a written response to the derogatory information. The personnel authority may authorize a shorter time period under extraordinary circumstances.

425 MANDATORY DRUG AND ALCOHOL TESTING – GENERAL PROVISIONS

425.1 Each program administrator with safety or protection sensitive positions shall contract with a professional testing vendor(s) to conduct required drug and alcohol testing. The vendor(s) shall ensure quality control, chain-of-custody for samples, reliable collection and testing procedures, and any other safeguards needed to guarantee accurate and fair testing, in accordance with the procedures in 49 Code of Federal Regulations (C.F.R.) Part 40, and District government procedures, as applicable.

425.2 The vendor(s) selected to conduct the testing shall ensure that any laboratory used is certified by the United States Department of Health and Human Services (HHS) to perform job-related drug and alcohol forensic testing.

425.3 The Director of the DCHR shall develop operating policies and procedures for implementing the drug and alcohol program (Program) under this chapter for agencies subordinate to the Mayor that have safety, protection, or security sensitive positions.

426 MANDATORY DRUG AND ALCOHOL TESTING – NOTIFICATION REQUIREMENTS

426.1 Each appointee or employee in a covered position shall be provided a copy of the District's drug and alcohol policy, and any additional requirements imposed by his or her respective agency. The policy shall state at a minimum the following:

- (a) The circumstances under which an appointee or employee will be tested;
- (b) The basic methodology to be used for testing; and
- (c) The consequences of a positive test result.

426.2 Each appointee or employee in a covered position shall sign an acknowledgement that he or she received the written policy as specified in Subsection 426.1 of this section. A legal guardian's signature is needed if the appointee or employee is under eighteen (18) years of age.

426.3 As a condition of employment, each appointee or employee in a safety sensitive position subject to random drug and alcohol testing shall execute consent to the testing required by this chapter, or face immediate separation from the District government.

426.4 Whenever an employee occupies a position that becomes designated as safety sensitive he or she may self-report any existing drug or alcohol usage to his or her agency within thirty (30) days of the change in designation. The employee shall:

- (a) Be permitted to engage in any needed counseling or rehabilitation program(s), without being subject to adverse or other administrative actions;
- (b) Be detailed to a position that is not safety or protection sensitive while undergoing the treatment; and
- (c) Be returned to a safety or protection sensitive position upon successful completion of treatment, and a negative test result.

**427 MANDATORY DRUG AND ALCOHOL TESTING – TESTING
METHODOLOGY**

- 427.1 The vendor(s) selected to conduct the testing shall conduct the alcohol and drug testing at a location designated by the program administrator for such purposes.
- 427.2 In general, testing for drugs shall be conducted by urine sample from the individual being tested.
- 427.3 Testing for alcohol use shall be conducted utilizing an evidentiary breath-testing device or EBT, commonly referred to as a “breathalyzer.”
- 427.4 In the case of drug testing, the vendor(s) shall split each sample and ensure that the laboratory performs enzyme-multiplied-immunoassay technique (EMIT) test on one (1) sample and store the split of that sample. A positive EMIT test shall be confirmed by the vendor(s) using the gas chromatography/mass spectrometry (GCMS) methodology.
- 427.5 The personnel authority shall notify, in writing, any appointee or employee found to have a confirmed positive drug test result. The appointee or employee may then authorize that the stored sample be sent to another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing methodology.
- 427.6 All drug and alcohol testing shall follow the same procedures set forth in this section. In the case of a reasonable suspicion referral or a post-accident and incident test, the agency shall escort the employee to the designated test site for specimen collection as needed.
- 427.7 In the event that an individual requires medical care following an accident or incident, medical care shall not be delayed for the purpose of testing. In such cases, drug and alcohol testing may be conducted by a blood test.
- 427.8 A blood, breath, or urine test conducted in accordance with this section shall be deemed positive if the test yields a result that the appointee’s or employee’s alcohol content was either .04 grams or more per 210 liters of breath, .04 grams or

more per 100 milliliters of blood, or .05 grams or more per 100 milliliters of urine.

427.9 The personnel authority may not require blood tests to be performed to carry out random drug or alcohol tests.

428 MANDATORY DRUG AND ALCOHOL TESTING – POSITIVE DRUG OR ALCOHOL TESTS RESULTS

428.1 An employee shall be deemed unsuitable and immediately subject to separation from a covered position as described in Subsections 439.3 and 439.4 for:

- (a) A positive drug or alcohol test result;
- (b) A refusal to submit to a drug or alcohol test; or
- (c) In the case of an employee who acknowledged a drug or alcohol problem as specified in Subsection 426.4, failure to complete a counseling or rehabilitation program(s), or a positive return-to-duty test.

428.2 The program administrator shall rescind a conditional offer or decline to make a final offer of employment to an appointee subject to pre-employment testing if he or she:

- (a) Fails or otherwise refuses to submit to a required drug or alcohol test;
- (b) Fails or otherwise refuses to follow instructions given during a required drug or alcohol test; or
- (b) Has a positive drug or alcohol test result.

429 MANDATORY DRUG AND ALCOHOL TESTING – PRE-EMPLOYMENT

429.1 As a condition of employment, appointees to safety and protection sensitive positions shall be required to pass a pre-employment drug test in accordance with this section. In addition, the program administrator may require a pre-employment alcohol test.

429.2 For safety and protection sensitive positions, pre-employment drug and alcohol testing shall be conducted after a conditional offer of employment is made, but before the appointee’s effective date of appointment.

429.3 Pre-employment drug and alcohol testing shall be carried out pursuant to Sections 425 through 428.

430 MANDATORY DRUG AND ALCOHOL TESTING – RANDOM

- 430.1 Employees in safety sensitive positions shall be subject to random drug and alcohol testing. Such employees shall be placed in a random drug and alcohol testing pool.
- 430.2 Each year, the program administrator shall conduct a number of random drug tests that shall be at least equal to fifty percent (50%) of the total drug testing pool.
- 430.3 Similarly, each year, the program administrator shall conduct a number of alcohol tests that shall be at least equal to ten percent (10%) of the total alcohol testing pool.
- 430.4 Employees in the drug and alcohol pools shall be randomly selected in a manner consistent with accepted industry practice.
- 430.5 Random drug and alcohol testing shall be conducted in accordance with Sections 425 through 428.

**431 MANDATORY DRUG AND ALCOHOL TESTING –
REASONABLE SUSPICION**

- 431.1 All District employees, including employees in independent agencies, are subject to, and shall be referred by a trained supervisor or manager for, drug and alcohol testing when there is a reasonable suspicion that the employee, while on duty, is impaired or otherwise under the influence of a drug or alcohol.
- 431.2 Prior to contacting the appropriate personnel authority to make a referral under this section, the trained supervisor or manager shall:
- (a) Have reasonable suspicion that the employee is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired; and
 - (b) Gather all information and facts to support this reasonable suspicion.
- 431.3 A reasonable suspicion referral shall be confirmed through a second opinion rendered by another trained supervisor or manager, if available.
- 431.4 A reasonable suspicion referral may be based on direct observation of drug use or possession, physical symptoms of being under the influence of drugs, symptoms suggesting alcohol intoxication, a pattern of erratic behavior, or any other reliable indicators. There may be reasonable suspicion under the following conditions:
- 431.5 Reasonable suspicion may be established if:
- (a) The employee is witnessed using a drug or alcohol while on duty;

- (b) The employee displays physical symptoms consistent with drug or alcohol usage;
- (c) The employee engages in erratic or atypical behavior of a type that is consistent with drug or alcohol usage; or
- (d) There are other articulable circumstances which would lead a reasonable person to believe that the employee is under the influence of a drug or alcohol.

431.6 Only a trained supervisor or manager shall refer an employee for drug or alcohol testing.

431.7 Prior to making a referral, the trained supervisor or manager shall gather all information and facts that support the reasonable suspicion determination.

431.8 Reasonable suspicion referral testing shall be conducted in accordance with Sections 425 and 427 of this chapter.

431.9 Testing resulting from a reasonable suspicion referral shall be conducted as specified in Sections 427 and 428 of this chapter.

432 MANDATORY DRUG AND ALCOHOL TESTING – POST-ACCIDENT OR INCIDENT

432.1 All District employees shall be subject to post-accident or incident testing when they are involved in accidents or incidents under the following conditions:

- (a) The employee is involved in an on-the-job accident or incident that result in injury or loss of human life;
- (b) One (1) or more motor vehicle(s) (either District government or private) incurs disabling damage, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle;
- (c) Anyone receives bodily injury which requires immediate medical attention away from the scene;
- (d) The employee operating a government vehicle or equipment receives a citation under District of Columbia or another law for a moving traffic violation arising from the incident;
- (e) There are reasonable grounds to believe the employee has been operating or in physical control of a motor vehicle within the District of Columbia while that employee's breath contains .04 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof;

- (f) The actions of the employee cannot reasonably be discounted as a contributing factor, using the best information available at the time of the decision; or
- (g) The employee is involved in an on-the-job accident or incident that seriously damages machinery, equipment, or other property.

432.2 A post-accident or incident drug or alcohol test shall be conducted as set forth in Sections 425 and 427.

433 MANDATORY DRUG AND ALCOHOL TESTING – RETURNED-TO-DUTY AND FOLLOW-UP

433.1 Employees in a safety or protective sensitive position who acknowledge a drug or alcohol problem and complete a counseling and rehabilitation program, as provided in Subsection 426.4, shall be subject to a returned-to-duty and follow-up test.

433.2 The returned-to-duty and follow-up test shall be conducted as set forth in Sections 425 and 427.

434 MANDATORY DRUG AND ALCOHOL TESTING – REQUIRED TRAINING

434.1 Agencies with positions subject to mandatory drug and alcohol testing shall be responsible for providing training in drug abuse detection and recognition, documentation, intervention, and any other appropriate topics, for supervisors and managers in agencies with covered employees.

435 SUITABILITY DETERMINATIONS

435.1 The information contained in this section shall only apply to enhanced suitability screenings.

435.2 The program administrator shall establish and maintain written suitability assessment determinations for enhanced suitability screenings.

435.3 The program administrator shall make a suitability determination within fifteen (15) days after receiving all enhanced suitability screening information necessary to make the determination.

435.4 The final suitability determination shall establish whether:

- (a) For appointees, if a conditional offer of employment should be withdrawn;

- (b) For volunteers, if the individual is suitable to provide voluntary services; and
- (c) For employees, if the individual may be retained in their position of record.

- 435.5 For appointees to and employees in safety sensitive positions in a covered child or youth service agency, as defined by D.C. Official Code § 4-1501.02(3) (2012 Repl.), the final suitability determination shall establish whether the appointee or employee presents a present danger to children or youth.
- 435.6 In accordance with Section 428, a positive drug or alcohol test shall render an individual unsuitable for District employment and constitute cause for purposes of Chapter 16 of these regulations.
- 435.7 The program administrator shall notify the employing agency of the final suitability determination.
- 435.8 If an appointee is deemed unsuitable based on an enhanced suitability screening, any conditional employment offer shall be withdrawn and he or she shall be notified of the final suitability determination.
- 435.9 If an employee is deemed unsuitable, the employing agency shall move the employee to a non-covered position, or if none are available, terminate his or her employment by immediately initiating the appropriate adverse action procedure as specified in this subtitle or any applicable collective bargaining agreement. Notwithstanding any other provision of this subtitle, whenever an employee is deemed unsuitable under this chapter, the facts supporting that determination shall be cause for adverse action under Chapter 16 of these regulations.
- 435.10 If a volunteer is deemed unsuitable for voluntary service, the voluntary service process shall be terminated and he or she shall be notified of the suitability determination.
- 435.11 Post-accident and incident drug or alcohol testing results shall be provided to the Chief Risk Officer, Office of Risk Management, for purposes of the Public Sector's Workers Compensation Program, upon request.

436 APPOINTEE, VOLUNTEER, AND EMPLOYEE RIGHTS

- 436.1 In the interest of transparency, applicants, appointees, volunteers, and employees have a right to understand and challenge the sources of derogatory information that results in employment disqualification. The purpose of this section is to outline the means by which applicants, volunteers, and employees may review, and in some cases appeal, unfavorable suitability determinations based on such information.

436.2 Individuals subject to the provisions of this chapter have the right to the following information:

- (a) Each appointee, volunteer, or employee in a covered position has a right to receive the following information:
 - (1) Copies of public criminal records received from any law enforcement agency pursuant to Section 415 of this chapter;
 - (2) Any traffic records obtained from the individual's local motor vehicle administration pursuant to Section 420 of this chapter; and
 - (3) A consumer credit report obtained pursuant to Section 423 of this chapter.
- (b) The information outlined in Subsection 436.2(a), shall be provided as follows:
 - (1) An applicant, volunteer, or employee must file a written request with the DCHR;
 - (2) The written request must be submitted no more than fifteen (15) days after receipt of a notification that the applicant, volunteer, or employee has been disqualified; and
 - (3) The DCHR shall provide the requested records no more than fifteen (15) days after receipt of the request.
- (c) Employees subject to the provisions of this chapter have a right to review records according to the procedures established in Chapters 4 and 31A of the District Personnel Manual.

436.3 Appointees, volunteers, and employees subject to enhanced suitability screening as outlined in Section 406, may file an appeal based on the provisions of this chapter as follows:

- (a) If an appointee or volunteer is found unsuitable because he or she presents a present danger to children or youth, he or she may appeal that determination to the Commission on Human Rights (Commission). Any such appeal must be submitted to the Commission no more than thirty (30) days following the date of the suitability determination; or
- (b) If an employee is deemed unsuitable and separated from employment, he or she may appeal that determination with the Office of Employee Appeals (OEA) or, if applicable, initiate a grievance pursuant to a

collective bargaining agreement or Chapter 16 of these regulations. An appeal to the OEA must be filed with that office no more than thirty (30) days following the date of a final agency decision terminating employment. Employees may not appeal to the Commission.

436.4 An appointee or volunteer that is deemed unsuitable and cannot appeal to the Commission may, if applicable, file a grievance with the personnel authority regarding his or her application for employment pursuant to Chapter 16 of these regulations.

437 **[RESERVED]**

438 **APPEALS BEFORE THE COMMISSION ON HUMAN RIGHTS**

438.1 The purpose of this section is to promulgate rules and procedures for the efficient and uniform administration of suitability determination appeals before the Commission.

438.2 If an applicant or volunteer applying for a safety sensitive position is found to pose a present danger to a child or youth, as provided by D.C. Official Code § 4-1501.05a (2012 Repl.), and deemed unsuitable for a District government position, he or she may seek review of that determination with the Commission in accordance with this section.

438.3 For purposes of this section:

- (a) The term “applicant” means an applicant or appointee, as those terms are defined in Section 499;
- (b) The term “petitioner” means the applicant or volunteer seeking review of a suitability determination made under this chapter, but excludes District government employees;
- (c) The term “agency” means the agency to which the applicant applied; and
- (d) The term “parties” means the petitioner and agency, collectively.

438.4 Any document filed with the Commission pursuant to this section shall be served on the opposing party and accompanied by a signed certificate of service showing compliance with this subsection.

438.5 Documents served on the agency shall be delivered by hand or certified mail to the General Counsel for the DCHR or to the General Counsel of the independent personnel authority.

438.6 To initiate the review process, the petitioner shall file a Notice of Appeal, along with a copy of the suitability determination being appealed, with the District of

Columbia Office of Human Rights within thirty (30) days of the issuance of the agency decision being appealed.

438.7 Each Notice of Appeal shall contain, at a minimum, the following information:

- (a) The petitioner's name, address, and phone number;
- (b) The name of the agency, address, and phone number;
- (c) The specific objection(s) to the suitability determination;
- (d) The argument(s) in support of the petitioner's appeal; and
- (e) The relief being sought.

438.8 The following procedures shall be followed after a Notice of Appeal is filed:

- (a) No more than thirty (30) days from the filing of the Notice of Appeal, the agency shall file an answer along with a certified copy of the record, which includes all documents relating to the applicable suitability determination;
- (b) The agency record shall be indexed, with each page being sequentially numbered;
- (c) The Commission shall review the respective arguments of the parties along with the agency record;
- (d) No more than thirty (30) days following the filing of the agency's answer and record, the Commission shall issue a decision affirming or reversing the suitability determination;
- (e) The Commission shall base its decision exclusively on the Notice of Appeal, and the agency's answer and record, and shall not set aside the suitability determination if supported by substantial evidence in the record as a whole and not clearly erroneous as a matter of law;
- (f) When the Commission disagrees with a suitability determination it may make recommendations to the personnel authority. Upon review of the Commission's decision, the personnel authority shall consider the recommendations and issue a final decision without further appeal to the Commission or any court. This final decision by the DCHR or the independent personnel authority shall be in writing, and a copy of this final decision shall be served on petitioner; and

(g) The Commission may not assess fees against the District of Columbia in conjunction with an appeal under this section.

438.9 At the discretion of the Commission, the time limits set forth in this section may be reduced or expanded.

438.10 A decision issued by the Commission shall be final and cannot be appealed to any administrative body or court.

438.11 To the extent practicable, the parties may rely on the District of Columbia Superior Court Rules of Civil Procedure for additional procedural guidance.

439 PROGRAM MANAGEMENT

439.1 This section shall apply to the enhanced suitability screening provisions contained in Sections 406 through 438 of this chapter.

439.2 The Mayor's authority to make suitability determinations under this chapter is delegated to the Director of the DCHR who shall also serve as the program administrator for agencies under the personnel authority of the Mayor.

439.3 If the program administrator determines that an existing employee is unsuitable to continue serving in a covered position, and that he or she should be separated from employment, the removal action shall be carried out by the employing agency in accordance with the employee's type of appointment (*i.e.*, probationary, term or permanent, etc.) and service (*i.e.*, Career, Legal, Excepted, Management Supervisory Service, etc.), and the applicable legal and regulatory provisions governing adverse actions, including but not limited to Chapter 16 of the District Personnel Manual and applicable collective bargaining agreement provisions.

439.4 If an employing agency fails or refuses to remove an employee based on a finding that its employee is unsuitable to continue his or her employment, the program administrator may carry out the adverse action in accordance with the procedures applicable to the employee.

440 REPORTING

440.1 Each program administrator for agencies covered by this chapter shall prepare and submit compliance reports to the Mayor every six (6) months following the effective date of this chapter.

440.2 Each report shall be submitted to the Mayor and include statistical information showing:

(a) Total number of positions within the agency;

- (b) Total number of new hires;
- (c) Total number of positions identified agency-wide as safety, protection and security sensitive;
- (d) Any changes in the numbers reported in Subsection 440.2(c) since the last report;
- (e) Total number of general suitability screening checks conducted and compliance with Section 403 of this chapter;
- (f) Total number of consumer credit checks conducted, including the number of derogatory results received, and types of actions taken, (if any);
- (g) Total number of criminal background checks conducted, the number of derogatory results, and types of actions taken, (if any);
- (h) Total number and type of drug tests conducted, types of drugs detected, and types of actions taken, (if any);
- (i) Total number and type of alcohol tests conducted, positive results, and types of actions taken, (if any); and
- (j) Total number of traffic record checks conducted, types of derogatory results, and types of actions taken, (if any).

441 CONFIDENTIALITY

441.1 Unless publicly available, all records received pursuant to this chapter shall be confidential and are for the exclusive use of making a suitability determination. The records shall not be released or otherwise disclosed to any person except when:

- (a) Required to carry out the application process, including any appeals to the Commission;
- (b) Requested by the Mayor, or his or her designee, for the purpose of an official inspection or investigation, including investigations related to litigation initiated against the District of Columbia;
- (c) Ordered by a court;
- (d) Authorized by the written consent of the individual being investigated; or
- (e) Utilized for a corrective, adverse, or administrative action in a personnel proceeding including but not limited to, disciplinary actions under Chapter 16 of these regulations.

441.2 Any individual who discloses confidential records that were received in accordance with the Child and Youth, Health and Safety Omnibus Amendment Act of 2004, is subject to criminal penalties including a fine of no more than one thousand dollars (\$1,000), imprisonment for not more than one hundred and eighty (180) days, or both.

442 SUITABILITY RECORDS

442.1 Records created and maintained pursuant to this chapter shall be subject to the following:

- (a) Information related to suitability screening and suitability determinations shall be kept in strict confidence in accordance with this section and with Chapter 31 of these regulations;
- (b) Sources of information shall not be disclosed except as specifically authorized in this chapter and in Chapter 31 of these regulations;
- (c) Reports of screenings conducted by a program administrator shall not be disclosed to the individual screened, nor may the information be discussed with him or her in a manner that would reveal or permit him or her to deduce the source of the information.
- (d) The restrictions contained in Subsection 442.1(c) shall not apply to the following:
 - (1) Information of public record;
 - (2) Information from District government personnel records which could be obtained on request by the subject employee under the provisions of Chapter 31 of these regulations; and
 - (3) Other sources of information in reports of investigation may be disclosed to the subject of the investigation only if the personnel authority obtains the information independently, such as by interviewing the subject, or by obtaining permission, in writing, from the sources named to use the information and to identify the source.

442.2 A subordinate agency head (or his or her designee) who has delegated personnel authority pursuant to Sections 403 or 406, shall provide the Director of the DCHR information to document the results of each suitability investigation conducted by the subordinate agency. Unless otherwise specified, the information shall be provided prior to the effective date of appointment of an individual.

443 DRIVERS OF COMMERCIAL MOTOR VEHICLES

443.1 Pursuant to Section 2011 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-620.11 (2014 Repl.)), the federal regulations issued pursuant to 49 U.S.C. § 31306 (currently, 49 C.F.R. Parts 382-385) shall apply to individuals who are employed, or who are candidates for employment, as drivers of commercial motor vehicles.

443.2 The provisions of Subsection 443.1, and the regulations incorporated by reference therein, shall apply to agencies under the personnel authority of the Mayor and other personnel authorities, and to individuals who are employed by or who are candidates for employment in those agencies and personnel authorities as drivers of commercial motor vehicles.

499 DEFINITIONS

499.1 When used in this chapter, the following meanings apply:

Administrative action – official reprimands, suspensions, reductions in grade, or removals under the corrective and adverse action provisions for the Career Service contained in Chapter 16 of Subtitle B, Title 6 of these regulations; and other similar penalties, up to and including removal, for employees in services other than the Career Service.

Agency – any unit of the District of Columbia government, excluding the courts, required by law, by the Mayor of the District of Columbia, or by the Council of the District of Columbia to administer any law, rule, or regulation adopted under authority of law. The term agency shall also include any unit of the District of Columbia government created by the reorganization of one (1) or more units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency.

Alcohol – for the purposes of Sections 425 through 434, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol, regardless of its packaging form, storage, or utilization.

Applicant – an individual who has filed a résumé or electronic (web-based) application for employment in the District government.

Appointee – a person who has been made a conditional job offer to a position, compensated or voluntary, subject to the satisfactory completion of a general or enhanced suitability screening.

Child – an individual twelve (12) years of age and under.

Covered position – for the purposes of Sections 406 through 440, a position, compensated or voluntary, that is designated as safety, protection, or security sensitive position.

Days – calendar days, unless otherwise indicated.

Derogatory information - any information that detracts from the character or standing of the individual for the position which he or she occupies or for which he or she has applied.

Drug – for the purposes of Sections 425 through 434, an illegal drug for which tests are required under 49 C.F.R. part 40, such as marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates; but not authorized prescription medications.

Elderly – age 65 years or older.

Employee – an individual who performs a service for the District government and receives compensation for the performance of such service.

Finance related – involving access to or control of financial instruments, processes or systems;

Follow-up test – a series of unannounced drug and/or alcohol tests conducted periodically after an employee returns to the workplace upon satisfactorily completing treatment requirements. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

Independent agency – any board or commission of the District of Columbia government not subject to the administrative control of the Mayor.

Personnel authority – an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.01, *et seq.*).

Post-accident or post-incident test – for the purposes of Sections 425 through 434, an examination that is administered to a District government employee who, while on duty, is involved in a vehicular or other type of accident resulting in personal injury, property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, from the use of a drug or alcohol on part of the employee.

Program administrator – the Director of the D.C. Department of Human Resources for agencies subordinate to the Mayor, or his or her designee; or the agency head for independent agencies, or his or her designee (if applicable).

Protection sensitive position – a position with duties or responsibilities caring for or ensuring the well-being of children or youth, patients, elders, or other vulnerable persons, including but not limited to the positions listed in Subsection 411.2 of this chapter.

Random drug or alcohol test – for the purposes of Sections 425 through 434, an examination that is administered to a District government employee in a safety sensitive position, at an unspecified time, for the purpose of determining whether the employee has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

Reasonable suspicion test – for the purposes of Sections 425 through 434, an examination that is administered to a District government employee based on the reasonable belief by a supervisor that an employee is under the influence of a drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

Reasonable suspicion referral – for the purposes of Sections 425 through 434, referral of an employee for testing by the District government to determine drug or alcohol usage.

Returned to duty test – a one-time, announced drug and/or alcohol test required as a condition of an employee's return to the workplace upon satisfactorily completing required treatment for substance abuse.

Safety sensitive position – a position with duties or responsibilities which if performed while under the influence of drugs or alcohol, could lead to a lapse of attention that could cause actual, immediate and permanent physical injury or loss of life to self or others, including but not limited to the positions listed in Subsection 410.3 of this chapter.

Security sensitive position – a position of special trust that may be reasonably expected to affect the access to or control of activities, systems, or resources that are subject to misappropriation, malicious mischief, damage, loss or impairment of control of communication, including but not limited to the positions listed in Subsection 412.3 of this chapter.

Subordinate agency – any agency under the direct administrative control of the Mayor, including but not limited to, the agencies listed in Section 301(q) of the CMPA (D.C. Official Code § 1-603.01(17)).

Substantial evidence – the degree of relevant evidence that a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion of an administrative board or agency, even though other reasonable persons might disagree. Under the substantial evidence rule, the reviewing tribunal will defer to an agency determination so long as, upon an examination of the whole record, there is substantial evidence upon which the agency could reasonably base its decision.

Suitability – the quality or state of being acceptable for District government employment with respect to the character, reputation, and fitness of the person under consideration.

Volunteer – an individual who works with the District government without monetary or other financial compensation.

Vulnerable adult – an individual eighteen (18) years of age or older who has a physical or mental condition which impairs his or her ability to provide for their own care or protection.

Youth – an individual between thirteen (13) and seventeen (17) years of age.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 330S, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Additional copies of these proposed regulations are available at the above address.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Chapter XXII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-622.01 *et seq.* (2012 Repl.)), hereby gives notice of the intent to adopt the following proposed amendments to Chapter 22 (Life Insurance Benefits) of Subtitle B, Title 6 (Government Personnel), 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 these rules is to amend the definition of dependent child from age twenty-six (26) to twenty-one (21); and to add language for a dependent child through age twenty-four (24) who is a full-time student. This will align the definition with the current District of Columbia Employee Life Insurance (DCELGI) contract.

Upon adoption, these rules will amend 6-B DCMR Chapter 22, Life Insurance Benefits, as published at 41 DCR 3235 (June 10, 1994) and amended at 44 DCR 2833 (May 9, 1997), 44 DCR 5368 (September 19, 1997), and 60 DCR 11218 (August 2, 2013).

Chapter 22, LIFE INSURANCE BENEFITS, Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:**Section 2299, DEFINITIONS, is amended as follows:**

Dependent child - a natural child, adopted child, stepchild, or foster child of an employee, retiree, or annuitant who is any of the following:

- (a) An unmarried dependent child through twenty-one (21) years of age;
- (b) An unmarried dependent child through twenty-four (24) years of age, who is a full-time student; or
- (c) An unmarried child regardless of age who is incapable of self-support because of mental or physical disability that existed before age twenty-one (21).

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 330 South, Washington, D.C. 20001, or via email at Justin.zimmerman@dc.gov. Additional copies of these proposed rules are available at the above address.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)), hereby gives notice that at its regularly scheduled meeting on July 2, 2015, adopted Board Resolution #15-68 to propose the amendment of Sections 112 (Fees) and 199 (Definitions) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to amend the Water System Replacement Fee to revise the fee for residential customers whose premises is served by a single two (2) inch meter used for both Demand Flow and Fire Flow, and to include a definition for “Waster System Replacement Fee.”

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

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

Section 112, FEES, is amended by adding a new Subsection 112.10 to read as follows:

112.10 For purposes of this section, the phrase “Water System Replacement Fee” (WSRF) means the monthly fee charged to residential, multi-family, and non-residential customers to recover the cost of the one percent (1%) renewal and replacement of aging water infrastructure.

- (a) Residential, multi-family, and non-residential customers shall be charged a monthly Water System Replacement Fee as follows:

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
5/8”	Single Register	\$ 6.30
3/4”	Single Register	\$ 7.39
1”	Single Register	\$ 9.67
1”x1.25”	Single and Multiple Register	\$ 15.40
1.5”	Single Register	\$ 41.35
2”	Single and Multiple Register	\$ 83.75
3”	Single and Multiple Register	\$ 232.13
4”	Single and Multiple Register	\$ 561.02

Meter Size (inches)	Meter Register Type	Monthly Water System Replacement Fee
6"	Single and Multiple Register	\$ 1,292.14
8"	Single and Multiple Register	\$ 5,785.51
8"x2"	Multiple Register	\$ 1,899.60
8"x4"x1"	Multiple Register	\$ 2,438.35
10"	Single and Multiple Register	\$ 6,679.65
12"	Single and Multiple Register	\$ 6,679.65
16"	Single and Multiple Register	\$ 6,679.65

- (b) Residential customer, whose premises is served by a single two inch (2") meter used for both Demand Flow and Fire Flow, shall be charged a monthly Water System Replacement fee set forth in Subsection 112.10(a) for a one and one-half inch (1.5") meter.

Section 199, DEFINITIONS, is amended by adding the following terms and definitions to read as follows:

Single Register – Meter that has only one device that displays the consumption volume.

Multiple Register – Meter that has two or more devices that can display the consumption volume at different flow rates (high or low) or different uses, including, but not limited to, Demand Flow and Fire Flow.

Water System Replacement Fee or WSRF – the monthly fee charged to residential, multi-family, and non-residential customers to recover the cost of the one percent (1%) renewal and replacement of aging water infrastructure.

Comments on these proposed rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to Lmanley@dcwater.com, or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

METROPOLITAN POLICE DEPARTMENT**NOTICE OF THIRD EMERGENCY RULEMAKING**

The Chief of the Metropolitan Police Department (Chief), pursuant to the authority under Section 911 of the License to Carry a Pistol Second Emergency Amendment Act of 2014, signed January 6, 2015 (D.C. Act 20-0564; 62 DCR 866 (January 23, 2015)), and any substantially similar emergency, temporary, or permanent versions of this legislation, hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking is part on ongoing process to establish procedures for licensing by the Metropolitan Police Department (MPD) of persons to carry a concealed pistol for self-defense. A 2014 court decision determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491 (October 10, 2014)).

Additionally, a court decision was issued on May 18, 2015, which may affect the “good reason” or “other proper reason” requirement for some concealed pistol applicants. (Memorandum-Decision and Order, *Wrenn v. District of Columbia*, No. 15-cv-162 (FJS) (D.D.C. May 18, 2015 http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/page_content/attachments/WrennOrder51815grantingPI.pdf))

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 6, 2015 at 62 DCR 2803. No comments were received and no changes have been made to this rulemaking. This Notice of Third Emergency Rulemaking is necessary to prevent any lapse in the District’s firearms licensing regulations.

This Notice of Third Emergency Rulemaking was adopted on June 12, 2015, became effective immediately, and will remain in effect for up to one hundred twenty (120) days from the date of its adoption, until October 10, 2015, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*.

SUMMARY OF LICENSING SCHEME

The Act delegates rulemaking authority to the Chief to implement the concealed carry licensing scheme re-instituted by the Act. The Act permits the Chief to issue a concealed pistol carry license to a person who: 1) a) demonstrates: good reason to fear injury to his or her person or property; or b) has any other proper reason for carrying a pistol; and 2) is a suitable person to be so licensed. This rulemaking establishes standards by which the Chief will exercise the discretion the Act vests in him or her for each of the above requirements. The rulemaking also establishes application and investigation procedures. The rulemaking does not cover all regulations required

by the Act for the licensing of concealed pistols. A future rulemaking will establish procedures for the renewal of concealed pistol licenses; a separate rulemaking issued by the Mayor has established procedures for the Concealed Pistol Licensing Review Board.

Some of the standards the Chief will use to consider license applications were established in the Act by the Council of the District of Columbia (Council). The Council derived the standards found in similar “may issue” handgun licensing or permitting schemes in the States of Maryland (good and substantial reason standard), New Jersey (justifiable need standard), and New York (proper cause standard). All of these schemes have been sustained as constitutional by U.S. Courts of Appeals. Additionally, some of the standards in these regulations have been adapted from the above states and earlier MPD regulations. Many of the application and investigation procedures were adapted from Maryland regulations. Key portions of the rulemaking include:

Good Reason To Fear Injury To Person Or Property

These regulations include the Act’s standards for “good reasons to fear injury to person or property” which includes “showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant’s life.”

The requirement of “showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks” includes language from New Jersey regulations defining the term “justifiable need” as well as New York City’s regulations defining the term “proper cause”. The requirement that the threats or attacks “demonstrate a special danger to applicant’s life” includes language contained in New Jersey regulations defining “justifiable need.”

The standard that a high crime area by itself does not establish good cause is language that appeared in the District’s prior concealed carry regulations and also appears in New York regulations.

Other Proper Reason for Carrying a Pistol

These regulations establish standards for “other proper reasons for carrying a pistol.” One standard is employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant’s person.” This standard, in some form, is found in the laws or regulations of Maryland, New Jersey, and New York City.

Another standard is “the need for a parent, son, daughter, sibling or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person.” That standard was adapted from a similar standard that appeared in MPD’s prior regulations.

Suitability To Obtain A Concealed Carry License

These regulations establish standards for suitability to obtain a concealed carry license, which include completion of a firearms safety and proficiency training course. Firearms safety and proficiency training courses are required by Maryland, New Jersey, Illinois, and many other states.

The suitability standard excludes applicants who are addicts or habitual users of alcohol or controlled substances, exhibit a propensity for violence or instability, or suffer from mental illness of a type that should prevent the carrying of a pistol. All of these standards are present and applied in Maryland, New Jersey, and New York. They were also part of MPD's prior regulations.

The Council has narrowed the mental health standard that was present in the prior regulations. The prior regulations required a showing of a "sound mind." Indications of an unsound mind included suffering from "any mental disorder" occurring during the previous five (5) years. The Act and this rulemaking limit the mental health determination to a mental illness or condition that creates a substantial risk that an applicant is a danger to himself or others. The consideration of mental health issues creating a danger to self or others is found in some form in both Maryland and New York.

Additionally, the Chief adapted language in the prior regulations to provide that an applicant with a mental health history that would otherwise render an applicant ineligible can submit a notarized report under oath from a registered psychologist or psychiatrist. The applicant must have a bona fide patient relationship with the psychologist or psychiatrist, have been examined within six (6) months prior to submitting the statement, and have been found that he or she is no longer suffering from any mental disorder, illness, or condition that creates a substantial risk that he or she is a danger to himself or herself or others.

Preliminary Approval Option

These regulations establish three (3) methods for an applicant to satisfy the firearms training requirements established by the Act. An applicant may first obtain a certificate of completion for the required firearms training and submit the certificate as part of an application.

The Act also provides certain circumstances under which an applicant may also submit a request for an exemption from the firearms training as part of the application.

Lastly, the applicant may submit a statement of intent to complete firearms training after the Chief considers all other matters contained in the application and issues a preliminary approval. The last method was designed to allow an applicant to receive a determination of eligibility for a conceal carry license before he or she would have to expend time and money to complete the required firearms training.

Chapter 23, GUNS AND OTHER WEAPONS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:

Section 2331, FEES, is amended to read as follows:

2331 FEES

2331.1 The following fees shall be charged in connection with the services provided under this chapter:

- (a) Accident reports – \$3.00;
- (b) Arrest records – \$7.00;
- (c) Fingerprints – \$35.00;
- (d) Firearm registration – \$13.00;
- (e) Firearms training instructor certification – \$400.00;
- (f) Transcript of records – \$3.00; and
- (g) License to carry a pistol – \$75.00.

New Sections 2332 through 2348 are added to read as follows:

2332 LICENSES FOR CONCEALED PISTOLS

2332.1 A person is eligible for issuance of a license to carry a concealed pistol (concealed carry license or license) only if the person:

- (a) Is twenty-one (21) years of age;
- (b) Meets all of the requirements for a person registering a firearm pursuant to the Firearms Control Regulations Act of 1975 (the Act), effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code §§ 7-2501.01 *et seq.* (2012 Repl. & 2014 Supp.));
- (c) Possesses a pistol registered pursuant to the Act;
- (d) Does not currently suffer nor has suffered in the previous five (5) years from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others; provided, that if the person no longer suffers such mental illness or condition, and that person has provided satisfactory documentation required under § 2337.3, then the Chief may determine that this requirement has been met;

- (e) Has completed a firearms training course, or combination of courses, conducted by an instructor (or instructors) certified by the Chief;
- (f) Has a bona fide residence or place of business:
 - (1) Within the District of Columbia;
 - (2) Within the United States and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of any State or subdivision of the United States; or
 - (3) Within the United States and meets all registration and licensing requirements pursuant to the Act;
- (g) Has demonstrated to the Chief good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol; and
- (h) Is a suitable person to be so licensed.

2333 GOOD REASON TO FEAR INJURY TO PERSON OR PROPERTY

- 2333.1 A person shall demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life.
- 2333.2 For the purposes of satisfying the specifications of § 2333.1, a person shall allege, in writing, serious threats of death or serious bodily harm, any attacks on his or her person, or any theft of property from his or her person. The person shall also allege that the threats are of a nature that the legal possession of a pistol is necessary as a reasonable precaution against the apprehended danger.
- 2333.3 The person shall provide all evidence of contemporaneous reports to the police of such threats or attacks, and disclose whether or not the applicant has made a sworn complaint to the police or the courts of the District of Columbia concerning any threat or attack.
- 2333.4 The fact that a person resides in or is employed in a high crime area shall not by itself establish a good reason to fear injury to person or property for the issuance of a concealed carry license.

2334 OTHER PROPER REASON FOR CONCEALED CARRY LICENSE

2334.1 A person may allege any other proper reason that the Chief may accept for obtaining a concealed carry license which may include:

- (a) Employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant's person; or
- (b) The need for a parent, son, daughter, sibling, or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life in the manner described in § 2333.

2335 SUITABILITY TO OBTAIN A CONCEALED CARRY LICENSE

2335.1 A person is suitable to obtain a concealed carry license if he or she:

- (a) Meets all of the requirements for a person registering a firearm pursuant to the Act;
- (b) Has completed a firearms training course, or combination of courses, conducted by an instructor (or instructors) certified by the Chief;
- (c) Is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance, unless the habitual use of a controlled dangerous substance is under licensed medical direction;
- (d) Has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a concealed pistol a danger to the person or another; and
- (e) Does not currently suffer nor has suffered in the previous five (5) years from any mental disorder, illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others, or if the Chief has determined that the person is suitable based upon documentation provided by the person pursuant to § 2337.3.

2336 FIREARMS TRAINING COURSE REQUIREMENTS

- 2336.1 To satisfy the firearms training eligibility requirement of § 2332.1(e), a person shall obtain a certificate of completion from an instructor (or instructors) certified by the Chief that includes at least sixteen (16) hours of training, and covers the following:
- (a) Firearm safety, including firearm safety in the home, a discussion of prevention of access by minors, locking and storing of firearms, and use of safety devices such as secure lock boxes;
 - (b) Firearm nomenclature;
 - (c) The basic principles of marksmanship;
 - (d) The care, cleaning, maintenance, loading, unloading, and storage of pistols;
 - (e) Situational awareness, conflict management, and use of deadly force;
 - (f) Selection of pistols and ammunition for defensive purposes; and
 - (g) All applicable District and federal firearms laws, including the requirements of the Act, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §§ 22-4501 *et seq.*), and District law pertaining to self-defense.
- 2336.2 In addition to the requirements of § 2336.1, a person shall complete at least two (2) hours of range training, including shooting a qualification course of fifty (50) rounds of ammunition from a maximum distance of fifteen (15) yards (forty-five (45) feet), and receiving a qualifying score of seventy percent (70%) as certified by the instructor.
- 2336.3 The Chief may, on a case by case basis, exempt a person from the requirements of §§ 2336.1 and 2336.2 if the person submits evidence that he or she has received firearms training in the U.S. military or has otherwise completed firearms training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required by the Act.
- 2336.4 An applicant may submit to the Chief the application required under § 2337 without including the certificate of completion of training required by this section; provided that if the Chief preliminarily approves the application pursuant to § 2339, the applicant has forty-five (45) days to submit the certificate of completion and successfully complete the range training.

2337 CONCEALED CARRY APPLICATIONS

2337.1 A complete concealed carry license application shall be submitted to the Firearms Registration Section in the format and on forms prescribed by the Chief.

2337.2 The application shall include:

- (a) The applicant's name, address, driver's license number or other government issued photo identification number, place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers, and email (optional);
- (b) If applying as a District resident or business owner, proof of a bona fide District residence or place of business;
- (c) Evidence of completion or intent to complete the firearms training requirements in § 2336 by:
 - (1) Proof of the applicant's completion of a firearm training course within the past two (2) years in the manner prescribed by the Chief in § 2336;
 - (2) Support for the applicant's request for an exemption from the firearm training course requirement as permitted by the Act; or
 - (3) If the applicant chooses to seek a preliminary approval pursuant to § 2339, then the applicant shall certify that he or she will provide proof of completion of the firearms training requirements within forty-five (45) days of the Chief's provisional approval of the application pursuant to § 2339;
- (d) A complete set of the applicant's fingerprints, taken and submitted in the manner prescribed by the Chief on the application;
- (e) A declaration by the applicant as to whether or he or she currently suffers or has suffered in the previous five (5) years from any mental disorder, illness, or condition that creates a substantial risk that he or she is a danger to himself or herself or others. If the applicant attests to suffering from any mental disorder, illness, or condition, the applicant shall sign an authorization to disclose any treatment records related to those circumstances;
- (f) An authorization by the applicant to the Department of Behavioral Health, or any other similar agency or department of another state to disclose to the Chief information as to whether the applicant:

- (1) Suffers from a mental illness or condition and has a history of violence; or
 - (2) Has been voluntarily or involuntarily committed to a mental health facility or an institution that provides treatment or services for individuals with a mental illness or condition;
- (g) Proof, including any documents, statements of third parties taken under oath and before a notary, or personal statements of the applicant to demonstrate to the Chief that the person has good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol;
 - (h) Any information reasonably required by the Chief, as part of the application form or materials, to complete an investigation required by § 2338;
 - (i) A declaration by the applicant that the applicant is not prohibited under federal or District law, or state law of the applicant's residence, from possessing a handgun;
 - (j) A declaration by the applicant, under the penalty of perjury, that all information in the application is true and accurate; and
 - (k) A declaration by the applicant acknowledging that the applicant shall be responsible for compliance with all federal and District laws, rules, regulations, and procedures that are applicable to this license.

- 2337.3 The Chief may find the applicant has satisfied the requirements of § 2331.1(d) if the applicant submits a notarized report under oath from a registered psychologist or psychiatrist, with which the applicant has bona fide patient relationship, stating that the psychologist or psychiatrist has examined the applicant within six (6) months prior to submitting the statement and found the applicant to no longer to be suffering from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others.
- 2337.4 The application must be accompanied by the fees for Fingerprints and License to carry a pistol listed in §§ 2331.1(c) and (g), respectively.
- 2337.5 The Chief may waive some or the entire application fee for good cause shown on the application.
- 2337.6 Any knowing material omission or false statement made by or provided by the applicant may be considered grounds for denial of a conceal carry license, or revocation for a license falsely obtained, and may subject the person to criminal prosecution for perjury.

2338 INVESTIGATION OF APPLICATION

- 2338.1 The Chief shall conduct an investigation of every applicant within a reasonable period of time after receipt of a completed application.
- 2338.2 The following areas shall be a part of the investigation of every applicant and shall be considered by the Chief in determining whether a concealed carry license shall be issued:
- (a) Age of the applicant;
 - (b) Occupation, profession, or employment of the applicant;
 - (c) Verification of the applicant's eligibility, including a firearms training course completion certificate from a certified trainer;
 - (d) Verification of the information supplied by the applicant in the application;
 - (e) Information received from personal references and other persons interviewed;
 - (f) Information received from business or employment references as may be necessary in the discretion of the investigator;
 - (g) Criminal record of applicant, including any juvenile record.
 - (h) Medical or mental health history of applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
 - (i) Psychiatric or psychological background of the applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
 - (j) The applicant's propensity for violence or instability that could reasonably render the applicant's wearing, carrying, or transporting of a handgun a danger to the applicant or to others;
 - (k) The applicant's use of intoxicating beverages or drugs;
 - (l) The reasons given by the applicant for carrying, wearing, or transporting a handgun, and whether those reasons demonstrate good cause;
 - (m) Whether the permit is necessary as a reasonable precaution for the applicant against apprehended danger; and

- (n) Any other areas the Chief determines are reasonably necessary to determine if the applicant is eligible to obtain a concealed carry license.

2339 PRELIMINARY APPROVAL

2339.1 The Chief shall issue a preliminary approval to carry a concealed pistol or provide a written denial of the application within a reasonable time after receiving an application containing all required supporting documents, with the exception of proof of completion of the firearms training requirements. A reasonable period of time shall normally be within ninety (90) days; however, the time may be extended by the Chief for an additional ninety (90) days where there is good cause for additional time to complete the investigation and the applicant is so notified in writing.

2339.2 After completing the investigation of the application, the Chief shall either:

- (a) Deny the application pursuant to § 2340; or
- (b) Issue a preliminary approval of the application.

2339.3 If the Chief issues a preliminary approval of the application, it shall:

- (a) Be in writing;
- (b) Notify the applicant that he or she has forty-five (45) days from the date of the preliminary approval to provide proof of completion of the firearms training course requirements in §§ 2336.1 and 2336.2; and
- (c) Notify the applicant that the Chief may deny the application pursuant to § 2340 if the applicant fails to provide the documentation required under paragraph (b) within the allotted time.

2339.4 If the applicant provides the information required under § 2339.3(b), the application shall be deemed complete and the Chief shall issue the license pursuant to § 2340.

2340 ISSUANCE OR DENIAL

2340.1 The Chief shall issue a license to carry a concealed pistol or provide a written denial of the application within a reasonable time after receiving a completed application. A reasonable period of time shall normally be within ninety (90) days; however, the time may be extended by the Chief for an additional ninety (90) days where there is good cause for additional time to complete the investigation and the applicant is so notified in writing.

- 2340.2 A completed application shall satisfy all the requirements prescribed by the Chief including evidence that applicant has satisfied the firearms training requirements in § 2336.
- 2340.3 A written denial provided by the Chief shall contain the reasons the application was denied and a statement of the applicant's appeal rights.
- 2340.4 The Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which a license is valid or effective.
- 2340.5 Unless otherwise limited or revoked by the Chief pursuant to § 2341, a concealed carry license expires two (2) years from the date of issuance.

2341 REVOCATION, LIMITATION, AND SUMMARY SUSPENSION

- 2341.1 The Chief may revoke a concealed carry license on a finding that the licensee:
- (1) No longer satisfies one or more of the concealed carry license qualifications set forth in the Act or any regulation authorized by the Act; or
 - (2) Failed to comply with one or more requirements or duties imposed upon the licensee by the Act or any regulation authorized by the Act.
- 2341.2 A concealed carry license may be limited, after its issuance, as described in § 2340.4, upon a finding by the Chief that such limitation is necessary to protect the health, safety, security, or welfare of the District and its residents.
- 2341.3 The Chief shall provide a written notice of revocation or limitation to a person whose license is revoked or limited. The written notice shall contain:
- (a) The reasons the license was revoked or limited; and
 - (b) A statement that the revocation or limitation will take effect unless the licensee requests an appeal to the Concealed Pistol Licensing Review Board (Board) no later than fifteen (15) days after the receipt of the notice of revocation or limitation.
- 2341.4 Unless a licensee has requested an appeal pursuant to § 2341.6(b), a licensee whose concealed carry license is revoked shall return the license to the Firearms Registration Section within fifteen (15) days after receipt of the notice of revocation.
- 2341.5 The Chief may summarily suspend or limit, without a hearing, a concealed carry license, when the Chief has determined that the conduct of the licensee presents an imminent danger to the health and safety of a person or the public.

- 2341.6 At the time of the summary suspension or limitation of a concealed carry license, the Chief shall provide the licensee with written notice stating:
- (a) The action that is being taken;
 - (b) The basis for the action; and
 - (c) The right of the licensee to request a hearing with the Board pursuant to § 2341.7.
- 2341.7 A licensee shall have the right to request a hearing by the Board within seventy-two (72) hours after service of notice of the summary suspension or limitation of the concealed carry license. The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request and shall issue a written decision within seventy-two (72) hours after the hearing.
- 2341.8 Upon receipt of a summary suspension notice issued pursuant to § 2341.6, the licensee shall immediately return his or her suspended license to the Chief.
- 2341.9 If the Board does not sustain a summary suspension, the suspended concealed carry license shall be returned to the licensee.

2342 APPEAL

- 2342.1 With the exception of an appeal of a summary suspension or limitation of a license, a person whose original or renewal license application is denied or whose license is revoked or limited may submit a written request to the Board to review the decision of the Chief within fifteen (15) days after receipt of the notice of denial, revocation, or limitation.

2343 AMMUNITION CARRIED BY LICENSEE

- 2343.1 A person issued a concealed carry license by the Chief, while carrying the pistol, shall not carry more ammunition than is required to fully load the pistol twice, and in no event shall that amount be greater than twenty (20) rounds of ammunition.
- 2343.2 A person issued a concealed carry license by the Chief may not carry any restricted pistol bullet as that term is defined in the Act.

2344 PISTOL CARRY METHODS

- 2344.1 A licensee shall carry any pistol in a manner that it is entirely hidden from view of the public when carried on or about a person, or when in a vehicle in such a way as it is entirely hidden from view of the public.

2344.2 A licensee shall carry any pistol in a holster on their person in a firmly secure manner that is reasonably designed to prevent loss, theft, or accidental discharge of the pistol.

2345 NON-RESIDENT APPLICATIONS FOR CONCEALED CARRY LICENSE

2345.1 A non-resident of the District, as defined by the Act, may apply to the Firearms Registration Section for a concealed carry license upon a showing that the applicant meets all of the eligibility requirements of § 2332.

2345.2 A non-resident may satisfy some or all of the firearms training requirements in § 2336 by providing proof of completion of a firearms training course in another state or subdivision of the United States.

2345.3 A non-resident shall obtain a certification from a firearms trainer that the applicant has received and completed training in District firearms law and the District law of self-defense.

2345.4 A non-resident must demonstrate to the Chief that he or she has a good reason to fear injury to his or her person or property, as defined by the Act and these regulations, by showing that the fear is from a cause that will likely be present in the District and is not a cause that is likely to be present only in another jurisdiction.

2345.5 A non-resident must demonstrate to the Chief that he or she has any other proper reason for carrying a pistol, as defined by the Act and these regulations, by showing that the other proper reason exists in the District.

2346 SIGNAGE TO PREVENT ENTRANCE BY CONCEALED CARRY LICENSEE ONTO NON-RESIDENTIAL PRIVATE PROPERTY

2346.1 Signs stating that the carrying of firearms is prohibited on any private property shall be clearly and conspicuously posted at any entrance, open to the public, of a building, premises, or real property.

2346.2 A sign shall be considered conspicuous if it is at least eight (8) inches by ten (10) inches in size and contains writing in contrasting ink using not less than thirty-six (36) point type.

2347 FIREARMS TRAINING INSTRUCTOR CERTIFICATION

2347.1 Any person providing firearms training to an applicant for a concealed carry license shall obtain a valid certification issued by the Chief in accordance with this section.

- 2347.2 A certified firearms training instructor shall obtain proof of certification from the Chief before providing instruction to an applicant for a concealed carry license.
- 2347.3 Upon a person's satisfactory completion of a required firearms training course, a certified firearms training instructor shall:
- (a) Provide the person a firearms training certificate that includes:
 - (1) The person's name and date of birth;
 - (2) The instructor's name;
 - (3) The length in hours of the course;
 - (4) The date of course completion;
 - (5) The location of the training;
 - (6) A declaration certifying that the course met the minimum standards prescribed by the Act and the Chief; and
 - (7) A declaration certifying that the person completed the course; and
 - (b) Submit the requisite information to the Firearms Registration Section.
- 2347.4 A certified firearms training instructor application shall be submitted to the Security Officers Management Branch in the format prescribed by the Chief.
- 2347.5 The certified firearms training instructor application shall:
- (a) Meet, with the exception of Section 203(a)(13)(A) of the Act (D.C. Official Code § 7-2502.03(a)(13)(A) (2012 Repl. & 2014 Supp.)), all of the requirements for a person registering a firearm pursuant to the Firearms Control Regulations Act of 1975 (the Act), effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code §§ 7-2501.01 *et seq.* (2012 Repl. & 2014 Supp.));
 - (b) Include the applicant's name, address, driver's license or other government issued photographic identification, place and date of birth, home address and telephone number, work address and telephone number, email address, name and location of firing range to be used to provide training, and business website address (optional);
 - (c) Include proof of the applicant's formal training in the care, safety, and use of firearms, which may be satisfied pursuant to the conditions stated in Section 902(c) of the Act;

- (d) Include proof of the applicant's minimum of one (1) year of experience in instruction in the care, safety, and use of handguns; and
- (e) Include a detailed syllabus describing the methods and materials the trainer will use to conduct the firearms training for a concealed carry license.

2347.6 Any person licensed by the Chief as of the effective date of the Act to provide firearms instruction training to special police officers and who is seeking to be certified under this section shall not be required to pay the fees listed under § 2331.1; provided, that he or she shall pay the fees upon renewal of his or her firearms instructor license in March 2015.

2347.7 Upon receipt of a properly completed application, the Chief shall issue a certification or denial to the applicant within a reasonable time.

2347.8 A certified firearms training instructor license expires two (2) years from the date of issuance.

2348 SAFE STORAGE OF FIREARMS AT A PLACE OF BUSINESS

2348.1 No registrant shall store or keep any firearm on any premises under his or her control if he or she knows or reasonably should know that a minor or a person prohibited from possessing a firearm under D.C. Official Code § 22-4503 can gain access to the firearm.

2348.2 When not in storage, each registrant shall carry the firearm on his or her person or within such close proximity that he or she can readily retrieve or use it as if he or she carried it on his or her person; provided, that the firearm is entirely hidden from view of the public.

2348.3 If the firearm is stored at a place of business, it shall be stored in a gun safe, locked box, or other secure device affixed to the property.

Section 2399, DEFINITIONS, is amended by adding the following definitions:

2399 DEFINITIONS

Board – means the Concealed Pistol Licensing Review Board.

Bona fide patient relationship – means a relationship between a psychiatrist or psychologist and a patient in which:

- (a) A complete assessment of the patient's mental health history, current mental health condition, and a current mental health examination has taken place; and
- (b) Where the psychiatrist or psychologist has responsibility for the ongoing care and mental health treatment of the patient.

Bona fide residence – means a dwelling place of a person that is documented by two (2) or more of the following:

- (a) Voter registration indicating the address of the dwelling place;
- (b) Motor vehicle registration indicating the address of the dwelling place;
- (c) Motor vehicle driver permit indicating the address of the dwelling place;
- (d) Withholding and payment of individual income taxes indicating the address of the dwelling place including:
 - (1) Copies of certified District or state income tax returns; and
 - (2) Copies of certified federal tax returns filed with the U.S. Internal Revenue Service;
- (e) Certified deed or lease or rental agreement for real property indicating the address of the dwelling place;
- (f) Cancelled checks or receipts for mortgage or rental payments;
- (g) Utility bills and payment receipts indicating the address of the dwelling place;
- (h) A copy of a bank account statement in the name of the applicant at the address of the dwelling place;
- (i) Copies of credit card or brokerage account statements mailed to the applicant at the address of the dwelling place; or
- (j) Copies of automobile insurance statements mailed to the applicant at the address of the dwelling place.

Licensee – means a person issued a license for a concealed pistol.

Place of business – means a business that is located in an immovable structure at a fixed location, as documented by a business license or certificate of occupancy, and that is operated and owned entirely, or in substantial part, by a firearm registrant.

Security Officers Management Branch – a part of the Police Business Services Division of the Metropolitan Police Department, located at 2000 14th Street, N.W., Washington, D.C. 20009.

Section 2399, DEFINITIONS, is amended by amending the definition of Chief to read as follows:

Chief – means the Chief of the Metropolitan Police Department or his or her designee.

GOVERNMENT OF THE DISTRICT OF COLUMBIA


ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-178
July 6, 2015**SUBJECT:** Appointment — Walter Reed Army Medical Center Site Reuse 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) (2014 Repl.), and in accordance with section 6a of the Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013, effective December 24, 2013, D.C. Law 20-61, D.C. Official Code § 10-1906(b)(D) (2014 Supp.), it is hereby **ORDERED** that:

1. **SHERRYL H. NEWMAN** is appointed as the designee representative of Ward 4 Councilmember Brandon Todd, and, shall serve in that capacity at the pleasure of Councilmember Todd.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-179
July 6, 2015

SUBJECT: Appointments — District of Columbia Innovation and Technology
Inclusion Council


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) (2014 Repl.), and pursuant to section 4(b) and section 5(a) of Mayor's Order 2014-139, effective June 11, 2014, establishing the District of Columbia Innovation and Technology Inclusion Council, and as amended by Section 4 of Mayor's Order 2014-236, dated October 10, 2014, it is hereby **ORDERED** that:

1. **LISA JONES**, is appointed as a member of the District of Columbia Innovation and Technology Inclusion Council (the "**Council**"), and shall serve in that capacity for a term of four years from the effective date of this Order.
2. **AARON SAUNDERS**, is appointed as a member of the Council, and shall serve in that capacity for a term of four years from the effective date of this Order.
3. **KEN TOLSON**, is appointed as a member of the Council, and shall serve in that capacity for a term of four years from the effective date of this Order.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

ODAI COMMENTS (5-1-2015)

Mayor's Order 2015-180
July 6, 2015

SUBJECT: Appointment — Education Licensure Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104, D.C. Official Code § 38-1304(b) (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN CROSS** is appointed as a member of the District of Columbia Education Licensure Commission, replacing Richard Roth, for a term to end August 15, 2017.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

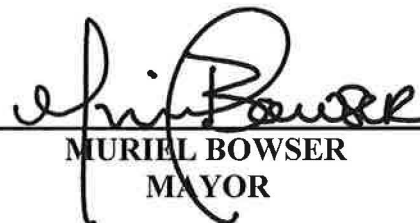
Mayor's Order 2015-181
July 6, 2015

SUBJECT: Appointment — Director, Department of Public Works

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) (2014 Repl.), it is hereby **ORDERED** that:

1. **CHRISTOPHER SHORTER** is appointed Interim Director, Department of Public Works, and shall continue to serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-060, dated January 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 27, 2015.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-182
July 6, 2015

SUBJECT: Appointment — Chief Operating Officer, St. Elizabeths Hospital


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) (2014 Repl.), it is hereby **ORDERED** that:

1. **BETH GOUSE, Ph.D.** is appointed Interim Chief Operating Officer, St. Elizabeths Hospital and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 20017-16, dated January 3, 2007.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-183

July 7, 2015

SUBJECT: Designation of Special Event Areas – Ben's Chili Bowl H Street Grand Opening and Ribbon Cutting Ceremony

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) (2014 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Wednesday, July 8, 2015, between the hours of 10:00 a.m. and 2:00 p.m., the following areas are hereby designated as a special event area:
 - a. The sidewalk adjacent to 1001 H Street NE, between 1005 H Street and 10th Street
 - b. The sidewalk adjacent to 1001 H Street NE, between 729 10th Street and H Street
2. The designated area and the ceremonies shall be operated and overseen by Ben's Chili Bowl.
3. This Order is an authorization for the closure of the designated sidewalks only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated street. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST:


LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JULY 22, 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) Case # 15-PRO-00023; Naomi's Ladder, LLC, t/a Touche, 1123 H Street NE License #96779, Retailer CT, ANC 6A Application to Renew the License	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00063; Good Life1831 M, LLC, t/a Second State, 1831 M Street NW, License #84184, Retailer CT, ANC 2B Failed to Take Steps Necessary to Ensure Property is Free of Litter	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00227; El Atardecer, LLC, t/a El Atardecer, 3475 14th Street NW, License #92346, Retailer DR, ANC 1A Failed to File Quarterly Statements (4rd Quarter 2014)	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00166; Darnell Perkins & Associates, LLC, t/a Darnell's, 944 Florida Ave NW, License #95113, Retailer CT, ANC 1B Noise Violation	9:30 AM
Public Hearing* West Dupont Moratorium Rulemaking	10:00 AM

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

Board's Calendar

July 22, 2015

Protest Hearing*

1:30 PM

Case # 15-PRO-00030; Sylvia & David Industries, t/a Sosnick's Liquors, 2318
4th Street NE, License #72301, Retailer A, ANC 5E

Application to Renew the License

Protest Hearing*

4:30 PM

Case # 15-PRO-00036; O'Connor's Liquor Incorporated t/a O'Connor's Liquors
2900 Minnesota Ave SE, License #60231, Retailer A, ANC 7B

Application to Renew the License

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



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 22, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 22, 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#15-CC-00036 The Saloon, 1205 U ST NW Retailer C Tavern, License#: ABRA-071086

2. Case#15-CC-00042 Aatish On The Hill, 609 PENNSYLVANIA AVE SE Retailer C Restaurant, License#: ABRA-025153

3. Case#15-CC-00054 J Paul's, 3218 M ST NW Retailer C Restaurant, License#: ABRA-072358

4. Case#15-CC-00043 DC Boat House, 5441 MACARTHUR BLVD NW Retailer C Restaurant, License#: ABRA-060747

5. Case#15-251-00109 Player's Lounge, 2737 M.L. KING JR., AVE SE Retailer C Nightclub, License#: ABRA-001271

6. Case#15-AUD-00078 Garden District, 1801 14TH ST NW Retailer C Restaurant, License#: ABRA-083769

7. Case#15-CC-00044 La Morenita, 3539 Georgia AVE NW Retailer C Restaurant, License#: ABRA-086595

8. Case#15-CMP-00374 Po Boy Jim, 709 H ST NE Retailer C Restaurant, License#: ABRA-087903

9. Case#15-CC-00035 Izakaya Seki, 1117 V ST NW Retailer C Restaurant, License#: ABRA-088274

10. Case#15-CC-00053 RiRa Irish Pub, 3123 - 3125 M ST NW Retailer C Restaurant, License#: ABRA-092168

11. Case#15-CC-00038 Simply Smiles, 333 E ST SW Retailer B Retail - Grocery, License#: ABRA-094207

12. Case#15-CMP-00367 Serendipity, 3301 12TH ST NE Retailer C Tavern, License#: ABRA-098880

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JULY 22, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between ANC 1A and Reliable Tavern & Hardware, dated June 10, 2015. *Reliable Tavern & Hardware*, 3655 Georgia Avenue N.W., Retailer CT, License No.: 098182.
-

* 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, JULY 22, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Summer Garden Endorsement. ANC 2B. SMD 2B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Dupont Italian Kitchen*, 1637 17th Street NW, Retailer CR, License No. 008949.
-

2. Review Application for Manager's License. *Asaad V. Lewis*-ABRA 099637.
-

3. Review Application for Manager's License. *Ishianna M. Foster*-ABRA 099566.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**APPLETREE EARLY LEARNING
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

Occupational Therapist

AppleTree Early Learning PCS seeks an Occupational Therapist to service students with special needs in the early childhood school setting (one-year agreement). Please contact Anne Zummo Malone, Chief of Schools, for details on the RFP.

The deadline for responding to the RFP is July 27, 2015 at 5pm.

Contact - Anne Zumo Malone, Chief of Schools, 415 Michigan Avenue NE,
Washington, DC 20017, (202) 488-3990, amalone@appletreeinstitute.org

**APPLETREE EARLY LEARNING
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

Speech and Language Pathologist

AppleTree Early Learning PCS seeks a Speech and Language Pathologist to service students with special needs in the early childhood school setting (one-year agreement). Please contact Anne Zummo Malone, Chief of Schools, for details on the RFP.

The deadline for responding to the RFP is July 27, 2015 at 5pm.

Contact - Anne Zumo Malone, Chief of Schools, 415 Michigan Avenue NE,
Washington, DC 20017, (202) 488-3990, amalone@appletreeinstitute.org

**CEDAR TREE ACADEMY
REQUEST FOR PROPOSALS**

**Copier/Printer Equipment and Service and
Early Childhood Professional Development**

Cedar Tree Academy Public Charter School invites proposals for school year 2015-16 for:

- **Copier/Printer Equipment and Service**
- **Early Childhood Professional Development Contracts.**

Bid specifications may be obtained on our website at www.cedartree-dc.org.

Any questions regarding these bids must be submitted in writing to Lhenderson@cedartree-dc.org before the RFP deadline.

Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS, 701 Howard Road SE Washington DC 20020.

Cedar Tree Academy will receive bids until Friday, July 24, 2015, no later than 2:00PM.

EAGLE ACADEMY PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR QUALIFICATIONS

Professional Educational Consulting Services

Project Summary

Your firm is invited to submit qualifications to provide professional educational consulting services to support Eagle Academy Public Charter School's Classroom Assessment Scoring System (CLASS) performance for the 2015-2016 school year as specified in the section of this RFQ, under the OSSE SOAR Early Childhood grant.

Criteria for Selecting a Firm

The following criteria will be used to rate the submittals:

- Expertise in conducting CLASS evaluations, providing on-site mentoring/coaching and supports, developing supplemental CLASS resources, and aligning CLASS with early childhood curricula needed for teachers in order to increase performance on end-of-year CLASS assessments.
- A high-quality mentoring/coaching team that: 1) is trained/certified in the CLASS assessment, 2) has 10+ years of experience in early childhood education, 3) has prior teaching and mentoring/coaching experience
- Experience and expertise in providing on-site mentoring to teachers (i.e., direct observation, demonstration, feedback, collaborative consulting, planning, classroom-based coaching).
- Experience developing or adapting curricula to align with assessments such as CLASS.
- Experience conducting CLASS professional development presentations in early childhood settings.
- Experience and expertise in developing online content packages or learning modules.

Date and Location Submittal is Due: July 24, 2015 by 5:00 p.m.

Submittal Terms

1. Submittal Requirements – Please limit your submittal to less than 50 pages, and submit your submittal by the time and place specified in electronic form. No late submittals will be accepted. **Submittals should be directed to the attention of Mayra Martinez-Fernandez, mmartinez@eagleacademypcs.org.**
2. Award of Contract – If the results of this RFQ warrant the awarding of a contract, Eagle Academy PCS anticipates the decision to be made by July 31, 2015. Eagle Academy will negotiate terms and fees with the top selected firm. Eagle Academy PCS reserves the right to reject any and all bids at its sole discretion.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2B07, 5A04 and 7F07

Petition Circulation Period: **Monday, July 20, 2015 thru Monday, August 10, 2015**

Petition Challenge Period: **Thursday, August 13, 2015 thru Wednesday, August 19, 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**.

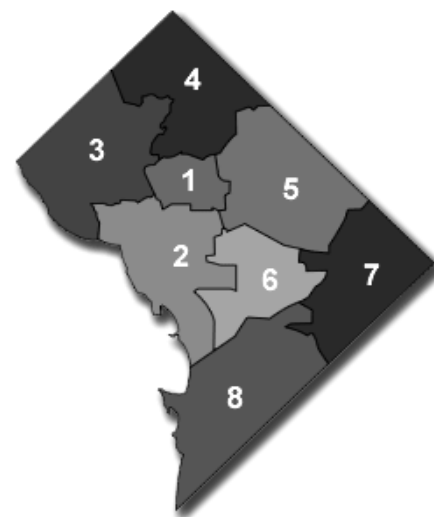
D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JUNE 30, 2015

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	43,536	2,850	760	123	131	11,799	59,199
2	29,266	5,675	215	158	107	10,891	46,312
3	36,340	6,694	374	121	103	11,320	54,952
4	47,249	2,238	544	69	133	9,063	59,296
5	50,184	2,100	578	84	152	8,825	61,923
6	51,687	6,538	528	169	165	12,962	72,049
7	48,991	1,274	441	30	119	7,120	57,975
8	43,431	1,191	380	25	141	7,116	52,284
Totals	350,684	28,560	3,820	779	1,051	79,096	463,990
Percentage By Party	75.58%	6.16%	.82%	.17%	.23%	17.05%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JUNE 30, 2015**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

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



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JUNE 30, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,410	33	7	2	7	219	1,678
22	3,731	355	31	12	10	996	5,135
23	2,811	193	55	11	5	754	3,829
24	2,421	254	36	10	6	783	3,510
25	3,733	417	62	11	6	1,152	5381
35	3,412	217	62	13	5	946	4,655
36	4,218	271	73	7	9	1,147	5,725
37	3,171	136	55	8	8	762	4,140
38	2,741	130	63	11	11	729	3,685
39	4,123	223	85	8	16	1,024	5,479
40	3,957	211	103	10	15	1,132	5,428
41	3,364	192	69	11	17	1,075	4,728
42	1,773	72	32	3	8	486	2,374
43	1,686	70	20	4	4	368	2,152
137	985	76	7	2	4	226	1,300
TOTALS	43,536	2,850	760	123	131	11,799	59,199

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JUNE 30, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	761	169	10	10	9	481	1,440
3	1,457	370	16	9	11	661	2,524
4	1,688	468	6	12	4	782	2,960
5	2,117	666	15	12	7	817	3,634
6	2,165	868	20	10	15	1,211	4,289
13	1,271	249	6	4	0	425	1,955
14	2,793	470	21	15	7	999	4,305
15	2,971	344	25	15	11	910	4,276
16	3,527	405	24	14	11	931	4,912
17	4,606	629	35	21	19	1,539	6,849
129	2,079	345	13	14	4	813	3,268
141	2,263	297	14	14	7	694	3,289
143	1,568	395	10	8	2	628	2,611
TOTALS	29,266	5,675	215	158	107	10,891	46,312

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JUNE 30, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,253	403	20	3	2	584	2,265
8	2,380	619	28	4	7	766	3,804
9	1,115	473	8	11	7	486	2,100
10	1,757	415	18	6	8	661	2,865
11	3,359	961	43	17	10	1,406	5,796
12	459	187	1	0	2	206	855
26	2,774	348	22	10	5	896	4,055
27	2,422	281	18	10	3	630	3,364
28	2,205	504	37	8	6	731	3,491
29	1,241	245	11	4	7	398	1,906
30	1,249	214	15	4	4	286	1,772
31	2,330	321	22	3	8	583	3,267
32	2,645	315	25	3	5	609	3,602
33	2,807	320	30	8	7	714	3,886
34	3,404	426	32	14	7	1,063	4,946
50	2,068	272	17	5	9	479	2,850
136	785	112	7	2	1	302	1,209
138	2,087	278	20	9	5	520	2,919
TOTALS	36,340	6,694	374	121	103	11,320	54,952

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JUNE 30, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,159	73	37	6	4	426	2,705
46	2,834	85	38	5	11	543	3,516
47	2,993	150	41	5	12	737	3,938
48	2,714	132	31	7	4	561	3,449
49	821	44	16	0	4	199	1,084
51	3,229	531	23	6	6	640	4,435
52	1,267	173	5	0	3	224	1,672
53	1,212	71	21	1	5	261	1,571
54	2,354	88	29	1	5	490	2,967
55	2,392	73	22	3	10	443	2,943
56	3,026	90	35	6	10	665	3,832
57	2,473	74	38	6	14	460	3,065
58	2,259	61	18	2	4	371	2,715
59	2,549	91	31	6	9	422	3,108
60	2,108	74	24	1	5	665	2,877
61	1,577	53	10	2	2	281	1,925
62	3,122	121	30	2	3	373	3,651
63	3,468	130	56	2	11	655	4,322
64	2,223	59	18	5	5	330	2,640
65	2,469	65	21	3	6	317	2,881
Totals	47,249	2,238	544	69	133	9,063	59,296

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JUNE 30, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,129	194	68	10	6	961	5,368
44	2,816	225	29	4	16	674	3,764
66	4,444	111	43	4	8	522	5,132
67	2,925	98	23	2	7	404	3,459
68	1,905	134	30	9	7	395	2,480
69	2,093	71	15	2	11	272	2,464
70	1,439	73	21	1	3	218	1,755
71	2,379	63	26	2	9	330	2,809
72	4,354	117	30	3	17	751	5,272
73	1,892	88	28	5	5	340	2,358
74	4,192	216	58	8	10	818	5,302
75	3,473	164	64	16	6	806	4,529
76	1,339	58	13	2	4	262	1,678
77	2,774	102	25	5	10	487	3,403
78	2,871	79	36	3	8	463	3,460
79	1,976	77	17	2	10	342	2,424
135	3,009	185	44	5	11	540	3,794
139	2,174	45	8	1	4	240	2,472
TOTALS	50,184	2,100	578	84	152	8,825	61,923

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JUNE 30, 2015

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,139	449	45	14	13	1,097	5,757
18	4,422	301	41	13	11	983	5,771
21	1,184	59	15	2	2	268	1,530
81	4,701	384	43	7	18	961	6,114
82	2,551	252	28	10	8	590	3,439
83	4,217	531	39	20	9	1,127	5,943
84	1,989	430	27	8	6	538	2,998
85	2,667	509	23	11	9	745	3,964
86	2,203	282	27	6	8	486	3,012
87	2,740	240	19	3	10	561	3,573
88	2,186	312	15	3	8	548	3,072
89	2,581	662	25	13	7	763	4,051
90	1,627	275	11	6	9	481	2,409
91	4,050	375	40	14	15	991	5,485
127	3,987	301	57	14	12	840	5,211
128	2,337	209	36	6	7	652	3,247
130	786	322	9	3	3	300	1,423
131	1,943	480	12	13	6	647	3,101
142	1,377	165	16	3	4	384	1,949
TOTALS	51,687	6,538	528	169	165	12,962	72,049

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JUNE 30, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,486	85	13	2	4	273	1,863
92	1,620	39	11	2	6	250	1,928
93	1,585	44	20	2	5	223	1,879
94	2,064	51	19	0	3	306	2,443
95	1,697	43	18	0	2	301	2,061
96	2,392	67	23	0	9	383	2,874
97	1,482	39	17	1	4	211	1,754
98	1,841	42	22	2	5	259	2,171
99	1,433	40	15	2	5	236	1,731
100	2,248	45	16	2	4	284	2,599
101	1,641	30	17	1	6	179	1,874
102	2,511	55	23	0	7	333	2,929
103	3,655	90	37	3	12	585	4,382
104	3,098	83	23	2	12	455	3,673
105	2,395	64	23	3	4	395	2,884
106	2,976	62	23	0	8	451	3,520
107	1,899	58	18	1	5	296	2,277
108	1,124	28	7	1	0	126	1,286
109	958	33	6	0	1	97	1,095
110	3,784	95	25	4	6	428	4,342
111	2,597	61	28	0	6	392	3,084
113	2,242	58	22	1	2	282	2,607
132	2,263	62	15	1	3	375	2,719
TOTALS	48,991	1,274	441	30	119	7,120	57,975

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JUNE 30, 2015**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,070	58	11	0	8	301	2,448
114	3,122	105	24	1	19	524	3,795
115	2,739	67	21	7	8	613	3,455
116	3,806	96	36	3	12	595	4,548
117	1,916	43	18	0	7	311	2,295
118	2,576	61	27	0	5	417	3,086
119	2,790	106	35	0	11	537	3,479
120	1,858	34	17	2	4	292	2,207
121	3,104	71	26	1	9	460	3,671
122	1,652	39	14	0	6	232	1,943
123	2,164	96	25	4	12	341	2,642
124	2,501	55	13	1	4	342	2,916
125	4,414	110	34	2	13	726	5,299
126	3,536	114	35	3	11	672	4,371
133	1,320	38	12	0	2	187	1,559
134	2,077	40	24	1	3	292	2,437
140	1,786	58	8	0	7	274	2,133
TOTALS	43,431	1,191	380	25	141	7,116	52,284

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

For voter registration activity between 5/31/2015 and 6/30/2015

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	350,983	28,542	3,822	764	1,057	79,166	464,334
Board of Elections Over the Counter	17	0	0	0	0	7	24
Board of Elections by Mail	33	6	2	1	0	22	64
Board of Elections Online Registration	1	0	0	0	0	1	2
Department of Motor Vehicle	1,004	160	11	18	1	331	1,525
Department of Disability Services	2	2	0	0	0	0	4
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	1	0	0	0	0	0	1
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	1	1	0	0	0	0	2
Department of Human Services	5	0	0	0	0	1	6
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	35	4	0	1	0	37	77
+Total New Registrations	1,099	173	13	20	1	399	1,705

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	195	21	0	0	2	50	268
Administrative Corrections	7	1	2	0	15	171	196
+TOTAL ACTIVATIONS	202	22	2	0	17	221	464

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	1,457	163	21	4	5	473	2,123
Moved Out of District (Deleted)	11	0	1	0	0	13	25
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	10	0	0	0	0	1	11
Administrative Corrections	252	30	0	20	0	51	353
-TOTAL DEACTIVATIONS	1,730	193	22	24	5	538	2,512

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	307	58	13	22	6	163	
- Changed From Party	-177	-42	-8	-3	-25	-315	
ENDING TOTALS	350,684	28,560	3,820	779	1,051	79,096	463,990

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, 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 #7002 to the Smithsonian Institution to construct and operate a 180 kWe emergency generator set with a 302 HP natural gas fired engine at the Reptile House area of the National Zoological Park located at 3001 Connecticut Avenue, NW, Washington DC. The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, at (202) 633-2573.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.011
Sulfur Oxides (SO _x)	0.0003
Nitrogen Oxides (NO _x)	0.005
Volatile Organic Compounds (VOC)	0.0002
Carbon Monoxide (CO)	0.045

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

- a. Emissions from each unit shall not exceed those in the following table [40 CFR 60.4233(e), and 40 CFR 60 Subpart JJJJ, Table 1, 40 CFR 1048]:

Pollutant Emission Limits (g/HP-hr)*			
NO _x	CO	VOC	NMHC + NO _x
1.0	2.0	0.7	2.0

*See also the EPA Certificate of Conformity submitted with the permit application. The unit is certified as a non-emergency unit and therefore must meet the non-emergency standards.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the

public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

Interested persons may submit written comments or may request a public 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 August 17, 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, D.C. Official Code §2-505, and 20 DCMR §210, 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 #7003 to the Smithsonian Institution to construct and operate a 200 kWe emergency generator set with a 302 HP natural gas fired engine at the Seal and Sea Lion Exhibit of the National Zoological Park located at 3001 Connecticut Avenue, NW, Washington DC. The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, at (202) 633-2573.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.011
Sulfur Oxides (SOx)	0.0003
Nitrogen Oxides (NOx)	0.005
Volatile Organic Compounds (VOC)	0.0002
Carbon Monoxide (CO)	0.045

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

- a. Emissions from each unit shall not exceed those in the following table [40 CFR 60.4233(e), and 40 CFR 60 Subpart JJJJ, Table 1, 40 CFR 1048]:

Pollutant Emission Limits (g/HP-hr)*			
NOx	CO	VOC	NMHC + NOx
1.0	2.0	0.7	2.0

*See also the EPA Certificate of Conformity submitted with the permit application. The unit is certified as a non-emergency unit and therefore must meet the non-emergency standards.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the

public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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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, D.C. Official Code §2-505, and 20 DCMR §210, 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 #7006 to Epic Vermont LLC to operate one (1) 446 kWe emergency generator set with a 599 hp diesel fired engine at 1110 Vermont Avenue NW, Suite 100, Washington DC 20005. The contact person for the facility is Hilary Sproul, Property Manager, at (202) 812-7370.

The proposed emission limits are as follows:

- a. 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].
- b. 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 emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.00033
Oxides of Nitrogen (NO _x)	4.64225
Total Particulate Matter (PM Total)	0.32945
Sulfur Dioxide (SO _x)	0.30699
Volatile Organic Compounds (VOCs)	0.36988

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

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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, D.C. Official Code §2-505, and 20 DCMR §210, 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 #7007 to Epic Vermont LLC to operate one (1) 1,209 kWe emergency generator set with a 1,620 hp diesel fired engine at 1110 Vermont Avenue NW, Suite 100, Washington DC 20005. The contact person for the facility is Hilary Sproul, Property Manager, at (202) 812-7370.

The proposed emission limits are as follows:

- a. 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].
- b. 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 emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	2.2275
Oxides of Nitrogen (NO _x)	9.7200
Total Particulate Matter (PM Total)	0.2835
Sulfur Dioxide (SO _x)	0.0049
Volatile Organic Compounds (VOCs)	0.2855

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

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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, D.C. Official Code §2-505, and 20 DCMR §210, 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 #7008 to Epic Vermont LLC to operate one (1) 125 kWe emergency generator set with a 220 hp diesel fired engine at 1110 Vermont Avenue NW, Suite 100, Washington DC 20005. The contact person for the facility is Hilary Sproul, Property Manager, at (202) 812-7370.

The proposed emission limits are as follows:

- a. 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].
- b. 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 emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.36740
Oxides of Nitrogen (NO _x)	1.70500
Total Particulate Matter (PM Total)	0.12100
Sulfur Dioxide (SO _x)	0.11275
Volatile Organic Compounds (VOCs)	0.13585

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

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

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

1. Preconstruction and Construction Phase Services
2. Architectural Services for Friendship Tech Prep - 620 Milwaukee Place, SE
Washington, DC 20032

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. The deadline has been extended and proposals are due no later than 4:00 P.M., EST, July 31st 2015. Questions can be addressed to: ProcurementInquiry@friendshipschools.org

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held via conference call on **Tuesday, July 21, 2015 at 2:00 pm**. The call in number is 1-877-668-4493, Access code 739 649 434.

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 (DOH)
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION (HAHSTA)**

**Notice of Funding Availability (NOFA)
RFA #HAHSTA_RWPS073115**

Psychosocial Support Services for Transgender Persons Living with HIV/AIDS

The Government of the District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) is soliciting applications from qualified applicants to provide psychosocial support services to indigent, uninsured and under-insured transgender persons who are living with HIV/AIDS in the District of Columbia Eligible Metropolitan Area (EMA).¹

Approximately **\$90,000** is expected to become available for up to two awards. Funds are made available through a grant received from the U.S. Department of Health and Human Resources, Health Resources and Services Administration, (H89HA00012) and authorized by the Ryan White HIV/AIDS Treatment Extension Act of 2009.² All awards are contingent upon the continued availability of funds.

All providers must be located in the EMA. Eligible applicants are public or nonprofit private entities or private for-profit entities (only if evidence is provided that the providers are the only organization able to provide the requested service).

Psychosocial Support Services are support and counseling activities offered via support groups for transgender individuals living with HIV in the DC EMA. Support group services can be led or co-led by peer-facilitators. Services will be provided to individuals to help them successfully deal with the daily stressors of life that may impact their engagement with medical care.

Programs are expected to begin on or about October 1, 2015 for a period of five months.³ Funding for one option year may be available based on performance and funding availability.

The Request for Application (RFA) **release date is Friday, July 31, 2015**. The RFA will be available on the Office of Partnerships and Grant Services, District Grants Clearinghouse website, <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. It will also be available for pick up at the HAHSTA offices located at 899 North Capitol Street NE, 4th floor. **Government-issued identification is required for access.**

The Pre-Application Conference will be held on **Wednesday, August 5, 2014 from 10:00 am – 12:00 pm** at 899 North Capitol St. NE, 4th floor, Washington, DC.

The submission deadline for RFA #HAHSTA_RWPS073115 is 4:45 pm Monday, August 31, 2015. Proposals not delivered by this deadline will not be considered for funding. Please contact **T’Wana Holmes at (202) 671-4900** for additional information.

¹ The EMA is comprised of the District of Columbia, Suburban Maryland, Northern Virginia and Jefferson and Berkeley counties in West Virginia.

² Pub. L. No. 111-87, 123 Stat. 2885.

³ Funding for the first year will be prorated to the five-month period.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY**

Polly Donaldson, Director, Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for funding under the Home Investment Partnerships (HOME) program, the Housing Production Trust Fund (HPTF) program, the 9% Low Income Housing Tax Credit (LIHTC) program, the Department of Behavioral Health (DBH) funds administered by DHCD, the District of Columbia Housing Authority's (DCHA) Local Rent Supplement Program (LRSP), Housing Choice Voucher Program (HCVP), and the Annual Contributions Contract Program (ACC), and the Department of Human Services (DHS) supportive services funds for Permanent Supportive Housing.

AFFORDABLE HOUSING CAPITAL SUBSIDY (DHCD and DBH)

DHCD, on behalf of its partner agencies, will issue a Consolidated Request for Proposals (RFP) and will consider capital subsidy requests for the following project types:

- Funding for new construction or rehabilitation of vacant buildings (creating net new units), ONLY for units at 0-30% of AMI and 31-50% of AMI. Funded units may be within a mixed income or mixed-use building, but DHCD will not fund new units at higher AMIs.
- Preservation of existing affordable housing units for households at all income levels below 80% AMI.

For new construction and vacant rehabilitation projects, DHCD will require a 5% set-aside of funded units as Permanent Supportive Housing (PSH). PSH programs must adhere to the Housing First model and all vacancies must be filled through the Coordinated Entry system. PSH projects will be also eligible for funding from the sources listed below.

OPERATING SUBSIDY (DCHA)

The District of Columbia Housing Authority will provide project-based rental subsidies to units for qualified persons or households through this NOFA.

SUPPORTIVE SERVICES (DHS)

The Department of Human Services will provide funding to community based non-profit organizations to deliver intensive supportive services to single adult and family participants (who are chronically homeless, vulnerable, and face significant barriers to achieving self-sufficiency) in permanent supportive housing programs/projects funded through this NOFA.

The competitive Request for Proposals (RFP) will be released on Wednesday July 29, 2015 and applications will be due on Monday October 5, 2015.

Application materials, further instructions, and information about capacity building workshops will be available online at dhcd.dc.gov. The entire application and submission process will be online this year, and no hard copy submissions will be required or accepted.

Muriel Bowser, Mayor of the District of Columbia
Brian Kenner, Deputy Mayor for Planning and Economic Development
Polly Donaldson, Director, Department of Housing and Community Development

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

July 8, 2015
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the June 23, 2015 board meeting.
- III. Vote to close meeting to discuss the approval of the SOME Benning Road project and loan transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Presiding Member 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 SOME Benning road project and loan transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- IV. Re-open meeting.
- V. Consideration of DCHFPA Final Authorizing Resolution No. 2015-10 for SOME Benning Road.
- VI. Interim Executive Director's Report.
- VII. Other Business.
- VIII. Adjournment.

**DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
COMMUNITY SERVICES BLOCK GRANT PROGRAM**

**NOTICE OF AVAILABILITY OF THE COMMUNITY SERVICES BLOCK GRANT
PROGRAM SUPPLEMENTAL STATE PLAN AND APPLICATION
FOR FISCAL YEAR 2016**

The Director of the District of Columbia (District) Department of Human Services (DHS), pursuant to the requirements of the Community Services Block Grant (CSBG) Act of 1998, as amended (42 U.S.C. §9908 (e)) announces the availability of the supplemental CSBG State Plan and Application for Fiscal Year (FY) 2016 (State Plan) for public inspection, review and comment. The State Plan presents an approach to reduce poverty within the District of Columbia through the provision of a wide range of services and activities that assist low-income families and individuals.

The Office of Community Services (OCS) is the federal oversight office for the District's CSBG Program. OCS has revised the requirements for State Plan development by streamlining and automating its content as part of an enhanced system for accountability and performance management across the CSBG Network and in accordance with OCS [Information Memorandum \(IM\) 138](#).

This State Plan has been revised to incorporate organizational standards for the CSBG Eligible Entity (CEE), and the plan for adopting and assessing these standards.

A public forum on the State Plan will be held at 2:00 p.m. on Monday, July 20, 2015 at the District Department of Behavioral Health, 64 New York Avenue, N.E., 2nd Floor, Room 242, DC 20002. Copies of the State Plan will be available for inspection, review and comment from Monday July 27, 2015 to Friday, August 21, 2015, at the locations listed below:

Department of Human Services
Family Services Administration
Community Services Block Grant
64 New York Avenue, N.E., 5th Floor
Washington, DC 20002

United Planning Organization
301 Rhode Island Avenue, N.W.
Washington, DC 20001

Martin Luther King, Jr. Memorial Library
Public Comment Section, 3rd Floor
901 G Street, N.W.
Washington, DC 20001

Department of Human Services
Anacostia Services Center
2100 Martin Luther King, Jr. Avenue, S.E.
Washington, DC 20020

Those who wish to testify in-person should contact Ms. Betty Ervin, Secretary, CSBG Program at (202) 698-4301 or by email at betty.ervin@dc.gov no-later-than Friday, July 17, 2015. Please include the following information in your request to testify: Full Name, Title, Ward (residence), Organizational affiliation or Interest Group. Witnesses should bring three (3) copies of their written testimony to the public forum. Those who testify will be allowed a maximum of three (3) minutes for individual presentations or five (5) minutes for group presentations.

Written comments may be submitted for the record by close of business on Friday, August 21, 2015, by mail to the attention of Tunde Eboda, Ph.D., State CSBG Administrator, Community Services Block Grant Program, Department of Human Services, 64 New York Avenue, NE, 5th Floor, Washington, DC 20002 or email to: csbg.information@dc.gov.

DC INTERNATIONAL SCHOOL**REQUEST FOR PROPOSALS****Janitorial Services**

DC International School is seeking competitive bids for Janitorial Services. Bids must include day porters for school hours (8 am - 4 pm), as well as night cleaning for our main location. A second smaller location will require one day porter for 10 am - 6 pm.

Bids must include evidence of experience in field, qualifications and estimated fees. Proposals must include supplies.

If you would like to see our main location, please phone Luisa Juarez at (202) 808-9033 to schedule an appointment.

Please send proposals to rfp@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, July 31, 2015.

MAYA ANGELOU SCHOOLS
REQUEST FOR PROPOSALS

Student Furniture

Maya Angelou Public Charter School in Northeast DC will receive bids until July 31, 2015 for the provision of trapezoid student desks not to exceed 18x30"x 22-32" and similar chairs at its school. A contract will be awarded to the most qualified company. All necessary information may be obtained from Justin Samples at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE Washington, DC 20019- 202.379.4335, E-mail: JSamples@seeforever.org Deadline for submissions is close of business Friday, July 31, 2015

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Services**

Monument Academy is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **July 17, 2015** from **Kenneth Walker** at **(804) 943-7869** or kenneth.walker@monumentacademydc.org

Proposals will be accepted at 500 19th Street, NW, Washington, DC 20002 on **August 10, 2015**, not later than **noon**.

All bids not addressing all areas as outlined in the RFP will not be considered.

THE NOT-FOR-PROFIT HOSPITAL CORPORATION**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00am on Thursday, July 23, 2015. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. BOARD EDUCATION**
 - Broadening Compliance and Enterprise Risk Management
 - John Lott, M.S., M.Ed., M.J., CHC, Chief Compliant Officer
- V. CONSENT AGENDA**
 - A. READING AND APPROVAL OF MINUTES**
 1. June 25, 2015 – Board of Directors General Meeting
 - B. EXECUTIVE REPORTS**
 1. Dr. Julian R. Craig, Chief Medical Officer
 2. Thomas E. Hallisey, Chief Information Officer
 3. Jim Hobbs, VP of Business Development & Physician Recruitment
 4. Jackie Johnson, VP of Human Resources
 5. Pamela Lee, EVP of Hospital Operations & CQO
 6. David Thompson, Interim Director of Public Relations and Communications
 7. Maribel Torres, Chief Nursing Officer
 8. Charletta Washington, VP of Ambulatory & Ancillary Services
- VI. NONCONSENT AGENDA**

A. CHIEF EXECUTIVE REPORTS

1. David Small, Interim CEO
2. Barbara Roberson, Interim CFO

B. MEDICAL STAFF REPORT

1. Raymond Tu, Vice Chief of Staff

C. COMMITTEE REPORTS

1. Patient Safety and Quality Committee
2. Governing Board
3. Finance Committee Report

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

Next Meeting – Thursday, September 24, 2015 at 9:00am in Conference Rooms 2/3.

F. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 - 575(b)(2)(4A)(5),(9),(10),(11),(14).

Government of the District of Columbia
Public Employee Relations Board

<hr/>)	
In the Matter of:)	
)	
International Association of Firefighters,)	
Local 36,)	PERB Case No. 14-U-21
)	
Complainant,)	Opinion No. 1504
)	
v.)	
)	
District of Columbia Fire and Emergency)	Decision and Order
Medical Services Department,)	
)	
Respondent.)	
<hr/>)	

DECISION AND ORDER

I. Statement of the Case

Complainant International Association of Firefighters, Local 36 (“Union”) filed an Unfair Labor Practice Complaint (“Complaint”) alleging that Respondent D.C. Fire and Emergency Medical Services Department (“FEMS”) violated D.C. Official Code § 1-617.04(a)(1) and (5) when it refused the Union’s request to bargain a new compensation agreement for Fiscal Year 2015.¹ FEMS asserts it had no obligation to negotiate over compensation for FY 2015 because the Union’s May 1, 2014, bargaining request was untimely under D.C. Official Code § 1-617.17(f)(1)(A)(i) and Article 55, Section D in the parties’ Collective Bargaining Agreement.

The issues before PERB are 1) whether FEMS had an obligation to negotiate compensation matters for FY 2015 in response to the Union’s May 1, 2014, request; and 2) if so, whether FEMS committed an unfair labor practice when it refused said request. For the reasons stated below, the Board finds that FEMS was not obligated to engage in compensation bargaining for FY 2015 and therefore did not commit an unfair labor practice when it refused the Union’s request. The Union’s Complaint is therefore dismissed.

II. Background

¹ (Complaint at 6).

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PERB Case No. 14-U-21
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The parties began negotiating a successor collective bargaining agreement in 2011.² Negotiations continued until the parties reached impasse in November 2012.³ The impasse proceeded to interest arbitration. One of the issues presented to the arbitrator was the term of the contract. FEMS proposed that the agreement be effective from FY 2011 through FY 2017, whereas the Union proposed that it only be effective from FY 2011 through FY 2014.⁴ The arbitrator issued his Award on February 20, 2014, wherein he determined that the agreement would only be effective through FY 2014.⁵ Under D.C. Official Code §§ 1-617.17(i)(1) and (2), FEMS had until April 22, 2014 to submit the Award to the D.C. Council along with a financial plan that included proposed funding for the contract's compensation components.⁶ The Award was not submitted to the Council until June 27, 2014, after which the Council approved the contract on July 14, 2014.⁷ The new collective bargaining agreement covering FY 2011-2014 was scheduled to become effective on September 1, 2014.⁸

On May 1, 2014, before the Award had been submitted to the Council, the Union sent written notice to FEMS' representative, the D.C. Office of Labor Relations and Collective Bargaining ("OLRCB"), requesting commencement of bargaining over compensation and non-compensation issues for FY 2015-2017.⁹ OLRCB responded on May 21 and June 2, 2014, that FEMS would accept the Union's notice to reopen negotiations for non-compensation matters covering FY 2015-2017, but that FEMS refused to bargain compensation matters for FY 2015 because the Union's notice was untimely under D.C. Official Code § 1-617.17(f)(1)(A)(i)¹⁰ and Article 55 Section D¹¹ of the parties' Collective Bargaining Agreement.¹² On July 30, 2014, the Union filed the instant Complaint alleging that FEMS' refusal violated D.C. Official Code § 1-617.04(a)(1) and (5). As a remedy, the Union seeks: 1) preliminary and final relief requiring FEMS to reopen bargaining over compensation matters for FY 2015; 2) attorneys' fees; and 3) such further relief as the Board deems appropriate.

² *Id.* at 2.

³ PERB Case No. 13-I-01.

⁴ (Complaint at 2-3).

⁵ *Id.* at 3-4.

⁶ *Id.* at 4.

⁷ *Id.* at 6.

⁸ *Id.*

⁹ *Id.* at 5.

¹⁰ D.C. Official Code § 1-617(f)(1)(A)(i):

(f)(1) Collective bargaining for a given fiscal year or years shall take place at such times as to be reasonably assured that negotiations shall be completed prior to submission of a budget of said year(s) in accordance with this section.

(A)(i) A party seeking to negotiate a compensation agreement shall serve a written demand to bargain upon the other party during the period 120 days to 90 days prior to the first day of the fiscal year, for purposes of negotiating a compensation agreement for the subsequent fiscal year.

¹¹ Article 55 Section D of the parties' Collective Bargaining Agreement, in pertinent part, states:

"[T]he non-compensation provisions of this Agreement shall be considered automatically opened in the event that one of the parties provides the applicable statutory notice that it is seeking to terminate or modify the compensation provisions of this Agreement."

¹² *Id.* at 5-6, Exhibits 6 and 8.

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III. Analysis

A. Preliminary Issues

PERB Rule 520.8 states: “[t]he Board or its designated representative shall investigate each complaint.” PERB Rule 520.10 states that “[i]f the investigation reveals that there is no issue of fact to warrant a hearing, the Board may render a decision upon the pleadings....” However, PERB Rule 520.9 states that if “the investigation reveals that the pleadings present an issue of fact warranting a hearing, the Board shall issue a Notice of Hearing and serve it upon the parties.”

In this matter, FEMS generally denies Complainants’ legal conclusions, but does not dispute the Complaint’s underlying alleged facts, which are the following: 1) on May 1, 2014, the Union sent FEMS a written notice requesting compensation and non-compensation bargaining for FY 2015-2017; and 2) FEMS responded it would consent to a request by the Union to begin compensation bargaining for FY 2016-2017 but not for FY 2015, and that it would immediately begin non-compensation bargaining for FY 2015-2017. Because these facts are undisputed by the parties, leaving only legal questions to be resolved, the Board finds it can properly decide this matter based upon the pleadings in the record in accordance with PERB Rules 520.10.¹³

Furthermore, because the Board is rendering a final decision based upon the pleadings in the record, it is not necessary to address the Union’s request for preliminary relief in accordance with PERB Rule 520.15.

B. FEMS Reasonably Relied on the Statutorily Prescribed Timeframe for Requesting Compensation Bargaining in D.C. Official Code §§ 1-617.17(b) and 1-617.17(f)(1)(A)(i) and Therefore Did Not Commit an Unfair Labor Practice

D.C. Official Code § 1-617.17(b) requires compensation negotiations to take place “at reasonable times in advance of the District’s budget making process.” Additionally, D.C. Official Code § 1-617.17(f)(1) states that “[c]ollective bargaining for a given fiscal year or years shall take place at such times as to be reasonably assured that negotiations shall be completed prior to the submission of a budget for said year(s).” Subsection (f)(1)(A)(i) goes further and states that “[a] party seeking to negotiate a compensation agreement shall serve a written demand to bargain upon the other party during the period 120 days to 90 days prior to the first day of the fiscal year, for purposes of negotiating a compensation agreement for the subsequent fiscal year.” In accordance with these provisions, the Board finds that FEMS is correct in its assertion

¹³ See *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 60 D.C. Reg. 5337, Slip Op. No. 1374 at p. 11, PERB Case No. 06-U-41 (2013); see also *American Federation of Government Employees, AFL-CIO Local 2978 v. District of Columbia Department of Health*, 60 D.C. Reg. 2551, Slip Op. No. 1356 at p. 7-8, PERB Case No. 09-U-23 (2013).

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that the deadline for the Union to request compensation bargaining for FY 2015 was 120 days to 90 days prior to the first day of FY 2014, or during the month of June in 2013.

The Union argues that it could not have met the June 2013 deadline because it had already passed “before the parties had even scheduled the interest arbitration ... to resolve issues in the last round” of bargaining, the dates of which were not known until July 2, 2013.¹⁴ Further, the Union notes that the parties did not know whether that Collective Bargaining Agreement would be effective through FY 2014 or FY 2017 until the Arbitrator issued the Award on February 20, 2014.¹⁵ The Union asserts that once the Arbitrator ruled that the Agreement would only be effective through FY 2014, it timely served FEMS with its demand for compensation and non-compensation bargaining for FY 2015-2017 on May 1, 2014.¹⁶ For the reasons stated below, the Board finds that the Union’s arguments do not prevail.

In *Teamsters Local 639 v. District of Columbia Public Schools*, 38 D.C. Reg. 6698, Op. No. 267, PERB Case No. 90-U-05 (1991), the Board upheld a hearing examiner’s conclusion that the respondent agency had no obligation to bargain compensation matters for FY 1990 because the union’s demand came too late in the District’s budget-making process.¹⁷ In that case, the Board stated:

The Hearing Examiner, in a Report and Recommendation (R&R) issued on August 16, 1990, concluded that DCPS had no obligation to bargain with the Teamsters over FY 90 compensation matters.... The Hearing Examiner ruled that notwithstanding his conclusion that the Teamsters had been duly certified as the unit employees’ representative for purposes of compensation and terms and conditions bargaining, the Teamsters “could not insist on bargaining over compensation proposals for fiscal year 1990” (R&R at 6) at the time it made its formal demand for bargaining on November 7, 1989. This conclusion was based on the Examiner’s determination that the D.C. Superior Court decision in *Barry v. Public Employee Relations Board*, Civil Action No. 15364-80 (June 30, 1981) was controlling. There, the court, interpreting the D.C. Code Sec. 1-618.17(b)¹⁸ provision that the Board of Education “shall meet with labor organization(s)... which [] have been authorized to negotiate compensation at reasonable times in advance of the District’s budget-making process...,” held that negotiations “must commence earlier than 10 days into the new fiscal year, a point in time which must reasonably be viewed as near the very end of the budget making process.” Slip Opinion at

¹⁴ (Complaint at 6).

¹⁵ *Id.* at 3-4.

¹⁶ *Id.* at 5.

¹⁷ *See* ps. 1-4.

¹⁸ Now D.C. Official Code § 1-617.17(b).

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5. The facts here, the Examiner found, established that the Teamsters was not “certified [and thereby not authorized to negotiate compensation] until after the start of the [1990] fiscal year and its initial demand for bargaining [on November 7, 1989] was more than 5 weeks after the commencement of the fiscal year.” (R&R at p. 6).¹⁹

* * *

The Teamsters contend that the *Barry* decision turned on the fact that the union there did not file its representation petition until September 30, 1989, the last day of the fiscal year, so that bargaining could not have begun before the commencement of the new fiscal year. Here, in contrast, the Teamsters filed its representation petition almost 3 months before the end of the fiscal year. The Teamsters assert that but for “vigorous opposition by DCPS... PERB would most certainly have granted Local 639’s Petition way in advance of the commencement of Fiscal Year 1990” and that compensation bargaining for that year would therefore have been timely demanded. In support of their ultimate contention, Teamsters say that “there have been many interest arbitration awards rendered in the public sector after the commencement of the fiscal year, which have effectively awarded [compensation] increases retroactively.” ...

These arguments ... were rejected by the Hearing Examiner. We cannot conclude that DCPS’ opposition to the Teamsters July 10, 1989, petition to substitute representatives distinguishes this case from *Barry*, a decision which we agree with the Hearing Examiner controls here.²⁰

In the instant case, the Union’s May 1, 2014 demand to open compensation negotiations for FY 2015, much like those in the *Teamsters* and *Barry* cases, came “near the very end of the budget making process.” In *Teamsters, supra* the Board found that the Teamster’s request for compensation bargaining for FY 1990 was submitted too late in the process to comply with the statutory requirement in then D.C. Code § 1-618.17(b) that compensation negotiations commence at “reasonable times in advance of the District’s budget making process.” Applying that same reasoning to the instant case, the Board finds that because the Mayor had already submitted the District’s FY 2015 budget on April 3, 2014²¹, the Union’s May 1, 2014 demand to bargain for FY 2015 was likewise submitted too late in the process to comply with the identical

¹⁹ *Teamsters 639 v. DCPS, supra*, Op. No. 267 at ps. 1-2, PERB Case No. 90-U-05.

²⁰ *Id.* at 3-4.

²¹ (Answer at 5).

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requirement in the current statute²² that parties “negotiate compensation at reasonable times in advance of the District’s budget making process....”

Even if one considers the language of D.C. Official Code § 1-617.17(b) to be vague, the specific time period for the commencement of compensation bargaining established in D.C. Official Code § 1-617.17(f)(1)(A)(i) is not. Added to the statute effective October 1, 2002,²³ § 1-617.17(f)(1) states that “[c]ollective bargaining for a given fiscal year or years shall take place at such times as to be reasonably assured that negotiations shall be completed prior to the submission of a budget for said year(s).” Subsection (f)(1)(A)(i) is even more specific and states that “[a] party seeking to negotiate a compensation agreement shall serve a written demand to bargain upon the other party during the period 120 days to 90 days prior to the first day of the fiscal year, for purposes of negotiating a compensation agreement for the subsequent fiscal year.”²⁴ Based on these amendments, the Board finds that the Union’s demand in this case for compensation bargaining for FY 2015 was indeed untimely because it had not been submitted “prior to the submission of [the FY 2015] budget” as required by § 1-617.17(f)(1), and because it was submitted almost a full year after the June 2013 window dictated by § (f)(1)(A)(i).²⁵ Accordingly, FEMS had no obligation to engage in compensation bargaining with the Union for FY 2015, and therefore did not commit an unfair labor practice when it refused the Union’s demand.²⁶

Furthermore, the Board sympathizes with the Union’s arguments that it could not have met the statutory requirement because the June 2013 deadline had already passed “before the parties had even scheduled the interest arbitration ... to resolve issues in the last round” of bargaining, and also because the parties did not know that that Collective Bargaining Agreement would only be effective through FY 2014 until the arbitrator issued the Award in February 2014. Notwithstanding, the Board’s caselaw dictates that those reasons do not constitute a defense for missing the statutory deadline.

In both the *Teamsters* and *Barry* cases cited above, the respective unions argued that their demands should be considered timely because it was legally impossible for either of them to have submitted their demands within the timeframe prescribed under then D.C. Code § 1-618.17(b). Notwithstanding, the Board found that such did not constitute a valid exception to the statute’s requirement that compensation negotiations commence at “reasonable times in advance

²² D.C. Official Code § 1-617.17(b).

²³ See “The Fiscal Year 2003 Budget Support Act of 2002”, Oct. 1, 2002, D.C. Law 14-190, 49 D.C. Reg. 6968.

²⁴ The Board finds that the 2002 amendments substantiate and strengthen the Board’s and the Superior Court’s respective conclusions in the *Teamsters* and *Barry* cases that agencies have no duty to bargain an untimely request for compensation bargaining.

²⁵ *Id.*

²⁶ The Board notes that the Council’s purpose in enacting such specific time lines and procedures was not to frustrate the compensation bargaining process, but to put mechanisms and deadlines in place that would ensure a stable, timely budget. Indeed, the Council’s expressly stated purpose for adopting the amendments was “to revise procedures ... to allow compensation negotiations to begin at appropriate times consistent with the District of Columbia government budget cycle”. D.C. Law 14-190, *supra* at p. 8.

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of the District's budget making process."²⁷ If impossibility was not a valid defense under then § 1-618.17(b), it likewise cannot constitute a valid defense today under the identical language of the current § 1-617.17(b)—especially since the statute's 2002 amendments imposed an even stricter and more specific deadline for the commencement of bargaining. In this case, however, the Board finds that it was not impossible for the Union to serve its demand during the time period prescribed by the statute. Indeed, the Union was the bargaining unit's recognized exclusive representative in June 2013, and therefore could have served its demand (or even a prospective demand) on FEMS at that time in accordance with the statutory requirements, but failed to do so until almost a year after that deadline expired.²⁸ Therefore, even though the Union's reasons for not meeting the deadline are understandable, they do not exempt the Union from having to comply with the statute.

Therefore, based on the foregoing, the Board finds that FEMS was not obligated to engage in compensation bargaining for FY 2015 because the Union's May 1, 2014, demand (only insofar as it relates to compensation bargaining²⁹) was untimely under D.C. Official Code §§ 1-617.17(b) and 1-617.17(f)(1)(A)(i).³⁰ Furthermore, the Board finds that FEMS' refusal did not constitute an unfair labor practice in violation D.C. Official Code §§ 1-617.04(a)(1) or (5). Accordingly, the Union's Complaint is dismissed with prejudice.³¹

ORDER

IT IS HEREBY ORDERED THAT:

²⁷ *Teamsters 639 v. DCPS*, *supra*, Op. No. 267 at ps. 1-4, PERB Case No. 90-U-05.

²⁸ (Complaint at 5); (Answer at 5).

²⁹ As the Board noted in *Teamsters*, *supra*, even though the Union's demand for compensation bargaining was untimely under D.C. Official Code §§ 1-617.17(b) and 1-617.17(f)(1)(A)(i), the Union's demand for non-compensation terms and conditions bargaining was timely and FEMS was obligated to engage in those negotiations accordingly. The Complaint's Exhibit 6 demonstrates that FEMS complied with that obligation when it accepted the Union's demand for non-compensation bargaining and agreed to "engage in that exercise immediately."

³⁰ The Board notes that this ruling does not preclude the Union from attempting to bargain for additional increases in future fiscal years to make up for any perceived losses that may result from its inability to bargain compensation matters for FY 2015.

³¹ The Board notes that even though the Union makes numerous factual claims in its Complaint about FEMS' alleged failure to timely submit the parties Arbitration Award to the Council by April 22, 2014, it does not ultimately assert those allegations as unfair labor practices. (Complaint at 4-6). Indeed, paragraph 18 of the Complaint expressly limits the scope of the Union's unfair labor practice charges to the allegation concerning FEMS' refusal to engage in compensation bargaining for FY 2015. Accordingly, because that issue is not before the Board for evaluation, the Board will not consider it. *See Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, Slip Op. No. 1316 at ps. 5-6, PERB Case No. 09-U-50 (August 24, 2012) (holding that the Board may not rule on allegations that are not properly before it).

Decision and Order
PERB Case No. 14-U-21
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1. The Complaint is dismissed in its entirety with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Donald Wasserman, Keith Washington, Yvonne Dixon, and Ann Hoffman.

December 22, 2014

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-U-21, Opinion No. 1504 was transmitted *via* File & ServeXpress and Email to the following parties on this the 24th Day of December, 2014.

Devki K. Kirk
Bredhoff & Kaiser, P.L.L.C.
805 Fifteenth Street, N.W.
10th Floor
Washington, D.C. 20005
dvirk@bredhoff.com

VIA FILE & SERVEXPRESS AND EMAIL

Repunzelle R. Bullock
Michael D. Levy
D.C. Office of Labor Relations and
Collective Bargaining
441 Fourth Street, N.W.
Suite 820 North
Washington, D.C. 20001
Repunzelle.Bullock@dc.gov
Michael.Levy@dc.gov

VIA FILE & SERVEXPRESS AND EMAIL

/s/ Sheryl Harrington

PERB

REAL PROPERTY TAX APPEALS COMMISSION**NOTICE OF ADMINISTRATIVE MEETINGS**

The District of Columbia Real Property Tax Appeals Commission will hold its 2015 Administrative Meetings on the following dates:

- Monday, July 27, 2015;
- Thursday, September 24, 2015;
- Thursday, October 22, 2015; and,
- Thursday, December 17, 2015.

All meetings will start at 2:30 p.m. and will be held in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov> prior to each meeting.

For additional information, please contact: Carlynn Fuller, Executive Director, at (202) 727-3596.

AGENDA

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VI. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

- For the July 27th meeting the deadline is Thursday, July 23, 2015
- For the September 24th meeting, the deadline is Monday, September 21, 2015
- For the October 22nd meeting, the deadline is Monday, October 19, 2015
- For the December 17th meeting, the deadline is Monday, December 14, 2015

Written statements should be submitted to:

Carlynn Fuller, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: Carlynn.fuller@dc.gov

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after August 15, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on July 17, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 2**

Avelar	Jennifer J.	Klein Horing, LLP 1275 K Street, NW, Suite 1200	20005
Bela	Gentjana	Wells Fargo Bank NA 5701 Connecticut Avenue, NW	20015
Abbott	Jeffrey S.	Self 3003 Van Ness Street, NW, Room W101	20008
Anderson	Khadijah	Colliers International 1625 Eye Street, NW, Suite 700	20006
Barrett	Angela R.	Stinson Leonard Street LLP 1775 Pennsylvania Avenue, NW, Suite 800	20006
Beckwith	Marcellus	District Department of the Environment 1200 First Street, NE, 5th Floor	20002
Benjamin	Marcella L.	Wells Fargo Bank 1850 M Street, NW	20036
Bouhaouala	Kaouthar	Loews Madison Hotel 1177 15th Street, NW	20005
Bowen	Thalia M.	Epstein Becker & Green, PC 1227 25th Street, NW, 7th Floor	20037
Brewer	Lynette	Censeo Consulting Group 1331 H Street, NW, Suite 600	20005
Broussard	Shari R.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Brown	Woodrow	Multi-Therapeutic Services Inc. 4201 Connecticut Avenue, NW, Suite 405	20008
Canlas	Eduardo T.	Police Federal Credit Union 300 Indiana Avenue, NW #4067	20001
Carballo	Selena	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 3**

Carr	Judy A.	Kriegsfeld Corporation 415 Butternut Street, NW, Suite T-1	20012
Chakroborty	Sadhak K.	Mita Inc 2529 Pennsylvania Avenue, SE	20020
Coates	LaShawn A.	FordHarrison LLP 1300 19th Street, NW, Suite 300	20036
Critchlow	Joycelyn V.	Arnold & Porter 555 12th Street, NW	20004
Crow	Elizabeth LJH	CCM Group LLC 1730 Massachusetts Avenue, NW	20036
Davis	Gregory J.	Wells Fargo Bank, N.A. 5100 Wisconsin Avenue, NW	20016
Davis	Kimberly D.	DC Water and Sewer Authority 5000 Overlook Avenue, SW	20032
Davis	Phelon	Wells Fargo Bank NA 1850 M Street, NW	20036
DeGeorges	Madeleine	Musolino & Dessel PLLC 1615 L Street, NW, Room 440	20036
Delgado	Amanda J.	Levine, Blaszak, Block & Boothy LLP 2001 L Street, NW, Suite 900	20036
Deligiorgis	Maria	Maria Deligiorgis, Esq. 20 F Street, NW, Suite #700	20001
DeRosa	Ashley	DC Housing Authority 1133 North Capital Street, NE	20002
Dixon	James H.	NAVFAC Washington 1314 Harwood Street, SE, Building 212	20374
Edelbi	Salem	Super Value Services 1917 I Street, NW, Suite 100	20006
Fagan	Kevin R.	Premier Bank, Inc. 1130 Connecticut Avenue, NW, Suite 200	20036

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 4**

Fitzgerald	Matthew	Ace-Federal Reporters, Inc. 1625 I Street, NW, Suite 790	20006
Flynn	Joseph A.	Paralyzed Veterans of America 801 18th Street, NW	20006
Frontiera	Kristin	Horton's Kids 100 Maryland Avenue, NE, Suite 520	20002
Fuller	Chanele	National Association of Counties 25 Massachusetts Avenue, NW	20001
Gambrell	Krystin D.	DC Housing Authority 1133 North Capital Street, NE	20002
Garcia	Jennifer	Bank of America 901 K Street, NW, Suite 101	20001
Grantham	Cathy A.	State Voices 1625 Massachusetts Avenue, NW, Suite 308	20036
Gray	Lorena A.	PNC Bank 1779 Columbia Road, NW	20009
Hall	Colleen A.	Paul Hastings LLP 875 15th Street, NW	20005
Hall	Megan	Combined Properties 1025 Thomas Jefferson Street, NW	20007
Hamud	Muna	Perennial Construction, LLC 1350 I Street, NW, Suite 825	20005
Harrington	Sheryl V.	DC Public Employee Relations Board 1100 4th Street, SW, Room E630	20024
Harris	Joseitta L.	Halema Inc 1322 Half Street, SW, Room 302	20024
Haskins-Johnson	Valerie	Arnold & Porter 555 12th Street, NW	20004
Hatry	Audrey H.	Self 530 N Street, SW, Apartment S-605	20024

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 5**

Hilliard	Laurette A.	House of Ruth 3366 Brothers Place, SE	20743
Jackson	Earnestine	Republican National Committee 310 First Street, SE	20003
Jackson	Vivian	United Bank 1875 Eye Street, NW	20006
Jones	Belinda D.	GCS, Inc. 1800 M Street, NW, Suite 1050S	20036
Kavanaugh	Emily	So Others Might Eat Inc. 60 O Street, NW	20001
Kloman	Jessica	Jackson & Campbell, PC 1120 20th Street, NW, South Tower, Suite 300	20036
Kotras	Neil Edwards	National Railroad Retirement Investment Trust 2001 K Street, NW, Suite 1100	20006
Lee	Allyson Ann C.	Department of Veterans Affairs 455 I Street, NW	20001
Li	Suzhi	OASIS INTERNATIONAL TRAVEL CORP 2201 Wisconsin Avenue, NW, Suite 333	20007
Long	Marybeth	The Israel Project 1901 Pennsylvania Avenue, NW	20006
Luhr	Steven	Tax Foundation 1325 G Street, NW	20005
Lundy	Marcus G.	Wells Fargo Bank 2000 L Street, NW	20036
Macknall	Shameka N.	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW	20001
Marrow	Jason L.	Thompson Coburn LLP 1919 K Street, NW, Suite 600	20006

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 6**

Mathews	Nyiesha	Industrial Bank 125 45th Street, NE	20019
McGreal	Andrew J.	US World War One Centennial Commission 701 Pennsylvania Avenue, NW, Room 123	20004
McLeod	Deirdre R.	DC Housing Authority 1133 North Capital Street, NE	20002
Menditch	Jaclyn M.	Stein, Mitchell, Muse, Cipollone & Beato, LLP 1100 Connecticut Avenue, NW, Suite 1100	20036
Mitchell	Beverley Marecheau	BEDD Group LLC 1744 Taylor Street, NW	20011
Mora	Clara	Musolino & Dessel PLLC 1615 L Street, NW, Room 440	20036
Morrell III	Jesse D.	Self 1464 Roxanna Road, NW	20012
Morris	Tamika	RS Snead Construction, LLC 1010 Wisconsin Avenue, NW, Suite 600	20007
Murphy	Darlene M.	National Association of Counties 25 Massachusetts Avenue, NW	20001
Naccash	Mary R.	Fort Lincoln New Town Corporation 3298 Fort Lincoln Drive, NE	20018
Ortiz-Ditren	Salome	Trusted Health Plan 1100 New Jersey Avenue, NE, Suite 840	20002
Palmer	Natalie	US Department of Justice, Civil Division 1100 L Street, NW	20005
Parsons	Karen Marie	Crowell & Moring LLP 1001 Pennsylvania Avenue, NW	20004
Patterson	Shanelle C.	JPT Law 1455 Pennsylvania Avenue, NW, Suite 400	20004
Perez	Sandra E.	Pan American Development Foundation 1889 F Street, NW, 2nd Floor	20006

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 7**

Peters	Unique	Parsons 100 M Street, SE	20003
Powell	Tiffani	Justice Federal Credit Union 145 N Street, NE, Suite 1W	20530
Randall	Nicole	Stein Mitchell Muse Cipollone & Beato, LLP 1100 Connecticut Avenue, NW, Suite 1100	20036
Rathod	Joshua J.	TD Bank 1611 Wisconsin Avenue, NW	20007
Rickman	Renne M.	Arnold & Porter 555 12th Street, NW	20004
Robinson	Jacqueline	Wendy H. Schwartz and Associates, PLLC 818 Connecticut Avenue, NW, Suite 315	20006
Rothstein	Bradley M.	Self 2950 Van Ness Street, NW, Room 715	20008
Roye	Shauna M.	Dominican House of Studies 487 Michigan Avenue, NE	20017
Rutherford	John D.	Wells Fargo 1350 New York Avenue, NW	20005
Sabbat	Blayther	DC Housing Authority 1133 North Capital Street, NE	20002
Sabbat	Blayther	DC Housing Authority 1133 North Capital Street, NE	20002\
Scatliffe	Ingrid I.	FORDHARRISON LLP 1300 19th Street, NW, Suite 300	20036
Scott	Brittany I.	Network for Good 1140 Connecticut Avenue, NW, Suite 700	20036
Scudder	Alexandria	Bank of America 901 K Street, NW, Suite 101	20001
Simmons	Pamela King	Arnold & Porter	

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public**

Effective: August 15, 2015

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		555 12th Street, NW	20004
Smith	Ahmad	Bank of America 201 Pennsylvania Avenue, SE	20003
Smothers	Danielle M.	Self 4815 Bass Place, SE	20019
Song	Antoinette	Self 1416 Half Street, SW	20024
Spriggs	Rosslyn A.	National Railroad Passenger Corporation DBA Amtrak 40 Massachusetts Avenue, NE, 3w104	20002
Stancil	Yvette D.	H Street Main Street 729 10th Street, NE	20002
Stewart	Geri M.	US Securities and Exchange Commission 100 F Street, NE	20549
Stewart	Kevin	Horton's Kids Inc. 100 Maryland Avenue, NE, Suite 520	20002
Stribling	Mary Ellen M.	The Praxis Project 7731 Alaska Avenue, NW	20012
Stubbs	Andre	Wells Fargo 5701 Connecticut Avenue, NW	20015
Suarez	Susana	DC Office of Risk Management 441 4th Street, NW, Suite 800S	20001
Taylor	Joan L.	Loewinger & Brand, PLLC 471 H Street, NW	20001
Thaler	Sabina B.	Self (Dual) 2425 17th Street, NW, Apartment 27	20009
Thomas	Michael J.	Arnold & Porter 555 12th Street, NW	20004
Thomas	Stephanie	Center for American Progress 1333 H Street, NW, 10th Floor	20005

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public****Effective: August 15, 2015****Page 9**

Tivnan	Patrick	Veterans Affairs 425 I Street, NW	20001
Tucker	Dorinda M.	The George Washington University 2121 Eye Street, NW, Suite 701	20052
Tucker	Erika Schiller	Monarch Title Inc. 5151 Wisconsin Avenue, NW, Suite 350	20036
Vehorn	Tina Lynn	Stanley Convergent Security Solutions, Inc. 805 15th Street, NW, Suite 710	20005
Ward	Paula	Self (Dual) 1733 E Street, NW, Apartment #1	20004
Whitfield	Vanessa T.	District of Department of the Environment 2100 Martin Luther King Avenue, Jr., SE	20020
Williams	Marilyn	DC Housing Authority 1133 North Capital Street, NE	20002
Williams	Sidney	District of Columbia Office of Campaign Finance 2000 14th Street, NW, Suite 433	20009
Williams	Takisha	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Witt	Kelli M.	Department of Veterans Affairs 425 I Street, NW	20001

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**2015-2016 MEETING SCHEDULE**

The Commission meetings for the D.C. Sentencing and Criminal Code Revision Commission are held in open session on the *third Tuesday of every month*. (unless otherwise noted)

All meetings are held at 441 4th Street, N.W., Suite 430S, Washington, D.C. A notice will be published in the *D.C. Register* and posted on the agency website at <http://sentencing.dc.gov> for each meeting.

The meeting dates for 2015-2016 are:

Sept. 15, 2015	5:00-6:30 p.m.
Oct. 20, 2015	5:00-6:30 p.m.
Nov. 17, 2015	5:00-6:30 p.m.
Dec. 15, 2015	5:00-6:30 p.m.
Jan. 19, 2016	5:00-6:30 p.m.
Feb. 16, 2016	5:00-6:30 p.m.
Mar. 15, 2016	5:00-6:30 p.m.
Apr. 19, 2016	5:00-6:30 p.m.
May 17, 2016	5:00-6:30 p.m.
June 21, 2016	5:00-6:30 p.m.
July 19, 2016	5:00-6:30 p.m.

*Meeting schedule is subject to change. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**MEETING UPDATE**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice that the tentatively scheduled Commission meeting for July 21, 2015, is cancelled. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or Mia.Hebb@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18994-A of Ramin Mehdizadeh and Hyun Ah Lee, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the conversion of an existing one-family dwelling into a five-unit apartment building in the C-2-A District at premises 254 15th Street S.E. (Square 1073, Lot 22).

HEARING DATES: April 7, 2015, May 5, 2015, and June 16, 2015¹
DECISION DATE: June 16, 2015

CORRECTED² SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report, dated April 22, 2015, indicating that at a duly noticed and regularly scheduled public meeting on April 20, 2015, at which a quorum was in attendance, the ANC voted 7-3-0 in support of the application. (Exhibit 29.)

The Office of Planning ("OP") submitted a timely report dated April 28, 2015, recommending approval of the application (Exhibit 28) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 30.) On June 12, 2015, DDOT filed a supplemental report indicating that it continued to have no objection to the application. The supplemental DDOT report further indicated that the Applicant is required to provide a minimum of two secure, long-term bicycle racks at a ratio of one space per every three dwelling units, but that these were not shown on the plans³ and that the Applicant has proposed a robust Transportation Demand Program ("TDM") program. (Exhibit 34.)

¹ The hearing on this application was postponed from April 7, 2015 and continued from May 5, 2015 to June 16, 2015.

² The spelling of the Applicants' names has been corrected in this Corrected Summary Order. That is the only change to the Order.

³ The Board requested that the Applicant supplement the record with plans showing the required bicycle racks. (Exhibit 36.)

BZA APPLICATION NO. 18994-A
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A letter in opposition was submitted to the record from a nearby resident. (Exhibit 23.)

At the May 5th hearing, the Board heard testimony in opposition from four neighbors and asked the Applicant to respond to the neighbors' concerns. The Board continued the hearing to June 16, 2016, to allow the Applicant to work with the neighbors who had testified in opposition. The Board requested that the Applicant file any Traffic Demand Program ("TDM") measures or conditions for mitigation by June 9, 2015. The Applicant timely filed a parking assessment and proposed TDM measures including a residential parking permit ("RPP") restriction. (Exhibits 32 and 33.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from 11 DCMR § 2101.1. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR § 2101.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 36 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall record a covenant barring residential parking permits, and provide corresponding language in any leases and condominium documents, as well as in non-amendable provisions of the condominium bylaws. The covenant shall be recorded with the Recorder of Deeds Office, to ensure that the restriction runs with the land.
2. The Applicant shall provide new residents information on and/or links to:

BZA APPLICATION NO. 18994-A
PAGE NO. 3

- a. Capital Bikeshare;
 - b. Car-sharing services;
 - c. Ride-hailing services, such as Uber and Lyft;
 - d. Ridescout;
 - e. Commuter Connections Rideshare Program, which provides complimentary information on a variety of commuter programs to assist in determining which commuting options work best for commuters;
 - f. Commuter Connections Guaranteed Ride Home, which provides commuters who regularly (twice a week) carpool, vanpool, bike, walk or take transit to work with a free and reliable ride home in an emergency; and
 - g. Commuter Connections Pools Program, which incentivizes commuters who currently drive alone to carpool. Participants can earn money for carpooling to work and must complete surveys and log information about their experience.
3. The Applicant shall provide a one-year Capital Bikeshare membership per unit at initial sale and each time the unit is sold during the first five years the building is open. The Applicant shall reflect this condition in the Condominium Declaration and in a non-amendable provision of the condominium bylaws.
4. The Applicant shall provide a bicycle rack at the rear of the property, including long-term bicycle parking for at least five bicycles.

VOTE: **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen⁴, to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 6, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR

⁴ Board Member Cohen stated for the record that she had read the full record to participate in the case.

BZA APPLICATION NO. 18994-A
PAGE NO. 4

PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18996 of Macomb St Trust, Robert Altman, Trustee, as amended¹, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the side yard requirements under § 405, and the nonconforming structure requirements under § 2001.3, to allow the construction of a rear addition to an existing one-family dwelling in the R-1 District at premises 3401 Macomb Street N.W. (Square 2078, Lot 41).

HEARING DATES: May 12, 2015² and June 23, 2015
DECISION DATE: June 23, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 32.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC submitted an email that indicated that at a regularly scheduled and properly noticed ANC meeting on June 15, 2015, the ANC considered the application on the ANC's consent calendar and voted in support of the application.³ The Office of Planning ("OP") submitted a timely report recommending approval of the application (Exhibit 27) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a report of no objection. (Exhibit 28.)

Two letters in support of the application were submitted by the adjacent neighbors. (Exhibits 6 and 7.)

¹ The Applicant orally amended the application at the public hearing to add relief from the nonconforming structure requirements under 11 DCMR § 2001.3. The Board requested that the Applicant supplement the oral amendment with a revised self-certification form for the record. (Exhibit 32.) The caption has been altered accordingly.

² The case was heard on May 12, but continued until June 23 to allow for the ANC to provide its input.

³ The Board acknowledged the ANC's submission, but as it did not contain several regulatory requirements, such as the signature of the ANC's Chair or Vice Chair, the actual vote, or who on the ANC could speak on its behalf, it could not be given great weight.

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As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception for a special exception under § 223, not meeting the side yard requirements under § 405 or the nonconforming structure requirements under § 2001.3, to allow the construction of a rear addition to an existing one-family dwelling in the R-1 District. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 223, 405, and 2001.3 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10.**

VOTE: **4-0-1** (Lloyd L. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Michael G. Turnbull, to Approve; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO

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OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19012 of Jeffrey Fine, as amended¹, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403, the rear yard requirements under § 404, and the nonconforming structure requirements under § 2001.3, to allow the construction of a two-level deck to the rear of an existing one-family dwelling in the R-4 District at premises 451 Tennessee Avenue, N.E. (Square 1053, Lot 66).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: June 23, 2015(Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4 (original) and 34 (revised).)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on May 14, 2015, at which a quorum was in attendance, ANC 6A voted 8-0-0 to support the application. (Exhibits 40 and 47.) The ANC’s first report did not indicate the vote count; however, a corrected ANC report was submitted to the record at Exhibit 47. The Office of Planning (“OP”) submitted a timely report in support of the application, including the amended relief. (Exhibit 45.) The District Department of Transportation (“DDOT”) submitted a report expressing no objection to the approval of the application. (Exhibit 44.) The adjacent neighbors submitted letters in support of the application. (Exhibits 11 and 38.) Nine additional neighbors signed a petition in support of the application (Exhibits 29 and 30.) The Capitol Hill Restoration Society submitted a letter of support for the application. (Exhibit 46.)

¹ The Applicant initially filed for special exception relief under § 223, for an addition not meeting the lot occupancy requirements of § 403 and the rear yard requirements of § 404. Subsequently, the Applicant submitted a revised Self-Certification form and an amended application, along with revised plans, and requested additional relief from the non-conforming structure requirements under § 2001.3. (Exhibits 31, 34, and 41.) The caption has been amended accordingly.

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No objections to expedited calendar consideration were made by any person or entity entitled to do so by §§ 2118.6 and 2118.7. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application, as amended.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403, 404, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403, 404 and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 31.**

VOTE: **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION

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PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19015 of Richard H. Broxton, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements under § 404.1, and the open court requirements under § 406.1, to allow the construction of a two-story rear addition to an existing one-family dwelling in the R-3 District at premises 329 36th Street, N.E. (Square 5021, Lot 8).

HEARING DATE: Applicant waived right to a public hearing
DECISION DATE: June 23, 2015 (Expedited Review Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated December 9, 2014, from the Zoning Administrator certifying the required relief. (Exhibit 4.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of his right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 7D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. ANC 7D did not file a report for this application.

The Office of Planning (“OP”) submitted a timely report in support of the application. OP recommended adding relief for non-conforming structures under § 2001.3; however, the Applicant did not amend the application. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a report expressing no objection to the approval of the application. (Exhibit 27.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 404.1, and 406.1. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report,

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the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 404.1 and 406.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 24.**

VOTE: **4-0-1** (Lloyd J. Jordan, Michael G. Turnbull, Marnique Y. Heath, Jeffrey L. Hinkle to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 6, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

BZA APPLICATION NO. 19015**PAGE NO. 3**

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19022 of Lerone and Sarabeth Reid, pursuant to 11 DCMR § 3104.1, for a special exception from the accessory apartment requirements under § 202.10, to allow an accessory apartment that occupies greater than 25% of the gross floor area of the dwelling in the R-1-B District at premises 2901 King Place, N.E. (Square 4217, Lot 801).

HEARING DATE: June 23, 2015

DECISION DATE: June 23, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 10.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. ANC 5C did not submit a report related to the application.¹ The Office of Planning (“OP”) submitted a report in support of the application. (Exhibit 35.) The D.C. Department of Transportation (“DDOT”) submitted a report expressing no objection to the application.² (Exhibit 36.) A petition containing signatures of 17 neighbors in support of the application was submitted into the record. (Exhibit 13.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 202.10. The only parties to the application were the Applicant and the ANC, and the ANC did not participate in the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

¹ At the public hearing, the Applicant testified as to his outreach to the ANC and the community. He acknowledged that he contacted his ANC representatives, and he noted that the ANC showed no objection given that he had significant community support for the project from his neighbors. Also, correspondence in the record indicates that the Applicant reached out to Single Member District ANC 5C07, and that the ANC member responded that the ANC does not usually weigh in on these cases. (Exhibit 22.)

² DDOT noted that “For the portions of the project with elements in the public space requiring approval, the Applicant is required to pursue a public space permit through DDOT’s permitting process.” DDOT further noted that “the existing driveway and curb-cut on Hamlin Street serving the garage will have to be removed and replaced with standard streetscape elements for the location including a concrete curb, continuous tree space and concrete sidewalk.” (Exhibit 36, p. 2.)

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Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 202.10, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to Approve; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 1, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD

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AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 15-08
Z.C. Case No. 15-08
(Text Amendment to 11 DCMR § 3180.1(c))
(June 29, 2015)**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

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