

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes confirmation resolutions for numerous boards and commissions
- D.C. Housing Authority establishes new guidelines for managing housing waiting lists
- D.C. Health Benefit Exchange Authority proposes adding a new Subtitle D (Health Benefit Exchange) to Title 26 (Insurance, Securities, and Banking) of the District of Columbia Municipal Regulations
- Department of Health Care Finance publishes Proposed Medicaid Waiver Governing Non-Emergency Transportation Services for 1915(c) Intellectually and Developmentally Disabled Waiver Participants
- Department of Small and Local Business Development announces funding availability for the DSLBD Healthy Food Retail Program Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCFB-2012-D-0007 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Contract No. DCFB-2012-D-0007 with Advanced Data Processing, Inc., and authorizes payment in the amount of \$6,345,889.26 for goods and services received and to be received under that contract for the period from October 1, 2012, through September 30, 2015.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 11 to Contract No. CFSA-11-C-0124 with Integrated Community Services, Inc., to provide Developmentally Disabled Services for developmentally disabled children presenting issues that cannot be served by traditional group home or independent living programs, in accordance with the Adoption and Safe Families Act of 1997, the *LaShawn A. v. Bowser* Implementation and Exit Plan, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification of Contract No. CFSA-11-C-0124 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 11 to Contract No. CFSA-11-C-0124 with Integrated Community Services, Inc., to provide Developmentally Disabled Services for developmentally disabled children presenting issues that cannot be served by traditional group home or independent living programs, in accordance with the Adoption and Safe Families Act of 1997, approved November 19, 1997 (Pub. L. No. 105-89; 111 Stat. 2115), the *LaShawn A. v. Bowser* Implementation and Exit Plan, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, approved October 7, 2008 (Pub. L. No. 110-351; 122 Stat. 3949), and to authorize payment in the amount of \$1,233,900 for the services received and to be received under the contract for the period of March 30, 2015, to September 29, 2015.

Sec. 3. Fiscal impact statement.

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

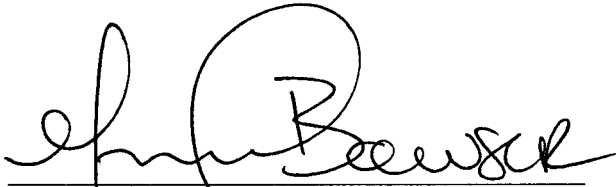
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 22, 2015

To approve, on an emergency basis, 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 goods and services received and to be received under the contract modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act 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 Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification No. M015 to Contract No. DHCF-2013-C-0003-A03 with MedStar Family Choice, Inc., and authorizes payment in the total not-to-exceed amount of \$338,670,442 for goods and services received, and to be received, under the contract modification for the period from May 1, 2015, through September 30, 2015.

Sec. 3. Fiscal impact statement.

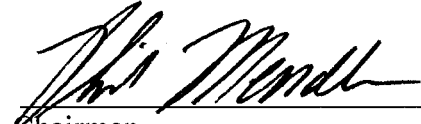
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

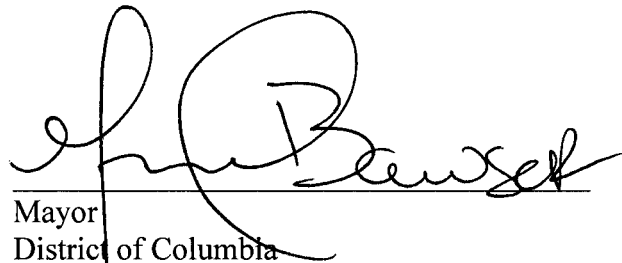
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, 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 services received and to be received under the contract modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act 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 Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification No. M016 to Contract No. DHCF-2013-C-0003-A02 with AmeriHealth District of Columbia, Inc., and authorizes payment in an amount not-to-exceed \$338,670,442 for goods and services received and to be received under the contract modification for the period from May 1, 2015, through September 30, 2015.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

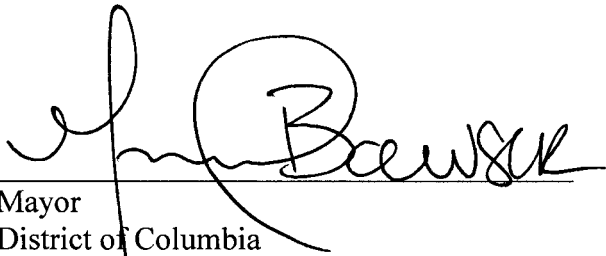
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. M0012 and proposed Modification No. M0013 to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to provide a Teen Bridge Program, which provides short-term placement in a structured environment in preparation for self-sufficiency and transition to a less restrictive environment, in accordance with the Adoption and Safe Families Act of 1997, the *LaShawn A. v. Bowser* Implementation and Exit Plan, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, and to authorize payment for the services received and to be received under the human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification of Human Care Agreement No. CFSA-11-H-0097 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. M0012 and proposed Modification No. M0013 to Human Care Agreement No. CFSA-11-H-0097 with God's Anointed New Generation to provide a Teen Bridge Program, and to authorize payment in the amount of \$1,213,931.95 for the services received and to be received under the human care agreement for the period of June 7, 2015, through June 6, 2016.

Sec. 3. Fiscal impact statement.

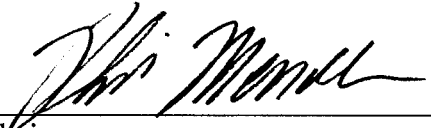
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 6 and proposed Modification No. 7 to Contract No. CW29777 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29777 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 6 and proposed Modification No. 7 to Contract No. CW29777 with Friendship Place to provide case management services and authorizes payment in the total not-to-exceed amount of \$2,784,780 for services received and to be received under the contract modifications for the period from May 28, 2015, through May 27, 2016.

Sec. 3. Fiscal impact statement.

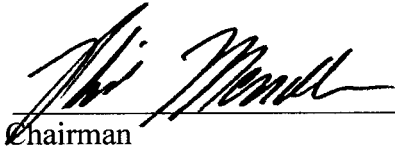
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

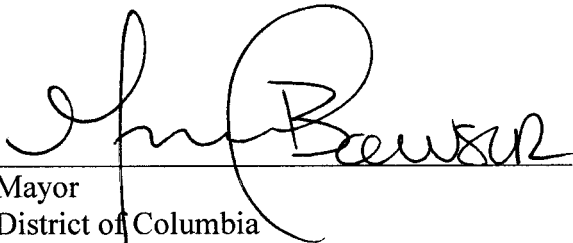
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 4 and proposed Modification No. 5 to Contract No. CW29494 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29494 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 4 and proposed Modification No. 5 to Contract No. CW29494 with Community Connections to provide case management services and authorizes payment in the total not-to-exceed amount of \$1,666,140 for services received and to be received under the contract modifications for the period from May 28, 2015, through May 27, 2016.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

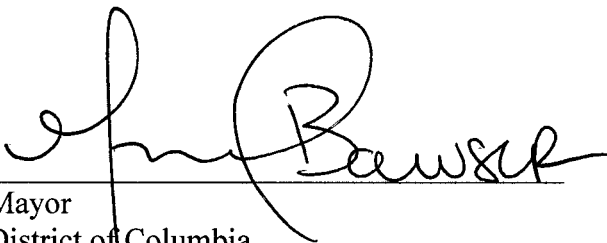
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 4 and proposed Modification No. 5 to Contract No. CW29492 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW29492 Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 4 and proposed Modification No. 5 to Contract No. CW29492 with The Community of Hope to provide case management services and authorizes payment in the total not-to-exceed amount of \$1,339,818 for services received and to be received under the contract modifications for the period from May 27, 2015, through May 26, 2016.

Sec. 3. Fiscal impact statement.

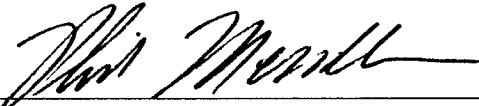
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

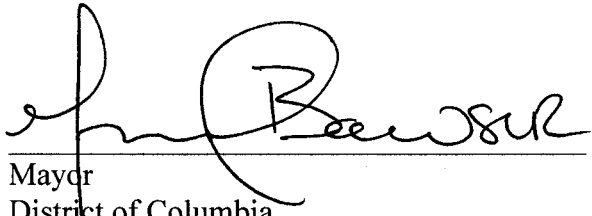
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 4 and proposed Modification No. 5 to Contract No. CW29396 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29396 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 4 and proposed Modification No. 5 to Contract No. CW29396 with Transitional Housing Corporation to provide case management services and authorizes payment in the total not-to-exceed amount of \$1,084,500 for services received and to be received under the contract modifications for the period from May 27, 2015, through May 26, 2016.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

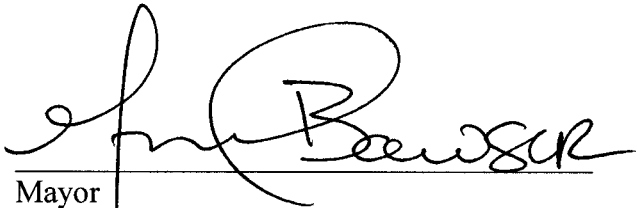
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. 3 and proposed Modification No. 4 to Contract No. CW29403 to provide case management services to the District and to authorize payment for the services received to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29403 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803;; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 3 and proposed Modification No. 4 to Contract No. CW29403 with Pathways to Housing to provide case management services and authorizes payment in the total not-to-exceed amount of \$1,474,740 for services received and to be received under the contract modifications for the period from May 23, 2015, through May 22, 2016.

Sec. 3. Fiscal impact statement.

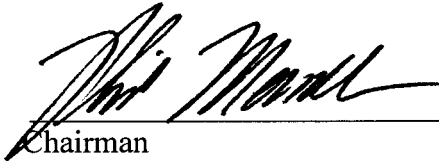
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

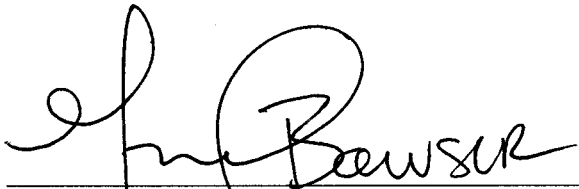
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Contract No. DCHT-2014-C-0021 and Modification Nos. M0001 and M0003 and proposed Modification No. M0005 to Contract DCHT-2014-C-0021 with Mercer Health & Benefits, LLC for actuarial consulting services related to the development and implementation of actuarially sound capitation rates for the District of Columbia Medicaid and DC Healthcare Alliance programs and to authorize payment for the services received and to be received under the contract and contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHT-2014-C-0021 and Modifications with Mercer Health & Benefits, LLC Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Contract No. DCHT-2014-C-0021 and Modification Nos. M0001 and M0003 and proposed Modification No. M0005 to Contract DCHT-2014-C-0021 with Mercer Health & Benefits, LLC, to provide actuarial consulting services related to the development and implementation of actuarially sound capitation rates for the District of Columbia Medicaid and DC Healthcare Alliance programs, and authorizes payment in the amount of \$1,080,000 for services received and to be received under the contract and contract modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 2015

To establish, on an emergency basis, a moratorium on the construction or operation of any additional facilities that provide automobile painting services in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ward 5 Paint Spray Booth Moratorium Emergency Act of 2015”.

Sec. 2. Paint spray booth moratorium.

(a) The Mayor shall not issue a permit for the construction or operation of an automobile paint spray booth in Ward 5.

(b) The Mayor shall not issue a renewal permit for the operation of an automobile paint spray booth in Ward 5.

(c) For the purposes of this act, the term “automobile paint spray booth” means a facility related to an auto body paint shop for which the applicant must obtain a minor source air pollutant permit through the District Department of the Environment.

Sec. 3. Applicability.

Section 2 shall apply to an application for a permit for the construction or operation of an automobile paint spray booth or for a renewal permit for the operation of an automobile paint spray booth submitted on or after June 30, 2015.

Sec. 4. Fiscal impact statement.

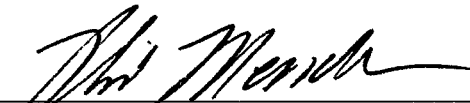
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 23, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCKA-2011-C-0121 Modification No. M037 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. M037 to Contract No. DCKA-2011-C-0121 to increase the contract ceiling in the amount of \$15,930,457 to allow capacity for additional operation and maintenance services related to the DC Streetcar Program, and authorizes payment in the total amount of \$37,944,630.20 for goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

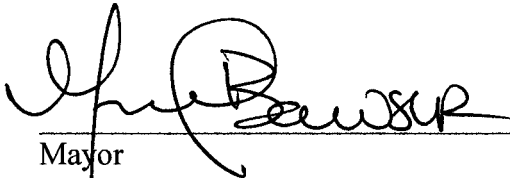
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 2015

To approve, on an emergency basis, Modification No. M0006 and proposed Modification No. M0010 to Human Care Agreement No. CW15109 with America Works of Washington DC for job placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Care Agreement No. CW15109 Modifications with America Works of Washington DC Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. M0006 and proposed Modification No. M0010 to Human Care Agreement No. CW15109 with America Works of Washington DC for job placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and authorizes payment in the amount of \$1,343,475 for services received and to be received under the human care agreement during Option Year 3, which covers the period from January 27, 2015, through January 26, 2016.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Home Health Agency Temporary Staffing Services Human Care Agreements Approval and Payment Authorization Emergency Act of 2015".

ENROLLED ORIGINAL

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 following contract actions:

(1) 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 Services, Inc., and authorizes payment in an amount not to exceed \$5,069,013.04 for goods and services received and to be received under these human care agreements and the modification for the period from April 4, 2014, through June 30, 2015;

(2) 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., and authorizes payment in an amount not to exceed \$7,773,472.98 for goods and services received and to be received under these human care agreements and the modifications for the period from April 4, 2014, through June 30, 2015;

(3) 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., and authorizes payment in an amount not to exceed \$4,029,569.44 for goods and services received and to be received under these human care agreements and the modification for the period from April 7, 2014, through June 30, 2015;

(4) 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., and authorizes payment in an amount not to exceed \$7,924,128.68 for goods and services received and to be received under these human care agreements and the modifications for the period April 4, 2014, through June 30, 2015;

(5) 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., and authorizes payment in an amount not to exceed \$4,474,443.63 for goods and services received and to be received under these human care agreements and the modification for the period April 7, 2014, through June 30, 2015; and

(6) 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, and authorizes payment in an amount not to exceed \$5,100,916 for goods and services received

ENROLLED ORIGINAL

and to be received under these human care agreements and the modification for the period from April 10, 2014, through June 30, 2015.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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 27, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2015

To approve, on an emergency basis, Modification No. 4 and proposed Modification No. 5 to Contract No. CW29496 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29496 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 4 and proposed Modification No. 5 to Contract No. CW29496 with Catholic Charities of the Archdiocese of Washington to provide case management services and authorizes payment in the total not-to-exceed amount of \$3,117,207.72 for services received and to be received under the contract modifications for the period from May 28, 2015, through May 27, 2016.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

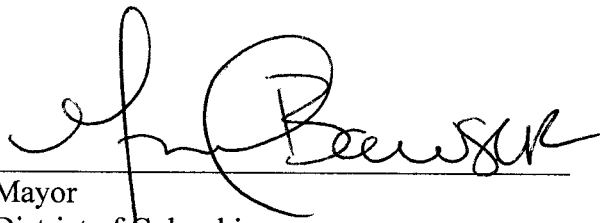
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 27, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2015

To approve, on an emergency basis, Modification No. 4 and proposed Modification No. 5 to Contract No. CW30986 to provide case management services to the District and to authorize payment for the services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW30986 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. 4 and proposed Modification No. 5 to Contract No. CW30986 with Metropolitan Education Solutions, Inc., to provide case management services and authorizes payment in the total not-to-exceed amount of \$1,842,727.20 for services received and to be received under the contract modifications for the period from May 28, 2015, through May 27, 2016.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

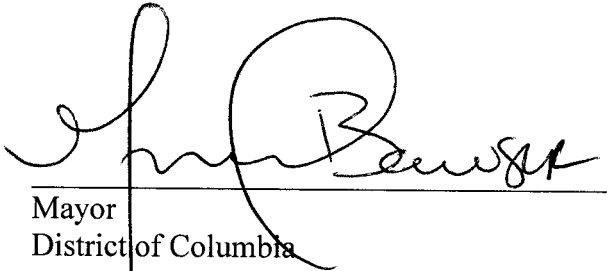
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
July 27, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2015

To enact and amend, on an emergency basis, provisions of law necessary to support the Fiscal Year 2016 budget.

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

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT
SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION**

Sec. 1001. Short title.

This subtitle may be cited as the “Bonus and Special Pay Limitation Emergency Act of 2015”.

Sec. 1002. Bonus and special pay limitations.

(a) For Fiscal Year 2016, no funds shall be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;

ENROLLED ORIGINAL

(5) Employee awards pursuant to section 1901 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 § 1-619.01);

(6) Safe-driving awards;

(7) Gainsharing incentives in the Department of Public Works;

(8) Suggestion or invention awards;

(9) Quality steps;

(10) Salary incentives negotiated through collective bargaining; or

(11) Any other award or bonus required by an existing contract or collective bargaining agreement that was entered into before the effective date of this subtitle.

(b) No special awards pay or bonus pay shall be paid to a subordinate agency head or an assistant or deputy agency head unless required by an existing contract that was entered into before the effective date of this subtitle.

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in Fiscal Year 2016 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students.

(d) Notwithstanding this subtitle or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO for the period from October 1, 2013, through September 30, 2017. These payments are necessary to satisfy the requirements of section 857 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 20, 1999 (D.C. Law 12-260; D.C. Official Code § 1-608.57), which requires the Attorney General's performance management system to link pay to performance.

(e) Notwithstanding this subtitle, the Office of the Attorney General and the subordinate agencies shall pay their employees all performance allowance payments to which they are entitled.

SUBTITLE B. SUPPLY MANAGEMENT AMENDMENT

Sec. 1011. Short title.

This subtitle may be cited as the "Supply Management Emergency Amendment Act of 2015".

Sec. 1012. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) A new section 802a is added to read as follows:

"Sec. 802a. Surplus property disposition agreements.

ENROLLED ORIGINAL

“(a) The CPO may enter into an agreement with a District agency not otherwise under the authority of the CPO, including an independent agency or a public charter school, to sell its surplus goods.

“(b) OCP may charge an administrative fee of 6% of gross proceeds for the sale of surplus property sold pursuant to an agreement entered into under this section. The administrative fees shall be deposited into the Surplus Property Sales Fund established by section 805.”.

(b) Section 803 (D.C. Official Code § 2-358.03) is amended to read as follows:

“Sec. 803. Electronic inventory control system for surplus property.

“The CPO shall establish an electronic inventory control system to monitor all surplus property. The system shall contain the following information:

“(1) The date of the receipt of the surplus property;

“(2) The agency or organization from which the surplus property was received;

“(3) A description of the surplus property, including quantity and condition;

“(4) A photograph of the surplus property; and

“(5) The estimated value of the surplus property.”.

(c) A new section 805 is added to read as follows:

“Sec. 805. Surplus Property Sales Fund.

“(a) There is established as a special fund the Surplus Property Sales Fund (“Fund”), which shall be administered by the CPO in accordance with subsection (c) of this section.

“(b) There shall be deposited into the Fund:

“(1) Administrative fees collected pursuant to an agreement entered into pursuant to section 802a; and

“(2) Proceeds from the sale of surplus property by OCP.

“(c) Money in the Fund shall be used to pay the administrative costs of maintaining and disposing of surplus property, including the costs of online auctions.

“(d) Amounts in excess of the money needed to pay for the cost of online auction contracts for surplus personal property shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia.”.

Sec. 1013. Section 1062 of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.271), is repealed.

SUBTITLE C. OFFICE OF LGBTQ AFFAIRS AMENDMENT

Sec. 1021. Short title.

This subtitle may be cited as the “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Name Change Emergency Amendment Act of 2015”.

Sec. 1022. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1381) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (1) is amended by striking the phrase “Office of Gay, Lesbian, Bisexual, and Transgender Affairs” and inserting the phrase “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” in its place.

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

“(2) “Lesbian, gay, bisexual, transgender, and questioning” or “LGBTQ” means individuals who identify themselves as lesbian, gay, bisexual, or transgender or are questioning or exploring their sexuality or sexual identity, or are concerned about applying a social label to themselves related to their sexuality or sexual identity and who are residents of the District of Columbia.”.

(3) Paragraph (3) is amended by striking the phrase “Office of Gay, Lesbian, Bisexual, and Transgender Affairs” and inserting the phrase “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” in its place.

(b) Section 3 (D.C. Official Code § 2-1382) is amended as follows:

(1) Strike the phrase “Office of Gay, Lesbian, Bisexual, and Transgender Affairs” wherever it appears and insert the phrase “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” in its place.

(2) Strike the phrase “gay, lesbian, bisexual and transgender community” wherever it appears and insert the phrase “lesbian, gay, bisexual, transgender, and questioning community” in its place.

(c) Section 4 (D.C. Official Code § 2-1383) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “full-time” and inserting the phrase “full time” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “gay, lesbian, bisexual and transgender community” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning community” in its place.

(B) Paragraph (3) is amended by striking the phrase “Gay, Lesbian, Bisexual and Transgender community” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning community” in its place.

(C) Paragraph (8) is amended as follows:

(i) Strike the phrase “Gay, Lesbian, Bisexual and Transgender Program Coordinators” and insert the phrase “lesbian, gay, bisexual, transgender, and questioning services coordinators” in its place.

(ii) Strike the phrase “gay, lesbian, bisexual and transgender community” and insert the phrase “lesbian, gay, bisexual, transgender, and questioning community” in its place.

(D) Paragraph (9) is amended by striking the phrase “Gay, Lesbian, Bisexual and Transgender Program Coordinator” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning services coordinator” in its place

(E) Paragraph (10) is amended as follows:

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(i) Strike the phrase “Gay, Lesbian, Bisexual and Transgendered program coordinator” and insert the phrase “lesbian, gay, bisexual, transgender, and questioning services coordinator” in its place.

(ii) Strike the phrase “gay, lesbian, bisexual and transgender health” and insert the phrase “lesbian, gay, bisexual, transgender, and questioning health” in its place.

(d) Section 4a(a) (D.C. Official Code § 2-1384(a)) is amended by striking the phrase “Office of Gay, Lesbian, Bisexual and Transgender Affairs” and inserting the phrase “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” in its place.

Sec. 1023. Section 4(b)(2)(M) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-65; D.C. Official Code § 4-752.01(b)(2)(M)), is amended by striking the phrase “Office of Gay, Lesbian, Bisexual and Transgender Affairs” and inserting the phrase “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” in its place.

Sec. 1024. Section 23(d)(1)(F)(iv) of the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.22(d)(1)(F)(iv)), is amended by striking the phrase “Gay, Lesbian, Bisexual and Transgender community” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning community” in its place.

Sec. 1025. Section 10(c) of the Choice of Drug Treatment Act of 200, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3009(c)), is amended by striking the phrase “gays, lesbians, bisexuals, transgenders” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning persons” in its place.

Sec. 1026. Section 302(d) of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1253.02(d)), is amended by striking the phrase “gays and lesbians” and inserting the phrase “lesbian, gay, bisexual, transgender, and questioning persons” in its place.

SUBTITLE D. ATTORNEY GENERAL AUTHORITY AND LITIGATION FUND

Sec. 1031. Short title.

This subtitle may be cited as the “Attorney General Authority and Litigation Fund Establishment Emergency Amendment Act of 2015”.

Sec. 1032. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) A new section 106b is added to read as follows:

“Sec. 106b. Litigation Support Fund.

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“(a) There is established as a special fund the Litigation Support Fund (“Fund”), which shall be administered by the Office of the Attorney General in accordance with this section.

“(b) Subject to the limitations of subsection (d)(3) of this section, any recoveries from claims or litigation brought by the Office of the Attorney General on behalf of the District shall be deposited into the Fund.

“(c) The Fund shall be used for the purpose of supporting general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District of Columbia.

“(d)(1) Except as provided in paragraph (3) of this subsection, the money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time.

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

“(3) At no time shall the balance in the Fund, including interest earned, exceed \$1.5 million. Any funds in excess of \$1.5 million shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

“(e) For the purposes of this section, the term “recovery” shall include funds obtained through court determinations or through the settlement of claims in which the Office of the Attorney General represents the District, but shall not include funds obtained through an administrative proceeding or funds obligated to another source by District or federal law.”.

(b) New sections 108a and 108b are added to read as follows:

“Sec. 108a. Authority over personnel.

“The Attorney General shall be the personnel authority for the Office of the Attorney General. The Attorney General’s personnel authority shall be independent of the personnel authority of the Mayor established under section 422 of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 790; D.C. Official Code §1-204.22), and section 406 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 §1-604.06), except that the personnel provisions applicable to the Mayor under the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-601.01 *et seq.*), shall apply to the Attorney General’s exercise of this authority, unless specifically exempted by District statute.

“Sec. 108b. Authority for procurement of goods and services.

“The Attorney General shall carry out procurement of goods and services for the Office of the Attorney General through a procurement office or division. The procurement office or division shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established pursuant to the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), except as provided in section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(b)).”.

(c) A new section 110a is added to read as follows:

“Sec. 110a. Authority to issue subpoenas in investigation of consumer protection matters.

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“(a) The Attorney General, or his or her designee, shall have the authority to issue subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, related to an investigation into unfair, deceptive, unconscionable, or fraudulent trade practices by or between a merchant or consumer, as defined in D.C. Official Code § 28-3901.

“(b) Subpoenas issued pursuant to subsection (a) of this section or D.C. Official Code § 28-3910 shall contain the following:

“(1) The name of the person from whom testimony is sought or the documents or materials requested;

“(2) The person at the Office of the Attorney General to whom the documents shall be provided;

“(3) A detailed list of the specific documents, books, papers, or objects being requested, if any;

“(4) The date, time, and place that the recipient is to appear to give testimony or produce the materials specified under paragraph (3) of this subsection, or both;

“(5) A short, plain statement of the recipient’s rights and the procedure for enforcing and contesting the subpoena; and

“(6) The signature of the Attorney General, Chief Deputy Attorney General, Deputy Attorney General, or Assistant Deputy Attorney General approving the subpoena request.

“(c) Unless otherwise permitted by the Office of the Attorney General, only attorneys for the Office of the Attorney General and their staff, other people involved in the investigation, the witness under examination, his or her attorney, interpreters when needed, and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present during the taking of testimony.

“(d) In the case of refusal to obey a subpoena issued under this section, the Attorney General may petition the Superior Court of the District of Columbia for an order requiring compliance. Any failure to obey the order of the court may be treated by the court as contempt.

“(e) Any person to whom a subpoena has been issued under this section or pursuant to D.C. Official Code § 28-3910 may exercise the privileges enjoyed by all witnesses. A person to whom a subpoena has been issued may move to quash or modify the subpoena in the Superior Court of the District of Columbia on grounds including:

“(1) The Attorney General failed to follow or satisfy the procedures set forth in this section for the issuance of a subpoena; or

“(2) Any grounds that exist under statute or common law for quashing or modifying a subpoena.”.

Sec. 1033. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 202(1) (D.C. Official Code § 1-602.02(1)) is amended as follows:

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(1) Strike the phrase "The Mayor and each member of the Council of the District of Columbia" wherever it appears and insert the phrase "The Mayor, each member of the Council of the District of Columbia, and the Attorney General" in its place.

(2) Strike the phrase "in accordance with the provisions of sections 421(d) and 403(a) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 787; D.C. Official Code §§ 1-204.21(d) and 1-204.03(a))" and insert the phrase "in accordance with the provisions of sections 421(d) and 403(a) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 787; D.C. Official Code §§ 1-204.21(d) and 1-204.03(a)), and section 105 of the Attorney General of the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.85)." in its place.

(b) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

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

"(a-1) The term "Attorney General" means the Attorney General for the District of Columbia."

(2) Subsection (m) is amended by striking the phrase "For the purposes of this act, the Council of the District of Columbia shall be considered an independent agency of the District of Columbia." and inserting the phrase "For the purposes of this act, the Council of the District of Columbia and the Office of the Attorney General for the District of Columbia shall be considered independent agencies of the District of Columbia." in its place.

(3) Subsection (q)(4) is repealed.

(c) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended as follows:

(1) Paragraph (21) is amended by striking the phrase "Administration; and" and inserting the phrase "Administration;" in its place.

(2) Paragraph (22) is amended by striking the phrase "Education." and inserting the phrase "Education; and" in its place.

(3) A new paragraph (23) is added to read as follows:

"(23) For employees of the Office of the Attorney General, the personnel authority is the Attorney General."

(d) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended by adding a new paragraph (2A) to read as follows:

"(2A) The Attorney General may appoint no more than 30 persons;"

(e) Section 1109 (D.C. Official Code § 1-611.09) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) In accordance with section 105 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.85), the Attorney General shall receive compensation in an amount equal to the Chairman of the Council."

(f) Section 1715(a) (D.C. Official Code § 1-617.15(a)) is amended by striking the phrase " or in the case of employees of the District of Columbia Board of Education or the Board of Trustees of the University of the District of Columbia, by the respective Boards" and inserting the phrase " ; provided, that an agreement with a labor organization of employees of the Office of

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the Attorney General is subject to the approval of the Attorney General, and an agreement with a labor organization of employees of the District of Columbia Board of Education or the Board of Trustees of the University of the District of Columbia is subject to the approval of the respective Boards” in its place.

(g) Section 1716(a) (D.C. Official Code § 1-617.16(a)) is amended by striking the phrase “The Mayor,” and inserting the phrase “The Mayor, the Attorney General for employees of the Office of the Attorney General,” in its place.

Sec. 1034. Section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(b)), is amended by adding a new paragraph (1B) to read as follows:

“(1B) The Office of the Attorney General;”.

Sec. 1035. Section 207 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-537), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “subsection (a-1)” and inserting the phrase “subsections (a-1) and (a-2)” in its place.

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

“(a-2) Any person denied the right to inspect a public record in the possession of the Attorney General may institute proceedings in the Superior Court of the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record.”.

(c) Subsection (b) is amended by striking the phrase “subsection (a) or (a-1)” and inserting the phrase “subsection (a), (a-1), or (a-2)” in its place.

Sec. 1036. Section 28-3910 of the District of Columbia Official Code is amended as follows:

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

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

“(b) A subpoena issued pursuant to subsection (a) of this section shall be issued in accordance with section 110a of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on emergency basis on June 30, 2015 (Enrolled version of 21-283).”.

SUBTITLE E. OFFICE ON AGING REPORTING REQUIREMENTS

Sec. 1041. Short title.

This subtitle may be cited as the “Office on Aging Reporting Requirements Emergency Act of 2015”.

Sec. 1042. Office on Aging reporting requirements.

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In Fiscal Year 2016, the Mayor shall submit quarterly reports to the Council, within 30 days after the end of each quarter, beginning October 1, 2015, on programs and operations within the Office on Aging. Each report shall include the following information:

- (1) The number of persons served through the Aging and Disability Resource Center, including the ages of those persons served and the types of services received;
- (2) The number of new applications for sub-grants;
- (3) A listing of current contracts and sub-grants by category;
- (4) A comprehensive listing of senior wellness centers (by center), including the number of seniors who utilize each location per quarter;
- (5) A complete listing of transportation services and the number of seniors who utilize transportation services, including the number of transports that originate from each ward;
- (6) The number of seniors in each ward who utilize home meal delivery services;
- (7) The locations of congregate meal services and the number of persons who utilize such services by ward; and
- (8) The total funds expended for each program area of operations included in the report.

SUBTITLE F. GRANTS ADMINISTRATION

Sec. 1051. Short title.

This subtitle may be cited as the "Grant Administration Emergency Amendment Act of 2015".

Sec. 1052. Section 1014 of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-328.01), is repealed.

Sec. 1053. The Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), is amended as follows:

(a) Section 1092 (D.C. Official Code § 1-328.11) is amended to read as follows:

"Sec. 1092. Definitions.

"For the purposes of this subtitle, the term:

"(1) "Candidate" shall have the same meaning as provided in section 101(6) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(6)).

"(2) "Contribution" shall have the same meaning as provided in section 101(10) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(10)).

"(3) "Covered recipient" means:

"(A) An elected District official who is or could be involved in influencing or approving the award of a grant;

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“(B) A candidate for elective District office who is or could be involved in influencing or approving the award of a grant;

“(C) A political committee affiliated with a District candidate or elected District official described in subparagraphs (A) and (B) of this paragraph;

“(D) A constituent-service program or fund, or substantially similar entity, controlled, operated, or managed by:

“(i) An elected District official who is or could be involved in influencing or approving the award of a grant; or

“(ii) A person under the supervision, direction, or control of an elected District official who is or could be involved in influencing or approving the award of a grant;

“(E) A political party; or

“(F) An entity or organization:

“(i) That a candidate or elected District official described in subparagraphs (A) and (B) of this paragraph, or a member of his or her immediate family, controls; or

“(ii) In which a candidate or elected District official described in subparagraphs (A) and (B) of this paragraph has an ownership interest of 10 % or more.

“(4) “Election” shall have the same meaning as provided in section 101(15) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(15)).

“(5) “Grant” means financial assistance to a person to support or stimulate the accomplishment of a public purpose as defined by the law that authorizes the grant; provided, that the organization, not the District, defines the specific services, the service levels, and the program approach for carrying out the grant.

“(6) “Grant program” means the management or administration by a grantor of grant-making or grant-issuing authority as covered by this subtitle.

“(7) “Grantee” means a person that receives funds under a grant program.

“(8) “Grantor” means a District agency, board, commission, instrumentality, or program designated by law as the grant-managing entity for a grant program.

“(9) “Immediate family” shall have the same meaning as provided in section 101(26) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(26)).

“(10) “Person” shall have the same meaning as provided in section 101(42) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(42)).

“(11) “Political committee” shall have the same meaning as provided in section 101(44) of the Board of Ethics and Government Accountability Establishment and

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Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(44)).

“(12) “Political party” shall have the same meaning as provided in section 101(45) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(45)).”.

(b) Section 1093 (D.C. Official Code § 1-328.12) is amended by striking the phrase “established under the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199),” and inserting the phrase “established by District law” in its place.

(c) Section 1094(a) (D.C. Official Code § 1-328.13(a)) is amended by striking the phrase “grant-issuing authority.” and inserting the phrase “grant-issuing authority, unless a non-District entity that provides funds to the District to award as grants has rules or requirements that prohibit or otherwise limit competition.” in its place.

(d) Section 1095(1) (D.C. Official Code § 1-328.14(1)) is amended by striking the phrase “30 days” and inserting the phrase “45 days” in its place.

(e) Section 1096 (D.C. Official Code § 1-328.15) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) New subsections (b) and (c) are added to read as follows:

“(b) Before a person may receive a grant under this subtitle, that person shall provide the District with a sworn statement, under penalty of perjury, that to the best of the person’s knowledge, after due diligence, the person is in compliance with subsections (c) and (d) of this section and is therefore eligible to receive a grant.

“(c)(1) A person that makes a contribution or solicitation for contribution to a covered recipient shall be ineligible to receive a grant from the District valued at \$100,000 or more during the time period set forth in subsection (d) of this section.

“(2) The District shall not award a grant valued at \$100,000 or more to a person that is ineligible to receive a grant under paragraph (1) of this subsection during the time period set forth in subsection (d) of this section.

“(d)(1) For contributions made to persons described under section 1092(3)(A), (B), or (C), a person is ineligible to receive a grant under this subtitle beginning on the date the contribution or solicitation for contribution was made and continuing for one year after the general election for which the contribution or solicitation for contribution was made, whether or not the contribution was made before the primary election.

“(2) For contributions made to persons described under section 1092(3)(D), (E), or (F), a person is ineligible to receive a grant under this subtitle beginning on the date the contribution or solicitation for contribution was made and continuing for 18 months after that date.”.

(f) A new section 1098 is added to read as follows:

“Sec. 1098. Grant transparency.

“To ensure a transparent process for issuing and managing grants, the Office of Partnerships and Grants Development shall establish uniform guidelines for the application for

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and reporting on grants received from District government entities. The guidelines shall include a description of the project scope, budget, program activities, timelines, performance, and any appropriate financial information.”.

SUBTITLE G. INDEPENDENT INVESTIGATION DEBARMENT AUTHORITY

Sec. 1061. Short title.

This subtitle may be cited as the “Independent Investigation Debarment Authority Emergency Amendment Act of 2015”.

Sec. 1062. Section 907(d) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-359.07(d)), is amended to read as follows:

“(d)(1) After reasonable notice to a person and reasonable opportunity to be heard, the CPO may debar the person from consideration for award of any contract or subcontract if the CPO receives written notification from:

“(A) The Chairman of the Council or the chairperson of a Council committee that the person has willfully failed to cooperate in a Council or Council committee investigation conducted pursuant to section 413 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.13);

“(B) The District of Columbia Auditor that the person has willfully failed to cooperate in an audit conducted pursuant to section 455 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.55), or to produce books or records pursuant to section 418; or

“(C) The Inspector General that the person has willfully failed to cooperate in an audit, inspection, or investigation conducted pursuant to section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a)(3)), or to produce books and records pursuant to section 418.

“(2) The CPO shall issue a decision on a debarment recommended through a notification received under paragraph (1) of this subsection within 30 days of receipt of the notification.

“(3) The debarment shall be for a period of 5 years, unless the CPO receives written notification during the 5-year period from the Chairman of the Council or the chairperson of a Council committee, the District of Columbia Auditor, or the Inspector General that the debarred person has cooperated in the audit, inspection, or investigation referred to in paragraph (1) of this subsection.

“(4) For the purposes of this subsection, the term “willfully failed to cooperate” means:

“(A) Intentionally failed to attend and give testimony at a public hearing convened in accordance with the Rules of Organization and Procedure for the Council; or

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“(B) Intentionally failed to provide documents, books, papers, or other information upon request of the Council or a Council committee, the District of Columbia Auditor, or the Inspector General.”.

SUBTITLE H. DISTRICT CULTURAL PLAN

Sec. 1071. Short title.

This subtitle may be cited as the “Cultural Plan for the District Emergency Act of 2015”.

Sec. 1072. Creation of a cultural plan.

(a)(1) On or before December 15, 2016, the Director of the Office of Planning (“Office”) shall submit to the Mayor and the Council and post on the Office’s website a comprehensive cultural plan (“Plan”). Before that date, the Office shall oversee the solicitation, through a request for proposals, of a private cultural-planning firm to develop the Plan.

(2) The request for proposals to develop the Plan shall propose compensation for the firm developing the Plan that does not exceed \$200,000. The Office may accept contributions from private foundations to defray additional costs, if any, of compensating the firm that develops the Plan.

(3) At a minimum, the Plan shall include:

(A) Recommended means by which the District may increase participation in cultural activities throughout the District and address the desires of residents of each of the 8 wards with respect to art and culture policy in their neighborhoods;

(B) An outline of the city’s cultural policies and the means of implementing those policies and a study of the economic benefits and the impacts on quality of life, community development, and cultural literacy of those policies;

(C) A proposed process for community decision-making regarding cultural activities that focuses on neighborhoods, engages and encourages community input, and supports access to the arts and cultural programming in neighborhoods;

(D) An analysis of whether some neighborhoods are better served than others with respect to cultural activities and proposals to remedy the disparities;

(E) An analysis of the needs of artists and other members of the creative economy and recommendations regarding steps that may be taken to retain and otherwise support such individuals in the District’s current real-estate environment, including recommendations with regard to the creation of both long-term and temporary affordable studio and rehearsal space, including space that otherwise would remain vacant, as well as affordable housing for artists and other members of the creative economy;

(F) An analysis of the current state of arts education in District of Columbia Public Schools and District public charter schools and recommendations regarding the improvement of arts education in the District;

(G) An analysis of the means by which District agencies can incorporate the arts to enhance their missions while better serving the cultural needs of the District. On or before November 1, 2015, each District agency shall submit its own analysis of those means that shall be incorporated in the Plan;

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(H) An examination of means by which the arts can be incorporated into community and economic development planning processes and policies;

(I) Recommendations as to means by which the District can create a more arts-friendly regulatory structure, specifically with regard to facilitating performances and exhibitions that seek to engage the public in a public setting; and

(J) Any existing data sets regarding the distribution of cultural resources throughout the city, as well as any other existing data sets relevant to the Plan.

(4) All recommendations, initiatives, and priorities included in the Plan shall be indicated as being proposed to occur in a short-, medium-, or long-term timeframe and categorized by the following budget ranges: under \$50,000; \$50,000 to \$250,000; \$250,000 to \$1 million; and over \$1 million;

(5) The development of the Plan shall occur in a transparent and accessible fashion. Whenever feasible, the Office shall utilize appropriate technology to enhance outreach and communication with the public during the development of the Plan.

(6) The Office shall consult with the Commission on the Arts and Humanities in the development of the Plan.

(7) To the extent feasible, any agency implicated by the conclusions and recommendations of the Plan shall incorporate those conclusions and recommendations into its budget and programming.

(b)(1) A Cultural Planning Steering Committee ("Committee") shall be formed to assist in the implementation of the Plan. The Committee shall consist of at least 3 members of the arts and creative economy community with relevant arts and creative economy expertise and each of the following individuals, or his or her appointee:

(A) Deputy Mayor for Planning and Economic Development;

(B) The Director of the Office of Planning;

(C) The Executive Director of the Commission on the Arts and Humanities;

(D) The Chairperson of the Commission on the Arts and Humanities;

(E) The Chairman of the Council's designee;

(F) The Chairman of the Council's Committee on Finance and Revenue's designee; and

(G) The DC BID Council Executive Director.

(2) The Committee shall meet with the Office and representatives of other affected agencies on a quarterly basis to track the progress of the recommendations in the Plan, beginning with the first quarter after submission of the Plan to the Mayor and the Council.

SUBTITLE I. BEGA BOARD SIZE

Sec. 1081. Short title.

This subtitle may be cited as the "Board of Ethics and Government Accountability Board Size Emergency Amendment Act of 2015".

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Sec. 1082. Section 203(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03(a)), is amended as follows:

- (a) Strike the phrase “3 members” and insert the phrase “5 members” in its place.
- (b) Strike the phrase “2 of whom” and insert the phrase “3 of whom” in its place.
- (c) Strike the phrase “one member shall be appointed to serve for a 2-year term, one member shall be appointed to serve for a 4-year term, and one member shall be appointed to serve for a 6-year term” and insert the phrase “one member shall be appointed to serve for a 2-year term, 2 members shall be appointed to serve for a 4-year term, and 2 members shall be appointed to serve for a 6-year term” in its place.
- (d) A new sentence is added at the end to read as follows:
“The terms of the 5 initial members shall begin on July 1, 2012.”.

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION
SUBTITLE A. DSLBD MICRO LOAN AMENDMENT**

Sec. 2001. Short title.

This subtitle may be cited as the “Department of Small and Local Business Development Micro Loan Fund Emergency Amendment Act of 2015”.

Sec. 2002. Section 2375 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Code § 2-218.75), is amended as follows:

- (a) The section heading is amended to read as follows:
“Sec. 2375. Small Business Capital Access Fund.”.
- (b) Subsection (a) is amended to read as follows:
“(a) For the purposes of this section, the term:
“(1) “Eligible recipient” means a business certified, or eligible to be certified, as a small business enterprise pursuant to section 2332 or a disadvantaged business enterprise pursuant to section 2333.
“(2) “Fund” means the Small Business Capital Access Fund.”.
- (c) Subsection (b) is amended by striking the phrase “Micro Loan” and inserting the phrase “Capital Access” in its place.
- (d) Subsection (d)(1) is amended to read as follows:
“(1) Eligible recipients that are certified as a small business enterprise pursuant to section 2332, a disadvantaged business enterprise pursuant to section 2333, or a resident-owned business enterprises pursuant to section 2335; or”.

SUBTITLE B. APPRENTICESHIP MODERNIZATION AMENDMENT

Sec. 2011. Short title.

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This subtitle may be cited as the "Apprenticeship Modernization Emergency Amendment Act of 2015".

Sec. 2012. An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1401) is repealed.

(b) Section 2 (D.C. Official Code § 32-1402) is amended as follows:

(1) Strike the phrase "Superintendent of Schools" and insert the word "Chancellor" in its place.

(2) Strike the phrase "remainder of said term." and insert the phrase "remainder of the term. At the end of a term, a member shall continue to serve until a successor is appointed and sworn into office." in its place.

(3) Strike the last sentence.

(c) Section 3 (D.C. Official Code § 32-1403) is amended to read as follows:

"Sec. 3. Associate Director of Apprenticeship.

"(a) The Director of the Department of Employment Services shall appoint an Associate Director of Apprenticeship whose office shall have responsibility and accountability for the apprenticeship system in the District of Columbia.

"(b)(1) The Office of Apprenticeship, Information and Training, which shall also be known as the Registration Agency, shall have the authority to approve apprenticeship registration for federal purposes.

"(2) The Office of Apprenticeship, Information and Training is authorized to supply the Associate Director of Apprenticeship and the Apprenticeship Council with the clerical, technical, and professional assistance considered essential to effectuate the purposes of this act."

(d) Section 4 (D.C. Official Code § 32-1404) is amended as follows:

(1) Strike the word "Director" and insert the phrase "Associate Director of Apprenticeship" in its place.

(2) Strike the phrase "Secretary of Labor" and insert the phrase "Director of the Department of Employment Services" in its place.

(3) Strike the sentence "Not less than once every 2 years the Apprenticeship Council shall make a report through the Mayor of its activities and findings to Congress and to the public." and insert the sentence "Once every year the Registration Agency shall make a report through the Mayor of its findings and activities to the Council of the District of Columbia and to the public." in its place.

(e) Section 5 (D.C. Official Code § 32-1405) is amended to read as follows:

"Sec. 5. Duties of Associate Director of Apprenticeship.

"The Associate Director of Apprenticeship, under the supervision of the Director of the Department of Employment Services and with the advice and guidance of the Apprenticeship Council, shall:

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“(1) Administer the provisions of this act in cooperation with the Apprenticeship Council, local joint apprenticeship committees, and non-joint apprenticeship committees to develop criteria and training standards for apprentices, which shall in no case be lower than those required by this act;

“(2) Act as secretary of the Apprenticeship Council;

“(3) Approve, if approval is in the best interest of the apprentice, any apprentice agreement that meets the standards established by or in accordance with this act;

“(4) Terminate or cancel any apprenticeship agreement in accordance with the provisions of the apprenticeship agreement;

“(5) Engage with the State Board of Education and area community colleges on the administration and supervision of related and supplemental instruction for apprentices to ensure coordination of the instruction with job experiences; and

“(6) Perform such other duties as necessary to carry out the intent of this act.”.

(f) Section 6 (D.C. Official Code § 32-1406) is amended to read as follows:

“Sec. 6. Apprenticeship committees.

“(a) Local joint apprenticeship committees and non-joint apprenticeship committees in any trade or group of trades may be submitted to the Registration Agency for approval. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives appointed by the groups or organizations they represent, or the committee may consist of the employer and not fewer than 2 representatives from the recognized bargaining agency.

“(b) In a trade or group of trades in which there is no bona fide employee organization, the Registration Agency, with the advice and guidance of the Apprenticeship Council, may approve a joint trade apprenticeship committee and a non-joint apprenticeship committee (also referred to as a unilateral or group non-joint committee).

“(c) Subject to the approval of the Registration Agency, and in accordance with standards established by or under authority of this act, joint trade apprenticeship committees and non-joint apprenticeship committees may develop standards to govern the training of apprentices and give such aid as may be necessary to effectuate the standards.”.

(g) Section 7 (D.C. Official Code § 32-1407) is amended to read as follows:

“Sec. 7. Definition of apprentice.

“For the purposes of this act, the term “apprentice” means a worker at least 16 years of age, except when a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation meeting the criteria approved by the Registration Agency and who has entered into a written apprenticeship agreement, which contains the terms and conditions of the employment and training of the apprentice, with either the apprentice’s program sponsor or an apprenticeship committee acting as agent for the program sponsor.”.

(h) Section 8 (D.C. Official Code § 32-1408) is amended to read as follows:

“Sec. 8. Apprenticeship agreements – contents.

“Every apprenticeship agreement entered into pursuant to this act shall contain:

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“(1) The names and signatures of the contracting parties, including the apprentice’s parent or guardian, if the apprentice is a minor, and the contact information of the program sponsor and the Registration Agency:

“(2) The date of birth of the apprentice and the apprentice’s social security number, given on a voluntary basis;

“(3) A statement of the craft or occupation that the apprentice is to be taught and the time period at which the apprenticeship will begin and end;

“(4) A statement showing:

“(A) The number of hours to be spent by the apprentice in on-the-job learning in a time-based program;

“(B)(i) A description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or

“(ii) The minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and

“(C) Provisions for related and supplemental instruction;

“(5) A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be trained and the approximate time to be spent in each process;

“(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

“(7) A statement providing for a period of probation without adverse impact on the sponsor during which time the apprenticeship agreement shall be terminated by the Associate Director of Apprenticeship at the request, in writing, of the apprentice or suspended or cancelled by the sponsor for good cause with due notice to the apprentice and a reasonable opportunity for corrective action with due notice to the Associate Director of Apprenticeship, and providing that after a probationary period, the apprenticeship may be cancelled by the Associate Director of Apprenticeship by mutual agreement of all parties or canceled by the Associate Director of Apprenticeship for good and sufficient reasons;

“(8) Contact information (name, address, phone, and e-mail, if appropriate) of the person in the Registration Agency designated under the program to receive, process, and make disposition of a controversy of difference arising out of the apprenticeship agreement when the controversy or difference cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

“(9) A provision that a sponsor who is unable to fulfill the obligations under the apprenticeship agreement may, with the approval of the Associate Director of Apprenticeship or under the direction of the joint trade apprenticeship committee or non-joint apprenticeship committee or individual sponsor, transfer the apprenticeship agreement to another sponsor; provided, that:

“(A) The apprentice consents and that the other sponsor agrees to assume the obligations of the apprenticeship agreement;

“(B) The transferring apprentice is provided a transcript of related instruction and on-the-job learning by the program sponsor;

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“(C) The transfer is to the same occupation; and

“(D) A new apprenticeship agreement is executed when the transfer between program sponsors occurs; and

“(10) Such additional terms and conditions as may be prescribed or approved by the Registration Agency with the advice and guidance of the Apprenticeship Council, if not inconsistent with the provisions of this act.”.

(i) Section 9 (D.C. Official Code § 32-1409) is amended by striking the word “Director” both times it appears and inserting the phrase “Associate Director of Apprenticeship” in its place.

(j) Section 10 (D.C. Official Code § 32-1410) is amended as follows:

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

(A) Strike the word “Director” and insert the phrase “Associate Director of Apprenticeship” in its place.

(B) Strike the phrase “under this act, and he may hold” and insert the phrase “under this act and may hold” in its place.

(C) Strike the phrase “Secretary of Labor” and insert the phrase “Registration Agency” in its place.

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

“(b)(1) The determination of the Associate Director of Apprenticeship shall be filed with the Apprenticeship Council. If no appeal is filed with the Apprenticeship Council within 10 days after the date of filing of the determination of the Associate Director of Apprenticeship, the determination shall become the order of the Apprenticeship Council.

“(2) Any person aggrieved by a determination or action of the Associate Director of Apprenticeship may appeal to the Apprenticeship Council, which shall hold a hearing after due notice to the interested parties.

“(3) Any person aggrieved by the action of the Apprenticeship Council may appeal as provided in Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204: D.C. Official Code § 2-501 *et seq.*).”.

(k) Section 12 (D.C. Official Code § 32-1412) is repealed.

Sec. 2013. Section 5(c)(2) of the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1431(c)(2)), is amended by striking the phrase “Contracting Officer” wherever it appears and inserting the phrase “Department of Employment Services” in its place.

Sec. 2014. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE C. RETAIL PRIORITY AREA AMENDMENT

Sec. 2021. Short title.

This subtitle may be cited as the “Retail Priority Area Emergency Amendment Act of 2015”.

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Sec. 2022. The H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171 *et seq.*), is amended as follows:

(a) Section 2(5) (D.C. Official Code § 1-325.171(5)) is amended to read as follows:

“(5) “H Street, N.E., Retail Priority Area” means the H Street, N.E., Retail Priority Area as defined in section 2(2) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194).”.

(b) Section 3(c) (D.C. Official Code § 1-325.172(c)) is amended as follows:

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

(2) Paragraph (2) is amended by striking the period at the end and inserting a semicolon in its place.

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

“(3) Beginning October 1, 2015, and ending September 30, 2016, make grants to support revitalization programs pursuant to section 4b of the Retail Incentive Act of 2004, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 2-1217.73b). Grants may be awarded for revitalization programs within any of the Retail Priority Areas established by or pursuant to section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73). The total amount of funds that may be granted pursuant to this paragraph shall not exceed \$4 million; and”.

Sec. 2023. Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), is amended as follows:

(a) Subsection (f) is amended by striking the phrase “within the following area” and inserting the phrase “within or abutting the boundary of the following area” in its place.

(b) Subsection (g) is amended by striking the phrase “within the following area” and inserting the phrase “within or abutting the boundary of the following area” in its place.

(c) Subsection (h) is amended by striking the phrase “within the following area” and inserting the phrase “within or abutting the boundary of the following area” in its place.

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

“(i) There is established the Connecticut Avenue Retail Priority Area, which shall consist of the parcels, squares, and lots abutting Connecticut Avenue, N.W., beginning at the intersection of Connecticut Avenue, N.W., and Macomb Street, N.W., thence north on Connecticut Avenue, N.W., to its intersection with Western Avenue, N.W.”.

(e) Subsection (j) is amended by striking the phrase “within the following area” and inserting the phrase “within or abutting the boundary of the following area” in its place.

(f) Subsection (k) is amended by striking the phrase “within the following area” and inserting the phrase “within or abutting the boundary of the following area” in its place.

(g) Subsection (l) is amended to read as follows:

“(l) There is established the Good Hope Road, S.E. Retail Priority Area, which shall consist of the parcels, squares, and lots abutting Good Hope Road, S.E., beginning at the intersection of Good Hope Road, S.E., and Anacostia Drive, S.E., thence southeast on Good Hope Road, S.E., to its intersection with Naylor Road, S.E.”.

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(h) Subsection (m) is amended to read as follows:

“(m) There is established the U Street/14th Street Retail Priority Area, which shall consist of the parcels, squares, and lots within or abutting the boundary of the following area: Beginning at the intersection of T Street, N.W., and 11th Street, N.W.; thence west on T Street, N.W., to 19th Street, N.W.; thence north on 19th Street, N.W., to Columbia Road, N.W.; thence northeast on Columbia Road, N.W., to 18th Street, N.W.; thence northwest on Adams Mill Road, N.W., to Lanier Place, N.W.; thence northeast on Lanier Place, N.W. to Ontario Road, N.W.; thence northeast on Columbia Road, N.W., to Mount Pleasant Street, N.W.; thence northwest on Mount Pleasant Street, N.W., to Park Road, N.W.; thence southeast on Park Road, N.W., to 14th Street, N.W.; thence north on 14th Street, N.W., to Spring Road, N.W.; thence southeast on Spring Road, N.W., to 13th Street, N.W.; thence south on 13th Street, N.W., to Monroe Street, N.W.; thence South on 11th Street, N.W., to Kenyon Street, N.W.; thence west on Kenyon Street, N.W. to 13th Street, N.W.; thence south on 13th Street, N.W. to V Street, N.W.; thence east on V Street, N.W., to 11th Street, N.W.; thence south on 11th Street, N.W., to the point of beginning.”

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

“(n) There is established the Tenleytown Retail Priority Area, which shall consist of the parcels, squares, and lots abutting Wisconsin Avenue, N.W., beginning at the intersection of Wisconsin Avenue, N.W., and Tenley Circle, N.W., thence north on Wisconsin Avenue, N.W., to its intersection with Western Avenue, N.W.”

Sec. 2024. Section 2 of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended as follows:

(a) The lead-in text of paragraph (1) is amended by striking the phrase “within the following areas” and inserting the phrase “within or abutting the boundaries of the following areas” in its place.

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

“(2) H Street, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within or abutting the area bounded by a line beginning at the intersection of the center lines of Massachusetts Avenue, N.E., Columbus Circle, N.E., and 1st Street, N.E.; continuing northeast along the center line of 1st Street, N.E., to the center line of K Street, N.E.; continuing east along the center line of K Street, N.E., to the center line of Florida Avenue, N.E.; continuing southeast along the center line of Florida Avenue, N.E., to the center line of Staples Street, N.E.; continuing northeast along the center line of Staples Street, N.E., to the center line of Oates Street, N.E.; continuing southeast along the center line of Oates Street, N.E., until the point where Oates Street, N.E., becomes K Street, N.E.; continuing east along the center line of K Street, N.E., to the center line of 17th Street, N.E.; continuing south along the center line of 17th Street, N.E., to the center line of Gales Street, N.E.; continuing northwest along the center line of Gales Street, N.E., to the center line of 15th Street, N.E.; continuing south along the center line of 15th Street, N.E., to the center line of F Street, N.E.; continuing west along F Street, N.E., to the center line of Columbus Circle, N.E.; and continuing south and circumferentially along the center line of Columbus Circle, N.E., to the beginning point, and,

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after October 1, 2014, the Bladensburg Road, N.E., Retail Priority Area, as defined in D.C. Official Code § 2-1217.73(g).”.

(c) Paragraph (3) is amended by striking the phrase “within the area bounded by a line” and inserting the phrase “within or abutting the area bounded by a line” in its place.

(d) Paragraph (4) is amended to read as follows:

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

(e) Paragraph (5) is amended by striking the phrase “within the area bounded by a line” and inserting the phrase “within or abutting the area bounded by a line” in its place.

(f) Paragraph (6) is amended by striking the phrase “within the following areas” and inserting the phrase “within or abutting the boundaries of the following areas” in its place.

SUBTITLE D. YOUTH EMPLOYMENT AND WORK READINESS TRAINING

Sec. 2031. Short title.

This subtitle may be cited as the “Youth Employment and Work Readiness Training Emergency Amendment Act of 2015”.

Sec. 2032. Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), is amended as follows:

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

(1) Subparagraphs (A) and (A-i) are amended to read as follows:

“(A)(i) A summer youth jobs program to provide for the employment or training each summer of not fewer than 10,000 or more than 21,000 youth 14 to 21 years of age on the date of enrollment in the program.

“(ii) Youth ages 14 to 15 years at the date of enrollment shall receive an hourly work readiness training rate of not less than \$5.25.

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“(iii) Youth ages 16 to 21 years at the date of enrollment shall be compensated at an hourly rate of \$8.25.

“(A-i) Registration for the summer youth jobs program shall occur on or before the last day of January and shall conclude by the last day of April of each year.”.

(2) Subparagraph (B) is amended by striking the phrase “but shall not be less than 20 nor more than 25 hours” and inserting the phrase “but shall not be fewer than 20 hours or more than 40 hours” in its place.

(3) Subparagraph (C) is amended to read as follows:

“(C) Employment may include an appropriate number of supervisory positions at an hourly wage of \$9.25 to \$13. Supervisory positions shall not be subject to the requirements under this paragraph regarding the number of hours and weeks of employment.”.

(4) Subparagraph (E) is repealed.

(b) Subsections (a)(2), (3), (4), and (5) are amended to read as follows:

“(2) *In school employment and work readiness training.* — An in-school employment and work readiness training program to provide for the employment or training during the school year of students aged 14 through 21 years on a part-time basis at no less than the federal minimum wage, or work readiness training rate at no less than \$5.25 per hour. Priority shall be given to students who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*) (“Workforce Innovation and Opportunity Act”), as identified in regulations issued to implement this act. The Mayor may provide financial incentives to increase performance outcomes.

“(3) *Out-of-school, year-round employment and work readiness training.* — An out-of-school, year-round employment and work readiness training program to provide youth 16 through 24 years of age with employment at the prevailing entry-level wage for the job being performed and no less than the federal minimum wage, or work readiness training at a training rate no less than \$5.25 per hour. The Mayor may provide financial incentives to promote work readiness training activities and to increase performance outcomes. Priority shall be given to youth who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act, as identified in regulations issued to implement this act. The program shall include safeguards to assure that the prospect of employment resulting from this program does not induce students to drop out of school.

“(4) *On-the-job training program for adults.* — An on-the-job training program for unemployed individuals at least 18 years of age. Priority shall be given to participants who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act, as identified in regulations issued to implement this act. The District government shall reimburse participating employers no more than 75% of the prevailing wage paid for an occupation, as determined by the Mayor, for a period not to exceed 12 months. The employer shall pay all wages in excess of the allowable reimbursement and all fringe benefits. The Mayor shall require that participating private-sector employers agree to hire persons who successfully complete the program. On-the-job training participants shall not displace existing employees or be used as substitutes for regular workers.

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“(5) *Training and retraining for employment.*—Programs for pre-employment training and retraining for persons 16 years of age and above. Priority shall be given to participants who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act, as identified in regulations issued to implement this act. Training programs established pursuant to this paragraph may be coupled with those conducted pursuant to paragraphs (3) and (4) of this subsection.”.

(c) Subsection (b) is amended by adding the following sentence at the end:

“The Mayor may enter into performance-based contracts to implement programs described in subsection (a) of this section.”.

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

“(d) For the purposes of this section, to give priority to participants who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act means to engage in a good-faith effort to fill at least 30% of a program’s available positions with persons who meet the eligibility criteria and standards of the Workforce Innovation and Opportunity Act.”.

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

“(g)(1) The Department of Employment Services shall collect, and publish on its website, aggregated information on the participants of the summer youth jobs program, including statistics on:

“(A) The demographics of participants;

“(B) Participants’ activities in the program; and

“(C) Participants’ employment following the end of the program.

“(2) The information required by paragraph (1) of this subsection shall be published by February 1, 2016 and annually thereafter.

“(3) It is the sense of the Council that the Department of Employment Services shall consult with the Council on revising the existing evaluation requirement for the summer youth jobs program to focus on program outcomes and program effectiveness.

“(4) With regard to the summer 2015 program only, the Mayor shall conduct an assessment and evaluation of employment outcomes for summer employment participants 22 through 24 years of age.”.

Sec. 2033. The Youth Employment and Work Readiness Training Temporary Amendment Act of 2015, enacted on June 17, 2015 (D.C. Act 21-93; 62 DCR 8852), is repealed.

Sec. 2034. Applicability.

(a) Section 2032(b), (c), (d), and (e) and section 2033 shall apply as of the effective date of this act.

(b) Section 2032(a) shall apply as of August 24, 2015.

SUBTITLE E. LOCAL RENT SUPPLEMENT AMENDMENT

Sec. 2041. Short title.

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This subtitle may be cited as the “Local Rent Supplement Emergency Amendment Act of 2015”.

Sec. 2042. Section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “selected from” and inserting the phrase “selected from the households referred to the Authority pursuant to subsection (c) of this section or” in its place.

(b) New subsections (c), (d), and (e) are added to read as follows:

“(c) Eligible families may be referred to the Authority by the Department of Human Services or by another District agency designated by the Mayor.

“(d) Families and individuals housed in the Rapid Rehousing Program administered by the Department of Human Services or by another District agency designated by the Mayor may be referred to the Authority for the Local Rent Supplement Program for eligibility determination.

“(e) Households that no longer require supportive services under the Permanent Supportive Housing Program but still require long term housing assistance may be referred by the Department of Human Services, or another District agency designated by the Mayor, to the Authority for the Local Rent Supplement Program for eligibility determination.”.

SUBTITLE F. AFFORDABLE HOMEOWNERSHIP

Sec. 2051. Short title.

This subtitle may be cited as the “Affordable Homeownership Preservation and Equity Accumulation Emergency Amendment Act of 2015”.

Sec. 2052. Section 2(8A) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(8A)), is amended by striking the phrase “the greater of”.

Sec. 2053. Section 47-3502(c) of the District of Columbia Official Code is amended by striking the phrase “is filed” and inserting the phrase “is filed, unless the unit or residential property is a for-sale unit constructed pursuant to the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), that remains affordable for 180 months or a longer period selected by the developer, in accordance with section 2218 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2218), then this chapter shall apply” in its place.

SUBTITLE G. SIDEWALK CAFE AND SUMMER GARDEN ENDORSEMENT

Sec 2061. Short title.

This subtitle may be cited “Sidewalk Cafe and Summer Garden Endorsement Emergency Amendment Act of 2015”.

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Sec. 2062. Section 25-113a(c) of the District of Columbia Official Code is amended as follows:

(a) Strike the phrase "under an" and insert the phrase "under a manufacturer's license class A or B holding an on-site sales and consumption permit or an" in its place.

(b) Strike the phrase "private space." and insert the phrase "private space. The licensee under a manufacturer's license class A or B holding an on-site sales and consumption permit may be authorized to conduct business operations on a sidewalk cafe or summer garden only between the hours of 1:00 p.m. and 9:00 p.m., 7 days a week." in its place.

Sec. 2063. Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 301 is amended as follows:

(1) Subsection 301.3 is amended as follows:

(A) Strike the phrase "is zoned for restaurant or grocery store use" and insert the phrase "is zoned for restaurant, grocery store, brewery, winery, or distillery use" in its place.

(B) Strike the phrase "variance to operate a restaurant or grocery store" and insert the phrase "variance to operate a restaurant, grocery store, brewery, winery, or distillery" in its place.

(2) A new subsection 301.6 is added to read as follows:

"301.6 The holder of a Sidewalk Cafe Permit adjacent to a brewery, winery, or distillery may conduct business operations on a sidewalk cafe between the hours of 1:00 p.m. and 9:00 p.m., 7 days a week."

(b) Section 303.13(h) is amended by striking the phrase "abutting restaurant" and inserting the phrase "abutting restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop" in its place.

(c) Section 399.1 is amended as follows:

(1) The definition of "Enclosed sidewalk cafe" is amended as follows:

(A) Strike the phrase "adjacent to a restaurant" and insert the phrase "adjacent to a restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop" in its place.

(B) Strike the phrase "abutting the restaurant" and insert the phrase "abutting the restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop" in its place.

(2) Add a new definition after the definition of "Enclosed sidewalk cafe" to read as follows:
"Fast food establishment – a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply:

"(a) The premises include a drive-through;

"(b) Customers pay for the food before it is consumed. One characteristic that would satisfy this element would be building permit plans that depict a service counter without seating

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unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or

“(c) Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas.

“A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast food establishment.”.

(3) Add 2 new definitions after the definition of “Owner” to read as follows:

“Prepared food - food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop.

“Prepared food shop - a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.”.

(4) Add a new definition after the definition of “Public Space Committee” to read as follows:

“Restaurant - a place of business that does not meet the definition of a “fast food establishment” or “prepared food shop,” where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.”.

(5) The definition of “Unenclosed sidewalk cafe” is amended by striking the phrase “adjacent to a restaurant” and inserting the phrase “adjacent to a restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop” in its place.

Sec. 2064. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE H. ENTERTAINMENT AND MEDIA PRODUCTION AND DEVELOPMENT AMENDMENT

Sec. 2071. Short title.

This subtitle may be cited as the “Entertainment and Media Production and Development Emergency Amendment Act of 2015”.

Sec. 2072. The Cable Television Reform Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-1251.01) is amended to read as follows:

“Sec. 101. Short title.

“This act may be cited as the “Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2015”.”.

(b) Section 102 (D.C. Official Code § 34-1251.02) is repealed.

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(c) Section 103 (D.C. Official Code § 34-1251.03) is amended as follows:

(1) Paragraph (10) is repealed.

(2) A new paragraph (10A) is added to read as follows:

“(10A) “Director” means the Director of the Office of Cable Television, Film, Music, and Entertainment.”.

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

“(12A) “Entertainment industry” means film, television, music, video, photography, gaming, digital media, and entertainment production.

(4) Paragraph (13) is repealed.

(5) Paragraph (23) is amended to read as follows:

“(23) “Office” means the Office of Cable Television, Film, Music, and Entertainment established by section 201.”.

(6) Paragraph (26) is amended to read as follows:

“(26) “PEG” means public access, educational, and governmental channels with channel capacity designated for public access channels, educational channels, and government channels, and the facilities and equipment for the use of the channels.”.

(d) Section 201 (D.C. Official Code § 34-1252.01.) is amended as follows:

(1) The heading is amended to read as follows:

“Sec. 201. Establishment of the Office of Cable Television, Film, Music, and Entertainment; Director; General Counsel.”.

(2) Subsection (a) is amended to read as follows

“(a) There is established within the executive branch, as a subordinate agency, the Office of Cable Television, Film, Music, and Entertainment. The Office shall be responsible for:

“(1) Oversight of cable television services, including:

“(A) Regulating cable service, cable service providers, and the cable television industry;

“(B) Protecting and promoting the public interest in cable service; and

“(C) Executing the policies and provisions of the cable television laws and regulations of the District;

“(2) Producing content for the government and educational channels and managing those channels and producing video content for District government agencies and residents; and

“(3) Fostering the development of an entertainment industry in the District, including:

“(A) Marketing and promoting the District to the entertainment industry as a prime location for productions and events;

“(B) Stimulating employment and business opportunities related to the entertainment industry;

“(C) Creating a workforce-development program for the training of District residents on entertainment industry skillsets;

“(D) Serving as a clearinghouse for information regarding government requirements affecting the entertainment industry within the District;

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“(E) Assisting producers and companies in securing permits and other appropriate services connected with the entertainment industry, including television shows and films; and

“(F) Facilitating cooperation from the District government, the federal government, and private sector groups in the location and production of entertainment industry projects, including television shows and films.”.

(3) Subsections (b) and (c) are amended by striking the term “Executive Director” wherever it appears and inserting the term “Director” in its place.

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

(A) Strike the phrase “Executive Director” wherever it appears and insert the phrase “Director” in its place.

(B) Strike the phrase “Corporation Counsel” both times it appears and insert the phrase “Director of the Mayor’s Office of Legal Counsel” in its place.

(C) A new sentence is added at the end to read as follows:
“The General Counsel shall have significant experience with cable regulation matters.”.

(5) New subsections (d-1) and (d-2) are added to read as follows:

“(d-1) There shall be established within the Office a:

“(1) Cable Television Division that shall oversee matters related to the regulation of the cable television industry; and

“(2) Film, Music, and Entertainment Development Division to support the development of an entertainment industry in the District.

“(d-2) The Director may establish other offices and divisions as the Director determines are in the interest of the Office and the purposes of this act.”.

(6) Subsection (e) is amended by striking the phrase “Executive Director” and inserting the phrase “Director” in its place.

(e) The heading for section 202 (D.C. Official Code § 34-1252.02) is amended to read as follows:

“Sec. 202. Powers and responsibilities of the Office of Film, Cable Television, Film, Music, and Entertainment.”.

(f) Section 203(c) (D.C. Official Code § 34-1252.03(c)) is amended by striking the phrase “Executive Director” and inserting the word “Director” in its place.

(g) Section 602(b) (D.C. Official Code § 34-1256.02(b)) is amended by striking the phrase “to the Corporation Counsel” and inserting the phrase “to the Director of the Mayor’s Office of Legal Counsel” in its place.

(h) Section 604(c) (D.C. Official Code § 34-1256.04(c)) is amended by striking the phrase “to the Corporation Counsel” and inserting the phrase “to the Director of the Mayor’s Office of Legal Counsel” in its place.

(i) A new section 1406 is added to read as follows:

“Sec. 1406. Additional transition provisions.

“(a) All appointments, rules, regulations, orders, administrative issuances, obligations, determinations, and agreements made, established, issued, promulgated, or entered into by the Office of Cable Television or the Office of Motion Picture and Television Development shall

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remain in effect until amended, modified, superseded, or repealed by the Office of Cable Television, Film, Music, and Entertainment.

“(b) All unexpended balances of appropriations, allocations, income, and other funds available to the Office of Cable Television or the Office of Motion Picture and Television Development shall be transferred to the appropriate accounts of the Office of Cable Television, Film, Music, and Entertainment.

“(c) All lawful existing contractual rights and obligations of the Office of Cable Television or the Office of Motion Picture and Television Development shall transfer to the Office of Cable Television, Film, Music, and Entertainment, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.”.

Sec. 2073. The Office of Motion Picture and Television Development Establishment Act of 2014, effective May 2, 2015 (D.C. Law 20-268; 62 DCR 1549), is repealed.

SUBTITLE I. LOCAL BUSINESS ENTERPRISE

Sec. 2081. Short title.

This subtitle may be cited as the “Local Business Enterprise Certification Emergency Amendment Act of 2015”.

Sec. 2082. Section 2331(2A) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.31(2A)), is amended as follows:

(a) The lead-in language is amended by striking the word “Can” and inserting the phrase “Beginning June 10, 2014, can” in its place.

(b) Subparagraph (B) is amended by striking the word “or” at the end.

(c) Subparagraph (C) is amended to read as follows:

“(C) More than 50% of the assets of the business enterprise, excluding bank accounts, are located in the District; or”.

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

“(D) More than 50% of the business enterprise's gross receipts are District gross receipts; and”.

Sec. 2083. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE J. SOLAR PERMITTING FEES TECHNICAL AMENDMENT

Sec. 2091. Short title.

This subtitle may be cited as the “Solar Permitting Fees Technical Clarification Emergency Amendment Act of 2015”.

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Sec. 2092. Section 2022 of the Solar Permitting Fees Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 62 DCR 3601), is amended by striking the phrase “12-K,” both times it appears and inserting the phrase “12-M” in its place.

SUBTITLE K. ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT

Sec. 2101. Short title.

This subtitle may be cited as the “Electric Company Infrastructure Improvement Financing Emergency Amendment Act of 2015”.

Sec. 2102. Section 101 of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01), is amended by adding a new paragraph (8A) to read as follows:

“(8A)(A) “Distribution service customer class cost allocations” means the allocation of the electric company’s revenue requirement to each customer rate class on the basis of the total rate class distribution service revenue minus the customer charge revenue.

“(B) This paragraph shall apply as of May 3, 2014.”.

Sec. 2103. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE L. ADULT CAREER PATHWAYS TASK FORCE AMENDMENT

Sec. 2111. Short title.

This subtitle may be cited as the “Adult Career Pathways Task Force Emergency Amendment Act of 2015”.

Sec. 2112. Section 2122 of the Adult Literacy Task Force Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 32-1661), is amended as follows:

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

(1) The lead-in language is amended by striking the number “13” and inserting the number “14” in its place.

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

“(8A) The Director of the Department on Disability Services, or his or her designee.”.

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

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

“(d) No later than September 30, 2015, the Task Force shall submit to the Council and the Mayor the city-wide strategic plan required under this section. The plan shall be developed in concert with the District’s state integrated workforce development plan required under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*). In developing the strategic plan, the Task Force shall:”.

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(2) Paragraph (8) is amended by striking the phrase “GED or secondary school diploma attainment” and inserting the phrase “secondary school diploma or equivalent credential attainment” in its place.

Sec. 2113. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE M. ADULT CAREER PATHWAYS IMPLEMENTATION

Sec. 2121. Short title.

This subtitle may be cited as the “Career Pathways Implementation Emergency Amendment Act of 2015”.

Sec. 2122. The Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Career Pathways Innovation.

“(a) Beginning in Fiscal Year 2017, and pursuant to section 4(c), the Council shall issue Career Pathways Innovation grants to design, pilot, and scale best practices in the implementation of adult career pathways and improve district performance as mandated by the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*), using a career pathways approach, consistent with the city-wide strategic plan developed by the Adult Career Pathways Task Force pursuant to section 2122 of the Adult Literacy Task Force Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 32-1661).

“(b) In Fiscal Year 2016, the Council shall solicit technical assistance to prepare for the issuance of the grants authorized by subsection (a) of this section.”.

Sec. 2123. Section 14(d)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-114(d)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “Administrative Assessment Account” wherever it appears and inserting the phrase “Unemployment and Workforce Development Administrative Fund” in its place.

(b) Subparagraph (B) is amended by striking the phrase “Administrative Assessment Account” and inserting the phrase “Unemployment and Workforce Development Administrative Fund” in its place.

(c) Subparagraph (C)(vi) is amended to read as follows:

“(vi) Other activities that may increase the likelihood of employment or reemployment, including the activities of the Workforce Investment Council, established by section 4 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603) (“Workforce Investment Implementation Act”).”

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

“(D) The following amounts in the Unemployment and Workforce Development Administrative Fund may be used by the Workforce Investment Council, for the purposes set forth in section 6a of the Workforce Investment Implementation Act:

“(i) In Fiscal Year 2016, \$500,000; and

“(ii) In Fiscal Year 2017 and each fiscal year thereafter, \$1.5 million.”.

SUBTITLE N. CLEAN TEAM EXTENSION

Sec. 2131. Short title.

This subtitle may be cited as the “Clean Team Extension Emergency Amendment Act of 2015”.

Sec. 2132. Section 6087(a)(2) of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990), is amended by striking the phrase “Wisconsin Avenue, N.W., from Lowell Street, N.W., to Davenport Street, N.W.” and inserting the phrase “Wisconsin Avenue, N.W., from Lowell Street, N.W., to Western Avenue, N.W.; and Connecticut Avenue, N.W., between Calvert Street, N.W., and Cathedral Avenue, N.W., between Macomb Street, N.W., and Porter Street, N.W., between Tilden Street, N.W., and Albemarle Street, N.W., between Fessenden Street, N.W., and Nebraska Avenue, N.W., and between Livingston Street, N.W., and Western Avenue, N.W.” in its place.

SUBTITLE O. DC BEAUTIFUL PILOT PROGRAM

Sec. 2141. Short title.

This subtitle may be cited as the “DC Beautiful Pilot Program Emergency Act of 2015”.

Sec. 2142. DC Beautiful Pilot Program.

(a) The Office of Planning shall create a one-year pilot program during Fiscal Year 2016 to beautify 2 or more street segments in Ward 7 or Ward 8 that are not located in a Business Improvement District, as that term is defined in section 3(7) of the Business Improvements Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(7)).

(b) For the pilot program, the Office of Planning shall allocate 2 employees who shall design, plan, and coordinate efforts of private actors and government agencies to beautify the selected street segments by, at a minimum:

(1) Engaging community members and local businesses to determine priorities for beautification;

(2) Soliciting private organizations for resources and assistance; and

(3) Identifying and coordinating beautification services from various District agencies to:

(A) Increase the number of tree boxes and planters;

(B) Abate graffiti;

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- recycle bins;
- (C) Survey the designated area to ensure an adequate number of trash and
 - (D) Maintain bus shelters and triangle parks;
 - (E) Landscape tree boxes, planters, and triangle parks; and
 - (F) Clean up litter.

SUBTITLE P. GREATER ECONOMIC OPPORTUNITY STRATEGIC PLANNING

Sec. 2151. Short title.

This subtitle may be cited as the “Greater Economic Opportunity Strategic Planning Emergency Act of 2015”.

Sec. 2152. Strategic Plans for Economic Opportunity for Ward 7 and Ward 8.

(a) In Fiscal Year 2016, the Deputy Mayor for Greater Economic Opportunity is authorized to prepare, publish, and submit to the Council a comprehensive Strategic Plan for Economic Development for Ward 7 and a comprehensive Strategic Plan for Economic Development for Ward 8, no later than September 30, 2016.

(b) The plans required by this section shall:

- (1) Include analysis of data related to education, housing, employment, transit, and economic development in each ward;
- (2) Include a needs assessment for each ward that takes into account existing data;
- (3) Include analysis of strategies that have been successful in spurring economic development in similar communities within the District and across the country;
- (4) Include specific recommendations for improvements in the areas of education, housing, employment, transit, and economic development; and
- (5) Include assessments of and recommendations to achieve viability of existing commercial corridors in each ward.

(c) The plans required by this section shall identify any new legislation necessary to implement its recommendations and provide recommendations concerning how to fund the provisions of the plan.

SUBTITLE Q. UNIFORM COMMERCIAL CODE BULK SALES CONFORMING CLARIFICATION

Sec. 2161. Short title.

This subtitle may be cited as the “Uniform Commercial Code Bulk Sales Conforming Clarification Emergency Act of 2015”.

Sec. 2162. Section 25-303 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

“(e) Nothing in this section shall prohibit a wholesaler or other licensee under this title from obtaining, perfecting, or enforcing a security interest under Article 9 of Subtitle I of Title

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28 in any personal property or fixtures of a retailer or other licensee, including inventory and accounts and other rights to payment.”.

SUBTITLE R. CREATIVE AND OPEN SPACE MODERNIZATION

Sec. 2171. Short title.

This subtitle may be cited as the “Creative and Open Space Modernization Emergency Amendment Act of 2015”.

Sec. 2172. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-811.03(a)(4) is amended to read as follows:

“(4) “Eligible building” means a non-residential or mixed-use building.”.

(b) Chapter 46 is amended as follows:

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

“47-4664. Qualified High Technology Company interior renovation tax rebate.”.

(2) A new section 47-4664 is added to read as follows:

“§ 47-4664. Qualified High Technology Company interior renovation tax rebate.

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

“(1) “Directly related entity” means a Qualified High Technology Company that is closely associated with a tenant, including:

“(A) A subsidiary or parent company of a tenant;

“(B) A special purpose vehicle of a tenant;

“(C) A holding company of a tenant;

“(D) An operating company of a tenant;

“(E) A flow-through entity of a tenant; or

“(F) A company otherwise substantially sharing, directly or indirectly, common directors, officers, employees, facilities, or profits with a tenant.

“(2) “Eligible building” means a non-residential or mixed-use building.

“(3) “Eligible premises” means a nonresidential, interior portion of an eligible building that is used as an office (including ancillary uses) or retail space by a Qualified High Technology Company under a lease.

“(4) “Lease commencement” means the date on which a tenant, or a directly related entity, takes possession of eligible premises or the occupancy date for eligible premises agreed to in a lease or sublease by a tenant, whichever occurs first.

“(5) “Mixed-use building” means a building used for both residential and non-residential purposes.

“(6) “Public benefit” means an undertaking by a tenant or a directly related entity that the Mayor, in his or her sole discretion, determines will have a material, positive impact on the District of Columbia. The term “public benefit” may include:

“(A) Providing employment or contracting opportunities for District of Columbia residents and Certified Business Enterprises;

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“(B) Providing low-income or underserved individuals or communities in the District of Columbia with reduced-price or free products, services, or commercial or community space;

“(C) Providing economic opportunities, training, or jobs for individuals or communities beyond those offered through the normal course of business; or

“(D) Providing innovation-and-technology-related educational, training, or internship opportunities for students in the District of Columbia.

“(7) “Qualified High Technology Company” shall have the same meaning as provided in § 47-1817.01(5).

“(8) “Qualified tenant improvement” means an improvement to eligible premises made pursuant to a lease or a sublease by a tenant or a directly related entity that is substantially completed no later than one year after lease commencement.

“(9) “Tenant” means a Qualified High Technology Company that executes a lease or a sublease for at least 50,000 square feet of net rentable area of eligible premises within the District for a minimum term of 12 years, under which the tenant, or a directly related entity, occupies and uses the eligible premises, or will occupy and use the eligible premises, on or after the lease commencement date.

“(10) “Total value of qualified tenant improvements” means the amount expended by a tenant or a directly related entity to make qualified tenant improvements.

“(b) A tenant that leases or subleases eligible premises taxable under Chapter 8 of this title shall receive, to the extent provided in this section, a rebate of the real property tax paid with respect to the eligible premises for the portion of the tax year that the eligible premises are occupied by the tenant or a directly related entity if:

“(1) The tenant is liable under the lease or sublease for its proportionate share of the real property tax for the tax lot on which the eligible building is located;

“(2) The tenant has been certified as eligible for a rebate by the Mayor under subsection (e) of this section;

“(3) The real property tax has been paid for the year during which the rebate is sought;

“(4) The tenant complies with the requirements of subsection (d) of this section during the tax year for which the rebate is sought; and

“(5) No abatement of the real property tax on the eligible building pursuant to § 47-811.03 has been claimed for the tax year for which the rebate is sought.

“(c)(1) The amount of a rebate provided pursuant to this section to a single tenant or any directly related entity in a single year shall be equal to the least of the following:

“(A) 10% of the total value of any qualified tenant improvements substantially completed during the preceding 5 years, as certified by the Mayor pursuant to subsection (e)(3) of this section;

“(B) The portion of the real property tax paid during the year for which the rebate is sought, either directly or indirectly, by the tenant or by a directly related entity under the tenant’s or directly related entity’s lease or sublease; or

“(C) \$1 million.

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“(2) The amount of the rebate calculated pursuant to paragraph (1) of this subsection shall be reduced by the amount of any grant received by the tenant or by a directly related entity pursuant to section 3(c)(4) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.172(c)(4)), as certified by the Mayor to the Office of Tax and Revenue.

“(3) Payment of the rebate of real property tax shall be made no later than December 31 of the year following the tax year for which the taxes to be rebated were paid; provided, that the tenant is eligible to receive the rebate payment.

“(d) No later than September 15 of the tax year in which the tax was paid as provided under § 47-811, a tenant seeking a rebate pursuant to this section shall submit to the Chief Financial Officer:

“(1) A copy of the tenant’s lease or sublease including any provisions requiring the tenant to pay a portion of the property tax for the tax lot on which the eligible building is located;

“(2) Documentation that the tenant has paid its proportional share of the real property tax to date, as required under the lease or sublease for the eligible premises, to be supplemented by the tenant once it has made its final payment for the calendar year;

“(3) An itemization of the rentable square footage of the eligible premises actually occupied by the tenant or a directly related entity and the period of such occupancy during the tax year; and

“(4) If obtained by the tenant before the date of the submission to the Chief Financial Officer, certifications by the Mayor of the tenant’s eligibility for a rebate pursuant to subsection (e)(2) of this section and of the total value of qualified tenant improvements pursuant to subsection (e)(3) of this section, and, if known to the tenant before the date of the submission to the Chief Financial Officer, the maximum amount of the rebate allowable under subsection (c) of this section. If these items are not available at the time of submission, the tenant shall supplement the application with these items when they become available.

“(e)(1) A tenant who seeks to be considered eligible for a rebate provided under this section, shall file with the Mayor on or after June 1, 2016, in a manner and form as the Mayor may prescribe, an eligibility certification application, which shall include:

“(A) The identity of the tenant, including the tenant’s taxpayer identification number, and the identity of any directly related entity that may be occupying all or part of the eligible premises, including the directly related entity’s taxpayer identification number;

“(B) A description of the eligible building, by square and lot, parcel, or reservation number, and of the eligible premises, including floors, location, and square footage;

“(C) The estimated cost of making any qualified tenant improvements to the eligible premises;

“(D) The date of lease commencement and anticipated duration of the lease or sublease.

“(E) A description of the public benefit that the tenant proposes to furnish; and

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“(F) Any other information that the Mayor considers necessary.

“(2) The Mayor shall review the tenant’s eligibility certification application. If the Mayor determines that the tenant has proposed to furnish a public benefit and that the tenant is otherwise eligible, the Mayor shall certify to the Office of Tax and Revenue the tenant’s eligibility to receive a rebate pursuant to this section. The certification shall be made before the tenant’s lease commencement or within 45 days after the eligibility certification application is received, whichever is later in time.

“(3) Within 60 days following substantial completion of qualified tenant improvements, the tenant shall submit to the Mayor an itemization of the total value of qualified tenant improvements, together with supporting documentation. Within 60 days following the receipt of this submission, the Mayor shall review and certify the total value of qualified tenant improvements to the Office of Tax and Revenue.

“(4) No later than 31 days before the end of each calendar year following lease commencement, the Mayor shall certify to the Office of Tax and Revenue whether the tenant has furnished or has made substantial progress toward furnishing a public benefit. If the Mayor certifies that a tenant has not furnished or made substantial progress toward furnishing a public benefit, the Office of Tax and Revenue shall not pay a rebate to the tenant for that calendar year.

“(5) If at any time the Mayor determines that a tenant has become ineligible for a rebate under this section, either for failure to make substantial progress toward furnishing a public benefit or for some other reason, the Mayor immediately shall notify the Office of Tax and Revenue and thereafter the Office of Tax and Revenue shall not pay to the tenant any rebate pursuant to this section.

“(f) Notwithstanding any other provision of this section, the total combined rebate payments per fiscal year for all tenants under this section, beginning in Fiscal Year 2017, shall not exceed \$3 million.”.

Sec. 2173. Section 301 of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21), is amended by adding a new subsection (d-1) to read as follows:

“(d-1) In Fiscal Year 2017 and each fiscal year thereafter, up to \$3 million in monies credited to the Account may be used to fund real property tax rebates to one or more Qualified High Technology Companies (“QHTCs”), as defined by D.C. Official Code § 47-1817.01(5), pursuant to D.C. Official Code § 47-4664.”.

Sec. 2174. Section 3(c) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.172(c)), is amended by adding a new paragraph (4) to read as follows:

“(4)(A) In Fiscal Year 2016, the Deputy Mayor for Planning and Economic Development may use monies credited to the Fund to award up to \$2 million in grants to one or more Qualified High Technology Companies (“QHTCs”), as defined by D.C. Official Code § 47-1817.01(5), for the purpose of assisting the recipients in making improvements to building

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space that is rented, or to be rented, and occupied exclusively, or to be occupied exclusively, by those QHTCs.

“(B) The total amount of grants to a single recipient shall not exceed \$1 million.”

SUBTITLE S. SOCCER STADIUM DEVELOPMENT TECHNICAL CLARIFICATION

Sec. 2181. Short title.

This subtitle may be cited as the “Soccer Stadium Development Technical Clarification Emergency Amendment Act of 2015”.

Sec. 2182. 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.*), is amended as follows:

(a) Section 101 (to be codified at D.C. Official Code § 10-1651.01) is amended to read as follows:

“Sec. 101. Definitions.

“For the purposes of this title, the term:

“(1) “Northwest portion of Lot 24 in Square 665” means the northwest portion of Lot 24 in Square 665 as described in the letter of intent between the District and Potomac Electric Power Company dated December 27, 2013.

“(2) “Soccer stadium site” means the real property described as Squares 603S, 605, 607, 661, and 661N, and the northwest portion of Lot 24 in Square 665, and all public alleys and streets to be closed within these squares.”

(b) Section 102 (to be codified at D.C. Official Code § 10-1651.02) is amended as follows:

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

“(1A) The acquisition of land for, construction of, and operation of a new stadium for D.C. United in itself serves a public purpose, in particular because the stadium will promote the recreation, entertainment, and enjoyment of the public.”

(2) Paragraph (2) is amended by striking the phrase “Without the development” and inserting the phrase “In addition, without the development” in its place.

(c) Section 103 (to be codified at D.C. Official Code § 10-1651.03) is amended as follows:

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

(A) Strike the phrase “shall acquire” and insert the phrase “is authorized to acquire” in its place.

(B) Strike the phrase “as described in the letter of intent between the District and Potomac Electric Power Company (“PEPCO”) dated December 27, 2013”.

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

“(d) The Mayor shall transmit to the Council any agreement to acquire any portion of Squares 605, 607, or 661, or the northwest portion of Lot 24 in Square 665 that requires the approval of the Council pursuant to section 451 of the District of Columbia Home Rule Act,

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approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), not later than 30 days before the effective date of the agreement. Any such agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”

(3) Subsection (e) is amended by striking the phrase “as described in the letter of intent between the District and PEPCO dated December 27, 2013”.

(d) Section 104 (to be codified at D.C. Official Code § 10-1651.04) is amended as follows:

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

“(a) 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 Mayor may enter into a ground lease (“revised ground lease”) between the District of Columbia and DC Stadium LLC; provided, that:

“(1) The revised ground lease amends the ground lease between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original ground lease”) to:

“(A) Not contain any provision to abate District sales tax;

“(B) Include the labor peace provisions set forth in subsection (c) of this section; and

“(C) Contain modifications to conform the terms of the original ground lease to the provisions of this act;

“(2) The Mayor transmits the revised ground lease to the Council for its review not later than 30 days before the effective date of the revised ground lease;

“(3) The Mayor transmits simultaneously to the Council for its review 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), a revised development agreement (“revised development agreement”) that amends the development agreement between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original development agreement”), for the development of the soccer stadium site and that:

“(A) Extends the date by which the District shall acquire control of the soccer stadium site to September 30, 2015;

“(B) Extends the dates by which the District shall close streets and alleys, acquire fee title, demolish existing structures, perform infrastructure work (including all District obligations under article V of the original development agreement), and perform environmental remediation work (including all District obligations under article VI of the original development agreement), as such actions are described in articles III, IV, V, and VI of the original development agreement and may be described or referenced in other provisions of the original development agreement, each by 6 months;

“(C) Sets a date by which DC Stadium LLC shall complete the construction of a soccer stadium at the soccer stadium site;

“(D) Extends other dates as negotiated between the District and DC Stadium, LLC;

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“(E) Amends section 5.9 of the original development agreement to read as follows: “Land Contribution. Within 30 days of the District’s acquisition of either Lot 7 or Lot 802 in Square 605, the Stadium Developer shall pay to the District, or its designee, Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to offset Land acquisition costs, unless the District acquires either Lot 7 or Lot 802 in Square 605 by the use of eminent domain and the aggregate price paid by the District for Lot 7 and Lot 802 is less than \$25,148,760.”;

“(F) Amends section 9.1(c) of the original development agreement to read as follows: “Designated Entertainment Area. The District shall grant to the Developer ‘signage rights’ with respect to the Land, such signage rights to be those rights described in the proposed Chapter 8 of Title 13 of the District of Columbia Municipal Regulations published in the DC Register on August 17, 2012.”;

“(G) Provides that no fees, proffers, or deposits shall be borne or waived by the District pursuant to section 7.6 of the original development agreement before October 1, 2015.”; and

“(H) Includes the labor peace provisions set forth in subsection (c) of this section; and

“(4) The Council does not adopt a resolution of disapproval pertaining to the ground lease within 30 days beginning on the day on which the ground lease is submitted to the Council, excluding days of Council recess.”.

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

“(b)(1) The revised ground lease and the revised development agreement each may provide an enhanced “Performance Assurance” without increasing the District’s financial obligations.

“(2) The revised development agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”.

(3) Subsection (c) is amended by striking the phrase “DC Stadium, LLC and the District shall agree” and inserting the phrase “The District is authorized to agree” in its place.

(e) Section 107(b) (to be codified at D.C. Official Code § 10-1651.07(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “September 4, 2014;” and inserting the phrase “December 15, 2014;” in its place.

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

“(2A) Any payment made by D.C. United to the District government pursuant to the revised ground lease;”.

(f) Section 108 (to be codified at D.C. Official Code § 10-1651.08) is amended as follows:

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

“(a) The Mayor shall implement the Convention Center – Southwest Waterfront corridor as described in the “DC Circulator 2014 Transit Development Plan Update” dated September 2014.”.

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

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“(c) The Mayor shall make capital improvements of at least \$250,000 to the Randall Recreation Center in Ward 6.”.

(3) Subsection (d) is amended by striking the phrase “provide ongoing operations and programming funding for” and inserting the phrase “operate and provide programmed activities for” in its place.

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

“(e) The Mayor is authorized to negotiate other community-benefit commitments from D.C. United and its affiliated entities, including those that promote youth soccer, education, employment opportunities, and job training programs.”.

Sec. 2183. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE T. DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT LIMITED GRANT-MAKING

Sec. 2191. Short title.

This subtitle may be cited as the “Fiscal Year 2016 Deputy Mayor for Planning and Economic Development Limited Grant-making Emergency Amendment Act of 2015”.

Sec. 2192. In Fiscal Year 2016, the Deputy Mayor for Planning and Economic Development shall award a grant of \$3 million to a qualified partner of the C&O Canal National Historic Park to improve infrastructure or facilities on or along the Georgetown section of the C&O Canal.

SUBTITLE U. DCHA BOARD OF COMMISSIONERS AMENDMENT

Sec. 2201. Short title.

This subtitle may be cited as the “DCHA Board of Commissioners Emergency Amendment Act of 2015”.

Sec. 2202. Section 1108(c-2)(1) 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 § 1-611.08(c-2)(1)), is amended as follows:

(a) Strike the figure “\$3,000” and insert the figure “\$4,000” in its place.

(b) Strike the figure “\$5,000” and insert the figure “\$6,000” in its place.

(c) Strike the phrase “quarterly;” and insert the phrase “quarterly; provided, that all stipends shall be paid from non-District funds;” in its place.

SUBTITLE V. RENT CONTROL HOUSING CLEARINGHOUSE

Sec. 2211. Short title.

This subtitle may be cited as the “Rent Control Housing Clearinghouse Emergency Amendment Act of 2015”.

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Sec. 2212. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) A new section 203a is added to read as follows:

“Sec. 203a. Public Accessible Rent Control Housing Clearinghouse.

“(a) The Rental Accommodations Division (“RAD”) of the Department of Housing and Community Development (“DHCD”), in close consultation with the Office of the Tenant Advocate and the Office of the Chief Technology Officer, is authorized to establish a user-friendly, internet-accessible, searchable database for the submission, management, and review of all documents and relevant data that title II of this act requires housing providers to submit to the RAD.

“(b) The database shall:

“(1) Include an online portal, not accessible to the general public, for the filing of all documents and data by housing providers as required by title II of this act, and all regulations promulgated pursuant to title II of this act; and

“(2) Include an online portal accessible to the general public that provides information drawn from the documents submitted by housing providers pursuant to paragraph (1) of this subsection, relevant to tenants seeking and living in rent control accommodations.

“(c) The portal accessible to the general public shall include at a minimum, the following real-time, searchable parameters:

“(1) The building address and ward number;

“(2) The base rent for each rental unit in the accommodation;

“(3) Any services or facilities provided as part of the base rent;

“(4) The amount and date of each annual rent increase or decrease;

“(5) The number of bedrooms in each unit;

“(6) The vacancy status of each unit;

“(7) The accessibility information of the building, as it relates to District of Columbia and federal law;

“(8) The name, telephone number, and email address of the housing provider and property manager;

“(9) Dates and numbers of the basic business license of the housing provider;

“(10) Dates and numbers of the certificate of occupancy of the building;

“(11) The name, contact information, and place of business of the registered agent of the building, if applicable;

“(12) The licensing and registration of the property manager of the accommodation, when other than the housing provider;

“(13) The RAD registration exemption number and date of the housing accommodation;

“(14) Any pro-active inspection dates;

“(15) Any outstanding violations of the housing regulations applicable to the accommodation;

“(16) The notice date of any housing code violations;

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“(17) The rate of return for the housing accommodation and computation required by section 205(f)(6);

“(18) Any petitions filed by the housing provider including, related services and facilities petition, capital improvement petition, substantial rehabilitation petition, voluntary agreement petition, hardship petition, other valid tenant petitions;

“(19) Any court or administrative actions; and

“(20) Other information the RAD determines is relevant to tenants seeking and living in rent control accommodations.

“(d) The portal accessible to the general public shall exclude any documentation submitted in support of a tenant’s application for elderly or disability status pursuant to section 208(h)(2), and any other information the Rent Administrator may deem necessary to exclude to protect the privacy and personal information of a tenant.

“(e) The database should be completed in phases according to the following timeline:

“(1) Phase 1 - Within 6 months of the effective date of the Rent Control Housing Clearinghouse Amendment Act of 2015, passed on 2nd reading on June 30, 2015 (Enrolled version of Bill 21-158)(“Clearinghouse Act”), DHCD should award a contract to build the database.

“(2) Phase 2 - Within one year of the effective date of the Clearinghouse Act, DHCD should ensure that the database portals are operational for the entry of data by housing providers, and for the general public to conduct searches of the information in the database.

“(3) Phase 3 - Within 2 years of the effective date of the Clearinghouse Act, DHCD should ensure the integration of existing data contained in documents previously submitted to the RAD, pursuant to title II of this act, into the database.

“(f) Beginning with the completion of Phase 2, all documents required to be filed by title II of this act, should be submitted to the RAD through the online database.

“(g) Beginning 6 months after the effective date of the Clearinghouse Act, and continuing every 6 months thereafter until phase 3 of database is completed, the RAD should report to the Council on the progress of the establishment of the database.”.

(b) Section 205(g)(2) (D.C. Official Code § 42-3502.05(g)(2)) is repealed.

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. BODY-WORN CAMERA REGULATION AND REPORTING REQUIREMENTS

Sec. 3001. Short title.

This subtitle may be cited as the “Body-Worn Camera Regulation and Reporting Requirements Emergency Act of 2015”.

Sec. 3002. Body-Worn Camera Program; generally.

The Body-Worn Camera Program in the Metropolitan Police Department in Fiscal Year 2016 shall not be implemented until certification by the Chief Financial Officer that the cost of public access to body-worn camera recordings, if any, is funded in the Fiscal Year 2016 budget and 4-year financial plan.

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Sec. 3003. Body-Worn Camera Program; rulemaking requirement.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and in accordance with this section, shall issue rules regarding the Metropolitan Police Department's Body-Worn Camera Program. The rules, at a minimum, shall provide:

- (1) Standards for public access to body-worn camera recordings;
- (2) Policies for retaining body-worn camera recordings;
- (3) Procedures for auditing the Body-Worn Camera Program;
- (4) Policies for protecting the security and integrity of body-worn camera data;

and

- (5) Mechanisms for cost recovery of Freedom of Information Act requests.

(b) The Mayor shall establish and consult with an advisory group to provide recommendations for the proposed rules required by subsection (c) of this section. The advisory group shall consist of one representative from each of the following agencies and organizations:

- (1) The Committee on the Judiciary of the Council of the District of Columbia;
- (2) The Office of Police Complaints;
- (3) The Office of Open Government of the Board of Ethics and Government

Accountability;

- (4) The Fraternal Order of Police, D.C. Police Union;
- (5) The Electronic Privacy and Information Center;
- (6) The D.C. Coalition Against Domestic Violence;
- (7) The American Civil Liberties Union of the National Capital Area;
- (8) The Reporters Committee for Freedom of the Press;
- (9) The D.C. Open Government Coalition;
- (10) The Office of the Attorney General;
- (11) The United States Attorney's Office for the District of Columbia; and
- (12) The Public Defender Service for the District of Columbia.

(c) The Mayor shall submit the proposed rules required by this section to the Council by October 1, 2015, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 45-day period of review, the proposed rules shall be deemed disapproved.

Sec. 3004. Body-Worn Camera Program; reporting requirements.

(a) By October 1, 2015, and every 6 months thereafter, the Mayor shall collect, and make available in a publicly accessible format, data on the Metropolitan Police Department's Body-Worn Camera Program, including:

- (1) How many hours of body-worn camera recordings were collected;
- (2) How many times body-worn cameras failed while officers were on shift and the reasons for the failures;

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(3) How many times internal investigations were opened for a failure to turn on body-worn cameras during interactions;

(4) How many times body-worn camera recordings were used by the Metropolitan Police Department in internal affairs investigations;

(5) How many times body-worn camera recordings were used by the Metropolitan Police Department to investigate complaints made by an individual or group;

(6) How many body-worn cameras are assigned to each police district and police unit for the reporting period; and

(7) How many Freedom of Information Act requests the Metropolitan Police Department received for body-worn camera recordings during the reporting period, and the outcome of each request, including any reasons for denial.

(b) The Metropolitan Police Department shall provide the Office of Police Complaints with direct access to body-worn camera recordings.

Sec. 3005. Section 8 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1107), is amended by adding a new subsection (k) to read as follows:

“(k) By February 1 of each year, the Office of Police Complaints shall provide a report to the Council on the effectiveness of the Metropolitan Police Department’s Body-Worn Camera Program, including an analysis of use of force incidents.”.

Sec. 3006. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE B. CHILD FATALITY REVIEW COMMITTEE AMENDMENT

Sec. 3011. Short title.

This subtitle may be cited as the “Child Fatality Review Committee Establishment Emergency Amendment of 2015”.

Sec. 3012. Section 4604(a) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.04(a)), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase “Department of Housing and Community Development; and” and inserting the phrase “District of Columbia Housing Authority;” in its place.

(b) Paragraph (9) is amended by striking the phrase “Office of the Corporation Counsel.” and inserting the phrase “Office of the Attorney General;” in its place.

(c) New paragraphs (10), (11), (12), and (13) are added to read as follows:

“(10) Department of Behavioral Health;

“(11) Department of Health Care Finance;

“(12) Department of Youth Rehabilitation Services; and

“(13) Office of the State Superintendent of Education.”.

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SUBTITLE C. OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

Sec. 3021. Short title.

This subtitle may be cited as the "Office of the Deputy Mayor for Public Safety and Justice Emergency Amendment Act of 2015".

Sec. 3022. Section 3022(c)(5)(A) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)(5)(A)), is amended by striking the phrase "Oversee and provide administrative support for the" and inserting the phrase "Be responsible for providing guidance and support to, and coordination of, the" in its place.

SUBTITLE D. SENTENCING AND CRIMINAL CODE REVISION COMMISSION STAFFING

Sec. 3031. Short title.

This subtitle may be cited as the "Sentencing and Criminal Code Revision Commission Staffing Emergency Amendment Act of 2015".

Sec. 3032. Section 903(a)(9) 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 § 1-609.03(a)(9)), is amended by striking the phrase "10 persons" and inserting the phrase "11 persons" in its place.

SUBTITLE E. DOC INMATE AND RETURNING CITIZEN ASSISTANCE

Sec. 3041. Short title.

This subtitle may be cited as the "DOC Inmate and Returning Citizen Assistance Emergency Act of 2015".

Sec. 3042. DOC inmate and returning citizen assistance grant.

From the Fiscal Year 2016 funds available to the Office of Justice Grants Administration, no less than \$100,000 shall be awarded to help fund an organization that assists inmates at the DC Jail or Correctional Treatment Facility and recently released inmates.

TITLE IV. PUBLIC EDUCATION**SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT**

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Emergency Amendment Act of 2015".

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Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2016
“Pre-Kindergarten 3	1.34	\$12,719
“Pre-Kindergarten 4	1.30	\$12,340
“Kindergarten	1.30	\$12,340
“Grades 1-5	1.00	\$9,492
“Grades 6-8	1.08	\$10,251
“Grades 9-12	1.22	\$11,580
“Alternative program	1.44	\$13,668
“Special education school	1.17	\$11,106
“Adult	0.89	\$8,448

(b) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

“Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2016
“Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,207
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$11,390
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$18,699

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“Level 4: Special Education	More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$33,127
“Special education enhancement	Weighting provided in addition to special education level add-on weightings on a per-student basis	0.069	\$655
“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees	0.089	\$845
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$15,852

“General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2016
“ELL	Additional funding for English Language Learners	0.49	\$4,651

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<p>“At-risk</p>	<p>Additional funding for students who are at-risk as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A))</p>	<p>0.219</p>	<p>\$2,079</p>
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“Residential Add-ons:

<p>“Level/ Program</p>	<p>Definition</p>	<p>Weighting</p>	<p>Per Pupil Supplemental Allocation FY 2016</p>
<p>“Level 1: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>0.368</p>	<p>\$3,493</p>
<p>“Level 2: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>1.337</p>	<p>\$12,691</p>

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<p>“Level 3: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>2.891</p>	<p>\$27,438</p>
<p>“Level 4: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>2.874</p>	<p>\$27,280</p>
<p>“LEP/NEP - Residential</p>	<p>Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>0.668</p>	<p>\$6,341</p>

“Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

<p>“Level/ Program</p>	<p>Definition</p>	<p>Weighting</p>	<p>Per Pupil Supplemental Allocation FY 2016</p>
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“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs.	0.063	\$598
“Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	\$2,155
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$4,661
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.489	\$4,642

(c) Section 115 (D.C. Official Code § 38-2913) is amended by striking the phrase “fiscal year 2016” and inserting the phrase “Fiscal Year 2017” in its place.

SUBTITLE B. SCHOOL TECHNOLOGY FUND

Sec. 4011. Short title.

This subtitle may be cited as the “School Technology Fund Emergency Amendment Act of 2015”.

Sec. 4012. Section 10005 of the Revised Revenue Estimate Adjustment Allocation Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.251), is amended by adding a new subsection (d) to read as follows:

“(d) By November 15 of each year, each LEA receiving money from the Fund shall submit to the Office of the State Superintendent of Education a report of all expenditures from the Fund for the preceding fiscal year. The report shall include the following information:

“(1) A detailed description of the equipment or software that was purchased by the LEA with money from the Fund, including the cost associated with each piece of equipment or software; and

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“(2) A detailed description of the technological improvements that were made to the LEA’s school facilities using money from the Fund.”.

SUBTITLE C. STUDENT RESIDENCY VERIFICATION FUND

Sec. 4021. Short title.

This subtitle may be cited as the “Student Residency Verification Fund Emergency Amendment Act of 2015”.

Sec. 4022. Section 2(c) of An Act To require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(c)), is amended to read as follows:

“(c) All non-resident tuition and fees collected under this section shall be deposited in the Student Residency Verification Fund, established by section 15b of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.02).”.

Sec. 4023. Section 15b(d) of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.02(d)), is amended to read as follows:

“(d) The Fund shall consist of the revenue from the following sources:

“(1) All payments collected pursuant to this act; and

“(2) All non-resident tuition and fees collected pursuant to section 2(c) of An Act To require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(c)).”.

SUBTITLE D. AT-RISK SUPPLEMENTAL ALLOCATION PRESERVATION FUND

Sec. 4031. Short title.

This subtitle may be cited as the “At-Risk Supplemental Allocation Preservation Fund Establishment Emergency Act of 2015”.

Sec. 4032. At-Risk Supplemental Allocation Preservation Fund.

(a) There is established as a special fund the At-Risk Supplemental Allocation Preservation Fund (“Fund”), which shall be administered by the Chancellor of the District of Columbia Public Schools in accordance with subsection (c) of this section.

(b)(1) Subject to the limitations set forth in paragraph (2) of this subsection, at the end of each fiscal year, all unspent local funds in the District of Columbia Public Schools budget that are based on the at-risk add-on established by section 106(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2905(c)), shall be deposited in the Fund.

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(2) Each year's deposit pursuant to paragraph (1) of this subsection shall not exceed 5% of the lower of the District of Columbia Public Schools budget associated with the at-risk add-on for:

(A) The fiscal year in which the funds would be deposited; or

(B) The fiscal year after the year in which the funds would be deposited.

(c) The Fund shall be used solely to fund services and materials designed to assist at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).

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

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

**SUBTITLE E. CHANCELLOR OF DCPS SALARY ADJUSTMENT
AMENDMENT**

Sec. 4041. Short title.

This subtitle may be cited as the "Chancellor of the District of Columbia Public Schools Salary Adjustment Emergency Amendment Act of 2015".

Sec. 4042. Section 1052(b)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)(2)), is amended by striking the phrase "the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$275,000)," and inserting the phrase "the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$284,000)," in its place.

Sec. 4043. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE F. DCPS SPONSORSHIP OPPORTUNITIES AMENDMENT

Sec. 4051. Short title.

This subtitle may be cited as the "District of Columbia Public Schools Sponsorship Opportunities Emergency Amendment Act of 2015".

Sec. 4052. The District of Columbia Public Schools Agency Establishment Act of 2007, effective April 23, 2007 (D.C. Law 17-09; D.C. Official Code § 38-171 *et seq.*), is amended by adding a new section 105a to read as follows:

"Sec. 105a. Event sponsorships.

"(a) The Chancellor may contract for advertisements and sponsorships for athletics, community engagement events, educational programs, or facilities improvements designed to generate resources for the District of Columbia Public Schools.

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“(b)(1) There is established as a special fund the District of Columbia Public Schools Advertisements and Sponsorships Fund (“Fund”), which shall be administered by the Chancellor in accordance with paragraph (3) of this subsection.

“(2) The Fund shall consist of all revenue from contracts for advertisements and sponsorships for athletics, community engagement events, educational programs, or facilities improvements pursuant to subsection (a) of this section.

“(3) The Fund shall be used for the support of the operations of the District of Columbia Public Schools.

“(4)(A) The money deposited into the Fund, and interest earned, shall not revert to the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

SUBTITLE G. EDUCATOR EVALUATION DATA PROTECTION

Sec. 4061. Short title.

This subtitle may be cited as the “Educator Evaluation Data Protection Emergency Amendment Act of 2015”.

Sec. 4062. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended by adding a new section 7g to read as follows:

“Sec. 7g. Educator evaluations.

“(a) Individual educator evaluations and effectiveness ratings, observation, and value-added data collected or maintained by OSSE are not public records and shall not be subject to disclosure pursuant to section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

“(b) Nothing in this section shall prohibit OSSE from:

“(1) Using educator evaluations or effectiveness ratings to fulfill existing requirements of a state educational agency under applicable federal or local law; or

“(2) Publicly disclosing aggregate reports and analyses regarding the results of educator evaluation data.

“(c) For the purposes of this section, the term “educator” means a principal, assistant principal, school teacher, assistant teacher, or a paraprofessional.”.

Sec. 4063. Section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

(a) Paragraph (14) is amended by striking the word “and” at the end.

(b) Paragraph (15) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (16) is added to read as follows:

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“(16) Information exempt from disclosure pursuant to section 7g of the State Education Office Establishment Act of 2000, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-283).”.

Sec. 4064. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE H. BOOKS FROM BIRTH

Sec. 4071 . Short title.

This subtitle may be cited as the “Books from Birth Establishment Emergency Amendment Act of 2015”.

Sec. 4072. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended by adding new sections 15 and 16 to read as follows:

“Sec. 15. Books from Birth.

“(a) There is established the Books from Birth program as a program of the District of Columbia Public Library (“DCPL”), to be administered by the Executive Director of DCPL.

“(b) The Books from Birth program shall provide books to all children registered with the program, delivered to the residence of the child at the rate of one per month, from the month following the child’s birth or enrollment in the program to the child’s 5th birthday.

“(c)(1) The Executive Director shall make reasonable efforts to register every child under the age of 5 residing in the District who wishes to participate in the Books from Birth program.

“(2) The Executive Director may enter into such memoranda of agreement or understanding as necessary to ensure each family receives registration information upon the child’s birth.

“(d)(1) Except as provided in paragraph (2) of this subsection, the registration list shall be used solely for activities related to the Books from Birth program and shall not be sold or used for any other purpose.

“(2) The Executive Director may use the registration list to conduct outreach and provide information about library programs and services, including those related to children, adult, or family literacy, or other educational or literacy material as DCPL considers useful to registered families.

“(e) Book titles for each age group shall be selected to reflect age-appropriate concepts and diversity of characters, culture, and authors.

“(f) The Executive Director may enter into contractual and promotional agreements necessary to effectively implement the Books from Birth program.

“Sec. 16. Books from Birth Fund.

“(a) There is established as a special fund the Books from Birth Fund (“Fund”), which shall be administered by the Board in accordance with subsection (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Funds appropriated by the District;

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- “(2) Donations from the public;
- “(3) Donations from private entities; and
- “(4) Funds provided through a sponsorship agreement.

“(c) Money in the Fund shall be used to implement and promote the Books from Birth program, including:

- “(1) Purchasing books for the Books from Birth program;
- “(2) Handling and delivery costs;
- “(3) Promotional costs; and
- “(4) Appropriate overhead or administrative expenses related to the Books from Birth program and the Fund.

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

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

SUBTITLE I. EDUCATION REPORTING REQUIREMENTS

Sec. 4081. Short title.

This subtitle may be cited as the “Education Reporting Requirements Emergency Act of 2015”.

Sec. 4082. Office of the State Superintendent of Education reporting requirements.

By October 1, 2015, the Office of the State Superintendent of Education (“OSSE”) shall submit to the Council a report on the following:

- (1) The status and implementation of its new automated teacher licensure system; and
- (2) An update on OSSE’s work to revise the Health Education Standards, including the timeline for when the new standards will be released.

Sec. 4083. Public Charter School Board reporting requirements.

By October 1, 2015, the Public Charter School Board shall submit to the Council the following:

- (1) A report on the distribution of at-risk funds to each local education agency (“LEA”) it oversees for students in pre-k through grade 12 for school year 2015-2016, which shall include, at a minimum, the allocation to each LEA and a specific breakdown of how that money was or is planned to be spent, including a description of the programs, initiatives, and enrichment activities it supported or is planned to support; and
- (2) A report on the status of the public charter schools that have not submitted a bullying prevention policy, or have not submitted a compliant bullying prevention policy to the Bullying Prevention Task Force in accordance with section 4 of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code § 2-1535.03).

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Sec. 4084. Deputy Mayor for Education reporting requirements.

By October 1, 2015, the Deputy Mayor for Education shall submit to the Council a report on the Cross Sector Collaboration Task Force's strategic plan and timeline for the process for formalizing the disposition of former District of Columbia Public Schools buildings to charter schools.

Sec. 4085. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE J. AT-RISK FUNDING AMENDMENT

Sec. 4091. Short title.

This subtitle may be cited as the "At-Risk Funding Emergency Amendment Act of 2015".

Sec. 4092. Section 108a(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective February 22, 2014 (D.C. Law 20-87; D.C. Official Code § 38-2907.01(b)), is amended as follows:

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

"(1) Funds provided to schools pursuant to subsection (a)(3) of this section shall be available for school utilization at the direction of the Chancellor in consultation with the principal and local school advisory team, for the purpose of improving student achievement among at-risk students. By October 1 of each year, the Chancellor shall make publicly available an annual report that explains the allocation of funds sorted by individual schools."

(b) Paragraph (2) is repealed.

Sec. 4093. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE K. ENVIRONMENTAL LITERACY SPECIALIST PILOT PROGRAM

Sec. 4101. Short title.

This subtitle may be cited as the "Environmental Literacy Specialist Pilot Program Emergency Amendment Act of 2015".

Sec. 4102. Section 502 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-825.02), is amended by adding a new subsection (d) to read as follows:

"(d)(1) The Office of the State Superintendent of Education ("OSSE") shall establish a one-year pilot program to provide funds to employ environmental literacy specialists at selected District of Columbia Public Schools elementary schools and public charter elementary schools.

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“(2) For the pilot program, OSSE shall make funds available for 4 environmental literacy specialists. Each environmental literacy specialist shall serve at 2 of the selected schools.

“(3) Only schools that have an existing school garden or plan to create a school garden with the assistance of an environmental literacy specialist may submit an application to participate in the pilot program. OSSE shall select 8 schools from among the applicants to participate in the pilot program.

“(4) Each environmental literacy specialist shall:

“(A) Create, if applicable, and maintain the school garden;

“(B) Implement composting and recycling programs;

“(C) Implement the 2012 environmental literacy plan developed pursuant to this section; and

“(D) Assist teachers with incorporating earth science into lesson plans.”.

SUBTITLE L. DISTRICT OF COLUMBIA PUBLIC LIBRARY REVENUE-GENERATING ACTIVITIES

Sec. 4111. Short title.

This subtitle may be cited as the “District of Columbia Public Library Revenue-Generating Activities Emergency Amendment Act of 2015”.

Sec. 4112. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D. C. Official Code § 39-101 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 39-105(a)) is amended by adding new paragraphs (14) and (15) to read as follows:

“(14) Allow, beginning March 25, 2015, and subject to rules issued pursuant to paragraph (15) of this subsection, revenue-generating activities on District of Columbia Public Library property; provided, that:

“(A)(i) Revenue-generating activity conducted by the District of Columbia Public Library shall benefit the public but need not be related to library services as described in this act; and

“(ii) Revenue generated pursuant to this subparagraph shall be deposited in the DCPL Revenue Generating Services Fund, established pursuant to section 15;

“(B) Revenue-generating activity may be conducted by private users only with a permit granted by and at the discretion of the Board and after payment of a fee reasonably determined to cover the costs that will be incurred by the District of Columbia Public Library as a result of the activity; and

“(C) Private users conducting revenue-generating activity may solicit donations subject to the District of Columbia Charitable Solicitation Act, approved July 10, 1957 (71 Stat. 278; D.C. Official Code § 44-1701 *et seq.*).

“(15) Within 90 days of the effective date of the District of Columbia Public Library Revenue Generating Services Emergency Amendment Act of 2015, passed on

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emergency basis on June 30, 2015 (Enrolled version of Bill 21-283), issue rules to implement the provisions of paragraph (14) of this subsection.”

(b) A new section 15 is added to read as follows:

“Sec. 15. DCPL Revenue-Generating Activities Fund.

“(a) Beginning March 25, 2015, there is established as a special fund the DCPL Revenue-Generating Activities Fund (“Fund”), which shall be administered by the Board in accordance with subsection (c) of this section.

“(b) The Fund shall consist of the revenue from revenue-generating activities and services described in section 5(a)(14).

“(c) The Fund shall be used for the following purposes:

“(1) Payment of any expenses associated with activities and services described in section 5(a)(14), including expenses for space rental and special events associated with the activities and services authorized in section 5(a)(14); and

“(2) Payment of any non-personnel costs related to the library services mission of the District of Columbia Public Library.”.

Sec. 4113. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE M. MY SCHOOL DC EDFEST SPONSORSHIP AND ADVERTISING

Sec. 4121. Short title.

This subtitle may be cited as the “My School DC EdFest Sponsorship and Advertising Emergency Act of 2015”.

Sec. 4122. (a) Notwithstanding any other provision of law, the Deputy Mayor for Education may enter into one or more written agreements for advertisements and sponsorships to fund My School DC EdFest, an annual citywide public school fair.

(b) No agreement pursuant to this section may require the District to expend funds.

(c) Only advertisements shall be agreed to in exchange for corporate goods, services, or funds.

(d) There shall be no limit to the value of goods, services, or funds that may be received from an organization, registered or not, or from an individual, regardless of whether the organization is located, or the individual resides, within the District of Columbia.

(e) Any sponsorship or advertisement pursuant to this section shall be memorialized by written agreement of the parties.

(f) The Deputy Mayor for Education shall keep an accounting of all goods, services, and funds received pursuant to this section and shall submit to the Mayor and to the Council of the District of Columbia a report accounting for all goods, services, and funds received pursuant to this section by December 31st of each year.

SUBTITLE N. YOUTH BULLYING PREVENTION

Sec. 4131. Short title.

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This subtitle may be cited as the “Youth Bullying Prevention Emergency Amendment Act of 2015”.

Sec. 4132. Section 3 of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code § 2-1535.02), is amended as follows:

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

(1) Paragraph (5) is amended by striking the word “and”.

(2) New paragraphs (5A), (5B), and (5C) are added to read as follows:

“(5A) Appropriately engage parents and legal guardians of youth served by each agency in bullying prevention efforts;

“(5B) Provide to each agency and parents or legal guardians a referral list of community-based programs or similar resources that mitigate bullying and address identified behavioral health needs as necessary;

“(5C) Provide consultation and review evidence-based school climate data to ensure full implementation of the law; and”.

(b) Subsection (d) is amended by striking the phrase “2 years after its initial meeting” and inserting the phrase “by August 2018” in its place.

SUBTITLE O. EARLY LITERACY GRANT PROGRAM

Sec. 4141. Short title.

This subtitle may be cited as the “Early Literacy Grant Program Emergency Amendment Act of 2015”.

Sec. 4142. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (22) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (23) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(24) Provide supplemental funding for early literacy programs targeting 3rd-grade reading success through a competitive grant program for eligible grantees who are early literacy providers that, at a minimum:

“(A) Provide a full continuum of school-based, early literacy intervention services for all grades pre-K through 3rd consisting of developmentally appropriate components for each grade;

“(B) Deliver the literacy program by professionally coached interventionists;

“(C) Provide direct services each day that school is in session;

“(D) Collect data on student progress monthly;

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“(E) Use an intervention model that is comprehensive and has been proven to be effective in one or more empirical studies; and

“(F) Are not local education agencies.”.

SUBTITLE P. DEPUTY MAYOR FOR EDUCATION LIMITED GRANT-MAKING AUTHORITY

Sec. 4151. Short title.

This subtitle may be cited as the “Deputy Mayor for Education Limited Grant-Making Authority Emergency Amendment Act of 2015”.

Sec. 4152. Deputy Mayor for Education limited grant-making authority.

(a) For Fiscal Year 2016, the Deputy Mayor for Education shall have grant-making authority solely to provide:

(1) Grants not to exceed \$270,000 to organizations to provide advocacy, individual counseling, academic support, enrichment, life-skills training, and employment-readiness services for high school students in the District who are at risk of dropping out.

(2) Grants not to exceed \$150,000 to organizations to provide a music instruction program serving elementary school students in the District that have limited means to afford or access to instrumental music instruction.

(3) A grant in an amount not to exceed \$150,000, for a study, in consultation with the Board of Trustees of the University of the District of Columbia, to evaluate the cost, benefits, and feasibility of relocating the University of the District of Columbia Community College to a location east of the Anacostia River. The Deputy Mayor for Education, in consultation with the Board of Trustees of the University of the District of Columbia, may conduct the study in lieu of issuing a grant.

(b) Grants issued under this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

SUBTITLE Q. PUBLIC CHARTER SCHOOL PAYMENT REPROGRAMMING

Sec. 4161. Short title.

This subtitle may be cited as the “Public Charter School Payment Reprogramming Emergency Amendment Act of 2015”.

Sec. 4162. Section 2403(a)(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(a)(2)), is amended by adding a new subparagraph (E) to read as follows:

“(E) *Reprogramming limitation* -- Funds appropriated for public charter school payments that remain in the escrow account for public charter schools due to projected public charter school enrollment exceeding audited enrollment may only be reprogrammed to agencies in the public education system cluster of the District’s budget.”.

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**SUBTITLE R. UNIVERSITY OF THE DISTRICT OF COLUMBIA
FUNDRAISING MATCH**

Sec. 4171. Short title.

This subtitle may be cited as the "University of the District of Columbia Fundraising Match Emergency Act of 2015".

Sec. 4172. In Fiscal Year 2016 and each fiscal year thereafter, of the funds allocated to the Non-Departmental agency, an amount up to \$1 million shall be transferred to the University of the District of Columbia ("UDC") to match dollar-for-dollar the amount UDC raises in private donations by January 1 of that fiscal year for the purpose of meeting accreditation standards and implementation of the university's strategic plan.

**SUBTITLE S. PUBLIC CHARTER SCHOOL BOARD ADMINISTRATIVE
FUND**

Sec. 4181. Short title.

This subtitle may be cited as the "Public Charter School Board Administrative Fund Emergency Amendment Act of 2015".

Sec. 4182. Section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), is amended by adding a new subsection (g-1) to read as follows:

"(g-1) *Fund.*

"(1) *Establishment* - There is established as a special fund the District of Columbia Public Charter School Board Fund ("Fund"), which shall be administered by the Board in accordance with paragraph (3) of this subsection.

"(2) *Deposits* - There shall be deposited into the Fund:

"(A) All fees authorized by section 2211;

"(B) Appropriations as authorized by subsection (g) of this section; and

"(C) Any other revenues, including grants or gifts, dedicated to the Fund.

"(3) *Authorized uses* - The Fund shall be used to pay for goods, services, property, capital improvements, or any other permitted use as authorized by this section or section 2211.

"(4) *Nonlapsing, no-year appropriation* -

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

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

SUBTITLE T. RAISING EXPECTATIONS FOR EDUCATION AMENDMENT

Sec. 4191. Short title.

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This subtitle may be cited as the “Raising Expectations for Education Emergency Amendment Act of 2015”.

Sec. 4192. Section 403 of the Raising the Expectations for Education Outcomes Omnibus Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-754.03), is amended as follows:

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

(1) Paragraphs (1) and (2) are amended to read as follows:

“(1) A focus on mental health prevention and treatment services;

“(2) A student population where more than 60% of the students are at-risk as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)); and”.

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

“(3) A focus on improving academic outcomes for students.”.

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

(1) Paragraph (4) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph 5(C) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(6) Meet at least annually to review and evaluate the annual progress of the Incentive Initiative and to make recommendations, if any, to the Mayor and the Council for improvement of the Incentive Initiative.”.

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

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

“(1) An assessment of the local school community, the neighborhood’s needs and assets, and an analysis of the academic, health, and social service needs of the target population of students;”.

(2) Paragraph (4) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (5) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (6) and (7) are added to read as follows:

“(6) A narrative description of the program approach, including an implementation action plan and explanation of how the chosen approach is evidence-based either through research or other proven community schools models; and

“(7) A plan for quarterly qualitative and quantitative program evaluation, including measurable indicators of success in areas such as student academic achievement; graduation and attendance rate; and improvement in student health and socio-emotional well-being.”.

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TITLE V. HEALTH AND HUMAN SERVICES
SUBTITLE A. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
AMENDMENT

Sec. 5001. Short title.

This subtitle may be cited as the "Temporary Assistance for Needy Families Emergency Amendment Act of 2015".

Sec. 5002. Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), is amended as follows:

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

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

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

"(3) For Fiscal Year 2016, the level of assistance payment shall be equal to the Fiscal Year 2015 amount, plus an amount equal to the Fiscal Year 2015 amount multiplied by the Consumer Price Index percentage increase in the Consumer Price Index for Urban Consumers ("CPI-U") for all items from the preceding calendar year, as determined by the United States Department of Labor Bureau of Labor Statistics; and".

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

"(4) For Fiscal Year 2017 and thereafter, no benefits shall be provided."

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

"(d-1)(1) Effective October 1, 2014, the assistance levels set forth in subsection (c) of this section shall be adjusted annually for the rate of inflation, except for the following:

"(A) For Fiscal Year 2017, the assistance level shall be increased by 15.3%;

"(B) For Fiscal Year 2018, the assistance level shall be increased by 13.3%; and

"(C) For Fiscal Year 2019, the assistance level shall be increased by 11.8%.

"(2) In annually adjusting the assistance levels for the rate of inflation, the prior year's assistance level shall be increased by an amount equal to the prior year's assistance level multiplied by the CPI-U for all items from the preceding calendar year, as determined by the United States Department of Labor Bureau of Labor Statistics."

SUBTITLE B. MEDICAL ASSISTANCE PROGRAM AMENDMENTS

Sec. 5011. Short title.

This subtitle may be cited as the "Medical Assistance Program Emergency Amendment Act of 2015".

Sec. 5012. Section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program,

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and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), is amended by adding a new paragraph (9) to read as follows:

“(9) Review and approval by the Council of the Fiscal Year 2016 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

“(A) Update the reimbursement methodology model for intermediate care facilities for persons with developmental disabilities to ensure compliance with federal law;

“(B) Update the payment methodology for hospital services;

“(C) Update the payment methodology for Federally-Qualified Health Centers;

“(D) Update the payment methodology and program standards for Home Health Agencies;

“(E) Create health homes for chronically ill District residents;

“(F) Establish a provider fee on District Medicaid hospitals for in-patient services; and

“(G) Establish a supplemental payment to District Medicaid hospitals for outpatient services.”.

SUBTITLE C. POWER EXPANSION AMENDMENT

Sec. 5021. Short title.

This subtitle may be cited as the “POWER Expansion Emergency Amendment Act of 2015”.

Sec. 5022. Section 572a(a) of the District of Columbia Public Assistance Act of 1982, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 4-205.72a(a)), is amended as follows:

(a) The lead-in language is amended by striking the phrase “beginning October 1, 2013,”.

(b) Paragraph (1)(A) is amended by striking the phrase “Is the parent” and inserting the phrase “Beginning October 1, 2013, is the parent” in its place.

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

“(1A) Beginning October 1, 2016, is a single custodial parent or caretaker with a child under 6 months of age; provided, that no parent or caretaker may remain eligible for assistance under this paragraph for more than 12 months;”.

(d) Paragraph (2)(A) is amended by striking the phrase “Is the parent” and inserting the phrase “Beginning October 1, 2013, is the parent” in its place.

(e) Paragraph (3) is amended by striking the phrase “Is a pregnant” and inserting the phrase “Beginning October 1, 2013, is a pregnant” in its place.

(f) Paragraph (5) is amended by striking the phrase “Is a parent” and inserting the phrase “Beginning October 1, 2013, is a parent” in its place.

(g) Paragraph (6) is amended by striking the phrase “Is the head” and inserting the phrase “Beginning October 1, 2013, is the head” in its place.

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SUBTITLE D. PHARMACEUTICAL DETAILING LICENSURE EXEMPTION

Sec. 5031. Short title.

This subtitle may be cited as the "Pharmaceutical Detailing Licensure Exemption Emergency Amendment Act of 2015".

Sec. 5032. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 502(a) (D.C. Official Code § 3-1205.02(a)) is amended by adding a new paragraph (2A) to read as follows:

"(2A) To an individual engaged in the practice of pharmaceutical detailing for less than 30 consecutive days per calendar year;"

(b) Section 741(a) (D.C. Official Code § 3-1207.41(a)) is amended by striking the phrase "An individual" and inserting the phrase "Except as provided in section 502(a)(2A), an individual" in its place.

(c) Section 745 (D.C. Official Code § 3-1207.45) is amended by striking the phrase "without a license" and inserting the phrase "without a license, except as provided in section 502(a)(2A)," in its place.

SUBTITLE E. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION

Sec. 5041. Short title.

This subtitle may be cited as the "Department of Health Functions Clarification Emergency Amendment Act of 2015".

Sec. 5042. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding a new subsection (h) to read as follows:

"(h)(1) For Fiscal Year 2016, the Director of the Department of Health shall have the authority to issue grants to qualified community organizations for the purpose of providing the following services:

"(A) Programs designed to promote healthy development in girls attending public and chartered schools in grades 8-12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District, not to exceed \$569,000;

"(B) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases, not to exceed \$150,000; and

"(C) Programs designed to support teen peer educators who work to provide sexual health information and condoms to youth, not to exceed \$157,000.

"(2) All grants issued pursuant to paragraph (1) of this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

"(3) The Department of Health shall submit a quarterly report to the Secretary to

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the Council on all grants issued pursuant to the authority granted in paragraph (1) of this subsection."

SUBTITLE F. TEEN PREGNANCY PREVENTION FUND

Sec. 5051. Short title.

This subtitle may be cited as the "Teen Pregnancy Prevention Fund Establishment Emergency Amendment Act of 2015".

Sec. 5052. Section 5146 of the Teen Pregnancy Prevention Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.325), is amended by striking the phrase "For Fiscal Year 2015" and inserting the phrase "For Fiscal Year 2016" in its place.

SUBTITLE G. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT

Sec. 5061. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Emergency Act of 2015".

Sec. 5062. Definitions.

For the purposes of this subtitle, the term:

- (1) "Department" means the Department of Health Care Finance.
- (2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government.
- (3) "Hospital system" means any group of hospitals licensed separately, but operated, owned, or maintained by a common entity.
- (4) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.
- (5) "Outpatient gross patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Lines 18 and 19; Column 2; Worksheet G-2 of the Hospital and Hospital Health Care Complex Cost Report (Form CMS 2552-10), filed for the period ending between October 1, 2012, and June 30, 2013.

Sec. 5063. Hospital Provider Fee Fund.

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(a) There is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall be administered by the Department in accordance with subsections (c) and (d) of this section.

(b) Revenue from the following sources shall be deposited in the Fund:

- (1) Fees collected under this subtitle; and
- (2) Interest and penalties collected under this subtitle.

(c) Money in the Fund may only be used for the following purposes:

- (1) Making Medicaid outpatient hospital access payments to hospitals as required under section 5066;
- (2) Payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle in an amount not to exceed \$150,000 annually; and
- (3) Providing refunds to hospitals pursuant to section 5065.

(d) Money in the Fund may not be used to replace money appropriated to the Medicaid program.

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

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

Sec. 5064. Hospital provider fee.

(a) Beginning October 1, 2015, and subject to section 5065, the District may charge each hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate necessary to generate the following:

(1) An amount equal to the non-federal share of the total available spending room under the Medicaid upper payment limit for private hospitals applicable to District Fiscal Year ("DFY") 2016 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(2) An amount equal to the lesser of the non-federal share of the total available spending room under the Medicaid upper payment limit for District operated hospitals applicable to DFY 2016 consistent with the federal approval of the authorizing Medicaid State Plan amendment or United Medical Center's Medicaid disproportionate share hospital limit as adjusted by the District in accordance with the federally approved Medicaid State Plan; plus

(3) An amount equal to the Department's administrative expenses as described in section 5063(c)(2).

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

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Sec. 5065. Applicability of fees.

(a) The fee imposed by section 5064 shall not be due and payable until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5066.

(b) The fee imposed by section 5064 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October 1, 2014; or

(2) The payments to hospitals required under section 5066 are modified in any way other than to secure federal approval of such payments as described in section 5066 or are not eligible for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. §1396b(w)) ("Social Security Act").

(c) The fee imposed by section 5064 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by the Centers for Medicare and Medicaid Services.

(d) Should the fee imposed by section 5064 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5066 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5066. Medicaid outpatient hospital access payments.

(a)(1) For visits and services beginning October 1, 2015, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital.

(2) Each payment will be equal to the hospital's DFY 2013 outpatient Medicaid payments divided by the total in District private hospital DFY 2013 outpatient Medicaid payments multiplied by 1/4 of the total outpatient private hospital access payment pool.

(3) The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2016.

(b)(1) A private hospital that is also a Disproportionate Share Hospital ("DSH") will receive no more in Medicaid outpatient hospital access payments than the available room under its District-adjusted, hospital-specific DSH limit.

(2) Any Medicaid outpatient hospital access payments that would otherwise exceed a private DSH's adjusted DSH limit shall be distributed to the remaining private hospitals consistent with each private hospital's relative share of DFY 2013 outpatient Medicaid payments.

(c)(1) For visits and services beginning October 1, 2015, outpatient hospital access payments shall be made to the United Medical Center.

(2) Each payment will be equal to one quarter of the total outpatient public hospital access payment pool.

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(3) The total outpatient public hospital access payment pool is equal to the lesser of the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2016, and the United Medical Center District-adjusted Medicaid DSH limit.

(d) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days after the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(e) No payments shall be made under this section until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(f) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

Sec. 5067. Quarterly notice and collection.

(a) The fee imposed under section 5064, which shall be calculated, due, and payable on a quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided, that the fee shall not be due and payable until:

(1) The District issues written notice that the payment methodologies for payments to hospitals required under section 5066 have been approved by the federal Centers for Medicare and Medicaid Services; and

(2) The District issues written notice to the hospital informing the hospital of its fee rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period commencing on October 1, 2015, to ensure all applicable fee obligations have been identified.

(b)(1) If a hospital fails to pay the full amount of the fee in accordance with this subtitle, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(c) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5068. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct, operate, or maintain a hospital that is subject to a fee under section 5064, as evidenced by the transfer or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5064 by a fraction, the numerator of which is the number of days in the year during which the hospital

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system or person conducted, operated, or maintained the hospital, and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision in this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5064 and subsection (a) of this section in installments on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

Sec. 5069. Rules.

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

Sec. 5070. Sunset.

This subtitle shall expire on September 30, 2016.

SUBTITLE H. MEDICAID HOSPITAL INPATIENT FEE

Sec. 5071. Short title.

This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Emergency Act of 2015".

Sec. 5072. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government and any specialty hospital, as defined by the District of Columbia's Medicaid State Plan ("State Plan"), or a hospital that is reimbursed under a specialty hospital reimbursement methodology under the State Plan.

(3) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(4) "Inpatient net patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals as derived from each hospital's filed Hospital and Hospital Health Care Complex Cost Report (Form CMS-2552-10), filed for the period ending between October 1, 2012, and June 30, 2013, using the references below:

(A) The sum of: Worksheet G-2; Column 1; Lines 1, 2, 3, 4, 16 and 18.

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(B) Minus: The ratio of the sum of Worksheet G-2; Column 1; Lines 5, 6, and 7 divided by Worksheet G-2; Column 1; Line 17 multiplied by Worksheet G-2; Column 1; Line 18.

(C) Divided by: Worksheet G-2; Column 3; Line 28

(D) Multiplied by: Worksheet G-2; Column 1; Line 3

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*) ("Social Security Act"), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.

Sec. 5073. Hospital Fund.

(a) There is established as a special fund the Hospital Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

(b) Revenue from the following sources shall be deposited in the Fund:

- (1) Fees collected under this subtitle;
- (2) Interest and penalties collected under this subtitle; and
- (3) Other amounts collected under this subtitle.

(c) Money in the Fund shall be used solely as set forth in section 5074 (a)(2) of this subtitle.

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation; provided, that any remaining money in the Fund at the end of each fiscal year shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5074. Hospital provider fee.

(a)(1) Beginning October 1, 2015, and except as provided in subsection (b) of this section and section 5077, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

(2) The fee shall be charged at a uniform rate necessary to generate no more than \$10.4 million. Of this amount, \$1.4 million may be used to support the Medicaid Managed Care Organization rates for inpatient hospitalization. The remaining amount shall be used to support the maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year ("DFY") 2015 level of 98% of cost to non-specialty hospitals.

(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5073.

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be

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unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

(c) By August 1, 2015, the Department shall submit a provider tax waiver application to the Center for Medicare and Medicaid Services to ensure the provisions of this subtitle qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act.

Sec. 5075. Quarterly notice and collection.

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until the District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period October 1, 2015, to ensure all applicable fee obligations have been identified.

(c)(1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5076. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding section 5074, if a hospital system or person that is subject to a fee under section 5074 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducts, operates, or maintains the hospital and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision of this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee required under 5074 in accordance with subsection (a) of this section on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due date of the initial notice.

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Sec. 5077. Federal determinations; suspension and termination of assessment.

(a) If the Centers for Medicare and Medicaid Services determines that an assessment imposed on a hospital pursuant to this subtitle does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act that determination shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed by this subtitle.

(b) If the Centers for Medicare and Medicaid Services determines that an exclusion for specialty hospitals under this subtitle would prevent an assessment imposed by this subtitle from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, the exclusion of specialty hospitals shall not be made.

Sec. 5078. Rules.

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

Sec. 5079. Applicability; sunset.

(a) Section 5074(c) shall apply as of the effective date of this act.

(b) This subtitle shall expire on September 30, 2016.

SUBTITLE I. UNDERSERVED YOUTH COMMUNITY PROGRAMMING

Sec. 5081. Short title.

This subtitle may be cited as the "Underserved Youth Community Programming Emergency Amendment Act of 2015".

Sec. 5082. Section 2403(a-1) of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1553(a-1)), is amended by adding a new paragraph (4) to read as follows:

"(4) For Fiscal Year 2016, \$660,448 of available funds for sub-grants shall be awarded to the following types of programs to serve children and youth in areas of the city possessing the highest rates of poverty:

"(A) Out-of-school time programs for underserved children and youth that include free after school and summer day camps provided at public schools, community centers, and community rooms in public housing;

"(B) Programs through which students, faculty, and staff engage in the District through activism, advocacy, service, volunteer projects, and community-based learning and research opportunities;

"(C) Programs to educate youth on how to plan and prepare healthy meals;

"(D) Afterschool and summer academic programs for 5th through 8th graders in at-risk communities that are designed to combine demanding academic work with mentoring, skill-building, and individual student achievement plans;

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“(E) Programs to enrich the quality of life, foster intellectual stimulation, and promote cross-cultural understanding and appreciation of local history in all neighborhoods of the District;

“(F) Programs that use artistic expression to develop character and leadership, and help to prepare at-risk African American boys and young men to have a positive impact on their communities;

“(G) Programs that provide an extended day program for kindergartners through 5th graders and provide afterschool academic enrichment that supports the daytime instruction through alternative learning methods and activities and homework assistance;

“(H) Programs that provide low-income children individualized reading instruction in order to improve their literacy;

“(I) Rehabilitation programs that serve female youth ages 9 through 17 years involved in the juvenile justice system and provide individual and group counseling, therapeutic recreation, job training, mentoring, and community service opportunities;

“(J) Programs that offer anger management, conflict resolution, teamwork, good sportsmanship, and other life skills while helping youth stay occupied in productive activities, such as basketball or other sports;

“(K) Programs that develop and foster the creative talents of youth through performing and visual arts while teaching them discipline, commitment, and team motivation; and

“(L) Programs that offer music instruction and performance, tutoring, life skills, summer arts, and culture to youth from ages of 9 through 18 years of age.”.

**SUBTITLE J. REPRODUCTIVE HEALTH NON-DISCRIMINATION
CLARIFICATION**

Sec. 5091. Short title.

This subtitle may be cited as the “Reproductive Health Non-Discrimination Clarification Emergency Amendment Act of 2015”.

Sec. 5092. Section 105(a) of the Human Rights Act of 1977, effective July 17, 1985 (D.C. Law 6-8; D.C. Official Code § 2-1401.05(a)), is amended by adding a new sentence at the end to read as follows:

“This section shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.”.

Sec. 5093. Applicability.

This subtitle shall apply as of the effective date of this act.

**TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT
SUBTITLE A. PARKING AMENDMENT**

Sec. 6001. Short title.

This subtitle may be cited as the “Parking Emergency Amendment Act of 2015”.

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Sec. 6002. The Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*), is amended as follows:

(a) Section 2(e)(2) (D.C. Official Code § 50-2531(e)(2)) is amended by striking the phrase “once per month” and inserting the phrase “once per month; provided, that the Mayor may increase fees in performance parking zones by a maximum of \$1.50 in a 3-month period, in any increment or time period, up to a maximum hourly rate of \$8.00 per hour” in its place.

(b) A new section 3b is added to read as follows:

“Sec. 3b. Penn Quarter/Chinatown Performance Parking Pilot Zone.

“(a) The Penn Quarter/Chinatown Performance Parking Pilot Zone is designated as the area bounded by H Street, N.W., on the north, 11th Street, N.W., on the west, 3rd Street, N.W., on the east, and E Street, N.W., on the south, including both sides of these boundary streets.

“(b) In addition to maintaining a sufficient number of parking control officers and traffic control officers in the existing performance parking pilot zones, the Mayor shall assign parking control and traffic control officers for implementation of the pilot program in the Penn Quarter/Chinatown Performance Parking Pilot Zone and for enhanced enforcement during peak-parking-demand hours.

“(c) The Mayor shall set the initial performance parking pilot zone fee equal to the existing parking meter fee in that zone.

“(d) Pursuant to section 2(d)(1), the Mayor shall adjust curbside parking fees to achieve 10% to 20% availability of curbside parking spaces.

“(e) Within the first 30 days of the implementation of the Penn Quarter/Chinatown Performance Parking Pilot Zone, the Mayor may issue warning citations for curbside parking violations related to the pilot program in the zone.”.

Sec. 6003. Section 2601.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2601.1) is amended as follows:

(a) Under the header “Meter Infractions”, strike the rows:

Illegally parked at [§ 2404.8, § 2424.12]	\$25.00	\$25.00	\$50.00
Failure to deposit payment [§ 2404.6, § 2424.12]	\$25.00	\$25.00	\$50.00
Overtime at [§ 2404.3, § 2424.12]	\$25.00	\$25.00	\$50.00

and insert the following rows in their place:

Illegally parked at [§ 2404.8, § 2424.12]	\$30.00	\$30.00	\$50.00
Failure to deposit payment [§ 2404.6, § 2424.12]	\$30.00	\$30.00	\$50.00
Overtime at [§ 2404.3, § 2424.12]	\$30.00	\$30.00	\$50.00

(b) Under the header “Residential Parking Permit”, strike the row:

Residential permit parking area, beyond consecutive two hour period without valid permit [§ 2411.1, § 2424.12]	In the calendar year: First offense \$30, Second offense \$30, Third and any	In each calendar year: First offense \$30, Second offense \$30, Third and any subsequent offense \$60.	In each calendar year: First offense \$60, Second offense \$60, Third and any
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	subsequent offense \$60.		subsequent offense \$60.
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and insert the following row in its place:

Residential permit parking area, beyond consecutive two hour period without valid permit [§ 2411.1, § 2424.12]	In the calendar year: First offense \$35, Second offense \$35, Third and any subsequent offense \$65	In the calendar year: First offense \$35, Second offense \$35, Third and any subsequent offense \$65	In the calendar year: First offense \$60, Second offense \$60, Third and any subsequent offense \$60
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Sec. 6004. As of October 1, 2015, the District Department of Transportation shall provide for enforcement of parking meters in Premium Demand Parking Meter Rate Zones from 7:00 a.m. until midnight.

SUBTITLE B. UNLAWFULLY PARKED VEHICLES

Sec. 6011. Short title.

This subtitle may be cited as the “Unlawfully Parked Vehicles Emergency Act of 2015”.

Sec. 6012. It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), for a person to park, leave unattended, or store a vehicle in violation of posted parking restrictions at a parking facility, as that term is defined in section 2(4) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2602(4)), owned by the Washington Metropolitan Area Transit Authority.

SUBTITLE C. DDOT DC STREETCAR FARE VIOLATION ENFORCEMENT

Sec. 6021. Short title.

This subtitle may be cited as the “DDOT DC Streetcar Fare Violation Enforcement Emergency Amendment Act of 2015”.

Sec. 6022. Section 11n of the Department of Transportation Establishment Act of 2002, effective April 20, 2013 (D.C. Law 19-268; D.C. Official Code § 50-921.72), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

“(3) Concurrent with any other agency’s authority to do so, enforce violations of this title and regulations promulgated thereunder, with respect to fare payment.”.

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SUBTITLE D. VISION ZERO PEDESTRIAN AND BICYCLE SAFETY FUND ESTABLISHMENT

Sec. 6031. Short title.

This subtitle may be cited as the "Vision Zero Pedestrian and Bicycle Safety Fund Establishment Emergency Amendment Act of 2015".

Sec. 6032. Section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131), is repealed.

Sec. 6033. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) A new section 91 is added to read as follows:

"Sec. 91. Vision Zero Pedestrian and Bicycle Safety Fund.

"(a) There is established as a special fund the Vision Zero Pedestrian and Bicycle Safety Fund ("Fund"), which shall be administered by the Director of DDOT in accordance with subsection (c) of this section.

"(b) There shall be deposited in the Fund \$500,000 per fiscal year from the fines generated from the automated traffic enforcement system, authorized by section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01).

"(c) The Fund shall be used solely to enhance the safety and quality of pedestrian and bicycle transportation, including education, engineering, and enforcement efforts designed to calm traffic and provide safe routes.

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

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

(b) Section 11j(a) (D.C. Official Code § 50-921.53(a)) is amended by striking the phrase "the Pedestrian and Bicycle Safety Enhancement Fund, established by section 6021 of the Pedestrian and Bicycle Safety and Enhancement Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131)" and inserting the phrase "the Vision Zero Pedestrian and Bicycle Safety Fund, established by section 91" in its place.

SUBTITLE E. SUSTAINABLE ENERGY TRUST FUND AMENDMENT

Sec. 6041. Short title.

This subtitle may be cited as the "Sustainable Energy Trust Fund Emergency Amendment Act of 2015".

Sec. 6042. Section 210(c) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended as follows:

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- (a) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (10) is added to read as follows:
“(10) The Low Income Home Energy Assistance Program, in the amount of no more than \$1.5 million in Fiscal Year 2016.”.

**SUBTITLE F. ANACOSTIA RIVER CLEAN UP AND PROTECTION FUND
CLARIFICATION**

Sec. 6051. Short title.

This subtitle may be cited as the “Anacostia River Clean Up and Protection Fund Clarification Emergency Amendment Act of 2015”.

Sec. 6052. Section 6(b) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.05(b)), is amended by striking the phrase “Funds shall be used for the following projects in the following order of priority:” and inserting the phrase “Funds shall be used for the following projects:” in its place.

SUBTITLE G. BENCHMARKING ENFORCEMENT FUND ESTABLISHMENT

Sec. 6061. Short title.

This subtitle may be cited as the “Benchmarking Enforcement Fund Establishment Emergency Amendment Act of 2015”.

Sec. 6062. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended by adding a new section 8a to read as follows:

“Sec. 8a. Benchmarking Enforcement Fund.

“(a) There is established as a special fund the Benchmarking Enforcement Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Penalties collected pursuant to section 4(c)(2)(D) shall be deposited in the Fund.

“(c) Money in the Fund shall be used to support and improve the administration and practices of the benchmarking program established by this act.

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

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

**SUBTITLE H. BICYCLE AND PEDESTRIAN ADVISORY COUNCIL TERM
CLARIFICATION**

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Sec. 6071. Short title.

This subtitle may be cited as the "Bicycle and Pedestrian Advisory Council Term Clarification Emergency Amendment Act of 2015".

Sec. 6072. Section 5(c) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604(c)), is amended as follows:

(a) Designate the existing text as paragraph (1).

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

"(2) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant. Community members who are appointed to fill vacancies that occur before the expiration of a community member's full term shall serve only the unexpired portion of the community member's term."

Sec. 6073. Section 6061(d) of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 50-1931(d)), is amended as follows:

(a) Designate the existing text as paragraph (1).

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

"(2) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant. Community members who are appointed to fill vacancies that occur before the expiration of a community member's full term shall serve only the unexpired portion of the community member's term."

SUBTITLE I. BID PARKING ABATEMENT FUND ESTABLISHMENT

Sec. 6081. Short title.

This subtitle may be cited as the "BID Parking Abatement Fund Establishment Emergency Act of 2015".

Sec. 6082. BID Parking Abatement Fund.

(a) There is established as a special fund the BID Parking Abatement Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

(b) An allocation in the amount of \$120,000 from the Fiscal Year 2016 approved budget and financial plan shall be deposited in the Fund.

(c) Money in the Fund shall be used to abate parking fees for a Business Improvement District ("BID"), as that term is defined in section 3(7) of the Business Improvements Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(7)), that applies and is approved to reserve a public parking space within the BID for use by pedestrians; provided, that no more than 70% of the money available in a fiscal year shall be distributed to a single BID.

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

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

SUBTITLE J. CLEAN AND AFFORDABLE ENERGY ACT AMENDMENT

Sec. 6091. Short title.

This subtitle may be cited as the "Clean and Affordable Energy Emergency Amendment Act of 2015".

Sec. 6092. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*), is amended as follows:

(a) Section 201(d) (D.C. Official Code § 8-1774.01(d)) is amended to read as follows:

“(d) The SEU contract shall:

“(1) Provide minimum performance benchmarks consistent with the purposes of this act, including:

“(A) Reducing energy consumption in the District;

“(B) Increasing renewable energy generating capacity in the District;

“(C) Increasing the energy efficiency and renewable energy generating capacity of low-income housing, shelters, clinics, or other buildings serving low-income residents in the District; and

“(D) Increasing the number of green-collar jobs in the District; and

“(2) Require the SEU to track and report to DDOE, at least semiannually, on the reduction of the growth in peak electricity demand and the reduction in the growth of energy demand of the District’s largest energy users due to SEU programs.”.

(b) Section 202 (D.C. Official Code § 8-1774.02) is amended as follows:

(1) Subsection (d) is amended by striking the phrase “on an annual and contract-term basis.” and inserting the phrase “on a contract-term basis.” in its place.

(2) Subsection (h) is amended by striking the phrase “75%, and no greater than 125%, of the amount” and inserting the phrase “75% of the amount” in its place.

(3) Subsection (i) is amended by striking the phrase “75%, and no greater than 125%, of the amount” and inserting the phrase “75% of the amount” in its place.

(c) Section 204 (D.C. Official Code § 8-1774.04) is amended as follows:

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

“(c) At least biennially, the Board shall recommend changes to the performance benchmarks of the SEU contract to DDOE.”.

(2) Subsection (d) is repealed.

(d) Section 205 (D.C. Official Code § 8-1774.05) is amended as follows:

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

“(b) At least 90 days before issuing a new RFP for the SEU contract, DDOE shall solicit recommendations from the Board and the public for performance benchmarks for the contract. In

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preparing the RFP, DDOE shall hold an industry day to solicit the advice and input of private entities that may bid on the contract.

(2) Subsection (c) is repealed.

(3) Subsection (j) is amended by striking the number "30" and inserting the number "90" in its place.

(e) Section 210(c)(2) (D.C. Official Code § 8-1774.10(c)(2)) is amended by striking the phrase "administration of the SEU contract by DDOE" and inserting the phrase "administration of the SEU contract and the development of a comprehensive energy plan by DDOE" in its place.

SUBTITLE K. COMPETITIVE GRANTS

Sec. 6101. Short title.

This subtitle may be cited as the "Competitive Grants Emergency Act of 2015".

Sec. 6102. In Fiscal Year 2016, the Office of the People's Counsel ("OPC") shall award a grant, on a competitive basis, in an amount not to exceed \$125,000, for a study to address emerging alternatives for energy choice for residential customers in the District of Columbia, and the integration of those alternatives into Pepco's evolving smart grid. OPC shall also award a grant, on a competitive basis, in an amount not to exceed \$125,000, to provide targeted outreach and education of low-income and elderly residents regarding the benefits and options for energy-efficiency programs and practices.

Sec. 6103. In Fiscal Year 2016, the Office on Aging shall award a grant, on a competitive basis, in an amount not to exceed \$100,000, to one or more nonprofit organizations to conduct a feasibility study and outline a plan for developing virtual senior wellness centers in wards that do not have senior wellness centers, using existing and future capital investments in schools, recreation centers, libraries, and other facilities in those wards.

Sec. 6104. In Fiscal Year 2016, the District Department of Transportation shall award a grant, on a competitive basis, in an amount not to exceed \$35,000, to conduct a feasibility study for an aerial transportation option connecting Georgetown in the District to Rosslyn in Virginia.

Sec. 6105. In Fiscal Year 2016, the District of Columbia Taxicab Commission shall award a grant, on a competitive basis, in an amount not to exceed \$100,000, to conduct a study to determine the demand for wheelchair-accessible service within the vehicle-for-hire industry in the District and recommend the number or percentage of accessible vehicles within the vehicle-for-hire industry that would adequately meet the demand for wheelchair accessible service.

SUBTITLE L. CONGESTION MANAGEMENT STUDY

Sec. 6111. Short title.

This subtitle may be cited as the "Congestion Management Study Emergency Amendment Act of 2015".

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Sec. 6112. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new section 9m to read as follows:

“Sec. 9m. Congestion management study.

“No later than September 30, 2016, the Department shall make publicly available a congestion management study that includes at a minimum:

“(1) An assessment of the current state of congestion in the District;

“(2) A collection of data, using objective criteria, that demonstrates the average commute times for District residents based on each of the following modes of transportation:

“(A) Walking;

“(B) Bicycling;

“(C) By bus; and

“(D) By driving a personal car;

“(3) Recommendations for remedying existing congestion problems in the District; and

“(4) One-year, 3-year, and 5-year plans for implementing the recommendations required by paragraph (3) of this section.”.

SUBTITLE M. ELECTRONIC DELIVERY OF NOTICE TO THE COUNCIL AND ADVISORY NEIGHBORHOOD COMMISSIONS

Sec. 6121. Short title.

This subtitle may be cited as the “Electronic Delivery to the Council and Advisory Neighborhood Commissions Emergency Amendment Act of 2015”.

Sec. 6122. Section 301(5)(B)(iv) of the District of Columbia Administrative Procedure Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code § 2-551(5)(B)(iv)), is amended as follows:

(a) Strike the phrase “30-days written notice” and insert the phrase “30-days notice via electronic delivery” in its place.

(b) Strike the period and insert the phrase “; provided, that the Council and the affected ANC may elect to receive written notice by means other than electronic delivery by notifying the Mayor of that preference.” in its place.

SUBTITLE N. GREEN INFRASTRUCTURE SPECIAL PURPOSE FUNDS

Sec. 6131. Short title.

This subtitle may be cited as the “Green Infrastructure Special Purpose Revenue Funds Establishment Emergency Amendment Act of 2015”.

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Sec. 6132. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new section 9n to read as follows:

“Sec. 9n. DDOT Stormwater Retention Credit Fund.

“(a) There is established as a special fund the DDOT Stormwater Retention Credit Fund (“Fund”), which shall be administered by the Director in accordance with subsection (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Revenue received directly from the sale of a Stormwater Retention Credit (“SRC”) by the Director;

“(2) Revenue received through lease of District property or public space by the Department for the purpose of generating or selling a SRC;

“(3) Revenue received through the lease of a stormwater best management practice on District property or public space by the Department for the purpose of generating or selling a SRC;

“(4) Revenue received from a third-party intermediary in exchange for giving the third-party intermediary the authority to sell, or broker the sale of, a SRC generated on District property or public space under the control of the Department; and

“(5) Revenue received by the Department pursuant to a contract for the installation and maintenance of a stormwater best management practice on property or public space under the control of the Department.

“(c)(1) Money in the Fund shall be used for the following purposes:

“(A) To fulfill or exceed the District’s obligations pursuant to the MS4 Permit; and

“(B) To install, operate, and maintain stormwater retention projects regulated by the District’s MS4 Permit.

“(2) The Director may sell a SRC generated on District property or public space under the control of the Department, upon the certification of the SRC by the District Department of the Environment.

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

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

“(e) The Director shall publish on the Department’s website, at least annually, a report describing how money in the Fund has been spent, including the following information:

“(1) The total amount of SRC payments deposited in the Fund to date;

“(2) The total amount of money spent from the Fund to date;

“(3) For each sub-drainage area or watershed, the aggregate values of SRC purchased per year; and

“(4) For each of the stormwater best management practices installed using money from the Fund, the type of stormwater best management practice used by the facility, the number

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of gallons of stormwater retained by the facility, the sub-drainage or watershed location of the facility, and a summary of the capital and maintenance costs of the project.

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

“(1) “MS4 Permit” shall have the same meaning as provided in section 101(15) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(15)).

“(2) “Stormwater best management practice” shall have the same meaning as provided in section 101(14) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(14)).

“(3) “Stormwater Retention Credit” shall have the same meaning as provided in 21 DCMR § 599.”.

Sec. 6133. The Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19–21; D.C. Official Code § 10–551.01 *et seq.*), is amended by adding a new section 1028b to read as follows:

“Sec. 1028b. Establishment of the Department of General Services Stormwater Retention Credit Fund.

“(a) There is established as a special fund the Department of General Services Stormwater Retention Credit Fund (“Fund”), which shall be administered by the Director in accordance with subsections (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Revenue received directly from the sale of a Stormwater Retention Credit (“SRC”) by the Director;

“(2) Revenue received through lease of District property by the Department for the purpose of generating or selling a SRC;

“(3) Revenue received through the lease of a stormwater best management practice on District property by the Department for the purpose of generating or selling a SRC;

“(4) Revenue received from a third party intermediary for the authority to sell, or broker the sale of, a SRC generated on District property under the control of the Department; and

“(5) Revenue received by the Department pursuant to a contract for the installation and maintenance of a stormwater best management practice on property or public space under the control of the Department.

“(c)(1) Money in the Fund shall be used for the following purposes:

“(A) To fulfill or exceed the District’s obligations pursuant to the MS4 Permit; and

“(B) To install, operate, and maintain stormwater retention projects regulated by the District’s MS4 Permit.

“(2) The Director may sell a SRC generated on District property under the control of the Department, upon the certification of the SRC by the District Department of the Environment.

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

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

“(e) The Director shall publish on the Department’s website, at least annually, a report describing how money in the Fund has been spent, including the following information:

“(1) The total amount of SRC payments deposited in the Fund to date;

“(2) The total amount of money spent from the Fund to date;

“(3) For each sub-drainage area or watershed, the aggregate values of SRC purchased per year; and

“(4) For each of the stormwater best management practices installed using money from the Fund, the type of stormwater best management practice used by the facility, the number of gallons of stormwater retained by the facility, the sub-drainage or watershed location of the facility, and a summary of the capital and maintenance costs of the project.

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

“(1) “MS4 Permit” shall have the same meaning as provided in section 101(15) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(15)).

“(2) “Stormwater best management practice” shall have the same meaning as provided in section 101(14) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(14)).

“(3) “Stormwater Retention Credit” shall have the same meaning as provided in 21 DCMR § 599.”.

SUBTITLE O. PEPCO COST-SHARING FUND FOR DC PLUG

Sec. 6141. Short title.

This subtitle may be cited as the “Pepco Cost-Sharing Fund for DC PLUG Establishment Emergency Act of 2015”.

Sec. 6142. Pepco Cost-Sharing Fund for DC PLUG.

(a) There is established as a special fund the Pepco Cost-Sharing Fund for DC PLUG (“Fund”), which shall be administered by the Director of the District Department of Transportation in accordance with subsection (c) of this section.

(b) The Fund shall consist of transfers from the Potomac Electric Power Company to facilitate cost-sharing for the District of Columbia Power Line Undergrounding (“DC PLUG”) initiative.

(c) The Fund shall be used to pay for any purpose authorized by the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), for the DC PLUG initiative.

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

Sec. 6143. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE P. PUBLIC SPACE RENTAL FEE WAIVER

Sec. 6151. Short title.

This subtitle may be cited as the “Public Space Rental Fee Waiver Emergency Amendment Act of 2015”.

Sec. 6152. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section 202a to read as follows:

“Sec. 202a. Fee waiver.

“The first \$83,000 of annual rent for use of public space, established pursuant to section 202, shall be waived for the use of land between Lot 16, Square 3832 and Lot 47, Square 3831.”.

SUBTITLE Q. STREETCAR AUTHORIZATION

Sec. 6161. Short title.

This subtitle may be cited as the “Streetcar Authorization Emergency Amendment Act of 2015”.

Sec. 6162. Section 5 of the District Department of Transportation DC Streetcar Amendment Act of 2012, effective April 20, 2013 (D.C. Law 19-268; D.C. Official Code § 50-921.71, note), is amended by striking the phrase “September 30, 2015.” and inserting the phrase “September 30, 2016.” in its place.

Sec. 6163. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE R. SUSTAINABLE FOOD SERVICE WARE CLARIFICATION

Sec. 6171. Short title.

This subtitle may be cited as the “Sustainable Food Service Ware Clarification Emergency Amendment Act of 2015”.

Sec. 6172. The Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 8-1531) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “prepared by a food service business” and inserting the phrase “prepared by a food service entity” in its place.

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

(A) Strike the phrase “Food service business” means” and insert the phrase “Food service entity” means” in its place.

(B) Strike the phrase “business or institutional cafeterias” and insert the word “cafeterias” in its place.

(C) Strike the phrase “and other businesses” and insert the phrase “and other entities” in its place.

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

“(5) “Recyclable” means made solely of materials that are currently accepted for recycling, as that term is used in section 101(14) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.01(14)), by the food service entity’s recycling collector.”.

(b) Section 402 (D.C. Official Code § 8-1532) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “no food service business shall” and inserting the phrase “no food service entity shall” in its place.

(2) Subsection (b) is amended by striking the phrase “before a food service business” and inserting the phrase “before a food service entity” in its place.

(c) Section 403 (D.C. Official Code § 8-1533) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “shall use compostable or recyclable disposable food service ware unless there is no suitable affordable or compostable or recyclable product available as determined by the Mayor in accordance with this subtitle” and inserting the phrase “shall use compostable or recyclable disposable food service ware” in its place.

(2) Subsection (b) is amended by striking the phrase “shall use compostable or recyclable disposable food service ware unless there is no suitable affordable or compostable or recyclable product available as determined by the Mayor in accordance with this subtitle” and inserting the phrase “shall use compostable or recyclable disposable food service ware” in its place.

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

(A) Strike the phrase “no food service business shall sell” and insert the phrase “no food service entity shall sell” in its place.

(B) Strike the phrase “before a food service business received them” and insert the phrase “before a food service entity received them” in its place.

(d) Section 404 (D.C. Official Code § 8-1534) is amended by striking the phrase “vendors offering affordable compostable or recyclable disposable food service ware products” and inserting the phrase “vendors offering compostable or recyclable disposable food service ware products” in its place.

(e) Section 405 (D.C. Official Code § 8-1535) is repealed.

(f) Section 407 (D.C. Official Code § 8-1537) is amended by adding a new subsection (d) to read as follows:

“(d)(1) For the purpose of enforcing the provisions of this subtitle, or any rule issued pursuant to subsection (a) of this section, the Mayor may, upon the presentation of appropriate

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credentials to the owner, operator, or agent in charge, enter upon any public or private land in a reasonable and lawful manner during normal business hours for the purpose of sampling, inspection, and observation.

“(2) If denied access to any place while carrying out the activities described in paragraph (1) of this subsection, the Mayor may apply to a court of competent jurisdiction for a search warrant.”.

(g) Section 502(g) (D.C. Official Code § 8-1533, note) is amended to read as follows:

“(g) Title IV, Subtitle A, sections 403 and 404 shall apply as of October 1, 2015.”.

SUBTITLE S. URBAN FARMING AND FOOD SECURITY

Sec. 6181. Short title.

This subtitle may be cited as the “Urban Farming and Food Security Emergency Amendment Act of 2015”.

Sec. 6182. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended by adding a new section 3b to read as follows:

“Sec 3b. Limitation on expenditures.

“No more than \$400,000 in Fiscal Year 2016 and \$350,000 in each fiscal year thereafter shall be used by the Mayor to implement the Urban Farming and Gardens Program pursuant to section 3, the Urban Farming Land Leasing Initiative pursuant to section 3a, the real property tax abatement for urban agricultural uses pursuant to D.C. Official Code § 47-868, the maintenance of tax-exempt status pursuant to D.C. Official Code § 47-1005(c), and the tax credits for food donations pursuant to D.C. Official Code §§ 47-1806.14, 47-1807.12, and 47-1808.12.”.

Sec. 6183. Section 302 of the Urban Farming and Food Security Amendment Act of 2014, effective April 30, 2015 (D.C. Law 20-248; 62 DCR 1504), is amended to read as follows:

“Sec. 302. Applicability.

“Section 201(a) of this act shall apply to tax years beginning after September 30, 2015.”.

SUBTITLE T. KIDS RIDE FREE METRORAIL BENEFIT

Sec. 6191. Short title.

This subtitle may be cited as the “Kids Ride Free Metrorail Benefit Emergency Amendment Act of 2015”.

Sec. 6192. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (h) to read as follows:

“(h)(1) Subject to available funds, the Mayor may establish a program for students to receive subsidies for the Metrorail Transit System that would supplement the reduced student fares established by this section.

“(2) To be eligible for the program, a student shall be:

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“(A) Under 22 years of age; and

“(B) Enrolled in a District of Columbia Public School or District of Columbia Public Charter School at the 12th grade or lower or enrolled in an Alternative, Adult, or Special Education District of Columbia Public School or District of Columbia Public Charter School.

“(3) The Mayor shall require each student, student’s parent or guardian, or student’s school counselor to file an application to participate in the program.

“(4) The subsidy benefit shall be distributed by fare card or similar medium acceptable to the Washington Area Metropolitan Transit Authority.

“(5) The transit subsidy established by this subsection shall be capped at \$100 per month per student.

“(6) The total appropriation available for the program shall not exceed \$7 million.”.

Sec. 6193. Sunset.

This subtitle shall expire on September 30, 2016.

TITLE VII. FINANCE AND REVENUE**SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS**

Sec. 7001. Short title.

This subtitle may be cited as the “Subject to Appropriations Emergency Amendment Act of 2015”.

Sec. 7002. Section 1014(c) of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990), is repealed.

Sec. 7003. Section 3 of the Cottage Food Amendment Act of 2013, effective January 25, 2014 (D.C. Law 20-63; 60 DCR 16530), is amended to read as follows:

“Sec. 3. Applicability.

“This act shall apply as of October 1, 2015.”.

Sec. 7004. Section 6 of the McMillan Residential Townhomes Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (D.C. Res. 20-705; 62 DCR 1091), is amended to read as follows:

“Sec. 6. Applicability.

“This resolution shall apply as of October 1, 2015.”.

Sec. 7005. Section 6 of the McMillan Residential Multifamily Parcels Disposition Approval Resolution of 2014, effective December 2, 2014 (D.C. Res. 20-706; 62 DCR 1094), is amended to read as follows:

“Sec. 6. Applicability.

“This resolution shall apply as of October 1, 2015.”.

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Sec. 7006. Section 6 of the McMillan Commercial Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (D.C. Res. 20-707; 62 DCR 1097), is amended to read as follows:

“Sec. 6. Applicability.

“This resolution shall apply as of October 1, 2015.”.

Sec. 7007. Section 9 of the Unemployed Anti-Discrimination Act of 2012, effective May 31, 2012 (D.C. Law 19-132; 59 DCR 2391), is amended to read as follows:

“Sec. 9. Applicability.

“This act shall apply as of October 1, 2015.”.

Sec. 7008. Section 302(a) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; 62 DCR 4499), is amended to read as follows:

“(a) This act shall apply as of October 1, 2015.”.

Sec. 7009. Section 16 of the Protecting Pregnant Workers Fairness Act of 2015, effective March 3, 2015 (D.C. Law 20-168; 62 DCR 3614), is amended to read as follows:

“Sec. 16. Applicability.

“This act shall apply as of October 1, 2015.”.

SUBTITLE B. PRIOR BUDGET ACT AMENDMENTS

Sec. 7011. Short title.

This subtitle may be cited as the “Prior Budget Act Emergency Amendment Act of 2015”.

Sec. 7012. (a) Sections 1041 through 1043 of the Fiscal Year 2005 Budget Support Act of 2004, effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441), are repealed.

(b) Section 47-318.01a of the District of Columbia Official Code is repealed.

Sec. 7013. Section 47-361(14) of the District of Columbia Official Code is amended by striking the phrase “another budget category.” and inserting the phrase “another budget category; provided, that with respect to a capital reprogramming, the term “reprogramming” means a cumulative adjustment to a project’s capital budget during a fiscal year of \$500,000 or more.”.

Sec. 7014. Section 9009 of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 3601), is repealed.

Sec. 7015. Section 7(c) of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2506(c)), is amended to read as follows:

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“(c) This section shall not apply to a home purchase with a closing date of after March 30, 2015.”.

Sec. 7016. (a) Section 47-362(f)(2) of the District of Columbia Official Code is amended as follows:

(1) Designate the existing text as subparagraph (A).

(2) The newly designated subparagraph (A) is amended by striking the phrase “to the Capital Fund as Paygo.” and inserting the phrase “equally among the Local Streets Ward-Based Capital Projects.” in its place.

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

“(B) For the purposes of this paragraph, the term “Local Streets Ward Based Capital Projects” means the District Department of Transportation's 8 local streets ward-based capital projects (Project No. SR301-SR308), which endeavor to preserve, maintain, repair, or replace the District's sidewalks, curbs, and local roads.”.

(b) Section 1203c(g)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-612.03c(g)(2)), is amended to read as follows:

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

“(A) A short-term employee appointed for less than 90 days; or

“(B) An employee with intermittent employment.”.

(c) Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase “§ 28-3905” and inserting the phrase “the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)” in its place.

(d) Section 1103(f)(4)(A) 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 § 1-611.03(f)(4)(A)), is amended as follows:

(1) The existing text is designated as sub-subparagraph (i) and amended as follows:

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

(B) Strike the figure “\$30,000” and insert the figure “\$20,000” in its place.

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

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

(e) Section 1053 of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 62 DCR 3601), is repealed.

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(f) The Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-281 *et seq.*), is amended as follows:

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

“Sec. 4073a. Child development facility requirements.

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

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

“(c) Subsection (b) of this section shall expire on September 30, 2016.”.

(2) Section 4074(a) (D.C. Official Code § 38-283(a)) is amended as follows:

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

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

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

“(4) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report listing the names and locations of licensed child development facilities with 50 % or more eligible children enrolled, whether or not the facility participates in the CACF Program, and whether and why the facility was excused from participation.”.

(3) A new section 4077 is added to read as follows:

“Sec. 4077. Applicability.

“This subtitle shall apply as of October 1, 2015.”.

(g) The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended as follows:

(1) Section 202(b) (D.C. Official Code § 10-1102.02(b)) is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Section 47-4304.01(3) of the District of Columbia Official Code is amended by striking the phrase “3-year period” and inserting the phrase “4-year period” in its place.

(i) The Retail Incentive Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-288; 60 DCR 9530), is repealed.

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

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(k) The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

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

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

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

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

(n) Section 47-181 of the District of Columbia Official Code is amended as follows:

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

“(a) If local Fiscal Year 2016 recurring annual revenues included in the quarterly revenue estimate issued in September 2015 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2016, the additional revenue shall be used to implement the provisions set forth in the Tax Revision Commission Implementation Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 62 DCR 3601) (“TRC Act”), according to the priority set forth in subsection (c) of this section, for taxable years beginning or deaths occurring, as applicable, after December 31, 2015; provided, that the Chief Financial Officer shall recalculate the cost of the provisions of the TRC Act with the September 2015 estimate.”.

(2) Subsection (b) is amended by striking the phrase “has been approved, any recurring revenues in a quarterly revenue estimate” and inserting the phrase “has been approved by the District, any recurring revenues in a February revenue estimate” in its place.

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

(A) Paragraph (7) is amended by striking the figure “\$6,650” and inserting the figure “\$6,500” in its place.

(B) Paragraph (13) is amended by striking the phrase “Raise estate” and inserting the phrase “Raise the estate” in its place.

(4) Subsection (d) is amended by striking the phrase “Except for those provisions of the TRC Act that are funded in the approved budget and financial plan for Fiscal Year 2015, the currently unfunded provisions of the TRC Act” and inserting the phrase “Unfunded provisions of the TRC Act” in its place.

(o) Section 47-1801.04(44) of the District of Columbia Official Code is amended to read as follows:

“(44) “Standard deduction” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Section 47-1803.02(a)(2)(N) of the District of Columbia Official Code is amended to read as follows:

“(N)(i) Pension, military retired pay, or annuity income received from the District of Columbia or the federal government by persons who are 62 years of age or older by the end of the taxable year, except that the exclusion shall not exceed the lesser of \$3,000 or the actual amount of the pension, military retired pay, or annuity received during the taxable years; provided, that the pension, military retired pay, or annuity is otherwise subject to taxation under this chapter; provided further, that this sub-subparagraph shall apply for taxable years beginning before January 1, 2015.

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

(q) Section 47-1806.02 of the District of Columbia Official Code is amended as follows:

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

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

(2) Subsection (h-1) is amended by striking the phrase “The amount” and inserting the phrase “For tax years beginning after December 31, 2014, the amount” in its place.

(3) Subsection (i)(2) is amended by striking the phrase “and subject to § 47-1806.04(e)”.

(r) Section 47-1806.04(f)(1)(B) of the District of Columbia Official Code is amended by striking the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986” and inserting the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986; provided, that the credit shall not be allowed to a resident who has elected to claim the low income tax credit provided for in subsection (e) of this section” in its place.

(s) Section 47-2002(a) of the District of Columbia Official Code is amended as follows:

(1) Paragraph (5) is repealed.

(2) Paragraph (6) is repealed.

(t) Section 47-3701(14) is amended to read as follows:

“(14) “Zero bracket amount” means \$1 million or subject to available funding and in accordance with § 47-181:

“(A) \$2 million; or

“(B) \$5 million increased by an amount equal to \$5 million multiplied by the cost of living adjustment for the calendar year.”

(u) Section 47-3702 of the District of Columbia Official Code is amended as follows:

(1) Subsection (a) is amended by striking the phrase “before January 1, 2015” and inserting the phrase “before January 1, 2016” in its place.

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

“(1) The rate of tax shall be 16%; except, that the portion of the taxable estate that does not exceed the current zero bracket amount shall be taxed at 0%, and if the taxable estate exceeds the zero bracket amount, the following tax rates shall be applied to the incremental values of the taxable estate above the zero bracket amount:

“(A) The rate of tax on the taxable estate over \$1 million but not over \$1.5 million shall be 6.4%;

“(B) The rate of tax on the taxable estate over \$1.5 million but not over \$2 million shall be 7.2%;

“(C) The rate of tax on the taxable estate over \$2 million but not over \$2.5 million shall be 8%;

“(D) The rate of tax on the taxable estate over \$2.5 million but not over \$3 million shall be 8.8%;

“(E) The rate of tax on the taxable estate over \$3 million but not over \$3.5 million shall be 9.6%;

“(F) The rate of tax on the taxable estate over \$3.5 million but not over \$4 million shall be 10.4%;

“(G) The rate of tax on the taxable estate over \$4 million but not over \$5 million shall be 11.2%;

“(H) The rate of tax on the taxable estate over \$5 million but not over \$6 million shall be 12%;

“(I) The rate of tax on the taxable estate over \$6 million but not over \$7 million shall be 12.8%;

“(J) The rate of tax on the taxable estate over \$7 million but not over \$8 million shall be 13.6%;

“(K) The rate of tax on the taxable estate over \$8 million but not over \$9 million shall be 14.4%; and

“(L) The rate of tax on the taxable estate over \$9 million but not over \$10 million shall be 15.2%.”.

(3) Subsection (b) is amended by striking the phrase “before January 1, 2015” and inserting the phrase “before January 1, 2016” in its place.

(v) Title 47 of the District of Columbia Official Code is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(5)(A) If a filed application is properly completed and not disapproved, taxes deferred shall remain deferred and the taxes from prospective tax years shall continue to be deferred notwithstanding household adjusted gross income applicable to prospective tax years that exceeds the threshold in subsection (a)(4)(D) of this section.

"(B) This paragraph shall not apply where the senior's household no longer qualifies for the deferral for any other reason."

(4) Section 47-1806.06 is amended as follows:

(A) Subsection (a) (2A) is amended by striking the year "2014" and inserting the year "2013" in its place.

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

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(5) Chapter 13A is amended by striking the section designation "47-1390. Office of Real Property Tax Sale Review."

(6) Section 47-1334(b) is amended by striking the phrase "1% per month" and inserting the phrase "1.5% per month" in its place.

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

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

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

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

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

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

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

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

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

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

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

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

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

"RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- “Do not mail your paid receipt.

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

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

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

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

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

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

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

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

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

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

(8) Section 47-1346(a)(5) is amended as follows:

(A) Subparagraph (A) is amended by striking the word “taxes” and inserting the phrase “in rem taxes” in its place.

(B) Subparagraph (B) is amended by striking the word “taxes” and inserting the phrase “in rem taxes” in its place.

(9) Section 47-1348 is amended as follows:

(A) Subsection (a)(10) is amended by striking the phrase “1% per month” and inserting the phrase “1.5% per month” in its place.

(B) Subsection (c) is amended by striking the phrase “1% per month” and inserting the phrase “1.5% per month” in its place.

(10) Section 47-1353(d) is amended by striking the phrase “1% per month” and inserting the phrase “1.5% per month” in its place.

(11) Section 47-1353.01(b) is amended to read as follows:

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

“[Date]

“ATTENTION: YOUR PROPERTY WAS SOLD AT TAX SALE

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

“Tax Sale Date: [July __, 20__]

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

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

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

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

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

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

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

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- “If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property.
- “If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property.
- “For further information on how to redeem, please read our Real Property Owner's Guide to the Tax Sale Redemption Process, available on our Web site at www.taxpayerservicecenter.com by clicking on "Real Property." You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

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

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

“RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

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

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

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

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

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

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

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

(12) Section 47-1354(b) is amended by striking the phrase “the other purchaser” and inserting the phrase “such other purchaser” in its place.

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(13) Section 47-1361(d)(1) is amended by striking the phrase “subsection (b-1)” and inserting the phrase “subsection (b-2)” in its place.

(14) Section 47-1377(a)(1)(A)(i) is amended by striking the word “amount” and inserting the word “cost” in its place.

(w) Section 15(f) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-34; D.C. Official Code § 2-1215.15(f)), is amended by striking the phrase “plus interest on the unpaid amount at the rate of 1%” and inserting the phrase “plus simple interest on the unpaid amount at the rate of 1.5%” in its place.

(x) Section 303(a-4) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103(a-4)), is amended by striking the word “transferred” and inserting the phrase “transferred by deed of title” in its place.

(y) Applicability.

(1) Subsection (g) of this section shall apply to periods beginning July 1, 2015;

(2) Subsections (v)(1) through (3) and (5) through (15), (w) and (x) of this section shall apply to periods beginning October 1, 2014.

(z) The Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 3601), is amended as follows:

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

“Sec. 7173. Applicability.

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

(2) Section 7152(b)(1) is amended by striking the phrase “\$60.9 million”.

(3) Section 7153(b) is amended by striking the phrase “\$60.9 million”.

(4) Section 7154(b) is amended by striking the phrase “\$55.9 million from the \$60.9 million settlement the District obtained” and inserting the phrase “the full amount the District obtained from the settlement, minus the amounts designated for other purposes in sections 7152 and 7153 of this act,” in its place.

(5) Section 7182 and 7183 are repealed.

(6) Section 8032(a) is amended by striking the phrase “Regional Transportation Improvement Program” and inserting the phrase “region’s Transportation Improvement Program” in its place.

(aa) The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 61 DCR 962), is amended as follows:

(1) Section 7313 is repealed.

(2) Section 7314(b) is amended by striking the phrase “50% of”.

(3) Section 7315 is amended to read as follows:

“Sec. 7315. Applicability.

“This subtitle shall apply as of the effective date of federal legislation or judicial action that permits the District to impose a sales tax on sales over the Internet.”.

Sec.7017. LIHTC Pilot Program initiation.

Section 47-4802(a)(2) of the District of Columbia Official Code is amended by striking the phrase “tax year 2015” and inserting the phrase “tax year 2016” in its place.

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SUBTITLE C. PARKING TAX CONTINGENCY

Sec. 7021. Short title.

This subtitle may be cited as the "Parking Tax Contingency Emergency Amendment Act of 2015".

Sec. 7022. Section 47-2002(a)(1) of the District of Columbia Official Code is amended by striking the phrase "or station;" and inserting the phrase "or station; provided, that after October 1, 2017, the rate of tax shall be 22%;" in its place.

Sec. 7023. Section 7022 shall not apply if Fiscal Year 2015 revenues in the June 2015 quarterly revenue estimate issued by the Chief Financial Officer are sufficient to implement fully section 7062(c).

SUBTITLE D. LOW INCOME CREDIT AMENDMENT

Sec. 7031. Short title.

This subtitle may be cited as the "Low Income Credit Emergency Amendment Act of 2015".

Sec. 7032. Section 47-1806.04(e) of the District of Columbia Official Code is amended as follows:

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

"(1)(A) If a return is filed for a full calendar year, the amount of the tax payable under this subchapter by a resident of the District with respect to the taxable year shall be reduced by a low income credit designed to make the District's income tax threshold equal to the federal income tax threshold. For the purposes of this subsection, the term "tax threshold" means the point at which a taxpayer begins to owe income tax after allowance of the standard deduction and all personal exemptions to which the taxpayer is entitled, but before application of any itemized deductions or credits. The credit shall be calculated in accordance with a table prescribed by the Chief Financial Officer.

"(B)(i) If a return is filed for a period of less than a full calendar year beginning after December 31, 2014, the income eligibility for the credit allowed under this subsection shall be determined by annualizing the income earned during the portion of the year the taxpayer was a District resident.

"(ii) If a part-year resident meets the annualized income and other requirements of this subsection, the part-year resident shall be entitled to the pro rata share of the credit allowed by the annualized income. The pro rata share shall be determined by multiplying the credit allowed, from the table prescribed by the Chief Financial Officer, for the annualized income by the fraction consisting of the number of days the taxpayer was a District resident over 365 days (or, in the case of a leap year, 366 days)."

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

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“(2) The credit provided for in paragraph (1) of this subsection shall not be allowed to a resident:

“(A) Who has a federal tax liability determined in accordance with section 55 of the Internal Revenue Code of 1986;

“(B) Who has net federal adjusted gross income in excess of the minimum federal income tax filing requirements. For the purposes of this subparagraph, the term “net federal adjusted gross income” means federal adjusted gross income less:

“(i) Taxable refunds, credits, or offsets of state and local income tax;

“(ii) Tax-exempt municipal bond interest income; and

“(iii) Federal taxable amount of social security or tier 1 railroad retirement income; or

“(C) Who has elected to claim the earned income tax credit provided for in subsection (f) of this section.”.

Sec. 7033. Applicability.

This subtitle shall apply to taxable years beginning after December 31, 2014.

SUBTITLE E. VAPOR PRODUCT AMENDMENT

Sec. 7041. Short title

This subtitle may be cited as the “Vapor Product Emergency Amendment Act of 2015”.

Sec. 7042. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2001 is amended as follows:

(1) Subsection (e-1) is repealed.

(2) Subsection (h-3) is repealed.

(b) Section 47-2401 is amended as follows:

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

“(5A) The term “other tobacco product” means any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed. The term “other tobacco product” includes vapor products, as defined in paragraph (9A) of this section, but does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and that is being marketed and sold solely for such an approved purpose.”.

(2) A new paragraph (9A) is added to read as follows:

“(9A) The term “vapor product” means:

“(A) Any non-lighting, noncombustible product that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to produce aerosol from nicotine in a solution; or

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“(B) Any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.”.

Sec. 7043. Applicability.

This subtitle shall apply for taxable periods beginning on or after October 1, 2015.

SUBTITLE F. NOTICE OF PROPOSED AUDIT CHANGES REQUIREMENT

Sec. 7051. Short title.

This subtitle may be cited as the “Notice of Proposed Audit Changes Requirement Emergency Amendment Act of 2015”.

Sec. 7052. Chapter 43 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-4303 is amended to read as follows:

“§ 47-4303. Suspension of running of period of limitation.

“The running of the period of limitation provided in §§ 47-4301 and 47-4302 on the making of assessments or collection shall be suspended:

“(1) Beginning on the day the Chief Financial Officer of the District of Columbia (“CFO”) issues a notice of proposed audit changes pursuant to § 47-4312 for 90 days or until the issuance of a proposed assessment, whichever occurs first; and

(2) Beginning on the day the CFO issues a proposed assessment, until the issuance of a final order by the Office of Administrative Hearings and for the period during which the CFO is prohibited from making the assessment or from collecting due to a proceeding in court, plus:

“(i) For assessment, 60 days thereafter; and

“(ii) For collection, 6 months thereafter.”.

(b) Section 47-4312 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Unless otherwise provided in this title, the CFO shall send a notice of proposed audit changes to the person at least 30 days before the proposed assessment is sent.”.

SUBTITLE G. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT OVERTIME SETTLEMENT

Sec. 7061. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Overtime Settlement Fund Emergency Act of 2015”.

Sec. 7062. Fire and Emergency Medical Services Overtime Settlement Fund.

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(a) There is established as a special fund the Fire and Emergency Medical Services Overtime Settlement Fund ("Fund"), which shall be administered by the Office of the City Administrator in accordance with subsection (c) of this section.

(b)(1) Subject to paragraph (2) of this subsection, there shall be deposited into the Fund:

(A) Excess Fiscal Year 2015 revenues certified by the Chief Financial Officer in the June 2015 quarterly revenue estimate; and

(B) Immediately upon completion of the fiscal year-end close, the undesignated and unreserved end-of-the-year fund balance of the General Fund of the District of Columbia.

(2) The Chief Financial Officer shall deposit into the Fund only the amount necessary to fully satisfy the District's obligations referenced in subsection (c) of this section. Any excess above that amount shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia+, subject to any allocation required by D.C. Official Code § 47-392.02.

(c) The Fund shall be used to pay the District's obligations arising from the decision of the District of Columbia Court of Appeals in *District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014).

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

Sec. 7063. Applicability.

(a) This subtitle shall apply as of the effective date of this act.

(b) If funds deposited under section 7062(b) are sufficient to fully satisfy the District's obligations arising from the decision of the District of Columbia Court of Appeals in *District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014), as certified by the Chief Financial Officer, section 7022 shall not apply.

SUBTITLE H. BUSINESS IMPROVEMENT DISTRICT TECHNICAL CLARIFICATION

Sec. 7071. Short title.

This subtitle may be cited as the "Business Improvement District Technical Emergency Amendment Act of 2015".

Sec. 7072. The Business Improvement District Amendment Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 3(24)(C) (D.C. Official Code § 2-1215.02 (24)(C)) is amended by striking the date "September 30, 2014" and inserting the date "September 30, 2003" in its place.

(b) Section 16(g-1) (D.C. Official Code § 2-1215.15(g-1)) is amended as follows:

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(1) Paragraph (2) is amended by striking the phrase “The BID tax resulting” and inserting the phrase “For periods beginning after September 30, 2003, the BID tax resulting” in its place.

(2) Paragraph (3) is repealed.

SUBTITLE I. DISTRICT OF COLUMBIA DEPOSITORY EXPANSION

Sec. 7081. Short title.

This subtitle may be cited as the “District of Columbia Depository Expansion Emergency Amendment Act of 2015”.

Sec. 7082. Section 47-351.08(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3) is amended by striking the word “or” at the end.

(b) Paragraph (4) is amended by striking the period at the end and inserting the phrase “; or” in its place.

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

“(5) Letters of credit issued by a Federal Home Loan Bank.”.

SUBTITLE J. 4427 HAYES STREET, N.E., REAL PROPERTY TAX ABATEMENT

Sec. 7091. Short title.

This subtitle may be cited as the “4427 Hayes Street, N.E., Real Property Tax Abatement Emergency Amendment Act of 2015”.

Sec. 7092. Section 47-4649 of the District of Columbia Official Code is amended as follows:

(a) Strike the phrase “tax years 2011, 2012, 2013, 2014, and 2015” and insert the phrase “tax years 2011 through 2040” in its place.

(b) Strike the number “\$140,000” and insert the phrase “\$30,000 a year” in its place.

SUBTITLE K. MARKET-BASED SOURCING CLARIFICATION

Sec. 7101. Short title.

This subtitle may be cited as the “Market-based Sourcing Clarification Emergency Amendment Act of 2015”.

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

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

“§ 47-1334. Interest rate.

“Beginning October 1, 2014:

“(1) The rate of simple interest on all amounts due, owing, or paid for the taxes sold or bid off to the District under this chapter shall be 1.5% per month or portion thereof until paid, excluding surplus; provided, that interest on the amount sold at tax sale, excluding surplus,

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shall accrue at the applicable interest rate beginning the first day of the month following the tax sale. No interest shall accrue for surplus, expenses, or the reasonable value of improvements.

“(2) The purchaser shall receive simple interest of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements.”.

(b) Section 47-1348 is amended as follows:

(1) Subsection (a)(10) is amended to read as follows:

“(10) Beginning October 1, 2014, a statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor.”.

(2) Subsection (c) is amended by striking the phrase “On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus.” and inserting the phrase “Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus.” in its place.

(c) Section 47-1353(d) is amended to read as follows:

“(d) Beginning October 1, 2014, upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus.”.

(d) Section 47-1810.02(g)(3) is amended to read as follows:

“(3)(A) For the tax years beginning after December 31, 2014, sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District:

“(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District;

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“(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District;

“(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District; and

“(iv) In the case of intangible property:

“(I) That is rented, leased, or licensed, if and to the extent the property is used in the District; provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District; and

“(II) That is sold, if and to the extent the property is used in the District; provided, that:

“(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District;

“(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under sub-sub-paragraph (I) of this sub-subparagraph; and

“(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor.

“(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated.

“(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor.

“(D) The Chief Financial Officer may issue rules to implement the provisions of this subsection.”.

Sec. 7103. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE L. REAL PROPERTY ASSESSMENT APPOINTMENT

CLARIFICATION

Sec. 7111. Short title.

This subtitle may be cited as the “Real Property Assessment Appointment Clarification Emergency Amendment Act of 2015”.

Sec. 7112. Section 47-825.02 of the District of Columbia Official Code is repealed.

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**SUBTITLE M. SOUTHWEST BUSINESS IMPROVEMENT DISTRICT
CLARIFICATION**

Sec. 7121. Short title.

This subtitle may be cited as the “Southwest Business Improvement District Clarification Emergency Amendment Act of 2015”.

Sec. 7122. Section 209(c) of the Business Improvement Districts Act of 1996, effective September 9, 2014 (D.C. Law 20-136; D.C. Official Code § 2-1215.60(c)), is amended as follows:

(a) Paragraph (1)(A)(iii) is amended by striking the phrase “other law;” and inserting the phrase “other law, but shall not include any property covered by paragraph (4) of this subsection;” in its place.

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

“(4) Notwithstanding paragraph (1)(A)(iii) of this subsection, the total BID tax payable with respect to any property that is an integral part of a development larger than 5 acres and the owner of which is required to contribute to the maintenance and improvement of roadways and sidewalks adjacent to the property or otherwise associated with the development in lieu of the District having that responsibility shall be reduced by 30% from that which would otherwise be payable with respect to such property, to reflect the reduced services provided by the Southwest BID with respect to the property.”.

SUBTITLE N. STANDARD DEDUCTION WITHHOLDING CLARIFICATION

Sec. 7131. Short title.

This subtitle may be cited as the “Standard Deduction Withholding Clarification Emergency Amendment Act of 2015”.

Sec. 7132. Section 47-1812.08(b) of the District of Columbia Official Code is amended by adding a new paragraph (1A) to read as follows:

“(1A) Notwithstanding which method of determination for withholding set forth in paragraph (1) of this subsection is used, no allowance for the standard deduction shall be permitted.”.

**SUBTITLE O. UNIFIED ECONOMIC DEVELOPMENT REPORT
CLARIFICATION**

Sec. 7141. Short title.

This subtitle may be cited as the “Unified Economic Development Clarification Emergency Amendment Act of 2015”.

Sec. 7142 Section 2253 of the Unified Economic Development Budget Transparency and Accountability Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 2-1208.02), is amended as follows:

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(a) Subsection (a)(1) is amended by striking the phrase "Not more than 3 months after the end of each fiscal year" and inserting the phrase "On or before March 1" in its place.

(b) Section (b) is amended by striking phrase "The Chief Financial Officer" and inserting the phrase "The Mayor" in its place.

SUBTITLE P. COMBINED REPORTING CLARIFICATION

Sec. 7151. Short title.

This subtitle may be cited as the "Combined Reporting Clarification Emergency Amendment Act of 2015".

Sec. 7152. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1810.09. Tax haven updates."

(b) A new section 47-1810.09 is added to read as follows:

"§ 47-1810.09. Tax haven updates.

"(a) The Council shall review the list of tax havens set forth in § 47-1801.04(49)(B-i) biennially or as needed.

"(b) The Chief Financial Officer of the District of Columbia ("CFO") may submit amendments, as the CFO considers necessary, to the Council for revision by act of the list of tax havens."

(c) Section 47-1801.04(49) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase "means a jurisdiction that" and inserting the phrase "means the jurisdictions listed in subparagraph (B-i) of this paragraph and any jurisdiction that" in its place.

(2) A new subparagraph (B-i) is added to read as follows:

"(B-i) Each of the following jurisdictions is a tax haven:

"(i) Andorra;

"(ii) Anguilla;

"(iii) Antigua and Barbuda;

"(iv) Aruba;

"(v) The Bahamas;

"(vi) Bahrain;

"(vii) Barbados;

"(viii) Belize;

"(ix) Bermuda;

"(x) The British Virgin Islands;

"(xi) The Cayman Islands;

"(xii) The Cook Islands;

"(xiii) Cyprus;

"(xiv) Dominica;

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“(xv) Gibraltar;
“(xvi) Grenada;
“(xvii) Guernsey-Sark-Alderney;
“(xviii) The Isle of Man;
“(xix) Jersey;
“(xx) Liberia;
“(xxi) Liechtenstein;
“(xxii) Luxembourg;
“(xxiii) Malta;
“(xxiv) The Marshall Islands;
“(xxv) Mauritius;
“(xxvi) Monaco;
“(xxvii) Montserrat;
“(xxviii) Nauru;
“(xxix) The islands formerly constituting the Netherlands Antilles;
“(xxx) Niue;
“(xxxi) Samoa;
“(xxxii) San Marino;
“(xxxiii) Seychelles;
“(xxxiv) St. Kitts and Nevis;
“(xxxv) St. Lucia;
“(xxxvi) St. Vincent and the Grenadines;
“(xxxvii) The Turks and Caicos Islands;
“(xxxviii) The U.S. Virgin Islands; and
“(xxxix)” Vanuatu.”.

SUBTITLE Q. UNION MARKET DISTRICT TIF

Sec. 7161. Short title.

This subtitle may be cited as the “Union Market District TIF Inducement Emergency Act of 2015”.

Sec. 7162. Definitions.

For the purposes of this subtitle, the term:

- (1) “Development costs” shall have the same meaning as provided in section 2(13) of the TIF Act.
- (2) “Development Sponsor” means Edens, or an affiliate thereof approved by the Mayor.
- (3) “Eligible project” shall have the same meaning as provided in section 2(18) of the TIF Act.
- (4) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

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(5) "Project" means the financing, refinancing, or reimbursing of certain tax increment qualified costs incurred for the development of projects, including retail, residential, and office space on parcels, lots, and squares, within and abutting the boundary of the Florida Avenue Market as set forth in the Florida Avenue Market Small Area Plan, dated 2009, approved by the Florida Avenue Market Small Area Plan Approval Resolution of 2009, effective October 6, 2009 (Res. 18-257; 56 DCR 8401).

(6) "Tax increment" shall have the same meaning as provided in section 490(n)(6) of the Home Rule Act.

(7) "TIF Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

(8) "TIF Bonds" means bonds, notes, or other obligations issued pursuant to the TIF Act.

Sec. 7163. Findings.

The Council finds that:

(1) Pursuant to section 490 of the Home Rule Act, the TIF Act provides for the issuance of TIF Bonds to finance certain public infrastructure costs of eligible projects to the extent the debt service on the TIF Bonds can be paid from tax revenues generated by those eligible projects and does not violate District law with regard to the limitations on the issue of debt.

(2) The Development Sponsor has requested that the District consider the issuance of TIF Bonds, in one or more taxable or tax-exempt issues, for the purpose of financing or reimbursing the Development Sponsor for development costs of the Project in the net amount of \$90 million.

(3) The Project is desirable and in the public interest.

Sec. 7164. Declaration of intent.

(a) The Council supports the Project and, to the extent feasible, legal, and prudent under the District's debt limitations, and in compliance with law, supports efforts to issue TIF Bonds to finance eligible development costs of the Project.

(b) The maximum principal amount of the TIF Bonds to be issued to finance the Project shall be determined by agreement of the Development Sponsor, the Chief Financial Officer, and the Mayor.

(c) The issuance of the TIF Bonds shall be dependent on the execution of a mutually agreed upon development agreement and other agreements between the District and the Development Sponsor and certification of the Project by the Chief Financial Officer pursuant to the TIF Act.

Sec. 7165. Future legal requirements.

The issuance of TIF Bonds to finance the Project and the terms of the resolution approving the issuance of the TIF Bonds are subject to approval by the Council as set forth in the TIF Act. Enactment of this subtitle in no way guarantees that the District will authorize the issue

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of TIF Bonds in any amount, that the TIF Bonds will be approved by the District, or that the TIF Bonds will actually be issued.

SUBTITLE R. REAL PROPERTY TAX TRANSFER DEFERRAL

Sec. 7171. Short title.

This subtitle may be cited as the "Real Property Tax Transfer Deferral Emergency Amendment Act of 2015".

Sec. 7172. Section 47-845.03 of the District of Columbia Official Code is amended as follows:

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

"(1A) "Heir" means an individual named in an enforceable will or transfer on death deed, or an individual named as a beneficiary of an enforceable trust, or in the absence of the foregoing, an individual who shall inherit pursuant to Chapter 3 of Title 19 of the District of Columbia Official Code."

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

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

"(2) Deferred real property tax, interest thereon, and any penalties, shall be payable within 30 days from the transfer of the real property. Upon such transfer, real property tax that is not timely paid, with interest thereon, shall thereafter be deemed delinquent real property tax."

(2) New paragraphs (3), (4), and (5) are added to read as follows:

"(3) Where the real property that is the subject of the deferral is not or is no longer part of the estate of the eligible applicant and in an active probate proceeding thereof, real property tax, interest thereon, and any penalties shall be due as follows:

"(A) Within 90 days from the date of death of the eligible applicant, or 30 days from the date of transfer or cessation of probate legal proceedings related to the real property, whichever is sooner, if the real property is not transferred to heirs; or

"(B) Within one year from the date of death of the eligible applicant if the real property is or shall be transferred to heirs pursuant to trust, transfer on death deed, or other such instrument.

"(4) Where the real property that is the subject of the deferral is part of the estate of the eligible applicant and in an active probate proceeding thereof, real property tax, interest thereon, and any penalties shall be due within one year from the date of transfer by the personal representative of such real property.

"(5) Real property tax, interest thereon, and any penalties on a real property due and not timely paid shall be deemed delinquent real property tax."

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

(1) Strike the phrase "If the senior's" and insert the phrase "Unless otherwise provided in this section, if the senior's" in its place.

(2) Strike the phrase "paid within 30 days of the change in eligibility" and insert the phrase "paid within 90 days of the change in eligibility" in its place.

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(3) Strike the phrase “fails to notify the Mayor timely” and insert the phrase “fails to pay timely to the Mayor” in its place..

SUBTITLE S. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 7181. Short title.

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Emergency Act of 2015”.

Sec. 7182. (a) In Fiscal Year 2016, of the funds allocated to the Non-Departmental agency, \$250,000 shall be transferred to the Washington Convention and Sports Authority to administer a matching grants program to support the National Cherry Blossom Festival. A matching grant of up to \$250,000 shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival dollar-for-dollar for corporate donations above \$750,000 raised by the nonprofit for this purpose by March 31, 2016. Any matching grant awarded under this section shall be in addition to any other grants awarded by the Washington Convention and Sports Authority in support of the National Cherry Blossom Festival.

(b) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

SUBTITLE T. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF

Sec. 7191. Short title.

This subtitle may be cited as the “Tregaron Conservancy Tax Exemption and Relief Emergency Amendment Act of 2015”.

Sec. 7192. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for section designation 47-1077 is amended to read as follows: “47-1077. Tregaron Conservancy, Lots 848, 857, 859, and 860, Square 2084.”

(b) Section 47-1077 is amended as follows:

(1) The heading is amended by striking the phrase “Lots 857, 859, and 860” and inserting the phrase “Lots 848, 857, 859, and 860” in its place.

(2) The lead-in language is amended by striking the phrase “The real property described as Lots 857, 859, and 860” and inserting the phrase “Beginning March 1, 2015, the real property described as Lots 848, 857, 859, and 860” in its place.

Sec. 7193. Transfer exempt from transfer and recordation taxes.

Beginning March 1, 2015, the conveyance of the real property described as Lot 848, Square 2084 to the Tregaron Conservancy shall be exempt from the tax imposed by section 303

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of the District of Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), and D.C. Official Code § 47-903.

Sec. 7194. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE U. RETAIL SERVICE STATION TRANSFER TAX

Sec. 7201. Short title.

This subtitle may be cited as the “Retail Service Station Transfer Tax Emergency Amendment Act of 2015”.

Sec. 7202. Section 47-903(a-5) of the District of Columbia Official Code is repealed.

SUBTITLE V. IPW FUND, DESTINATION DC MARKETING FUND, AND WMATA MOMENTUM FUND AMENDMENT

Sec. 7211. Short title.

This subtitle may be cited as the “IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Fund Emergency Amendment Act of 2015”.

Sec. §. The IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Fund Support Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 62 DCR 3601), is amended as follows:

(a) Section 7152(b) (D.C. Official Code § 1-325.291(b)) is amended as follows:

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

(A) Strike the figure “\$3.5 million” and insert the figure “\$2 million” in its place.

(B) Strike the phrase “obtained; and” and insert the phrase “obtained;” in its place.

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

“(1A) The amount of \$1.5 million from any recoveries from litigation brought on behalf of the District; provided, that the Litigation Support Fund established in section 106b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-283), has reached its initial balance cap; and”.

(b) Section 7154 (D.C. Official Code § 1-325.311) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Upon settlement of litigation in *United States ex rel. Mills v. Compass Group North America et al.*, 2013 CAB SLD 004624, any and all recoveries by the District from the settlement not otherwise encumbered pursuant to the settlement agreement shall be deposited into the Fund.”.

SUBTITLE W. PUBLIC SPACE REVENUE CLARIFICATION

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Sec. 7221. Short title.

This subtitle may be cited as the “Public Space Revenue Clarification Emergency Amendment Act of 2015”.

Sec. 7222. Section 47-305.01 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase “public space authorized by the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101 *et seq.*)” and inserting the phrase “public rights-of-way authorized by Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*)” in its place.

(b) Subsection (b) is amended by striking the phrase “public space authorized by the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101 *et seq.*)” and inserting the phrase “public rights-of-way authorized by Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*)” in its place.

Sec. 7223. Section 601(3) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01(3)), is amended by striking the phrase “or boulevard” and inserting the phrase “or boulevard used pursuant to District law for public services, including rail lines and electric, natural gas, water, sewer, and communication utilities” in its place.

TITLE VIII. CAPITAL BUDGET**SUBTITLE A. FY 2016 CAPITAL PROJECT FINANCING REALLOCATION**

Sec. 8001. Short title.

This subtitle may be cited as the “Fiscal Year 2016 Capital Project Reallocation Approval Emergency Act of 2015”.

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor’s request to reallocate \$164,988,727 in general obligation bond proceeds from District capital projects listed in Table A to the District capital projects, in the amounts specified, listed in Table B.

(b) The current allocations were made pursuant to the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-315; 58 DCR 10556), the Fiscal Year 2013 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2012, effective October 16, 2012 (Res. 19-635; 59 DCR 12818), the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), and the Fiscal Year 2015 Income Tax Secured

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Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738).

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Commission On Arts and Humanities	AH7	CAH	Arts & Humanities Grants & Projects	2013A G.O.	2,166,753
Commission On Arts and Humanities	AH7	CAH	Arts & Humanities Grants & Projects	2014C G.O.	2,451,957
Commission On Arts and Humanities	DA1	CAH	Arts & Humanities Grants & Projects	2012 C - IT	157,088
D.C. Public Library	LB2	DCPL	Library Improvements	2012 C - IT	5,924
D.C. Public Library	LB2	DCPL	Library Improvements	2013A G.O.	6,536
Department Behavioral Health	HX4	DBH	Construct New SEH In-Patient	2012 C - IT	1,759,993
Department Behavioral Health	HX4	DBH	Construct New SEH In-Patient	2013A G.O.	1,000,000
Department Behavioral Health	HX4	DBH	Construct New SEH In-Patient	2014C G.O.	3,000,000
Department of Corrections	CR1	DOC	HVAC Replacement	2013A G.O.	210,299
Department of General Services	PR1	DGS	One Judiciary Square Roof	2014C G.O.	566,687
Department of Parks and Recreation	COM	DGS	Congress Heights Modernization	2012 FG IT	26,761
Department of Parks and Recreation	QS5	DGS	Barry Farm Recreation Center	2012 FG IT	177,483
Department of Public Works	FS1	DPW	Upgrade to DPW Fueling Sites	2013A G.O.	76,427
Deputy Mayor for Education	CES	DMED	Language Immersion MS/HS Facility Grant	2014C G.O.	3,000,000
Deputy Mayor for Planning and Economic Development	AWR	DMPED	St Elizabeths Infrastructure	2012 C - IT	41,196,793
Deputy Mayor for Planning and Economic Development	EB0	DMPED	New Communities	Pending	8,000,000
Deputy Mayor for Planning and Economic Development	EDP	DMPED	Economic Development Pool	2014C G.O.	347,460
District Department of Transportation	CE3	DDOT	Alley Maintenance	2012 C - IT	227,938
District Department of Transportation	CE3	DDOT	Alley Maintenance	2013A G.O.	328,043
District Department of Transportation	ED0	DDOT	11th Street Bridge Park	Pending	2,003,643
District Department of Transportation	NP0	DDOT	Non-Participating Highway Trust Fund Support	2012 C - IT	1,430,163
District Department of Transportation	NP0	DDOT	Non-Participating Highway Trust Fund Support	2013A G.O.	3,500,000
District Department of Transportation	NP0	DDOT	Non-Participating Highway Trust Fund Support	2014C G.O.	2,500,000
District Department of Transportation	NP0	DDOT	Non-Participating Highway Trust Fund Support	Pending	4,481,447
District Department of Transportation	PM3	DDOT	Advanced Design and Planning	2012 C - IT	532,146
District Department of Transportation	PM3	DDOT	Advanced Design and Planning	2013A G.O.	1,000,000
District Department of Transportation	SA3	DDOT	H Street/Benning/K Street Streetcar Line	Pending	36,011,922
District of Columbia Public Schools	CHA	DGS	Challenger Center For Space Education	2012 C - IT	1,000,000
District of Columbia Public Schools	CHA	DGS	Challenger Center For Space Education	2014C G.O.	500,000
District of Columbia Public Schools	MH1	DGS	Dunbar SHS Modernization	2012 FG IT	4,243,657
District of Columbia Public Schools	NX3	DGS	Cardozo HS Modernization	2012 FG IT	12,304,374
District of Columbia Public Schools	PE3	DCPS	Drew ES Modernization/Renovation	2012 C - IT	511,155
Fire and Emergency Management Services	F34	FEMS	Emergency Communication Systems	2013A G.O.	16,841
Fire and Emergency Management Services	LC5	FEMS	Engine Company 23 Renovation	2014C G.O.	2,886,745
Metropolitan Police Department	CTV	MPD	Tactical Village Training Facility	2014C G.O.	738,768
Office of Municipal Planning	PLN	OP	District Public Plans and Studies	2012 C - IT	3,542,714
Office of Municipal Planning	PLN	OP	District Public Plans and Studies	2014C G.O.	6,525,205
Office of the Chief Financial Officer	BF3	OCFO	SOAR Modernization	Pending	10,000,000

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Office of the Chief Financial Officer	BF3	OCFO	SOAR Replacement	2012 C - IT	1,001,550
Office of the Chief Financial Officer	BF3	OCFO	SOAR Replacement	2013A GO	648,627
Office of the Chief Financial Officer	BF3	OCFO	SOAR Replacement	2014C G.O.	63,000
Special Education Transportation	BU2	SET	Special Education Transportation Center	2012 C - IT	4,840,628
TOTAL					\$164,988,727

TABLE B

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Department of Corrections	CR0	DGS	Inmate Processing Center	N/A	4,500,000
D.C. Public Library	NEL	DCPL	Northeast Library	N/A	547,780
District of Columbia Public Schools	NA6	DGS	Ballou Senior High School	N/A	27,986,000
District of Columbia Public Schools	NR9	DGS	Roosevelt Senior High School	N/A	20,223,161
District of Columbia Public Schools	YY1	DGS	Modernizations & Renovations	N/A	50,864,967
District of Columbia Public Schools	BRK	DGS	Brookland MS Modernization	N/A	8,500,000
Office on Aging	EA3	DGS	Washington Center for Aging Services Renovation	N/A	409,442
WMATA	SA3	WMATA	WMATA Fund - PRIIA	N/A	10,406,472
WMATA	SA5	WMATA	WMATA CIP Contribution	N/A	21,550,905
University of the District of Columbia	UG7	UDC	Renovation of University Facilities	N/A	20,000,000
TOTAL					\$164,988,727

SUBTITLE B. SALE OF PUBLIC LANDS PROCEEDS AMENDMENT

Sec. 8011. Short title.

This subtitle may be cited as the “McMillan Redevelopment Proceeds Emergency Amendment Act of 2015”.

Sec. 8012. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), is amended by adding a new subsection (n) to read as follows:

“(n) The net proceeds from the disposition of the McMillan Sand Filtration Site approved by the McMillan Residential Townhomes Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-705; 62 DCR 1091), the McMillan Residential Multifamily Parcels Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-706; 62 DCR 1094), and the McMillan Commercial Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-707; 62 DCR 1097), shall not be deposited into the unrestricted fund balance of the General Fund of the District of Columbia but instead shall be deposited into the capital fund account associated with the McMillan Site Redevelopment, EB0-AMS11C.”.

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**SUBTITLE C. DDOT CAPITAL BUDGET ALLOCATION AUTHORITY
AMENDMENT**

Sec. 8021. Short title.

This subtitle may be cited as the “Department of Transportation Capital Budget Allocation Authority Emergency Amendment Act of 2015”.

Sec. 8022. Section 3(e)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)(2)), is amended by striking the phrase “for the Related Projects of each capital project” and inserting the phrase “for the Related Projects, as submitted annually by DDOT through the approved Transportation Improvement Program as part of the budget request for each capital project” in its place.

SUBTITLE D. PAY-AS-YOU-GO CAPITAL ACCOUNT AMENDMENT

Sec. 8031. Short title.

This subtitle may be cited as the “Pay-as-you-go Capital Account Emergency Amendment Act of 2015”.

Sec. 8032. Section 47-392.02(f)(2) of the District of Columbia Official Code is amended by striking the phrase “Fiscal Year 2017” and inserting the phrase “Fiscal Year 2019” in its place.

SUBTITLE E. CAPITAL PROJECT REVIEW AND RECONCILIATION

Sec. 8041. Short title.

This subtitle may be cited as the “Capital Project Review and Reconciliation Emergency Amendment Act of 2015”.

Sec. 8042. The Capital Project Support Fund Establishment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-325.151 *et seq.*), is amended as follows:

(a) Section 1261 (D.C. Official Code § 1-325.151) is amended to read as follows:

“Sec. 1261. Definitions.

“For the purposes of this act, the term:

“(1) “Alley Rehabilitation Project” means the capital project designated as District Department of Transportation capital project CEL21C in the District’s capital improvement program.

“(2) “Buyer agency” means a District department, office, or agency that places an order for goods or services using funds appropriated for a capital project pursuant to a memorandum of understanding.

“(3) “Capital project” shall have the same meaning as provided in section 103(8) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.03(8)).

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“(4) “Chief Financial Officer” means the Chief Financial Officer of the District of Columbia.

“(5) “Fund” means the Capital Project Support Fund established by section 1262.

“(6) “Memorandum of understanding” means an agreement between District departments, offices, or agencies authorized pursuant to section 1(k)(1) of An Act To Grant Additional Powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C. Official Code § 1-301.01(k)(1)), to provide goods or services for the benefit of a capital project with payment to be made with funds appropriated for that capital project.

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

“(8) “Seller agency” means a District department, office, or agency that receives a transfer of funds appropriated for a capital project to provide goods or services related to that project pursuant to a memorandum of understanding.

“(9) “Surplus capital funds” means unexpended funds appropriated for a capital project that have been identified by the OCFO as available for transfer pursuant to section 1263a or section 1263b.

(b) Section 1262 (D.C. Official Code § 1-325.152) is amended to read as follows:

“Sec. 1262. Capital Project Support Fund.

“(a) There is established as a special fund the Capital Project Support Fund, which shall be administered by the Chief Financial Officer in accordance with this act.

“(b) All surplus capital funds identified by the Chief Financial Officer pursuant to sections 1263a and 1263b shall be deposited into the Fund.”.

(c) Section 1263(b) (D.C. Official Code § 1-325.153(b)) is amended by striking the second sentence.

(d) New sections 1263a and 1263b are added to read as follows:.

“Sec. 1263a. Closure of capital budget memoranda of understanding; transfer of surplus capital funds.

“(a) After the termination date of a memorandum of understanding, the buyer agency shall have 60 days to reconcile the accounting and budget data and close the funding line for the memorandum of understanding associated with the capital project in the system of accounting and reporting.

“(b)(1) After the closing date of the memorandum of understanding, the Office of Budget and Planning within the OCFO shall notify the buyer agency and the seller agency of any issues that must be resolved to close the funding line for the memorandum of understanding in the project management system, including:

“(A) Any outstanding issues related to removal of any encumbrances and pre-encumbrances:

“(B) The need for reconciliation of the capital project budget and expenditures between the buyer agency and the seller agency related to the memorandum of understanding; or

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“(C) Needed accounting entries necessary to zero out the budget balance for the memorandum of understanding.

“(3) After the 60-day reconciliation period required by subsection (a) of this section, the OCFO, through its Director of Capital Improvements, shall adjust entries to ensure the close of the funding line for a memorandum of understanding associated with a capital project, with no outstanding balances remaining.

“(c) Any surplus capital funds that the Director of Capital Improvements identifies following the 60-day reconciliation period shall be deposited in the Capital Project Support Fund.

“Sec. 1263b. Transfer of other surplus capital funds.

“(a) If a department, office, or agency has a capital project with an unexpended balance of more than \$250,000 for which no funds have been expended or encumbered for 3 consecutive years, the OCFO shall provide 30 days written notice to the department, office, or agency of the CFO’s intent to transfer the surplus capital funds to the Capital Project Support Fund. The CFO shall make this transfer unless the department, office, or agency to which the funds have been budgeted or allotted:

“(1) Certifies to the Mayor, Council, and CFO, within the 30-day notice period that it intends to use the funds to implement the capital project within 18 months of the certification; and

“(2) Submits a satisfactory activity report to the OCFO describing the status of the implementation within 180 days from the date of certification.

“(b) The OCFO shall have sole and complete discretion to determine whether the activity report required by subsection (a) of this section is satisfactory. If the OCFO determines that an activity report is unsatisfactory, the OCFO shall transfer the surplus capital funds to the Capital Project Support Fund after providing 10 days written notice to the agency.

“(c) The OCFO shall transfer to the Capital Project Support Fund surplus capital funds from a capital project with an unexpended balance of \$250,000 or less for which no funds have been expended or encumbered for 3 consecutive years upon the OCFO’s identification of such funds.”

(e) Section 1264 (D.C. Official Code § 1-325.154) is amended to read as follows:

“Sec. 1264 Reporting requirements.

“The Chief Financial Officer shall submit a written report to the Mayor and the Council on a quarterly basis on the status of the Fund, including the current balance of the Fund and a list of the projects supported by the Fund.”

(f) Section 1265(a) (D.C. Official Code § 1-325.155(a)) is amended by striking the phrase “Notwithstanding any other provision of this act,” and inserting the phrase “Except as provided in section 1266 and notwithstanding any other provision of this act,” in its place.

(g) A new section 1266 is added to read as follows:

“Sec. 1266. Alley Rehabilitation Project.

“(a) Notwithstanding any other provision of this act, the Chief Financial Officer shall transfer to and retain in the Alley Rehabilitation Project the first \$6 million of surplus capital funds identified pursuant to section 1263a or section 1263b, to be made available for purposes of

ENROLLED ORIGINAL

the Alley Rehabilitation Project through a reprogramming pursuant to Chapter 3 of Title 47 of the District of Columbia Official Code.

“(b) This section shall expire on September 30, 2016.”.

Sec. 8043. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE F. CAPITAL RESCISSIONS

Sec. 8051. Short title.

This subtitle may be cited as the “Fiscal Year 2016 Capital Rescission Emergency Act of 2015”.

Sec. 8052. The Chief Financial Officer shall rescind or adjust existing capital project allotment as set forth in the following tabular array:

Owner Agency	Project No	Project Title	Fund Detail	Existing Allotment Adjustments
AM0 - DEPARTMENT OF GENERAL SERVICES	A0502CC	WARD 6 SENIOR WELLNESS CENTER	0300	(200.00)
BA0 - OFFICE OF THE SECRETARY	AB102C	ARCHIVES	0300	(1,000,000.00)
BD0 - OFFICE OF PLANNING	PLN37C	DISTRICT PUBLIC PLANS & STUDIES	0300	(280,946.04)
CE0 - DC PUBLIC LIBRARY	LB2CEC	LIBRARY IMPROVEMENTS	0300	(5,952.61)
CR0 - DEPT. OF CONSUMER AND REGULATORY AFFAIRS	EB301C	VACANT PROPERTY INSPECTION AND ABATEMENT	0300	(25,015.96)
EB0 - DEPUTY MAYOR FOR PLANNING AND ECON DEV	AWR01C	SAINT ELIZABETHS E CAMPUS INFRASTRUCTURE	0300	(2,500,000.00)
	EB008C	NEW COMMUNITIES	0300	(10,000,000.00)
	EB409C	WASA NEW FACILITY	0300	6,000,000.00
ELC - EQUIPMENT LEASE - CAPITAL	ITI05C	MASTER EQUIPMENT LEASE - FA POLICE	0300	(7,887.12)
	MLP01C	MASTER EQUIPMENT LEASE - DC LIBRARY	0300	(2,804.93)
	MLP02C	MASTER EQUIPMENT LEASE - DC LIBRARY	0300	(62.00)
	MLP03C	MASTER EQUIPMENT LEASE - DC	0300	(621.15)

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		LIBRARY		
FA0 - METROPOLITAN POLICE DEPARTMENT	IT101C	INFORMATION TECHNOLOGY INITIATIVE	0300	(3,936.00)
FB0 - FIRE AND EMERGENCY MEDICAL SERVICES	LB637C	E-15 COMPLETE MODERNIZATION/RENOVATION	0300	(71.16)
FL0 - DEPARTMENT OF CORRECTIONS	CEV01C	DOC ELEVATOR REFURBISHMENT	0300	(800,000.00)
GA0 - DISTRICT OF COLUMBIA PUBLIC SCHOOLS	GI010C	SPECIAL EDUCATION CLASSROOMS	0300	(500,000.00)
	MJ138C	JANNEY ES MODERNIZATION/RENOVATION	0300	(906.84)
	NJ837C	MCKINLEY HS- MODERNIZATION/RENOVATION	0300	(20,000.00)
	NX437C	ANACOSTIA HS MODERNIZATION/RENOV	0300	(32,800.00)
	PK337C	MARTIN LUTHER KING ES MODERNIZATION	0300	(1,000,000.00)
	SK120C	ATHLETIC FAC IMPROVEMENT	0300	(1,000,000.00)
	SK1ASC	ANNE GODING/SHERWOOD RC (PLAYGROUND)	0300	(55,000.00)
	T2241C	STUDENT INFORMATION SYSTEM-PCS	0301	(500,000.00)
	YY142C	BRUCE MONROE @ PARKVIEW ES MODERNIZATION	0300	5,762,564.83
	YY105C	PROSPECT ES MODERNIZATION/RENOVATION	0300	(2,963,250.00)
	YY141C	BROOKLAND ES MODERNIZATION/RENOVATION	0300	(10,268.26)
	YY146C	LASALLE ES MODERNIZATION/RENOVATION	0300	(75,142.98)
	YY150C	NALLE ES MODERNIZATION/RENOVATION	0300	(28,328.87)
YY168C	LUDLOW-TAYLOR ES MODERNIZATION/RENOVATION	0300	(100,000.00)	
YY1MRC	MARIE REED ES MODERNIZATION/RENOVATION	0300	3,500,000.00	
GF0 - UNIVERSITY OF THE DISTRICT OF COLUMBIA	UG706C	RENOVATION OF UNIVERSITY FACILITIES	0300	7,500,000.00

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HA0 - DEPARTMENT OF PARKS AND RECREATION	IVYCTC	IVY CITY COMMUNITY CENTER	0300	(1,925,000.00)
	QA501C	STODDERT RECREATION CENTER	0300	(16,482.17)
	RG001C	GENERAL IMPROVEMENTS - DPR	0300	(622,278.96)
HT0 - DEPARTMENT OF HEALTH CARE FINANCE	HI101C	DISTRICT OPERATED HEALTH INFORMATION	0300	(1,456,147.34)
	MPM02C	DISTRICT MMIS UPGRADE	0300	(7,363.83)
KA0 - DEPARTMENT OF TRANSPORTATION	AD310C	SHERMAN STREET	0300	(521.66)
	BR005C	H STREET BRIDGE	0300	20,000,000.00
	BR101C	PEDESTRIAN BRIDGE	0300	(4,000,000.00)
	SA306C	H ST/BENNING/K ST. LINE	0300	(31,000,197.00)
	SR097C	IVY CITY STREETSCAPES	0300	350,000.00
	EDL18C	NEW YORK AVENUE STREETSCAPES	0300	2,725,000.00
	ED202C	BANNEKER OVERLOOK STEPS	0301	500,000.00
TO0 - OFFICE OF THE CHIEF TECHNOLOGY OFFICER	ZA143C	DC GIS CAPITAL INVESTMENT	0300	(67,626.95)
Rescission of Existing Allotment				(13,671,247.00)

SUBTITLE G. 11TH STREET BRIDGE PARK FUNDING LIMITATIONS

Sec. 8061. Short title.

This subtitle may be cited as the “11th Street Bridge Park Funding Limitations Emergency Act of 2015”.

Sec. 8062. (a) No funds allocated for the purpose of the 11th Street Bridge Park project may be awarded or disbursed to any entity for purposes of construction until at least 50% of the total projected construction costs of the project have been raised from private donors.

(b) No District funds may be awarded or expended for the purpose of operations or maintenance of the 11th Street Bridge Park.

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**TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND
AMENDMENTS AND TRANSFERS**

SUBTITLE A. SPECIAL FUND AMENDMENT

Sec. 9001. Short title.

This subtitle may be cited as the “Special Fund Emergency Amendment Act of 2015”.

Sec. 9002. Section 1082(b) of the Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-325.201(b)), is amended as follows:

(a) Strike the phrase “solely for the purposes of maintaining and upgrading” and insert the phrase “for capital expenses, or for operating expenses related to furniture, fixtures, equipment, or maintaining or upgrading” in its place.

(b) Strike the phrase “Council’s Chief Technology Officer” and insert the phrase “Secretary to the Council” in its place.

SUBTITLE B. DESIGNATED FUND TRANSFERS

Sec. 9011. Short title.

This subtitle may be cited as the “Designated Fund Transfer Emergency Act of 2015”.

Sec. 9012. Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from certified fund balances or revenues to the General Fund of the District of Columbia, and recognize as Fiscal Year 2016 local funds resources, the Fiscal Year 2015 amounts from the following funds:

Designated Fund Balance/Revenue - Overview		
Agency	Fund Name	FY 15 Amount
Budget Reserves:		
BD0	Historic Landmark District Protection Fund	1,250,000
	Subtotal	1,250,000
Dedicated Taxes:		
HT0	Nursing Homes Quality of Care Fund	4,078,020
HT0	Healthy DC Fund	22,991,412
HT0	Stevie Sellows	2,522,743
	Subtotal	29,592,175
Purpose Restrictions:		
AT0	OFT Central Collection Unit	13,000,000
CR0	OPLA - Special Account	500,000

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CR0	Board of Engineers Fund	500,000
CR0	Corporate Recordation Fund	500,000
CT0	Cable Franchise Fees	5,500,000
FL0	Correction Trustee Reimbursement	4,170,231
FL0	Correction Reimbursement-Juveniles	922,547
HC0	State Health Planning and Development Fund	1,764,017
HC0	Pharmaceutical Protection Fund	2,841,368
HT0	Medicaid Collections-3rd Party Liability	3,905,187
KG0	Sustainable Energy Trust Fund	3,500,000
KG0	Energy Assistance Trust Fund	500,000
KG0	Soil Erosion and Sediment Control	1,233,451
KG0	Wetland and Stream Mitigation	1,000
KG0	Municipal Aggregation Program	329,665
KT0	Supercan Program	175,004
KT0	Solid Waste Disposal Cost Recovery	202,511
KV0	Motor Vehicle Inspection Station	3,478,223
SR0	Securities and Banking Regulatory Trust Fund	9,509,627
TC0	Public Vehicles-for-Hire Consumer Service Fund	1,938,003
PA0	Right-of-Way Revenues	3,296,805
	Subtotal	57,767,639
Total General Fund		88,609,814
Enterprise and Other Funds:		
TX0	Tax Increment Financing	2,750,000
Total Enterprise and Other Funds		2,750,000
TOTAL		91,359,814

Sec. 9013. The Chief Financial Officer shall allocate the amount in section 9012 pursuant to the approved Fiscal Year 2016 Budget and Financial Plan.

Sec. 9014. Applicability.

This subtitle shall apply as of September 30, 2015.

TITLE X. APPLICABILITY, FISCAL IMPACT, AND EFFECTIVE DATE

Sec. 10001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2015.

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Sec. 10002. 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. 10003. 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 27, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 27, 2015

To approve, on an emergency basis, Modification No. M0006 and proposed Modification No. M0009 to Human Care Agreement No. CW15105 with Opportunities Industrialization Center of DC for work readiness and placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and to authorize payment for the services received and to be received under the human care agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Care Agreement No. CW15105 Modifications with Opportunities Industrialization Center of DC Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 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 Modification No. M0006 and proposed Modification No. M0009 to Human Care Agreement No. CW15105 with Opportunities Industrialization Center of DC for work readiness and placement services to non-exempt, adult Temporary Assistance for Needy Families customers, and authorizes payment in the amount of \$1,452,378 for services received and to be received under the human care agreement during Option Year 3, which covers the period from January 27, 2015, through January 26, 2016.

Sec. 3. Fiscal impact statement.

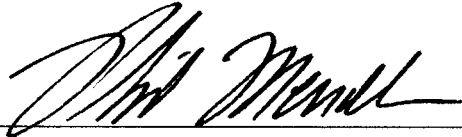
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 27, 2015

ENROLLED ORIGINAL

A RESOLUTION

21-168

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Rental Housing Conversion and Sale Act of 1980 to clarify that a bona fide offer of sale for a housing accommodation with 5 or more units, for purposes of demolition or discontinuance of housing use, made in the absence of an arm's length third-party contract, shall be based on current, applicable, matter-of-right zoning regulations or laws, or by an existing right to convert to another use, and that the offer may take into consideration the highest and best use of the property, and to establish the right of a tenant organization to a determination of the appraised value of a housing accommodation under certain circumstances.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "TOPA Bona Fide Offer of Sale Clarification Congressional Review Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to amend sections 103, 402, and 411 of the Rental Housing Conversion and Sale Act of 1980 ("the Act" or "TOPA"), to clarify that a bona fide offer of sale for a housing accommodation with 5 or more units, for purposes of demolition or discontinuance of housing use, made in the absence of an arm's length third-party contract, shall be based on current, applicable, matter-of-right zoning regulations or laws, or by an existing right to convert to another use. Further, there is an immediate need to clarify TOPA that a bona fide offer of sale may take into consideration the highest and best use of the property; and finally, to establish the right of a tenant organization to request a determination of the appraised value of a housing accommodation under certain circumstances.

(b) Last September 23, 2014, in an attempt to clarify the term "bona fide offer of sale", and thereby preserve the TOPA rights of the residents at Museum Square and other similarly situated tenants, the Council passed Act 20-434, the Tenant Opportunity to Purchase Emergency Amendment Act of 2014. Law 20-166, the Tenant Opportunity to Purchase Temporary Amendment Act of 2014, the substantively identical temporary version of the emergency bill, went into effect on February 26, 2015, and will expire on October 9, 2015.

(c) Unfortunately, both acts were drafted too broadly and inadvertently covered all TOPA sales, and not just those occurring without a third-party contract, like at Museum Square. As a result, all TOPA sales retroactive to January 1, 2014, were suddenly required to have included

ENROLLED ORIGINAL

two appraisals of the housing accommodation. Due to concerns of the title insurance industry, this all-encompassing retroactive appraisal requirement has stalled a significant number of transactions in the residential real estate market for previous and current TOPA sales. As a result, the collection of recordation taxes has been adversely affected, which in turn has had the potential of reducing funding available to the Housing Production Trust Fund.

(d) This emergency bill is being moved to expeditiously remedy this situation, was drafted in consultation with many stakeholders from all sides of the issue over a period of many weeks, and will fill a gap in effectiveness between the previous emergency act, the TOPA Bona Fide Offer of Sale Clarification Emergency Amendment Act of 2015, effective June 25, 2015 (D.C. Act 21-95; 62 DCR 9225), that will expire on September 23, 2015, and the temporary legislation, the TOPA Bona Fide Offer of Sale Clarification Temporary Amendment Act of 2015, enacted on July 2, 2015 (D.C. Act 21-98; 62 DCR 9456).

(1) The emergency and temporary bills replace the relevant section of TOPA law, D.C. Official Code § 42-3404.02, and essentially return this subsection to its pre-emergency and pre-temporary language. This means that TOPA will no longer require all TOPA sales to have 2 appraisals, regardless of whether there is a third-party offer.

(2) These bills require that a bona fide offer of sale for a building with 5 or more units based on a landlord's intention to demolish or discontinue housing use, in the very limited circumstance where there is no third-party offer, must be based on current, applicable, matter-of-right laws and regulations, or by an existing right to convert to another use. The offer may take into consideration the highest and best use of the property. This requirement ensures that a bona fide offer of sale will be based on the present value of the property, and not some speculative future value.

(3) These bills protect the elderly residents of Museum Square and other similarly situated tenants by including a retroactive provision for housing accommodation with 5 or more units, for purposes of demolition or discontinuance of housing use, made in the absence of an arm's length third-party.

(4) These bills establish a tenant right to request an appraisal, if the tenants believe that an offer, in the absence of a third-party offer, is too high. They direct tenants to jointly select an appraiser with the landlord, but if they cannot agree, then the appraiser is selected by DHCD's Conversion and Sale Administrator. The cost of the appraisal is split 66/33 between the landlord and tenant (roughly \$40-\$65 per tenant). The time the appraisal takes is added to the negotiation period allowed tenants.

(5) These bills grandfather-in tenant organizations that, prior to the effective date of the TOPA Bona Fide Offer of Sale Clarification Emergency Amendment Act of 2015, have registered the tenant organization with the Mayor and have reasonably relied upon Act 20-434, the Tenant Opportunity to Purchase Emergency Amendment Act of 2014, and Law 20-166, the Tenant Opportunity to Purchase Temporary Amendment Act of 2014, by requesting an appraisal of their housing accommodations as required under those bills.

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 TOPA Bona Fide Offer of Sale Clarification Congressional Review Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-169

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency, due to congressional review, with respect to the need to prohibit the electric company from shutting off service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Heat Wave Safety Congressional Review Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to protect District residents who are vulnerable to health impairments that may be caused by periods of extreme heat and who may be unable to cool their homes if their electricity is shut off.

(b) District law prohibits utilities from disconnecting their service when the forecast predicts the temperature will be 32 degrees Fahrenheit or below during the following 24 hours.

(c) Exposure to extreme heat is more likely than extreme cold to cause people to experience negative health consequences, including death; yet the District does not prohibit the disconnection of electricity during or directly preceding periods of extreme heat analogous to the prohibition on disconnections during or directly preceding periods of extreme cold.

(d) Enacting a prohibition on the disconnection of electricity during or directly preceding periods of extreme heat will provide a measure of security for District residents without creating undue hardship for the electric company.

(e) Further, this congressional review emergency legislation is necessary to ensure that there is no gap in legal authority between the expiration of the Heat Wave Safety Emergency Amendment Act of 2015 on September 15, 2015, and the effective date of the Heat Wave Safety Temporary Amendment Act of 2015.

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 Heat Wave Safety Congressional Review Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Ms. Melinda Bolling as the Director of the Department of Consumer and Regulatory Affairs.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Consumer and Regulatory Affairs Melinda Bolling Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Melinda Bolling
2018 31st Street, S.E.
Washington, D.C. 20020
(Ward 7)

as the Director of the Department of Consumer and Regulatory Affairs, established by Reorganization Plan No. 1 of 1983, effective March 31, 1983, and in accordance with section 2 of the Confirmation Act 28 of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Bryan Scottie Irving to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Board of Directors Bryan Scottie Irving Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Bryan Scottie Irving
1204 Fairmont Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member, with experience in planning, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), succeeding Charles R. Lowery, Jr., for a term to end June 28, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Stephen Green to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Board of Directors Stephen Green Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Stephen Green
215 I Street, N.E., Unit #411
Washington, D.C. 20002
(Ward 6)

as a member, with experience in finance, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), replacing Derek Ford, for a term to end June 28, 2016.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Buwa Binitie to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Board of Directors Buwa Binitie Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Buwa Binitie
72 V Street, N.W.
Washington, D.C. 20001
(Ward 5)

as a member, with experience in finance, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), succeeding Martin Craig Pascal, Esq., for a term to end June 28, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Gregory Dean as the Chief of the Fire and Emergency Medical Services Department.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief of the Fire and Emergency Medical Services Department Gregory Dean Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Gregory Dean
750 3rd Street, N.W.
Washington, D.C. 20001
(Ward 2)

as the Chief of the Fire and Emergency Medical Services Department, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Eugene Adams as the Chief Administrative Law Judge of the Office of Administrative Hearings.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Administrative Law Judge of the Office of Administrative Hearings Eugene Adams Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Eugene Adams
5020 Klinger Street, N.W.
Washington, D.C. 20016
(Ward 3)

as the Chief Administrative Law Judge of the Office of Administrative Hearings, in accordance with section 7(b) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.04(b)), to serve a 6-year term.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Adam E. Maier to the Commission on Human Rights.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Adam E. Maier Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Adam E. Maier
333 10th Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Earl D. Fowlkes, Jr., to the Commission on Human Rights.

RESOLVED, BY COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Human Rights Earl D. Fowlkes, Jr., Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Earl D. Fowlkes, Jr.
905 6th Street, S.W., Apt. 412
Washington, D.C. 20024
(Ward 6)

as a member of the Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the reappointment of Mr. Marvin Turner to the District of Columbia Sentencing and Criminal Code Revision Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Sentencing and Criminal Code Revision Commission Marvin Turner Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Marvin Turner
2221 Ridge Place, S.E.
Washington, D.C. 20020
(Ward 8)

as a citizen member of the District of Columbia Sentencing and Criminal Code Revision Commission, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a term to end July 2, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the reappointment of Mr. Richard G. Amato to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Real Property Tax Appeals Commission Richard G. Amato Confirmation Resolution 2015”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Richard G. Amato
15000 Pennfield Circle, Unit 301
Silver Spring, MD 20906

as Vice Chairperson of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, for a term to end April 30, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Ms. Stacie Scott Turner to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Real Property Tax Appeals Commission Stacie Scott Turner Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Stacie Scott Turner
7317 Alaska Avenue, N.W.
Washington, D.C. 20012
(Ward 4)

as a full-time member of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, succeeding Hillary R. Lovick, whose term expired April 30, 2015, for a term to end April 30, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Eric Jenkins to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Real Property Tax Appeals Commission Eric Jenkins Confirmation Resolution 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Eric Jenkins
3205 Woodbine Street
Chevy Chase, MD 20815

as a part-time member of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, for a term to end April 30, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-186

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the reappointment of Mr. Trent T. Williams to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Real Property Tax Appeals Commission Trent T. Williams Confirmation Resolution 2015”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Trent T. Williams
1701 16th Street, N.W., Apartment 514
Washington, D.C. 20009
(Ward 2)

as a part-time member of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, for a term to end April 30, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Keith Anderson as the Director of the Department of Parks and Recreation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Department of Parks and Recreation Keith Anderson Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Keith Anderson
614 Randolph Street, N.W.
Washington, D.C. 20011
(Ward 4)

as the Director of the Department of Parks and Recreation, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-188

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare that the District-owned real property located at 908 Wahler Place, S.E., in Washington, D.C., most commonly known as the Draper School, and known for tax and assessment purposes as Lot 0801 in Square 5926, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Draper School Surplus Property Declaration Resolution of 2015”.

Sec. 2. Findings.

(a) The District is the owner of the real property located at 908 Wahler Place, S.E., known for tax and assessment purposes as Lot 0801 in Square 5926 (the “Property”). The Property consists of a building containing approximately 54,800 square feet situated on approximately 206,222 square feet of land.

(b) The District has not used the Property as a District of Columbia traditional public school since before 2008. The most viable option for the site is for its continued use as an educational facility for students in the District. Declaring that the Property is no longer required for public purposes and disposing of it under a long-term ground lease or other method is the most expedient and cost-effective solution to maintain the Property, allow the District to retain long-term fee simple ownership of the Property, and provide the citizens of the District with outstanding educational services.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) (the “Act”), by holding a public hearing on April 30, 2015.

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

Sec. 4. Transmittal.

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

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-189

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Mr. Raymond Davidson as the Director of the Child and Family Services Agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Child and Family Services Agency Raymond Davidson Confirmation Resolution of 2015".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Raymond Davidson
16805 Hoffman Manor Drive
Silver Spring, MD 20905

as the Director of the Child and Family Services Agency, established by section 301a of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.01a), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm the appointment of Ms. Alexis P. Taylor as the Director of the Office of Disability Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Disability Rights Alexis P. Taylor Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Alexis P. Taylor
3944 7th Street, N.E. Apt #4
Washington, D.C. 20017
(Ward 5)

as the Director of the Office of Disability Rights, established by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.03), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to order the closing of Potomac Avenue, S.W., between 2nd Street, S.W., and R Street, S.W.; R Street, S.W., between Potomac Avenue, S.W., and Half Street, S.W.; 1st Street, S.W., between T Street, S.W., and Potomac Avenue, S.W.; and S Street, S.W., between 2nd Street, S.W., and approximately 230 feet west of Half Street, S.W.; all adjacent to Squares 603S, 605, 607, 661, 661N, and 665, and in Reservations 243 and 244, in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of Public Streets adjacent to Squares 603S, 605, 607, 661, 661N, and 665, and in U.S. Reservations 243 and 244, S.O. 13-14605, Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On December 17, 2014, the Council unanimously approved the District of Columbia 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.*) (the “Act”), as well as accompanying emergency legislation, that enabled the District to acquire land and pay costs necessary for the development of a soccer stadium for D.C. United at Buzzard Point.

(b) On June 30, 2015, consistent with the Act, 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 Council approved purchase agreements to acquire 3 parcels at Buzzard Point, a sales agreement for a related land swap with Pepco, a revised land development agreement for development of the site, and a ground lease for the stadium to operate. The land development agreement requires that the District obtain site control by September 30, 2015.

(c) On June 30, 2015, the Council also approved on first reading Bill 20-200, the Closing of Public Streets adjacent to Squares 603S, 605, 607, 661, 661N, and 665, and in U.S. Reservations 243 and 244, S.O. 13-14605, Act of 2015, which would order the closing of several streets that currently run between the parcels, the closure of which is necessary to assemble the parcels into a single site.

(d) Because of the upcoming congressional recess, and the Council’s recess, Bill 20-200, approved on second reading on July 14, 2015, may not be transmitted for the standard 30-day congressional review period until September 2015.

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(e) The proposed legislation is necessary to order the closures and allow for easements for utility relocations during the summer before the September 30, 2015 site-control deadline.

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 Closing of Public Streets adjacent to Squares 603S, 605, 607, 661, 661N, and 665, and in U.S. Reservations 243 and 244, S.O. 13-14605, Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-02 with Square 50 Affordable Housing, LLC, for Local Rent Supplement Program units located at 1211 23rd Street, N.W., and to authorize payment for housing 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 "Local Rent Supplement Program Contract No. 2014-LRSP-02 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsored-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

Sec. 3. In April 2014, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development ("DHCD"). Of the total proposals received, 12 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making 0 – 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout the District. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term contract ("ALTSC") with the selected housing providers under the LRSP for housing services provided under the contract.

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Sec. 4. (a) There exists an immediate need to approve the ALTSC with Square 50 Affordable Housing, LLC, under the District of Columbia Housing Authority’s Local Rent Supplement Program in order to provide long-term affordable housing units for extremely low-income households in the District for units at The West End, located at 1211 23rd Street, N.W.

(b) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Square 50 Affordable Housing, LLC, with respect to the payment of a rental subsidy, and allow the owner to lease the rehabilitated units at The West End and house District of Columbia extremely low-income households with incomes at 30% or less of the area median income.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 4 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2014-LRSP-02 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve the disposition by lease of District-owned real property located at 1351 Nicholson Street, N.W., commonly known as the Old Brightwood School and designated for tax and assessment purposes as Lot 0846 in Square 2794.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On March 1, 2001, the Community Academy Public Charter School, Inc. (“CAPCS”) entered into a lease agreement with the District to lease the property located at 1351 Nicholson Street, N.W. (Lot 0846, Square 2794), which is improved by the Old Brightwood School, for a period of twenty years.

(b) On February 19, 2015, the District of Columbia Public Charter School Board (“PCSB”) voted to revoke the charter of CAPCS at the end of the 2014-2015 school year, with the revocation to occur as of July 1, 2015. In order to ensure that the students currently enrolled at CAPCS schools are not displaced, PCSB and the Deputy Mayor for Education worked to identify other entities that would be willing and able to assume control over the various CAPCS campuses. Friendship Public Charter School, Inc. (“Friendship PCS”) agreed to take over the CAPCS campus located at 1351 Nicholson Street, N.W. (the “Nicholson Street Property”) and is stepping in as an assignee of the lease CAPCS had with the District.

(c) Friendship PCS currently operates nine charter campuses in the District and will expand to eleven with the inclusion of the campus at Nicholson Street and CAPCS’s Armstrong campus. Of the campuses currently operated by Friendship PCS and tiered on the Public Charter School Board’s Performance Management Framework, three are Tier 1 schools and three are Tier 2 schools. Friendship PCS plans to achieve this same level of excellence at the Nicholson Street and Armstrong campuses.

(d) In assuming the lease for the Nicholson Street Property from CAPCS, Friendship PCS has agreed to shoulder responsibility for a \$22 million bond that CAPCS originally had for the online campus located at the Nicholson Street campus. This bond was set to default on June 30, 2015 due to CAPCS’s charter being revoked and its inability to pay for the bond. In accepting responsibility for this \$22 million bond, Friendship PCS seeks to combine the \$22

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million bond with its current bond assets and is looking to close on these consolidated bonds by the end of August 2015.

(e) A condition of Friendship PCS's ability to close is the approval by the Council of Friendship PCS's assumption of the Nicholson Street Property lease from CAPCS. Thus, emergency circumstances exist that necessitate the immediate approval of the District's lease with Friendship PCS as an assignee of the original lease between the District and CAPCS for the Nicholson Street Property. If Friendship PCS is delayed in closing on the bond consolidation, it runs the risk of incurring a higher interest rate in the fall, thereby potentially costing the public charter school hundreds of thousands of dollars in additional annual payments.

(f) On May 18, 2015, Bill 21-201, the "1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Act of 2015" was introduced by Chairman Mendelson at the request of the Mayor. The Committee of the Whole held a hearing on July 6, 2015 on Bill 21-201. This bill will be marked up on July 14, 2015 by the Committee of the Whole, with first reading also occurring on July 14, 2015, but it will not come before the Council for a second reading until late September 2015, after the Council returns from summer recess. Because Friendship PCS needs this legislation to be approved fully before it can close, an immediate need exists to approve this emergency in addition to the permanent version of this legislation.

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 1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve the disposition by lease of District-owned real property located at 4095 Minnesota Avenue, N.E., commonly known as the Woodson School and designated for tax and assessment purposes as Lot 0813 in Square 5078.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On May 26, 2000, Friendship Public Charter School, Inc. (“Friendship PCS”) entered a lease agreement with the District to lease the property located at 4095 Minnesota Avenue, N.E. (Lot 0813, Square 5078) for a period of twenty years. In 2009, the lease was amended to extend it for an additional ten years, giving the lease a total duration of thirty years. Friendship PCS seeks to amend the lease again to extend it for another ten years, for a total of forty years. The amended lease would also include an option for a twenty-five year renewal.

(b) On April 14, 2015, the Council of the District of Columbia approved Resolution 21-77, the Friendship Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2015. Resolution 21-77 authorized and provided for the issuance, sale, and delivery of District revenue bonds to Friendship PCS in an amount not to exceed \$70 million. Having received this bond financing, Friendship PCS now requests an extension of its 4095 Minnesota Avenue, N.E. lease.

(c) Additionally, on February 19, 2015, the District of Columbia Public Charter School Board (“PCSB”) voted to revoke the charter of Community Academy Public Charter School, Inc. (“CAPCS”) at the end of the 2014-2015 school year, with the revocation to occur as of July 1, 2015. In order to ensure that the students currently enrolled at CAPCS schools are not displaced, PCSB and the Deputy Mayor for Education worked to identify other entities that would be willing and able to assume control over the various CAPCS campuses. Friendship PCS agreed to take over the CAPCS campus located at 1351 Nicholson Street, N.W. (the “Nicholson Street Property”), as well as CAPCS’s Armstrong property, and is stepping in as an assignee of the lease CAPCS had with the District for the Nicholson Street Property.

(d) Friendship PCS currently operates nine charter campuses in the District and will

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expand to eleven with the inclusion of the campus at Nicholson Street and CAPCS's Armstrong campus. Of the campuses currently operated by Friendship PCS and tiered on the Public Charter School Board's Performance Management Framework, three are Tier 1 schools and three are Tier 2 schools. Friendship PCS plans to achieve this same level of excellence at the Nicholson Street and Armstrong campuses.

(e) In assuming the lease for the Nicholson Street Property from CAPCS, Friendship PCS has agreed to shoulder responsibility for a \$22 million bond that CAPCS originally had for the online campus located at the Nicholson Street Property. This bond was set to default on June 30, 2015 due to CAPCS's charter being revoked and its inability to pay for the bond. In accepting responsibility for this \$22 million bond, Friendship PCS seeks to combine the \$22 million bond with its current bond assets, most of which Friendship PCS acquired through Resolution 21-77, and is looking to close on these consolidated bonds by the end of August 2015.

(f) A condition of its ability to close is the approval by the Council of the District of Columbia of the extension of Friendship PCS's lease for the property at 4095 Minnesota Ave. N.E. Thus, emergency circumstances exist that necessitate the immediate approval of the extension of the District's lease with Friendship PCS for the 4095 Minnesota Avenue, N.E. property. If Friendship PCS is delayed in closing on the bond consolidation, it runs the risk of incurring a higher interest rate in the fall, thereby potentially costing the public charter school hundreds of thousands of dollars in additional annual payments.

(g) On May 18, 2015, Bill 21-204, the "4095 Minnesota Avenue, N.E. Woodson School Lease Amendment Act of 2015" was introduced by Chairman Mendelson at the request of the Mayor. The Committee of the Whole held a hearing on July 6, 2015 on Bill 21-204. This bill will be marked up on July 14, 2015 by the Committee of the Whole, with first reading also occurring on July 14, 2015, but it will not come before the Council for a second reading until late September 2015, after the Council returns from summer recess. Because Friendship PCS needs this legislation to be approved fully before it can close, an immediate need exists to approve this emergency in addition to the permanent version of this legislation.

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 4095 Minnesota Avenue, N.E., Woodson School Lease Amendment Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to designate the tennis courts at Rose Park, located at 2600 O Street, N.W., in Ward 2, as the Margaret Peters and Roumania Peters Walker Tennis Courts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Margaret Peters and Roumania Peters Walker Tennis Courts Designation Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Margaret Peters and Roumania Peters Walker Tennis Courts Designation Act of 2015, passed on 1st reading on June 30, 2015 (Engrossed version of Bill 21-174), will have its final reading on July 14, 2015.

(b) Bill 21-174 designates the tennis courts at Rose Park, located at 2600 O Street, N.W., in Ward 2, as the Margaret Peters and Roumania Peters Walker Tennis Courts.

(c) The Advisory Neighborhood Commission (“ANC”) 2E, the ANC within which the Rose Park tennis courts are located, supports the designation.

(d) Council approval of emergency legislation will allow for the unveiling of the plaque memorializing the courts new name this summer or early fall.

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 Margaret Peters and Roumania Peters Walker Tennis Courts Designation Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve the reprogramming request of \$2,400,000 in local funds within the Department of General Services for Facilities Operations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reprogramming \$2,400,000 in Local Funds within the Department of General Services Approval Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Mayor submitted a reprogramming request to the Council on July 9, 2015, to transfer \$2,400,000 in local funds within the Department of General Services (“DGS”) from its rent program to Facilities Operations. These funds will be used for various maintenance repairs at school facilities, such as the repairing of leaks; repair or replacement of flooring, lighting, HVAC, bathroom fixtures, and lockers; and painting and removal of graffiti in preparation for the upcoming school year.

(b) This emergency is necessary for DGS to have funds available to make essential maintenance repairs that schools need to meet the minimum standard of conditions for schools and prevent a potentially unsafe learning environment for District of Columbia Public Schools students on the first day of school next fall.

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 Reprogramming \$2,400,000 in Local Funds within the Department of General Services Approval Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve the Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and the accompanying faculty pay scale changes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and Faculty Pay Scale Changes Emergency Declaration Resolution of 2015”.

Sec. 2. There exists an immediate need to approve the Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and the accompanying faculty pay scale changes. There has been no contract in place between the University of the District of Columbia and the University of the District of Columbia Faculty Association since the expiration of the Sixth Master Agreement on September 30, 2008. In the interim, the parties have operated under the terms of the Sixth Master Agreement while working on a successor agreement. The Seventh Master Agreement represents the first agreement between the parties since the expiration of the Sixth Master Agreement. It includes terms negotiated between the parties and incorporates a July 7, 2014 binding interest arbitration award. Approval will authorize the university to begin implementation of the compensation article of the Seventh Master Agreement.

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 Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and Faculty Pay Scale Changes Emergency Approval Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To approve, on an emergency basis, the Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and the accompanying faculty pay scale changes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association and Faculty Pay Scale Changes Emergency Approval Resolution of 2015”.

Sec. 2. Pursuant to section 1717(j) 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 §1-617.17(j)), the Council approves the Seventh Master Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association, which was transmitted to the Council by the Mayor on June 16, 2015 and includes an interest arbitration award that provides: \$1,881,870 in one-time lump sum payment for Fiscal Years 2008 through 2013; \$274,110 in a Merit Pool for Academic Year 2011-2012 and 2012-2013; a \$138,000 Merit Pool payable in Fiscal Year 2015 for Academic Year 2013-2014; and \$491,417 for a 3% COLA Increase for Fiscal Year 2014. The interest arbitration award incorporated into the Seventh Master Agreement also includes revisions to the article relating to evaluation of faculty performance and related processes effective Academic Year 2014-2015.

Sec. 3. Pursuant to section 1111(i) 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 § 1-611.11(i)), the Council approves the changes to the faculty pay scales that are recommended by the University of the District of Columbia and consistent with the terms of the Seventh Master Agreement. Those changes are reflected in the pay schedule transmitted to the Council by the Mayor on June 16, 2015, and the resolution adopted by the Board of Trustees of the University of the District of Columbia at its November 18, 2014 meeting, and shall take effect pursuant to the terms of the Seventh Master Agreement.

ENROLLED ORIGINAL

Sec. 4. Transmittal.

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-199

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to confirm the appointment of Rev. Dr. Kendrick E. Curry to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Kendrick E. Curry Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The District of Columbia Water and Sewer Authority (“DC Water”) has a service area of approximately 725 square miles. Within that area, DC Water provides critical municipal water services, including providing drinking water and sewer/wastewater treatment to more than 640,000 residents and 17.8 million annual visitors. The infrastructure required to operate this impressive system includes more than 1,350 miles of water pipes, 4 pumping stations, 5 reservoirs, more than 9,000 public hydrants, and nearly 2,000 miles of sanitary and combined sewers.

(b) DC Water is governed by the District of Columbia Water and Sewer Authority Board of Directors (the “Board”), which consists of 11 principal and 11 alternate members. Of those members, 6 are from the District, 4 are from Maryland – 2 from Montgomery County and 2 from Prince George’s County – and one member represents Fairfax County, Virginia. The District’s members are appointed by the Mayor and confirmed by the Council.

(c) Reverend Doctor Curry will be replacing Howard Gibbs as an alternate member of the Board, for the remainder of a term to end September 12, 2018.

(d) There is an immediate need to confirm Reverend Doctor Curry so that the District is fully represented on the Board regarding a number of critical health, safety, and environmental issues.

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 District of Columbia Water and Sewer Authority Board of Directors Kendrick E. Curry Emergency Confirmation Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-200

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To confirm, on an emergency basis, the appointment of Rev. Dr. Kendrick E. Curry to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Kendrick E. Curry Emergency Confirmation Resolution of 2015”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Rev. Dr. Kendrick E. Curry
3045 Q Street, S.E.
Washington, D.C. 20020
(Ward 7)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), replacing Howard Gibbs, for a term to end September 12, 2018.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-201

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve proposed multiyear Contract No. DCAM-13-NC-0147 between the District government and South Chestnut LLC, to provide wind power for the District government for the next 20 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “South Chestnut Wind Power Purchase Agreement Contract No. DCAM-13-NC-0147 Approval Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-13-NC-0147 between the District government and South Chestnut LLC, to provide wind power for District government buildings for the next 20 years.

(b) Contract No. DCAM-13-NC-0147 is a multiyear contract that requires Council approval 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)).

(c) Approval of Contract No. DCAM-13-NC-0147 is necessary for the District to enter into a long-term agreement with South Chestnut LLC, to provide approximately 35% (approximately 120,000 to 150,000 megawatt hours of electricity on an annual basis) of the overall electricity consumption of the District government directly from a wind farm and thereby reduce government-wide greenhouse gas emissions by 21%, without which the District will not be able to meet its greenhouse gas emissions reduction commitments or Sustainable DC targets.

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 South Chestnut Wind Power Purchase Agreement Contract No. DCAM-13-NC-0147 Approval Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-202

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve the Revised Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Approval Resolution of 2015.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Revised Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2015".

Sec. 2. The Council finds that:

(a) Friendship Public Charter School, Inc. ("Borrower") has requested that the District issue revenue bonds ("Bonds").

(b) The proposed financing will make available funds critically needed for the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(1) Acquiring and constructing improvements at an existing elementary school facility, including a parking lot and playground, located at 645 Milwaukee Place S.E., Washington, D.C. 20032 (Lot 0815, Square 5982) ("Southeast Elementary");

(2) Certain capital improvements at the following locations of the Borrower:

(A) Tech Prep Academy Campus, a middle school located at 620 Milwaukee Place, S.E., Washington, D.C. 20032 (Lot 0045, Square 5982) and an adjacent high school located at 2705 Martin Luther King Avenue, S.E., Washington, D.C. 20032 (Lot 0049, Square 5982) (collectively, "Tech Prep");

(B) Chamberlain Elementary Campus and Middle Campus, an approximately 80,660 square-foot primary and secondary school located at 1345 Potomac Avenue, S.E., Washington, D.C. 20003 (Lot 0847, Square 1046) ("Chamberlain");

(C) Woodridge Elementary Campus and Junior Academy Campus, an approximately 115,000 square-foot primary school located at 2959 Carlton Avenue, N.E., Washington, D.C. 20018 (Lot 812, Square 4339) ("Woodridge");

(D) Blow-Pierce Elementary Campus and Junior Academy Campus, an approximately 62,994 square-foot primary school located at 725 19th Street, N.E., Washington, D.C. 20002 (Lots 833, 834, Square 4515) ("Blow-Pierce");

(E) Carter G. Woodson Collegiate Academy, an approximately 151,558 square-foot high school located at 4095 Minnesota Avenue, N.E., Washington, D.C. 20019 (Lot 0813, Square 5078) ("Collegiate");

(F) FPCS Armstrong Amos Campus, an approximately 70,000 square-foot elementary school located at 1400 1st Street, N.W., Washington, D.C. 20001 (Lot 844, Square 553) (which campus is to be assumed by the Borrower in connection with taking over the operations of Community Academy Public Charter School, Inc. (“CAPCS”)); and

(G) FPCS Online Academy, a virtual online school located in an approximately 10,000 square-foot facility at 1335 Nicholson Street, N.W., Washington D.C. 20011 (Lot 846, Square 2794) (which campus is to be assumed by the Borrower in connection with taking over the operations of CAPCS);

(3) Currently refunding the District's Revenue Bonds (Friendship Public Charter School, Inc. Issue) Series 2003, in the original principal amount of \$44.88 million, the proceeds of which were used to:

(A) Finance or refinance all or a portion of the costs of acquisition or leasing, construction, renovation, furnishing and equipping of the Borrower’s Blow-Pierce, Chamberlain, Woodridge and Collegiate campuses;

(B) Fund working capital costs;

(C) Fund a required debt service reserve fund;

(D) Pay costs of issuance; and

(E) Pay the cost of credit enhancement;

(4) Advance refunding the District's Revenue Bonds (Friendship Public Charter School, Inc. Issue) Series 2006, in the original principal amount of \$15 million, the proceeds of which were used to:

(A) Finance, refinance, or reimburse the Borrower for costs of construction of a building addition and equipment at the Southeast Elementary campus;

(B) Fund a required debt service reserve fund;

(C) Pay costs of issuance; and

(D) Pay the cost of credit enhancement;

(5) Refinancing the District's Revenue Bonds (Community Academy Public Charter School, Inc. Issue), Series 2007, in the original principal amount of \$25 million, assumed by the Borrower in connection with taking over the operations of CAPCS;

(6) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(7) Funding capitalized interest on the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(8) Paying allowable issuance costs with respect to the Bonds.

(c) Due to current and expected future market conditions and the need of the Borrower to meet certain timing requirements with respect to the proposed financing, it is important to expedite the process for the issuance of the Bonds and avoid any delay that could adversely affect the financing costs of the Borrower.

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 Revised Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Approval Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

21-203

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$100 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Friendship Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Revised Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Approval Resolution of 2015".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager, and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Friendship Public Charter School, Inc., a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

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(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 et seq.).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Acquiring and constructing improvements at an existing elementary school facility, including a parking lot and playground, located at 645 Milwaukee Place S.E., Washington, D.C. 20032 (Lot 0815, Square 5982) ("Southeast Elementary");

(B) Certain capital improvements at the following locations of the Borrower:

(i) Tech Prep Academy Campus, a middle school located at 620 Milwaukee Place, S.E., Washington, D.C. 20032 (Lot 0045, Square 5982) and an adjacent high school located at 2705 Martin Luther King Avenue, S.E., Washington, D.C. 20032 (Lot 0049, Square 5982) (collectively, "Tech Prep");

(ii) Chamberlain Elementary Campus and Middle Campus, an approximately 80,660 square foot primary and secondary school located at 1345 Potomac Avenue, S.E., Washington, D.C. 20003 (Lot 0847, Square 1046) ("Chamberlain");

(iii) Woodridge Elementary Campus and Junior Academy Campus, an approximately 115,000 square foot primary school located at 2959 Carlton Avenue, N.E., Washington, D.C. 20018 (Lot 812, Square 4339) ("Woodridge");

(iv) Blow-Pierce Elementary Campus and Junior Academy Campus, an approximately 62,994 square foot primary school located at 725 19th Street, N.E., Washington, D.C. 20002 (Lots 833, 834, Square 4515) ("Blow-Pierce");

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(v) Carter G. Woodson Collegiate Academy, an approximately 151,558 square foot high school located at 4095 Minnesota Avenue, N.E., Washington, D.C. 20019 (Lot 0813, Square 5078) (“Collegiate”);

(vi) FPCS Armstrong Amos Campus, an approximately 70,000 square foot elementary school located at 1400 1st Street, N.W., Washington, D.C. 20001 (Lot 844, Square 553), which is to be assumed by the Borrower in connection with taking over the operations of Community Academy Public Charter School, Inc. (“CAPCS”); and

(vii) FPCS Online Academy, a virtual online school located in an approximately 10,000 square-foot facility at 1335 Nicholson Street, N.W., Washington D.C. 20011 (Lot 846, Square 2794), which is to be assumed by the Borrower in connection with taking over the operations of CAPCS;

(C) Currently refunding the District's Revenue Bonds (Friendship Public Charter School, Inc. Issue) Series 2003, in the original principal amount of \$44.88 million, the proceeds of which were used to:

(i) Finance or refinance all or a portion of the costs of acquisition or leasing, construction, renovation, furnishing and equipping of the Borrower's Blow-Pierce, Chamberlain, Woodridge, and Collegiate campuses;

(ii) Fund working capital costs;

(iii) Fund a required debt service reserve fund;

(iv) Pay costs of issuance; and

(v) Pay the cost of credit enhancement;

(D) Advance refunding the District's Revenue Bonds (Friendship Public Charter School, Inc. Issue) Series 2006, in the original principal amount of \$15 million, the proceeds of which were used to:

(i) Finance, refinance, or reimburse the Borrower for costs of construction of a building addition and equipment at the Southeast Elementary campus;

(ii) Fund a required debt service reserve fund;

(iii) Pay costs of issuance; and

(iv) Pay the cost of credit enhancement;

(E) Refinancing the District's Revenue Bonds (Community Academy Public Charter School, Inc. Issue), Series 2007, in the original principal amount of \$25 million assumed by the Borrower in connection with taking over the operations of CAPCS;

(F) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(G) Funding capitalized interest on the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(H) Paying allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding

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bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$100 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$100 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

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(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

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(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

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(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any

ENROLLED ORIGINAL

representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

ENROLLED ORIGINAL

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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 Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-204

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 for design-build services for Hyde-Addison Elementary School Complex between the District of Columbia government and MCN Build, LLC, , and to authorize payment to MCN Build, LLC in the aggregate amount of \$1,038,564 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 “Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2.(a) There exists an immediate need to approve Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 for design-build services for the Hyde-Addison Elementary School Complex in the aggregate amount of \$1,038,564 and to authorize payment for the goods and services received and to be received from MCN Build, LLC under the contract.

(b) Last year, the Council approved the underlying contract with MCN Build, LLC (CA20-0388) to provide design-build services for the modernization of Hyde-Addison Elementary School with a Phase A Guaranteed Maximum Price of \$7,050,357. Thereafter, the Department of General Services issued Change Order No. 001 (\$238,837); Change Order No. 002 (\$288,203); Change Order No. 003 (\$85,153), and Change Order No. 004 (\$350,000) with a total aggregate value of \$962,193; thus, Council approval was not required.

(c) Change Order No. 005, in the amount of \$76,371, will increase the aggregate value of the change orders to \$1,038,564.

(d) Council approval of Change Orders Nos. 001 through 005 in the amount of \$1,038,564 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 these change orders will increase the total expenditure under Contract No. DCAM-14-CS-0074 by an amount in excess of \$1,000,000 during a 12-month period.

(e) In addition, Council approval is necessary to compensate MCN Build, LLC for work to be completed under Change Order No. 005 to the contract.

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 Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 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

21-205

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 3 and Modification No. 4 to Contract No. NFPHC-039-2 between the Not-for-Profit Hospital Corporation (“NFPHC”) and Emcare, Inc. (“Emcare”), to provide anesthesiology services to NFPHC, and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “NFPHC Omnibus Anesthesiology Services Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 3 and Modification No. 4 to Contract No. NFPHC-039-2 (“Contract”) between NFPHC and Emcare, to provide anesthesiology services to NFPHC and to authorize payment for the services received and to be received under these contract modifications.

(b) The base year of this Contract for \$988,167 was awarded in August 2014.

(c) Modification No. 1, effective January 2015, added the services of 2 additional certified registered nurse anesthetists through May 2015 and amended the covered services provided by anesthesiologists in the amount of an \$18,859.50 reduction.

(d) Modification No. 2, effective June 2015, extended the necessary certified registered nurse anesthetist services through June 30, 2015, in the amount of \$29,167.

(e) Proposed Modification No. 3, which extends the necessary certified registered nurse anesthetist services through the end of the base year term (July 31, 2015), will cause the aggregate value of this Contract to exceed \$1 million in a 12-month period. Therefore, Council approval is necessary.

(f) Emergency approval of Modification No. 3 for a total value of \$1,027,641.50 is necessary so that NFPHC can continue to provide adequate anesthesiology coverage for the hospital.

(g) Proposed Modification No. 4 will exercise option year 1 of the contract.

(h) Emergency approval of Modification No. 4 for a total value of \$1,338,171 is necessary so that NFPHC can continue to provide adequate anesthesiology coverage for the hospital for the next option year starting on August 1, 2015. Without this approval, Emcare cannot be paid for these critical services provided and to be provided in excess of \$1 million.

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 NFPHC Omnibus Anesthesiology Services 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

21-206

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve Modification No. 6 and proposed Modification No. 10 to Contract No. CW15111 with Career T.E.A.M., LLC to provide job placement and retention services to the District and to authorize payment for the services received and to be received under the contract modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW15111 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification No. 6 and proposed Modification No. 10 to Contract No. CW15111 with Career T.E.A.M., LLC to provide job placement and retention services to the District and to authorize payment for the services received and to be received under the contract modifications.

(b) On January 3, 2015, by Modification No. 6, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a partial option of option year 3 of Contract No. CW15111 to provide job placement and retention services for the period from January 27, 2015, to July 27, 2015, in the not-to-exceed amount of \$570,910.

(c) Modification No. 10 is now necessary to exercise the remainder of option year 3 in the total not-to-exceed amount of \$1,558,201.

(d) Council approval is necessary since 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, Career T.E.A.M., LLC cannot be paid for services provided in excess of \$1 million for the contract period from January 27, 2015, through January 26, 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. CW15111 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

21-207

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 10 and 12 to Contract No. DCPO-2012-C-0154 to provide management oversight services under the Homeless Services Program Continuum of Care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCPO-2012-C-0154 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification Nos. 10 and 12 to Contract No. DCPO-2012-C-0154 with The Community Partnership for the Prevention of Homelessness to provide management oversight services under the Homeless Services Program Continuum of Care.

(b) Modification Nos. 10 and 12 are necessary to increase the total amount for option year three to \$85,359,939.87 for the period from October 1, 2014, through September 30, 2015.

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

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. DCPO-2012-C-0154 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

21-208

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 9 and 11 to Contract No. DCPO-2012-R-0177 to provide management oversight services under the Homeless Services Program Continuum of Care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCPO-2012-R-0177 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists a need to approve Modification Nos. 9 and 11 to Contract No. DCPO-2012-R-0177 with The Community Partnership for the Prevention of Homelessness to provide management oversight services under the Homeless Services Program Continuum of Care.

(b) Modification Nos. 9 and 11 are necessary to increase the total amount for option year three to \$17,243,102.19 for the period from October 1, 2014, through September 30, 2015.

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

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. DCPO-2012-R-0177 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

21-209

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 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-13-CS-0061E for design-build services for Shepherd Elementary School, and to authorize payment to Turner Construction Company in the aggregate amount of \$10,574,896.36 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-13-CS-0061E 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-13-CS-0061E, the Contract for Design-Build Services for Shepherd Elementary School, in the aggregate amount of \$10,574,896.36 and to authorize payment for the goods and services to be received from Turner Construction Company ("Turner") under these change orders.

(b) In the summer of 2013, the Council approved the underlying contract with Turner (CA20-0132) for Phase A to provide design-build services for the modernization of Shepherd Elementary School. Last year, the Council approved Change Order No. 001 (CA20-0404) to establish a Phase B1 Guaranteed Maximum Price ("GMP"). Thereafter, the Department of General Services issued Change Order No. 002 (\$28,675.36) and Change Order No. 003 (\$950,000). The aggregate value of these change orders was less than \$1 million; thus, Change Order Nos. 002 through 003 did not require Council approval.

(c) Change Order No. 004 will establish a GMP for Phase B2 and will cause the aggregate value of the change orders issued, after Council's last approval of the Phase B1 GMP, to exceed \$1 million.

(d) Council approval of Change Order Nos. 002 through 004 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 the Change Order will increase the total expenditures under Contract No. DCAM-13-CS-0061E by an amount in excess of \$1 million during a 12-month period.

ENROLLED ORIGINAL

(e) In addition, Council approval is necessary to compensate Turner Construction Company in the aggregate amount of \$10,574,896.36 for goods and services received and to be received 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. 002 through 004 to Contract No. DCAM-13-CS-0061E Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 31, 2015
 Petition Date: September 14, 2015
 Hearing Date: September 28, 2015
 Protest Hearing Date: December 9, 2015

License No.: ABRA-099730
 Licensee: American Multi-Cinema, Inc.
 Trade Name: AMC Theatres Georgetown 14
 License Class: Retailer’s Class “C” Restaurant
 Address: 3111 K Street, N.W.
 Contact: Stephen O’Brien: (202) 625-7700

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 9, 2015 at 1:30pm.

NATURE OF OPERATION

Premium cinema theatre operating with 14 auditoriums serving food and beverages. No nude performances. Total number of seats: 1380.

HOURS OF OPERATION

Sunday through Saturday 24 hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 12pm- 2am, Monday through Thursday 4pm-2am, Friday 4pm-3am, Saturday 12pm-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015
Protest Hearing: December 9, 2015

License No.: ABRA-099697
Licensee: Cinema Beverages Holding Company, LLC
Trade Name: Atlantic Plumbing Beverage Services
License Class: Retailer's Class CX Multi-Purpose Facility
Address: 807 V Street, N.W.
Contact: Annette Johnson: 612-220-8235

WARD 1 ANC 1B SMD 1B11

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 9, 2015 at 4:30 pm.

NATURE OF OPERATION

The facility will operate as a high-end theatre with a café, serving patrons a variety of food offerings, including local specialties and spirits. Summer Garden seating for 14, Total Occupancy Load of 420 and seating for 369 inside.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES AND SUMMER GARDEN

Sunday through Wednesday 8:30am-1:30am, Thursday through Saturday 8:30am-2:30am

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

Posting Date: July 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015
Protest Hearing: December 9, 2015

License No.: ABRA-098902
Licensee: Big Chief DC, LLC
Trade Name: Big Chief
License Class: Retailer's Class "C" Tavern
Address: 2002 Fenwick Street, N.E.
Contact: Benjamin Sislen: 202-436-4595

WARD 5

ANC 5D

SMD 5D01

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 9, 2015 at 1:30 pm.

NATURE OF OPERATION

New business planned to be a low-key tavern, lounge and venue for events. There will be bars which will serve a variety of canned beers and cocktails. Live entertainment will be provided on some nights and, on other nights, jukebox or other music will be provided. Summer Garden with seating for 60, seating inside for 269, Total Occupancy Load of 389. Live Entertainment Endorsement, Cover Charge, Dancing.

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

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

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

Sunday 10am-2am, Monday through Thursday 8am-2am, Friday and Saturday 8am-3am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND IN SUMMER**GARDEN**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015

License No.: ABRA-008949
Licensee: H L S, Inc.
Trade Name: Dupont Italian Kitchen
License Class: Retailer's Class "C" Restaurant
Address: 1637 17th Street, N.W.
Contact: Vahid Askarianam: 202-328-3222

WARD 2

ANC 2B

SMD 2B04

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 Summer Garden.

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

Sunday 10:30 am - 2 am, Monday through Thursday 11 am - 2 am, Friday 11 am - 3 am and Saturday 10:30 am - 3 am

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

Sunday 10:30 am - 2 am, Monday through Thursday 11 am - 2 am, Friday 11 am - 3 am and Saturday 10:30 am - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

**Posting Date: July 31, 2015
**Petition Date: September 14, 2015
**Roll Call Hearing Date: September 28, 2015
**Protest Hearing Date: December 9, 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 **9, 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

****RESCIND**

**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 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015
Protest Date: December 9, 2015

License No.: ABRA-098818
Licensee: Desta Hagos-Araya, LLC
Trade Name: Family Ethiopian Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 6128 Georgia Ave., N.W.
Contact: Desta Araya: 202-279-1626

WARD 4

ANC 4A

SMD 4A06

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 9, 2015.

NATURE OF OPERATION

Restaurant serving Ethiopian food with Entertainment Endorsement to include dancing and a cover charge. Total Occupancy Load of 30.

HOURS OF OPERATION

Sunday through Thursday 10 am – 3 am, Friday & Saturday 10 am – 4 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm – 2 am, Friday & Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

7/31/2015

Notice is hereby given that:

License Number: ABRA-097883

License Class/Type: A Retail - Liquor Store

Applicant: Gokulesh, LLC

Trade Name: Hop, Cask, & Barrel

ANC: 2E02

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

1717 WISCONSIN AVE NW

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

9/14/2015

A HEARING WILL BE HELD ON:

9/28/2015

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9am - 12am	9am - 12am
Tuesday:	9am - 12am	9am - 12am
Wednesday:	9am - 12am	9am - 12am
Thursday:	9am - 12am	9am - 12am
Friday:	9am - 12am	9am - 12am
Saturday:	9am - 12am	9am - 12am

ENDORSEMENTS: Tasting

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

7/03/2015**

RESCIND**

Notice is hereby given that:

License Number: ABRA-097883

License Class/Type: A Retail - Liquor Store

Applicant: Gokulesh, LLC

Trade Name: Hop, Cask, & Barrel

ANC: 2E02

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

1717 WISCONSIN AVE NW

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

8/17/2015**

A HEARING WILL BE HELD ON:

8/31/2015**

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9am - 12am	9am - 12am
Tuesday:	9am - 12am	9am - 12am
Wednesday:	9am - 12am	9am - 12am
Thursday:	9am - 12am	9am - 12am
Friday:	9am - 12am	9am - 12am
Saturday:	9am - 12am	9am - 12am

ENDORSEMENTS: Tasting

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

**Posting Date: July 31, 2015
**Petition Date: September 14, 2015
**Hearing Date: September 28, 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 6 ANC 6E SMD 6E02

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

****RESCIND**

**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 6 ANC 6E SMD 6E02

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 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015

License No.: ABRA-097687
Licensee: TNR Mass Avenue Corp.
Trade Name: Philos Mezze & Wine Bar
License Class: Retailer's Class "C" Tavern
Address: 401 Massachusetts Ave., N.W.
Contact: Mohammed-Talal Orfaly: 202-257-8442

WARD 6 ANC 6E SMD 6E05

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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests an Entertainment Endorsement with cover charge to allow live singing with instruments, poetry, comedy, spoken word and possibly a live DJ using music equipment.

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

Sunday through Thursday 11 am – 1:30 am, Friday and Saturday 11 am – 2:30 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 9 pm – 11 pm and Friday & Saturday 9 pm – 12 am

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

Posting Date: July 31, 2015
Petition Date: September 14, 2015
Hearing Date: September 28, 2015
Protest Date: December 9, 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 1:30 pm on December 9, 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******RESCIND**

**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******CORRECTION**

Posting Date: July 24, 2015
Petition Date: September 8, 2015
Hearing Date: September 21, 2015

License No.: ABRA-098037
Licensee: 520 Florida Avenue Restaurant LLC
Trade Name: **Shaw's Tavern
License Class: Retailer's Class "C" Tavern
Address: 520 Florida Ave., N.W.
Contact Information: A. Kline: 202-686-7600

WARD 6

ANC 6E

SMD 6E02

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 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:

Requesting an expansion of existing licensed premises to include 38 seats (Total Occupancy Load of 43) on the 2nd floor. Current Approved Occupancy Load is 105 on the first floor.

APPROVED HOURS OF OPERATION

Sunday through Thursday 8am-1am, Friday and Saturday 8am-3am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 8am-12:30am, Monday through Thursday 11am-12:30am, Friday 11am-2:30am, Saturday 8am-2:30am

APPROVED HOURS OF LIVE ENTERTAINMENT

Saturday and Sunday 11am-11:30pm, Monday-Friday 6pm-11:30pm

****APPROVED HOURS OF OPERATION FOR SIDEWALK CAFE**

Sunday 11am-12am, Monday through Friday 4pm-12am, Saturday 11am-12am

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

Sunday 11am-11:30pm, Monday through Friday 4pm-11:30pm, Saturday 11am-11:30pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: July 24, 2015
Petition Date: September 8, 2015
Hearing Date: September 21, 2015
Protest Hearing Date: December 2, 2015

License No.: ABRA-099707
Licensee: Watergate Liquors, LLC
Trade Name: Watergate Vintners & Spirits
License Class: Retailer’s Class “A” Liquor Store
Address: 2544 Virginia Avenue, N.W.
Contact: Bernard Dietz: 202-548-8000

WARD 2 ANC 2A SMD 2A04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 2, 2015 at 1:30 pm.

NATURE OF OPERATION

Class A Retailer with a Tasting Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 9 am – 12 am

HOURS OF TASTING

Sunday through Saturday 9 am – 12 am**

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.)), hereby gives notice of the intent to adopt final rulemaking to amend Section 1899 of Chapter 18 (Small Purchase and Other Simplified Purchase Procedures) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The CPO gave notice of intent to adopt these rules on March 18, 2015, and the proposed rules were published in the *D.C. Register* on April 10, 2015, at 62 DCR 4640. No comments were received and no changes have been made to the text of the rules as published.

The CPO adopted these rules as final on May 11, 2015 and the rules will become effective upon publication in the *D.C. Register*.

Chapter 18, SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 1899, DEFINITIONS, is amended as follows:

Subsection 1899.1 is amended as follows:

The definition of the term “blanket purchase agreement” is amended to read as follows:

Blanket purchase agreement - a pre-contractual agreement with a vendor which allows an agency to make small purchases by issuing a purchase order for each individual purchase.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY**NOTICE OF FINAL RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR)

The purpose of the proposed amendments is to create a site-based waiting list and improve the overall management and administration of DCHA's waiting list(s).

A proposed rulemaking was published in the *D.C. Register* on May 15, 2015, at 62 DCR 6076. This rulemaking was adopted as final at the Board of Commissioners regular meeting on July 8, 2015, and the rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING, is proposed as follows:

Section 6100, INTRODUCTION TO THE APPLICATION PROCESS, is amended to read as follows:

6100 INTRODUCTION TO THE APPLICATION PROCESS

6100.1 The District of Columbia Housing Authority (DCHA) owns and operates public housing for low to moderate income families in the District of Columbia and administers the Housing Choice Voucher and Moderate Rehabilitation Programs.

6100.2 In order to provide subsidized housing, DCHA shall maintain a waiting list(s) of all families seeking housing assistance from one of the housing programs owned, operated or administered by DCHA. The waiting list(s) shall open for new Applicants pursuant to Section 6104 when DCHA has exhausted existing Applicants on its current waiting list(s) for a specific property bedroom size and/or unit type.

6100.3 When DCHA opens its waiting lists(s) pursuant to Section 6104, DCHA shall notify the public of its method for taking applications. DCHA may take applications in person, via U.S. mail, by telephone, on-line or through other methods as determined by DCHA.

6100.4 DCHA shall maintain its waiting list(s) in accordance with the provisions of this chapter.

Section 6101, APPLICATION, is amended to read as follows:

6101 APPLICATION FOR ASSISTANCE

- 6101.1 DCHA maintains the following waiting lists:
- (a) Public Housing;
 - (1) First Available Waiting List; and
 - (2) Site-Based Waiting List;
 - (b) Housing Choice Voucher Program; and
 - (c) Moderate Rehabilitation Program.
- 6101.2 Each Applicant seeking public housing assistance owned, operated or administered by DCHA, or rental assistance through the Housing Choice Voucher and Moderate Rehabilitation Programs must submit a completed application with DCHA.
- 6101.3 Applications must be returned to DCHA via the methods as determined by DCHA at the time of the opening of the waiting list(s) pursuant to Section 6104.
- 6101.4 An Applicant may apply for one, some or all of the programs that DCHA owns and operates or administers.
- 6101.5 If an Applicant applies for public housing, the Applicant shall select to be on either the First Available Waiting List or the Site-Based Waiting list.
- 6101.6 If an Applicant for public housing chooses to be on the First Available Waiting List then his or her application shall be considered for a vacancy at any public housing property.
- 6101.7 If an Applicant for public housing chooses to be on the Site-Based Waiting List, Applicants shall select up to three (3) individual public housing developments where they wish to reside.
- 6101.8 As part of the Housing Choice Voucher and Moderate Rehabilitation Programs application process, Applicants shall be given the opportunity to select the Housing Choice Voucher Program and/or the Moderate Rehabilitation Program for housing assistance.
- 6101.9 A review of all applications shall be conducted by DCHA based on the data contained in the application. This review is limited to determining the completeness of the application.
- 6101.10 Only completed applications will be accepted by DCHA for processing.

- 6101.11 If DCHA determines that an application is incomplete, DCHA shall return the incomplete application to the Applicant to the address listed on the application and advise the Applicant that the application is incomplete and what missing information is required to complete the application.
- 6101.12 Once the completed application is submitted to DCHA, the Applicant shall receive a confirmation of receipt either electronically, in person or via first class mail.
- 6101.13 DCHA shall record the date and time that the completed application was received.
- 6101.14 Applicants shall be placed on the DCHA waiting list(s) based on date and time of their completed application and any program preferences selected on the application pursuant to Sections 6102, 6103, 6105, and 6111 of this chapter.
- 6101.15 A person with a disability may request a reasonable accommodation at any time during the application process pursuant to Chapter 74 of Title 14.

Section 6102, APPLICATION REVIEW, is amended to read as follows:

6102 APPLICATION PROCESS AND REVIEW

- 6102.1 Upon receipt of a completed application, DCHA shall place the Applicant on the selected waiting list(s) based on the date and time that the application was received, the type and unit size required based on occupancy guidelines and applicable Special Programs and/or allocations, and any preference(s) established by DCHA.
- 6102.2 Each Applicant shall be assigned a unique Client Identification Number (CIN) for identification purposes.
- 6102.3 Placement on DCHA's waiting list(s) does not guarantee the family admission to public housing, the Housing Choice Voucher, or the Moderate Rehabilitation Program.
- 6102.4 Periodically, as vacancies occur or are anticipated at DCHA owned and operated public housing developments or as Housing Choice Vouchers become available or units become available in the Moderate Rehabilitation Program, Applicants near the top of the applicable waiting list(s) shall be interviewed in order to obtain and verify any and all information necessary to make an eligibility determination in accordance with Sections 6106, 6107, 6108, and 6109.
- 6102.5 Public housing and Moderate Rehabilitation Applicants who have been deemed eligible shall be placed in the selection pool.

- 6102.6 DCHA shall review the application for any current debt owed to any public housing authority or Housing Choice Voucher programs via the HUD Enterprise Income Verification system "EIV" or any other income or debt verification source.
- 6102.7 If a current debt is found, DCHA shall notify the Applicant of the debt amount, to whom it is owed and the consequences of an unresolved debt at the time of the eligibility determination.
- 6102.8 If the current debt is unresolved at the time of the eligibility determination the Applicant may be deemed ineligible.
- 6102.9 The Applicant shall be allowed to submit mitigating circumstances to demonstrate an Applicant's suitability to receive housing assistance.
- 6102.10 Applicants in the public housing selection pool shall be offered housing units that meet their occupancy and accessibility needs as the appropriately sized units become available, pursuant to Sections 6112 and 6113.
- 6102.11 Eligible Applicants for the Housing Choice Voucher Program are offered a voucher as vouchers become available pursuant to Chapter 76.
- 6102.12 Eligible Applicants for the Moderate Rehabilitation Program shall be placed in a selection pool and offered a unit as units become available pursuant to Chapter 76.
- 6102.13 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107 of this chapter.

Section 6103, WAITING LISTS, is amended to read as follows:

6103 MAINTENANCE OF THE WAITING LIST(S)

- 6103.1 The waiting list(s) shall be maintained to ensure that Applicants are referred to appropriate developments, unit types (for example for public housing, Mixed Population, General Population or accessible) and sizes or housing programs.
- 6103.2 Applicants are responsible for updating their application when there are changes in the family composition, income, address, telephone number, and acceptance of housing assistance. Failure to update the application timely may result in a delay in housing, being deemed eligible for housing or the Applicant being changed to inactive status from the waiting list(s).
- 6103.3 DCHA shall update its waiting list(s) periodically and to meet the needs of those requiring housing assistance as needed. When this occurs, DCHA will send update forms to the affected Applicants.

- (a) The request for an update to a housing application shall provide a deadline by which the Applicant must respond and shall state that failure to respond shall result in the Applicant's being withdrawn from the waiting list(s) or changed to inactive status.
- (b) Applicants must complete an update form electronically, by telephone or mail, or by any other means established by DCHA within the time frame specified in the request for update package. Once the update is received the appropriate changes shall be made to the Applicant's file and the Applicant shall maintain their application date and time.

6103.4 Applicants who do not return the completed update form within the specified time frame shall have their waiting list status changed to inactive:

- (a) An Applicant whose status is inactive will not be actively considered for DCHA housing assistance.
- (b) If an inactive Applicant submits a completed update form at any time after the expiration of the specified update time frame, then the Applicant shall be restored to an active status on the waiting list based on the Applicant's original application date and time provided that the Applicant was deemed inactive after October 1, 2003.

6103.5 Changes in an Applicant's circumstances while on any of DCHA's waiting list(s) may affect the family's qualification for a particular development, bedroom size or entitlement to a preference. When an Applicant reports a change that affects their placement on the waiting list(s), the waiting list(s) shall be updated accordingly.

6103.6 When selecting Applicants from the waiting list(s) for public housing, DCHA shall use the Applicant's family composition and any reasonable accommodations requests to determine the appropriate bedroom size and unit characteristics.

6103.7 Applicants on the Waiting List who have requested a fully accessible unit, a unit with accessible features of any other reasonable accommodation through the reasonable accommodation process must meet all requirements of the accommodation prior to being deemed eligible. All reasonable accommodations shall be verified and approved by the Office of the ADA/504 Coordinator prior to a unit offer.

6103.8 Applicant families with members with disabilities who have verified and approved reasonable accommodations for fully accessible units or units with accessible features shall receive priority for those units that are designated as fully accessible units or designed with specific accessibility features.

6103.9 The only other system for assigning priority to eligible public housing Applicants is date and time of application, unless otherwise specified in this chapter including Sections 6111, 6112 and 6113 of this chapter.

6103.10 Applicants housed in public housing, Housing Choice Voucher or Moderate Rehabilitation programs do not qualify for the “homeless” preference category and shall have the preference removed.

6103. 11 SELECTION FOR PUBLIC HOUSING

- (a) Applicants seeking housing assistance in the public housing program shall choose either the Public Housing First Available Unit Waiting list or the Site-Based Waiting list.
- (b) Applicants shall not be placed on the First Available Unit waiting list and the Site-Based Waiting List at the same time. Applicants who select both shall be listed only on the Site-Based Waiting lists that the Applicant selected.
- (c) Applicants who do not select developments on the Site-Based waiting list or the First Available Waiting Unit Waiting List shall be placed automatically on the First Available Unit Waiting list.
- (d) Applicants shall only be listed at developments that have bedroom size and unit characteristics for which the family is authorized to occupy based on family composition and any reasonable accommodation requests.
- (e) Applicants may select up to three (3) developments on the Site-Based Waiting list. An Applicant who has selected multiple developments on the Site-Based Waiting List, and has the earliest application date and time, shall be offered the first available unit of their site(s) selection.
- (f) An Applicant who has selected the Site-Based Waiting List may not change his/her development selection after the application is received unless there is a change in their family circumstances that would require a change in bedroom size or unit characteristics. However, if the site selected can accommodate the required change DCHA shall not approve a change in the site selection. The Applicant shall maintain his/her original application date and time for the newly selected site.
- (g) An Applicant on the Site-Based Waiting List may elect to voluntarily remove their selection from the Site-Based Waiting List to the First Available Waiting List and maintain their original application date and time.
- (h) Any Applicant on the First Available Waiting List may not change their

selection from the First Available Waiting List to the Site-Based Waiting List.

Section 6111, TENANT ASSIGNMENT, is amended to read as follows:

6111 TENANT ASSIGNMENT

- 6111.1 When an Applicant has been deemed eligible and a unit has become available for offer, DCHA shall review the Applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no more than one hundred eighty (180) days prior to tenant assignment.
- 6111.2 If updated information is required, the Applicant shall be required to submit information in accordance with Section 6106 of this chapter before a unit is offered.
- 6111.3 Eligible Applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this title.
- 6111.4 Unit offers shall be made to Applicants with the earlier application date and time regardless of whether the Applicant selected the First Available Waiting List or a Site-Based Waiting List for the particular site selected.
- 6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected Applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:
- (a) For Applicants with a preference or in the emergency category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
 - (b) For low income families, pursuant to Section 6105;
 - (c) For disabled families, pursuant to Section 6112; and
 - (d) For comprehensive modernization properties and new developments, pursuant to Section 6113.
- 6111.6 Each Applicant shall be assigned an appropriate unit in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.
- 6111.7 **SELECTION FROM THE FIRST AVAILABLE WAITING LIST**
- (a) Eligible applicants with the earliest application date and time selecting a

First Available Unit shall be offered the next available unit that matches the family bedroom size and required needs regardless of the development pursuant to this section.

- (b) When an Applicant is offered a unit from the First Available Unit waiting list, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection. If the Applicant refuses the second unit offer, the Applicant shall be removed from the public housing waiting list(s) but shall remain on the Housing Choice Voucher Program and Moderate Rehabilitation Program waiting lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next Applicant on the public housing waiting list(s) in accordance with this section.
- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all public housing waiting lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.8

SELECTION FROM THE SITE-BASED WAITING LIST

- (a) Applicants on the Site-Based Waiting List unit shall with the earliest date and time if deemed eligible shall be offered the next available unit that matches the family bedroom size and unit characteristics pursuant to this section.
- (b) When an Applicant is offered a unit from the Site-Based Waiting List, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection at any of their selected sites when their name reaches the top of the waiting list(s). If the Applicant refuses the second unit offer, the Applicant shall be removed from all DCHA public housing waiting list(s).
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next eligible Applicant on the public housing waiting list(s) in accordance with this section.

- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all public housing waiting lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.9 If the Applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the Applicant before removing the Applicant from the public housing waiting list(s).

6111.10 If the Applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the Applicant from the public housing waiting list(s).

6111.11 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.

6111.12 The following requirements shall be applicable to any offered vacancies:

- (a) The unit offer shall be in writing and shall include the following:
 - (1) Identification of the property;
 - (2) Address and phone number of the property management office;
 - (3) The bedroom size and unit characteristics; and
 - (4) The time to contact the property and to view the unit.
- (b) The Applicant must contact the property in accordance with this section; and
- (c) After the Applicant has viewed the offered unit, the Applicant shall accept or reject the unit at that time.

6111.13 Applicants with preferences who reject two units for reasons other than those allowed in this section shall be removed from the public housing waiting list(s). If they are on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.14 Applicants with preferences who reject two units for reasons other than those allowed in section shall lose their preference provided in Subsection 6105.2 and shall be withdrawn from the waiting list. If the Applicant is on the Housing

Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).

6111.15 SELECTION FROM THE HOUSING CHOICE VOUCHER PROGRAM WAITING LIST

- (a) Applicants seeking a Housing Choice Voucher shall be placed on the Housing Choice Voucher Program waiting list according to the date and time of the application and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.
- (b) When selecting Applicants from the waiting list for a Housing Choice Voucher, Applicants who have been deemed eligible shall be issued a voucher pursuant to Chapter 76 of this title.

6103.16 SELECTION FROM THE MODERATE REHABILITATION PROGRAM WAITING LIST

- (a) Applicants seeking admission to the Moderate Rehabilitation Program shall be placed on the Moderate Rehabilitation Program waiting list according to the date and time of the application, and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.
- (b) When selecting Applicants from the waiting list for the Moderate Rehabilitation Program, Applicants who have been deemed eligible shall be referred to the next available unit based on the family composition, pursuant Chapter 76 of this title.

Chapter 60, LOW RENT HOUSING: GENERAL PROVISIONS, Section 6099, DEFINITIONS, is amended to include the following definitions:

6099 DEFINITONS

First Available Unit - An Applicant with an application date earlier than an Applicant on a Site-Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the “First Available Unit Option” shall be selected from the waiting list before any eligible Applicant on the Site-Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Site-Based Waiting Lists - An Applicant who has applied to be placed on the Site-Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that

the selection is for the appropriate bedroom size and any other relevant unit features).

Complete Applications – A complete application shall be considered complete if it includes the Applicant's name, date of birth, social security number, address, preference, income, and waiting list(s) selection.

**DISTRICT OF COLUMBIA
HEALTH BENEFIT EXCHANGE AUTHORITY**

NOTICE OF EMERGENCY RULEMAKING

The Executive Board of the District of Columbia Health Benefit Exchange Authority (“Authority”), pursuant to the authority set forth in § 18 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 4, 2012 (D.C. Law 19-94; D.C. Official Code §§ 31-3171.01 *et seq.*) (“Act”), hereby gives notice of the adoption, on an emergency basis, of the following rule, which will establish a new Subtitle D (Health Benefit Exchange) of Title 26 (Insurance, Securities, and Banking) of the District of Columbia Municipal Regulations (DCMR).

This emergency rule was adopted by the Executive Board on July 21, 2015. This process is related to the assessment levied pursuant to the Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015 (D.C. Law 21-0013), which establishes a process by which an assessed entity may contest an assessment.

Emergency action is necessary to ensure there is due process available to assessed entities to contest the assessment levied pursuant to D.C. Official Code § 31-3171.03(f). The Authority must assess health carriers in the summer of 2015 to support the FY 2016 Authority budget. As the Health Benefit Exchange Authority Financial Sustainability Amendment Act of 2015 became effective on June 23, 2015, the issuance of regulations through full notice and comment would result in delays in the application of the assessment which would compromise the operations of the Authority, making emergency rulemaking necessary for the public health and welfare.

The emergency rulemaking became effective on the date of adoption, July 21, 2015, by the Executive Board. The emergency rule shall remain in effect for one hundred and twenty (120) days; expiring on November 16, 2015, unless superseded or withdrawn.

A new Subtitle D, HEALTH BENEFIT EXCHANGE, is added to Title 26 DCMR, INSURANCE, SECURITIES, AND BANKING, as follows:

Chapter 1, titled “HEALTH CARRIER ASSESSMENT,” is added to read as follows:

110 HEALTH CARRIER ASSESSMENT GENERAL PROVISIONS

110.1 Pursuant to D.C. Official Code § 31-3171.03(f), the Health Benefit Exchange Authority (HBX) shall annually assess each health carrier defined in § 31-3171.01(6).

110.2 For purposes of this chapter and under D.C. Official Code § 31-3171.01(6), an accident and sickness insurance company includes companies offering certain insurance products, including but not limited to:

- (a) Major medical; and
- (b) Excepted benefits as set forth in 45 C.F.R. § 146.145 and 45 C.F.R. § 148.220 unless otherwise specified in Subsection 110.3.

110.3 For purposes of this chapter and under D.C. Official Code § 31-3171.01(3A), health insurance carrier risks do not include each of the following:

- (a) Coverage for on-site medical clinics;
- (b) Coverage issued as a supplement to liability insurance;
- (c) Credit-only insurance (including mortgage insurance);
- (d) Federal Employees Dental and Vision Insurance Program, as set forth at 5 C.F.R. §§ 894.101 *et seq.*;
- (e) Federal Employees Health Benefits Program, as set forth at 5 C.F.R. §§ 890.101 *et seq.*;
- (f) Liability insurance, including general liability and auto liability insurance;
- (g) Medicare Part D, as set forth at 42 U.S.C. §§ 1395w-101 *et seq.*;
- (h) Stop-loss insurance; and
- (i) Workers' compensation or similar insurance.

120 HEALTH CARRIER ASSESSMENT ADMINISTRATIVE APPEAL

120.1 An entity assessed pursuant to D.C. Official Code § 31-3171.03(f) may file a request for reconsideration under this section to contest the assessment in the Notice of Assessment. An entity is limited to contesting its classification under § 31-3171.01(6), a processing error, the incorrect application of relevant methodology, or mathematical error with respect to the assessment.

120.2 An entity must file a request for reconsideration within forty-five (45) calendar days after the date of the Notice of Assessment. Submission of a request for reconsideration does not toll the due date for submitting payment of the assessment.

120.3 A contesting entity must specify the basis for the reconsideration in the request, as specified in Subsection 120.1. Such entity may provide, only at the time the reconsideration is requested or to rebut additional information provided to the entity by the Executive Director of the Authority or his or her designee consistent with Subsection 120.4, additional documentation supporting the request for

reconsideration by the Authority. An entity may not submit documentation or data that was previously submitted to the Department of Insurance, Securities and Banking, but may provide evidence of timely submission.

- 120.4 The Executive Director of the Authority or his or her designee will review evidence and findings upon which the assessment was based and any additional documentation provided by the contesting entity. The Executive Director or designee may review any additional information believed to be relevant to the request for reconsideration. The Executive Director or designee will provide any additional information used in the review to the contesting entity and provide such entity with a reasonable time to review and rebut the additional information. The contesting entity must prove its case by a preponderance of the evidence with respect to the issues of fact.
- 120.5 The Executive Director or designee will inform the contesting entity of their decision in writing within forty-five (45) calendar days of receipt of the request for reconsideration. The Executive Director's or designee's decision on the request for reconsideration is final and binding. Nothing in this section limits a contesting entity's right to judicial review.

A new Chapter 99, DEFINITIONS, is added to read as follows:

9900 DEFINITIONS

- 9900.1 When used in this chapter, the following terms shall have the meanings ascribed:

“Authority” means the District of Columbia Health Benefit Exchange Authority established pursuant to D.C. Official Code § 31-3171.02.

“Health carrier” has the same meaning as provided in D.C. Official Code § 31-3171.01(6).

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to authority set forth in D.C. Official Code § 47-2851.20 (2012 Repl.), Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)), and Mayor's Order 99-68, dated April 28, 1999, hereby gives notice of the adoption, on an emergency basis, and its intent to adopt on a permanent basis, the following amendment to Chapter 32 (Civil Infractions: Schedule of Fines) of Title 16 (Consumers, Commercial Practices, and Civil Infractions).

This emergency rulemaking is necessary to the immediate preservation of the public welfare to enable swift processing of fines prescribed in the Synthetic Drugs Emergency Amendment Act of 2015. The need for emergency action was legislatively adopted in Sale of Synthetic Drugs Emergency Declaration Resolution of 2015 on June 30, 2015.

The emergency rulemaking creates a Class VI infraction to conform to the fine amounts set forth in the Synthetic Drugs Emergency Amendment Act of 2015.

This emergency rulemaking was adopted July 10, 2015, and became effective on that date.

The emergency rulemaking shall remain in effect for up to one hundred and twenty (120) days or until November 7, 2015, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 32, CIVIL INFRACTIONS: SCHEDULE OF FINES, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3200, CLASSES OF INFRACTIONS, is amended as follows:

Subsection 3200.1 of is amended by adding a paragraph (f) to read as follows:

- (f) Class 6 – Infractions that involve synthetic drug sale, intent to sell, or possession in violation of D.C. Official Code § 47-2844(a-2)(1A).

Section 3201, FINE AMOUNTS, is amended as follows:

Subsection 3201.1 is amended by adding a new paragraph (f) to read as follows:

- (f) For Class 6 infractions, the fines are as follows:
 - (1) For the first offense \$10,000; and
 - (2) For the second and subsequent offenses \$20,000.

All persons desiring to comment on these emergency and final regulations should submit comments in writing to Matt Orlins, Director of Legislative and Public Affairs, Department of Consumer and Regulatory Affairs, 1100 4th Street, S.W., 5th Floor, Washington, D.C. 20024, or by e-mail to matt.orlins@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the “About DCRA” tab, clicking “News Room”, and clicking on “Rulemaking.”

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF EMERGENCY and PROPOSED RULEMAKING

Z.C. Case No. 14-11

(Text Amendment – 11 DCMR)

(Technical Correction to Zoning Commission Order No. 14-11)

The Zoning Commission for the District of Columbia (Commission), pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 330, 336 and 3202 of Title 11 (Zoning), of the District of Columbia Municipal Regulations (DCMR).

Z.C. Order No. 14-11 became effective on June 26, 2015. The Order, among other things, amended rules governing the conversion of residential buildings and non-residential buildings to apartment houses. The rules provided circumstances in which building permit applications to convert residential buildings would be processed under the rules in place on July 17, 2014. The amendments as published inadvertently failed to provide similar vesting rules for the conversion of non-residential buildings to apartment houses, although that was the Commission’s intent.

The Office of Planning brought this information to the attention of the Commission through a report dated July 10, 2015, and recommended amendments to correct the omission, as well as other minor clarifying changes to the new rules. The Commission considered whether to propose the amendments at its public meeting held July 13th. In response to a question posed by the Commission, the Office of Planning indicated that there are at least two (2) applications for building permits that will be rejected and required to seek special exception relief because of the absence of a vesting rule. The Commission concluded that any delay in expanding the vesting rules as intended could result in immediate and significant harm to those and other similarly situated projects, and that this would prove detrimental to the goal of encouraging the adaptive reuse of non-residential buildings. For these reasons the Commission, found that the emergency adoption of these amendments is necessary for the “immediate preservation of the public ... welfare.” (D.C. Official Code § 2-505(c) (2012 Repl.).)

Z.C. Order No. 14-11 included a table that summarized the circumstances under which a building permit will be processed under the Zoning Regulations in place on July 17, 2014. The following is an update of that table to indicate the added vesting that results from the Commission’s emergency adoption of these amendments, with the added vesting shown in underlined and **bold** type:

Type of construction in R-4 Zone District	Circumstance	Date(s)
New one-family dwelling or flat, or an addition to: (a) an existing one-family dwelling; (b) an existing flat; or (c) an existing apartment house	Filing of building permit application (including a foundation-to-grade permit application) legally filed with, and accepted as complete by DCRA.	Prior to February 1, 2015

Conversion of a residential building to apartment house	Filing of building permit application (including a foundation-to-grade permit) legally filed with, and accepted as complete by the DCRA.	Prior to July 17, 2014
<u>Conversion of a non-residential building to apartment house</u>	<u>Filing of building permit application (including a foundation-to-grade permit) legally filed with, and accepted as complete by DCRA.</u>	<u>Prior to June 26, 2015</u>
<u>Construction involving the conversion of a non-residential building to an apartment house</u> and all residential construction.	Project has an unexpired approval of variance or special exception by the BZA or an unexpired approval of a design or concept design by HPRB (or staff) or CFA.	Approved prior to the effective date of the amendments; or Approved after the effective date, but application filed prior thereto.

All pending building permit applications for other types of construction involving a non-residential building or structure will be processed in accordance with the Zoning Regulations in place on the date upon which the permit is issued.

The Commission also gives notice of its intent to adopt the following amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The emergency rule will expire November 10, 2015, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 11 DCMR, ZONING, is amended as follows:

Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

Section 330, R-4 DISTRICTS: GENERAL PROVISIONS, § 330.7 is amended to strike the phrase “or structure” in the introductory text and in paragraph (d) and insert the phrase “either structurally or through increasing the number of units,” in paragraph (h) so that the subsection reads as follows:

- 330.7 Conversion of an existing non-residential building or structure existing prior to May 12, 1958, to a residential building shall be permitted as a matter of right in the R-4 Zone District subject to the following conditions:
- (a) There is an existing non-residential building on the property at the time of filing an application for a building permit;
 - (b) The maximum height of any addition to the existing structure shall not exceed thirty-five feet (35 ft.);

- (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;
- (d) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;
- (e) A roof top architectural element original to the structure such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (g) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and
- (h) An apartment house in an R-4 Zone District converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and § 337.

Section 336, CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4), § 336.13 is amended by adding a reference to new § 3202.10 and inserting the phrase “either structurally or through increasing the number of units” so that the subsection reads as follows:

336.13 An apartment house in an R-4 Zone District, converted from a residential building prior to June 26, 2015, or converted pursuant to §§ 3202.8, 3202.9, or 3202.10, shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and this section.

Chapter 32, ADMINISTRATION AND ENFORCEMENT, § 3202, BUILDING PERMITS, is amended as follows:

Subsection 3202.4 is amended by adding a reference to new § 3202.10 so that the subsection reads as follows:

3202.4 Except as provided in §§ 3202.8, 3202.9, and 3202.10, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:

- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and
- (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended.

A new § 3202.10 is added to read as follows:

3202.10 Notwithstanding § 3202.4, a building permit application (including a foundation-to-grade permit application) (the Application) for construction involving the conversion of an existing non-residential building to an apartment house in the R-4 Zone District shall be processed, and any work authorized by the building permit may be carried to completion pursuant to the provisions of the R-4 regulations in place as of July 17, 2014, if:

- (a) The Application was legally filed with, and accepted as complete by, the Department of Consumer and Regulatory Affairs prior to June 26, 2015; or
- (b) The project has:
 - (1) An unexpired approval of a variance or special exception by the Board of Zoning Adjustment; or
 - (2) An unexpired approval of a design or concept design by the Historic Preservation Review Board (including a delegated approval made pursuant to 10-C DCMR §§ 319 through 321), or Commission of Fine Arts; and
 - (3) The vote to approve or the delegated action occurred:
 - (A) Prior to June 26, 2015; or
 - (B) On or after June 26, 2015, and the application was filed prior thereto.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning

Z.C. Notice of Emergency and Proposed Rulemaking

Z.C. Case No. 15-08

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Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, or signed electronic submissions may be submitted in PDF format to zcsubmissions@dc.gov. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-188
July 22, 2015

SUBJECT: Appointments — Police and Firefighters Retirement and Relief Board

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-407, D.C. Official Code § 5-722 (2012 Repl.), it is hereby **ORDERED** that:

1. **DERON LEHMAN** is appointed as an alternate member and the alternate Chairperson of the Police and Firefighters Retirement and Relief Board ("**Board**"), representing the District of Columbia Department of Human Resources (formerly the District of Columbia Office of Personnel), replacing Jed Ross, and shall serve at the pleasure of the Mayor.
2. **STUART EMERMAN** is appointed as an alternate member of the Board, representing the District of Columbia Metropolitan Police Department, and shall serve at the pleasure of the Mayor.
3. **WILFREDO MANLAPAZ** is appointed as an alternate member of the Board, representing the District of Columbia Metropolitan Police Department, and shall serve at the pleasure of the Mayor.
4. **VENDETTE PARKER** is appointed as an alternate member of the Board, representing the District of Columbia Metropolitan Police Department, and shall serve at the pleasure of the Mayor.
5. **ESSRAY TALIAFERRO** is appointed as an alternate member of the Board, representing the District of Columbia Metropolitan Police Department, and shall serve at the pleasure of the Mayor.

6. 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 2015-189
July 22, 2015

SUBJECT: Delegation — Authority to Chief of the Police Department of the Metropolitan Police Department Pursuant to D.C. Law 6-42, the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.* (2012 Repl.) (the Civil Infractions Act), and section 3 of the Sale of Synthetic Drugs Emergency Amendment Act of 2015, effective July 10, 2015 (D.C. Act 21-100; 62 DCR 009689) (the Sale of Synthetic Drugs Act), and any substantially similar emergency, temporary, or permanent versions of this legislation, it is hereby **ORDERED** that:

1. The Chief of Police of the Metropolitan Police Department is delegated that portion of the Mayor's authority under section 106 of the Civil Infractions Act (D.C. Official Code § 2-1801.06), as it is referenced in D.C. Official Code § 47-2844(a-2)(1A)(A)(ii) and (B)(ii)), to make a determination of an imminent danger to the health or safety of the residents of the District posed by the conduct of a business possessing, providing, distributing, selling, or marketing any product defined as a "synthetic drug" under section 2(b) of the Sale of Synthetic Drugs Act.
2. With the exception of Paragraph 1 above, nothing in this Order is intended to supersede Mayor's Order 2004-46, dated March 22, 2004.

3. 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 2015-190
July 22, 2015

SUBJECT: Waiver – Acceptance of Donations and Donor Logo (District of Columbia Commission on Arts and Humanities)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia (the "Mayor") pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003, 117 Stat. 123, Pub. L. 108-7, D.C. Official Code § 1-329.01 (2014 Repl.), it is hereby **ORDERED** that:

1. Notwithstanding Mayor's Memorandum 2012-3, dated May 16, 2012, specifically subsection IX.B and any other applicable provision therein, the District of Columbia Commission on Arts and Humanities may accept donations to support its upcoming Art All Night event, to be held September 26, 2015, and may acknowledge those donations in a manner that includes discreet use of logos of the donors.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Basic Literacy Partners**

Academy of Hope Adult Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors the services listed below.

Business Services:

1. Basic Literacy Partners

Please visit www.aohdc.org for full details. Questions and proposals may be e-mailed to aoh@aohdc.org with the subject line in the type of service. Deadline for submissions is **12:00 pm August 7th**. Appointments for presentations will be scheduled at the discretion of the school office **after** receipt of proposals only.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Academy of Hope Adult Public Charter School
601 Edgewood St. NE, Ste. 25
Washington, DC 20017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 5, 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

- Fact Finding Hearing*** **9:30 AM**
George Washington University Club, Inc., t/a Alumni House, 1925 F Street NW
License #60219, Retailer CX Multipurpose Facility, ANC 2A
Request to Extend Safekeeping
- Fact Finding Hearing*** **9:30 AM**
George Washington University Club, Inc., t/a George Washington University
Club, 1925 F Street NW, License #26668, Retailer CX –Club, ANC 2A
Request to Extend Safekeeping
- Fact Finding Hearing*** **9:30 AM**
Neighborhood Restaurant Group XIX, LLC, t/a To Be Determined; 1206
Wisconsin Ave NW, License #95913, Retailer CT, ANC 2E
Request to Extend Safekeeping
- Show Cause Hearing*** **10:00 AM**
Case # 15-AUD-00031; Pub Management, Inc., t/a Zoo Bar Café, 3000
Connecticut Ave NW, License #60391, Retailer CR, ANC 3C
**Failed to Maintain Books and Records, Failed to Meet Food Sales
Requirements**
- Show Cause Hearing*** **10:00 AM**
Case # 15-251-00033; New York Avenue Beach Bar, LLC, t/a Halftime Sports
Bar, 1427 H Street NE, License #94107, Retailer CT, ANC 6A
Possession of a Firearm

Board's Calendar
August 5, 2015

Show Cause Hearing* **11:00 AM**
Case # 14-CMP-00776; Po'Boy, LLC t/a Johnny's Half Shell, 400 North Capitol Street NW, License #74573, Retailer CR, ANC 6C
No ABC Manager on Duty

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

Show Cause Hearing* **1:30 PM**
Case # 15-CMP-00127; Spo-dee-o-dee, LLC, t/a The Showtime, 113 Rhode Island Ave NW, License #89186, Retailer CT, ANC 5E
Substantial Change in Operation Without Board's Approval

Show Cause Hearing* **2:30 PM**
Case # 14-CC-00186; 1010 V, LLC, Josephine, 1010 Vermont Ave NW License #76906, Retailer CT, ANC 2F
Sale to Minor Violation

Protest Hearing* **4:30 PM**
Case # 15-PRO-00025; Po Boy Jim, LLC, t/a Po Boy Jim, 709 H Street NE License #87903, Retailer CR, ANC 6C
Substantial Change (Entertainment Endorsement to allow Karaoke and a D.J)

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
CANCELLATION AGENDA**

**WEDNESDAY, AUGUST 5, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-092297 – **Pei Wei Asian Diner** – Retailer – DR – 1212 18th STREET NW
[The Licensee Requested Cancellation.]

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, AUGUST 5, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On August 5, 2015, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matter identified below. Under Section 406(3) of the Open Meetings Act, it was not practical to publish notice of this matter in the District of Columbia Register. However, the notice requirements of section 406 (1)-(2) were satisfied.

1. Case#15-CMP-00412 Capitol Skyline Hotel, 10 I ST SW Retailer C Hotel, License#: ABRA-072534

2. Case#15-CMP-00395 Vapiano, 623 H ST NW Retailer C Restaurant, License#: ABRA-076727

3. Case#15-251-00123 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

4. Case#15-CMP-00394 Cork N Bottle Wine & Spirits, 7421 GEORGIA AVE NW Retailer A Retail - Liquor Store, License#: ABRA-089012

5. Case#15-CC-00070 Little China Cafe, 4830 MACARTHUR BLVD NW Retailer D Restaurant, License#:ABRA-091976

6. Case#15-CMP-00410 DACHA BEER GARDEN, 1600 7TH ST NW Retailer D Tavern, License#: ABRA-092773

7. Case#15-CMP-00411 Ultimo Lounge DUPLICATE, 1633 17TH ST NW Retailer C Restaurant, License#:ABRA-093308

8. Case#15-CMP-00409 & Pizza, 1215 CONNECTICUT AVE NW Retailer C Restaurant,
License#: ABRA-096845

9. Case#15-CC-00050 Peacock Liquors, 1625 NEW YORK AVE NE Retailer A Retail - Liquor
Store, License#:ABRA-096105

10. Case#15-251-00124 Sign of the Whale, 1825 M ST NW Retailer C Tavern, License#:
ABRA-085120

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, AUGUST 5, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between ANC 6D and The Capital Yacht Club. *The Capital Yacht Club*, 660 Water Street, S.W., Retailer CX, License No.: 001324.

2. Review of Settlement Agreement among ANC 2E, Citizens Association of Georgetown and Mr. Smith's of Georgetown. *Mr. Smith's of Georgetown*, 3205 K Street, N.W., Retailer CT, License No.: 000927.

* 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, AUGUST 5, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Monday-Saturday 11am to 8:30pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday 11am to 7pm, Monday-Saturday 11am to 8:30pm. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Hayden's*, 700 North Carolina Avenue SE, Retailer A Liquor Store, License No. 000437.
-

2. Review Request for Change of Hours of Entertainment Endorsement. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:* Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. *Approved Hours of Live Entertainment:* Sunday-Thursday 10pm to 2am, Friday-Saturday 10pm to 3am. *Proposed Hours of Live Entertainment.* Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm to 3am. ANC 1C. SMD 1C03. Outstanding Enforcement Matter: 12/31/2014, Case #15-CMP-00024, Cover Charge, referred to staff for settlement on 2/18/2015. The Licensee requested a hearing on 3/12/2015. No conflict with Settlement Agreement. *Roofers Union*, 2442-2446 18th Street NW, Retailer CT, License No. 093592.
-

3. Review Application for Manager's License. *Robert S. Bise*-ABRA 099766.
-

4. Review Application for Manager's License. *Carlos A. Lopez*-ABRA 099768.
-

***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.**

OFFICE OF DISABILITY RIGHTS

**DC COMMISSION ON
PERSONS WITH DISABILITIES (DCCPD)**

PUBLIC NOTICE OF MEETING

July 30, 2015, 9:00 AM to 10:30 AM

441 4th St. NW, Ste. 729N

Washington, DC 20001

Toll Free: (866) 628-2987

Passcode: 8488992

Meeting Agenda

1. Welcome and Introductions	All	05 Minutes
2. Meet ODR New Director	Alexis Taylor	15 Minutes
3. Because of the ADA Update	Kali	10 Minutes
4. Boards and Commissions Training	All	10 Minutes
5. Subcommittee Planning	All	20 Minutes
6. Mayor's Expo	All	10 Minutes
7. Plan September Meeting and Other Announcements	All	10 Minutes
8. Closing Remarks and Adjourn	Denise	05 Minutes

E.L. HAYNES PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER INTO A SOLE SOURCE CONTRACT****Carahsoft Software**

E.L. Haynes Public Charter School intends to enter into a sole source contract with Carahsoft to provide Salesforce.com licenses to operate the school's student information system (SIS). E.L. Haynes partnered with Acumen Solutions to build SchoolForce, a customized SIS on the Salesforce platform. During development, Acumen negotiated the content and price for the specialized licenses needed to operate the SIS. These specialized licenses are now available through only one vendor, Carahsoft.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in two (2) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3C04 and 4C02

Petition Circulation Period: **Monday, August 3, 2015 thru Monday, August 24, 2015**
Petition Challenge Period: **Thursday, August 27, 2015 thru Wednesday, Sept. 2, 2015**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

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 #6217-R2 to the Smithsonian Institution to operate an existing 200 kWe emergency generator set with a 309 HP natural gas fired engine at 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.

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 31, 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 #6592-R1 to the Smithsonian Institution to operate one (1) existing 35 kWe emergency generator set with a 54 hp natural gas fired engine at the Cheetah Springs area of the National Zoological Park at 3001 Connecticut Ave NW, Washington DC 20008. The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, at (202) 633-2573.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(d) and 40 CFR 60, Subpart JJJJ, Table 1]

Pollutant Emission Limits (g/hp-hr)	
HC+NO _x	CO
10	387

- 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 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)	0.51
Oxides of Nitrogen (NO _x)	0.56
Total Particulate Matter (PM Total)	0.00268
Oxides of Sulfur (SO _x)	0.0000811
Volatile Organic Compounds (VOCs)	0.0166

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

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Air Quality Division
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Stephen.Ours@dc.gov

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

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The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(d) and 40 CFR 60, Subpart JJJJ, Table 1]

Pollutant Emission Limits (g/hp-hr)		
NO _x	CO	VOC
2.0	4.0	1.0

- 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 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)	1.63
Oxides of Nitrogen (NO _x)	1.79
Total Particulate Matter (PM Total)	0.00852
Oxides of Sulfur (SO _x)	0.000258
Volatile Organic Compounds (VOCs)	0.0527

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 #7010 to the Cellco Partnership (DBA Verizon Wireless) to construct and operate one (1) 10 kWe emergency generator set with a 17.9 hp natural fired engine at 1712 16th Street NW, Washington, DC. The contact person for the facility is Brian Scallon, Director of Operations, at (800) 488-7900.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(a), 40 CFR 60.4231(a), and 40 CFR 1054.105, Table 1]

Pollutant Emission Limits (g/kWm-hr)	
HC+NO _x	CO
8.0	387

- 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 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)	0.01820
Oxides of Nitrogen (NO _x)	0.00027
Total Particulate Matter (PM Total)	0.0000076
Oxides of Sulfur (SO _x)	0.0000001
Volatile Organic Compounds (VOCs)	0.00055

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 #7011 to the Cellco Partnership (DBA Verizon Wireless) to construct and operate one (1) 30 kWe emergency generator set with a 66.5 hp natural fired engine at 1150 Varnum Street NE, Washington, DC. The contact person for the facility is Brian Scallon, Director of Operations, at (800) 488-7900.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(c), 40 CFR 60.4231(c), and 40 CFR 90.103, Table 1]

Pollutant Emission Limits (g/kWm-hr)	
HC+NO _x	CO
13.4	519

- 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 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)	0.6003
Oxides of Nitrogen (NO _x)	0.1498
Total Particulate Matter (PM Total)	0.0014
Sulfur Dioxide (SO _x)	0.0009
Volatile Organic Compounds (VOCs)	0.0424

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

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1200 First Street NE, 5th Floor
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For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, 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 #7012 to the Cellco Partnership (DBA Verizon Wireless) to construct and operate one (1) 30 kWe emergency generator set with a 66.5 hp natural fired engine at 64 New York Avenue NE, Washington, DC. The contact person for the facility is Brian Scallon, Director of Operations, at (800) 488-7900.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(c), 40 CFR 60.4231(c), and 40 CFR 90.103, Table 1]

Pollutant Emission Limits (g/kWm-hr)	
HC+NO _x	CO
13.4	519

- 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 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)	0.6003
Oxides of Nitrogen (NO _x)	0.1498
Total Particulate Matter (PM Total)	0.0014
Sulfur Dioxide (SO _x)	0.0009
Volatile Organic Compounds (VOCs)	0.0424

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

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Air Quality Division
District Department of the Environment
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Washington, DC 20002
Stephen.Ours@dc.gov

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

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, 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 #7028 to the AARP to operate one (1) 670 kWe emergency generator set with a 900 hp diesel fired engine at 601 E Street NW, Washington DC. The contact person for the facility is William McDonald, Assistant Chief Engineer, at (202) 765-9927.

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)	1.238
Oxides of Nitrogen (NO _x)	5.400
Total Particulate Matter (PM Total)	0.158
Sulfur Dioxide (SO _x)	0.003
Volatile Organic Compounds (VOCs)	0.159

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.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Excel Academy Public Charter School is soliciting proposals from qualified vendors for the following:

- **Classroom Technology and Equipment**
- **Security Services**
- **Occupational Therapy (OT) and Physical Therapy (PT) Special Education Services**

Full RFPs will contain the necessary qualifications, and guidelines for submission.

To obtain copies of the full RFPs, please contact Mr. Philip Mitchell at email: pmitchell@excelpcs.org.

Full RFP's can also be found on our website at www.excelpubliccharterschool.org/RFP

The deadline for submission is Friday August 7th, 2015 at 5:00pm

HARMONY DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS**

Harmony DC Public Charter Schools requests proposals for janitorial services, maintenance services, special education support services, and technology equipment (desktop computers, tablets, and document cameras).

More information, about the scope of the services and technical specifications, will be provided upon request to info@harmonydc.org.

Email questions to info@harmonydc.org with an appropriate subject line for the above services.

Deadline for proposal submission is Friday August 7, 2015 - 12:00pm.

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE****PROPOSED MEDICAID WAIVER GOVERNING NON-EMERGENCY
TRANSPORTATION SERVICES for 1915(c) INTELLECTUALLY AND
DEVELOPMENTALLY DISABLED (ID/DD) WAIVER PARTICIPANTS**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of DHCF's intent to submit a 1915(b)(4) Waiver for Non-Emergency Transportation Services for 1915(c) ID/DD Waiver Participants to the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

Program Overview

DHCF contracts with a broker to manage and administer non-emergency transportation (NET) services provided to individuals enrolled in the ID/DD Waiver. Pursuant to Section 1915(b)(4) of the Social Security Act (42 U.S.C. § 1396n(b)(4)), the fee-for-service (FFS) Selective Contracting option for NET services does not discriminate among classes of providers and ensures that the broker is paid on a timely basis.

NET services are available to eligible participants in the 1915(c) Home and Community Based Services (HCBS) waiver for the ID/DD. As required under the contract between DHCF and the NET services broker, the NET services broker must ensure that there is an adequate network of providers with sufficient equipment to provide services to this population. The contract requires the NET services broker to ensure that its transportation providers maintain various types of vehicles (ambulatory vans, wheelchair vans, and stretcher van vehicles). Currently, the non-emergency transportation network consists of approximately 245 individual vehicles. In addition, the contract supports average utilization by approximately 950 unique participants per month and is priced according to a capitated rate (per participant per month). If utilization increases during the remaining period of performance, then DHCF and the NET services broker can amend the contract to accommodate the change.

While the District employs the same contractor to broker NET services for the FFS population the NET services covered under this 1915(b)(4) waiver do not duplicate state plan services. NET services proposed in the Waiver application have been designed to meet the unique needs of the ID/DD population. In addition to transportation to health care appointments, NET services are provided to enable beneficiaries to gain access to ID/DD Waiver and other community services, activities and resources specified in the enrollees individual habilitation plan or individual support plan (ISP).

The projected budget for this waiver is approximately \$11.6 million in FY 2016. Thirty percent (30%) of this amount—approximately \$3.48 million— will be paid using local District funds. The remaining funds will be covered through a federal budget match.

For further information or questions regarding the Medicaid 1915(b)(4) Waiver for Non-Emergency Transportation Services for 1915(c) ID/DD Waiver Participants, please contact Antonio Lacey, DDS, Program Analyst, Department of Health Care Finance, by telephone at (202) 442-5847, or e-mail at Antonio.lacey@dc.gov

Comments on the proposed waiver shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed waiver may be obtained by contacting Marie Dorelus at (202) 724-5382 or marie.dorelus@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be **Thursday, September 3, 2015, at 2:30 PM in the 11th Floor Citywide Conference Room 1107 at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the North Lobby elevators to access the 11th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Alzheimer's Agents	Fluoroquinolones, Oral
Antibiotics, GI	Immunosuppressants, Oral
Anticonvulsants	Multiple Sclerosis Agents
Antidepressants, Others	Neuropathic Pain
Antidepressants, SSRIs	Oncology Agents, Breast Cancer-Oral (tentative)
Antifungals, Oral	Oncology Agents-Oral Agents (tentative)
Antiparkinson Agents	Sedative Hypnotics
Antipsychotics	Stimulants
Cytokine and CAM Antagonists	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Wednesday, August 26, 2015**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45pm on Wednesday, August 26, 2015**. **Handouts are limited to no more than two standard 8½ by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than Wednesday, August 26, 2015** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Veterinary Medicine (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board will be in recess in August 2015 and its regularly scheduled meeting on the third Thursday of the month will be canceled. Upon the resumption of the its meeting in September, the Board’s regular meeting will be changed from the third Thursday monthly to bi-monthly as follows:

September 24, 2015 (date changed due to association meeting)
November 19, 2015
January 21, 2016
March 17, 2016
May 19, 2016
July 21, 2016

The meeting will be open to the public from 9:30 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-575(b), the meeting will be closed from 10:30 AM to 12:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**HOWARD UNIVERSITY MIDDLE SCHOOL OF
MATHEMATICS & SCIENCE**

REQUEST FOR PROPOSALS

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Middle School of Mathematics & Science hereby posts notices that it will be accepting bids for the following four services:

1. **Food Service Management Services:**

The delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2015-2016 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 at 9:00 am **July 31, 2015**. Interested parties should contact Leslie Boler at (202) 806-7725, or via email at leslie@universitymiddleschool.org, to receive a copy of the bid package. The deadline for responses is **Friday, Aug 14, 2015 at 5:00 pm.**

All bids not addressing all areas as outlined in the RFP will not be considered.

**HOWARD UNIVERSITY MIDDLE SCHOOL OF
MATHEMATICS & SCIENCE**

REQUEST FOR PROPOSALS

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Middle School of Mathematics & Science hereby posts notices that it will be accepting bids for the following four services:

1. **Retirement Plan Audit Service:**
Annual audit of the school's 401(K) employee retirement plan (Form 5500)
2. **Computer Purchase (Refurbished):**
The purchase of 185 rebuilt Apple Macbook Pro computers
3. **Computer Purchase (New):**
The purchase 120 new Apple Macbook Pro computers
4. **Substitute Teacher Services:**
Provision of Long-Term and Short Term substitute teachers.

Additional specifications outlined in the Request for Proposals (RFP) may be obtained beginning on at 9:00 am **July 31, 2015**. Interested parties should contact Ms. **Leslie Boler at (202) 806-7725** or leslie@universitymiddleschool.org to receive a copy of the bid package.

The deadline for responses to **items numbered 1 – 4 is Friday, Aug 7, 2015 at 5:00 pm.**

All bids not addressing all areas as outlined in the RFP will not be considered.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-53**

April 3, 2015

VIA ELECTRONIC MAIL

Mr. Ronald Lewis

RE: FOIA Request 2015-53

Dear Mr. Lewis:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("FOIA"), which this office received on April 1, 2015. You assert that you submitted a FOIA request to the Department of Youth Rehabilitation Services ("DYRS") on February 27, 2015, and the DYRS failed to respond to your request.

In response to your appeal, DYRS sent this office a copy of an email message that it sent to you earlier today, responding to your request. Based on the foregoing, we consider your appeal to be moot and it is dismissed; provided, that the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to DYRS' response.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Adam Aljoburi, Esq. (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-55**

April 24, 2015

VIA ELECTRONIC MAIL

Mr. Adam Marshall
Katie Townsend, Esq.
Reporters Committee for Freedom of the Press

RE: FOIA Appeal 2015-55

Dear Mr. Marshall:

This letter responds to the administrative appeal of the Reporters Committee for Freedom of the Press ("Appellant") to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In the appeal, Appellant asserts that the Metropolitan Police Department ("MPD") improperly withheld records Appellant requested under DC FOIA.

Background

On January 23, 2015, Appellant sent a FOIA request to the MPD for records related to the use of Body Worn Cameras ("BWC") and asked for a fee waiver in connection with the records. The request consisted of eight parts:

1. All BWC recordings that have been categorized as "Retain" as defined in Special Order 14-09 or Special Order 14-14;
2. All BWC recordings that have been categorized as "Requires Supervisory Review" as defined in Special Order 14-09 or Special Order 14-14;
3. All BWC recordings that have been used for training purposes;
4. All records indicating which MPD officers were issued BWC between October 1, 2014, and January 23, 2015;
5. All records that reflect activation and/or use of BWC by an MPD officer between January 1, 2015, and January 8, 2015, including, but not limited to, narratives in field contact reports, supplements accompanying incident reports, arrest reports in the Records Management System ("RMS"), violation citations on PD form 61D, and notices of infraction ("NOIs");
6. All BWC recordings that have been provided to the D.C. Office of Police Complaints;
7. All BWC recordings that have been offered or admitted as evidence, lodged with a court, or otherwise shown or used in connection with any civil or criminal proceeding; and

8. All BWC recordings that have been offered or admitted as evidence, or otherwise shown or used in connection with any arbitration and/or mediation proceeding.

The MPD provided a written response to the request on March 19, 2015. The MPD supplied the list of officers who were issued BWC pursuant to part 4 of the request. The MPD stated that there were no responsive records pursuant to part 8 of the request. All remaining parts of the request are at issue in this appeal.

With regard to the records sought in parts 1 and 2 of the request, the MPD asserted the exemptions under D.C. Official Code §§ 2-534(a)(2) and (a)(3)(C) (“Exemption 2” and “Exemption 3(C)” respectively).¹ The MPD claimed Exemption 2 for records sought in part 3 of the request. Additionally, the MPD claimed the exemption under D.C. Official Code § 2-534(a)(3)(A)(iii) (“Exemption 3(A)(iii)”) for records related to part 6 of the request.² The MPD withheld the records responsive to parts 1, 2, 3, and 6 entirely, claiming an inability to redact the video records to segregate the nonexempt portions of the records for disclosure.

With regard to part 5 of the request, the MPD asserted that it was still attempting to determine a method to identify and retrieve responsive, nonexempt documents. For part 7 of the request, the MPD stated that it was not responsible for or aware of BWC recordings offered as evidence in civil or criminal proceedings, as the Office of the Attorney General for the District of Columbia or the United States Attorney's Office for the District of Columbia determines the use of BWC recordings as evidence in civil and criminal proceedings.

Appellant appealed the MPD's decision in a letter to the Mayor dated April 3, 2015, challenging the withholdings. Appellant argues that MPD does have the capability to redact exempt information from videos; therefore, the MPD has failed to meet its obligation to segregate and disclose nonexempt information under D.C. Official Code § 2-534(b). Appellant cites redacted videos on the MPD's official YouTube channel, including two redacted BWC videos, to dispute the claim that the MPD cannot redact videos. Further, Appellant states that one of the manufacturers of BWC currently used by the MPD provides software that integrates video editing tools in order to accomplish redactions.

¹ Exemption 2 provides for an exemption from disclosure for “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” Exemption 3(C) provides an exemption for disclosure for “[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would . . . [c]onstitute an unwarranted invasion of personal privacy.”

² Exemption 3(A)(iii) provides for an exemption from disclosure for “[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would . . . [i]nterfere with . . . Office of Police Complaints ongoing investigations.”

Regarding part 3 of the request, Appellant argues that the training videos are required to be made public pursuant to D.C. Official Code §§ 2-536(a)(2), which states that “[a]dministrative staff manuals and instructions to staff that affect a member of the public” must be made public. Appellant argues that training regarding the use of BWCs does affect the public. As for part 6 of the request, Appellant challenges the use of the exemption claimed for BWC recordings provided to the D.C. Office of Police Complaints (“OPC”). Appellant contends that the MPD did not explain how disclosure of the videos would interfere with ongoing OPC investigations. Regarding part 7 of the request, Appellant argues that the MPD failed to fully consider BWC recordings that the MPD has provided to the Office of the Attorney General for the District of Columbia or the United States Attorney's Office for the District of Columbia.

The MPD responded to the appeal in a letter dated April 14, 2015. The MPD states that as of February 9, 2015, there were 1,027 videos categorized as “Retain,” 28 videos categorized as “Requires Supervisory Review,” and 94 videos used for training purposes, pursuant to parts 1, 2, and 3 of the request respectively. Regarding parts 1, 2, 3, and 6 of the request, the MPD reaffirmed its position that it presently does not have the technical capacity to redact exempt material from video. The MPD reasserts that Exemption 2 prevents disclosure of the recordings responsive to part 3 of the request; further, the training videos are considered part of an employee's personnel file, which is not open to public inspection. In response to Appellant's challenge regarding part 6 of the request, the MPD clarified its assertion of Exemption (3)(A)(iii), contending that disclosure of the videos would interfere with an OPC investigation by giving officers, witnesses, or complainants an opportunity to conform their statements or testimony to what is captured by the recordings.

In its response to the appeal, the MPD addresses Appellant's claim that the two redacted BWC videos on YouTube demonstrate the MPD's ability to redact video for disclosure. The MPD states that the posted videos were redacted by a vendor, not by the MPD. Further, the vendor determined that its fee to redact the videos was vastly underestimated given the MPD's requirements for complete and thorough redactions and the limitations of the software that was used. Moreover, the MPD claims the videos were specifically selected due to the recordings' relatively short duration and small amount of necessary redactions. The MPD states that it has not as yet identified a vendor or the optimum software to handle redactions in a manner required to protect the privacy of persons captured by BWC videos.

With regard to part 5 of the request, the MPD has determined that it will not waive fees of the request due to the manpower necessary to produce responsive documents. The MPD states that it will take staff a minimum of one month to identify and retrieve the responsive documents. Further, any responsive documents would have to be reviewed and redacted to protect the privacy of arrestees, victims, suspects, and witnesses. The MPD states that it will commence identifying, gathering, and reviewing responsive documents upon receipt of communication from Appellant that the records are still sought, despite the rejection of the fee waiver.

As to part 7 of the request, the MPD reaffirms that it does not have knowledge or control of BWC recordings used or offered as evidence in civil or criminal proceedings. The MPD states that federal and local prosecutors have independent access to the BWC recordings.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a). The right created under DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987), and decisions construing the federal stature are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Segregability

The main issue in this appeal is MPD’s capacity to redact BWC recordings. Appellant argues that D.C. Official Code § 2-534(b) requires the MPD to produce “[a]ny reasonably segregable portion of a public record . . . after deletion of those portions” that are exempt from disclosure. The phrase “reasonably segregable” is not defined under DC FOIA. With regard to a FOIA search, “reasonable efforts” is defined to mean that “a public body shall not be required to expend more than 8 hours of personnel time to reprogram or reformat records.” D.C. Official Code § 2-532(f)(1); however, under DC FOIA the precise meaning of the term “reasonably segregable” pertaining to redaction and production has not been settled. *See Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 322 n.16 (D.C. Cir. 1982). There are two main interpretations of “reasonably segregable”: one involves the concept of intelligibility and the other pertains to extent of the burden in editing or segregating the material. *See District of Columbia v. FOP Metro. Police Labor Comm.*, 33 A.3d 332, 345-346 (D.C. 2011).

Under the prong of intelligibility, to withhold a record in its entirety, an agency must demonstrate that exempt and nonexempt information are so inextricably intertwined that the excision of exempt information would produce an edited document with little to no informational value. *See Antonelli v. BOP*, 623 F. Supp. 2d 55, 60 (D.D.C. 2009). Regarding the burden of segregating material, cases have also held that records may be withheld in their entirety if an agency lacks the technological capacity to remove exempt portions of a record.³ Here, the MPD claims it does not have the capacity to redact BWC recordings.

³ *Milton v. DOJ*, 842 F. Supp. 2d 257, 259-61 (D.D.C. 2012) (explaining that segregability analysis focuses on “the agency’s current technological capacity” and holding that responsive telephone conversations were not reasonably segregable because an agency did not possess technological capacity to segregate non-exempt portions of requested records); *see also Mingo v. DOJ*, 793 F. Supp. 2d. 447, 454-55 (D.D.C. 2011) (concluding that nonexempt portions of

In a recent federal FOIA case, a requester attempted to rebut an agency's claim that it could not redact video by citing redacted YouTube videos produced by the agency that masked the identities of individuals contained in the footage. *Stevens v. United States Dep't of Homeland Sec.*, 2014 U.S. Dist. LEXIS 157086, 33 (N.D. Ill. Nov. 4, 2014). The court stated that the requestor must provide probative evidence of bad faith on the part of the agency to rebut the agency's determination regarding its lack of technical capacity to make redactions. *See id.* at 33-34. The court found that the cited YouTube clips failed to rebut the agency's determination that it lacked the capacity to redact video records. *See id.* Further, the Supreme Court has explained that there is a presumption of legitimacy accorded to the official conduct of the government and clear evidence is usually required to displace it. *Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 174 (2004).

Here, Appellant has cited redacted BWC recordings on the MPD YouTube channel to rebut the MPD's claim that it lacks capacity to redact video. The MPD has responded that those sample videos were performed by a vendor under contract and do not represent the ongoing capacity of the MPD to redact video in response to FOIA requests. In prior DC FOIA appeal determinations, disclosure was not required when the MPD lacked capability to modify an audiotape.⁴ Here, Appellant has not presented clear evidence to rebut the MPD's assertion of its inability to redact BWC videos. In response to Appellant's claim that simple methods of video redaction are available, Freedom of Information Act Appeal 2013-06 found that "DC FOIA provides no warrant to second-guess the management practices of an agency in the technologies or equipment which it acquires and maintains." The relevant standard of technological capacity is that of an agency's FOIA office, not a general standard. *See Stevens* 2014 U.S. Dist. LEXIS at 33. Here, BWC recordings are properly withheld in their entirety, when an exemption to disclosure under DC FOIA applies, because of the absence of sufficient evidence to rebut MPD's claim that it lacks the capacity to redact BWC recordings.

Exemptions

The MPD raises Exemption 2, Exemption 3(C), and Exemption 3(A)(iii) to withhold disclosure of the BWC recordings. Exemption 2 and Exemption 3(C) are addressed in Freedom of Information Act Appeal 2015-12 ("FOIA 2015-12"), in which the Appellant made a prior request for BWC recordings. In FOIA 2015-12, the MPD's decision to withhold BWC recordings was upheld. The analysis in FOIA 2015-12 focused on the balance of the privacy

recorded telephone calls are inextricably intertwined with exempt portions because an agency "lacks the technical capability" to segregate information that is digitally recorded); *Antonelli v. BOP*, 591 F. Supp. 2d 15, 27 (D.D.C. 2008) (same); *Swope v. DOJ*, 439 F. Supp. 2d 1, 7 (D.D.C. 2006) (same).

⁴ *See e.g.*, Freedom of Information Act Appeal 2014-57, Freedom of Information Act Appeal 2013-55, Freedom of Information Act Appeal 2013-21, Freedom of Information Act Appeal 2013-06, Freedom of Information Act Appeal 2012-44, Freedom of Information Act Appeal 2011-60, and Freedom of Information Act Appeal 2011-11 (Reconsideration). Similarly, in Freedom of Information Act Appeal 2010-08, disclosure was not required when the Office of Unified Communications was found not to have the capability to modify an audiotape.

interests of the two exemptions against the public interest in disclosure. Here, as in FOIA 2015-12, there are valid privacy concerns, mainly the interest to not be associated with alleged criminal activity. Additionally, as in FOIA 2015-12, there are no allegations of wrongdoing by the MPD. A generalized interest in oversight alone does not suffice to require disclosure over privacy interests. See *McCutchen v. United States Dep't of Health & Human Servs.*, 30 F.3d 183, 188 (D.C. Cir. 1994) (“A mere desire to review how an agency is doing its job, coupled with allegations that it is not, does not create a public interest sufficient to override the privacy interests”). Consequently, Appellant has not raised a sufficient public interest to overcome the privacy interest contained in the records. In the present Appeal, the same exemptions and analysis of FOIA 2015-12 are applicable to parts 1 and 2 of the request. Consequently, records responsive to parts 1 and 2 of the request are properly withheld in their entirety under Exemption 2 and Exemption 3(C).

The MPD also raises Exemption 2 with respect to part 3 of the request, asserting that all responsive training records are considered a part of an employee's personnel file, which is not open to public inspection. The District of Columbia Court of Appeals has found that MPD employees, despite being public employees, have a cognizable privacy interest. See *District of Columbia v. FOP*, 75 A.3d 259, 267 (D.C. 2013). This privacy interest does not give the government license to shield all information from disclosure, but it means that a FOIA requester will have to demonstrate how release of the information will further the public interest. See *id.* at 267-68. A slight privacy interest can outweigh a lesser public interest. See *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 500 (1994). Appellant acknowledges that privacy interests may exempt portions of this part of the request from disclosure but asserts that the exempt portions of the records should be redacted. As discussed above, due to the MPD's inability to redact BWC recordings, a valid exemption allows the records to be withheld entirely. Beyond a generalized interest in oversight, Appellant has not set forth a public interest that would outweigh the privacy interest involved in the records responsive to part 3 of the request. See *McCutchen* 30 F.3d at 188. Therefore, the records responsive to part 3 are properly withheld in their entirety under Exemption 2.

In addition to privacy interests, the MPD also raises Exemption 3(A)(iii) regarding part 6 of the request. To satisfy the requirements of Exemption 3(A)(iii), investigatory records compiled for law enforcement purposes that would interfere with OPC ongoing investigations, an agency has the burden of showing: (1) the documents requested have been “compiled for law enforcement purposes”, and (2) disclosure of those documents would interfere with OPC ongoing investigations. See *Bevis v. Department of State*, 801 F.2d 1386, 1388 (D.C. Cir. 1986). Here, the first requirement is not at issue because Appellant is requesting BWC recordings compiled for law enforcement purposes. Appellant challenges the assertion that the disclosure of the recordings would interfere with OPC ongoing investigations. To satisfy the interference requirement an agency must show that its ongoing law enforcement proceeding could be harmed by premature release of evidence or information. See *Juarez v. DOJ*, 518 F.3d 54, 58-59 (D.C. Cir. 2008). A type of interference that satisfies this requirement is the release of information that hampers the ability to elicit untainted testimony. See *Media, Inc. v. U.S. Secret Serv.*, No. 97-2108, 1998 WL 185496, at *4 (D.D.C. Apr. 16, 1998). In its response to the appeal, the MPD claims that release of the BWC recordings would give officers, witnesses, and complainants an opportunity to conform their statements or testimony to what is

captured by the recordings. As a result, records responsive to part 6 of the request are properly withheld in their entirety under Exemption 3(A)(iii).⁵

Knowledge of Records and Fee Waiver

Part 7 of the request seeks all BWC recordings “that have been offered or admitted as evidence, lodged with a court, or otherwise shown or used in connection with any civil or criminal proceeding.” In its response to this request, the MPD states that the decision whether to offer BWC recording into evidence rests with prosecuting attorneys, and the MPD does not have knowledge as to which videos have been introduced in local and federal proceedings.⁶ The Appellant challenged this response, maintaining that its request includes footage “otherwise shown or used in connection with any civil or criminal proceeding,” which includes any BWC recordings that the MPD has provided to local and federal prosecutors, regardless of whether the footage was ultimately offered or admitted as evidence in a proceeding. On appeal, the MPD provided additional information by stating that federal and local prosecutors have independent access to MPD’s BWC recordings, and the MPD does not have knowledge or control over what is offered as evidence in court proceedings.

The Supreme Court has set forth two requirements to qualify what constitutes an agency record: (1) an agency must either create or obtain the materials, and (2) the agency must be in control of the requested materials when the FOIA request is made. *DOJ v. Tax Analysts*, 492 U.S. 136, 145 (1989). Here, the first requirement is met as the MPD created the BWC recordings. What remains uncertain is whether MPD actually provided BWC footage to prosecutors, and whether it maintains copies of this footage, regardless of whether the footage was later introduced in legal proceedings.

Courts have identified four factors to determine whether an agency has sufficient control over a record: (1) the intent of the document's creator to retain or relinquish control over the records; (2) the ability of the agency to use and dispose of the record as it sees fit; (3) the extent to which agency personnel have read or relied upon the document; and (4) the degree to which the document was integrated into the agency's record system or files. *See e.g., Burka v. HHS*, 87 F.3d 508, 515 (D.C. Cir. 1996); *Tax Analysts v. DOJ*, 913 F. Supp. 599, 603 (D.D.C. 1996). The issue of control is not determined solely by possession, but rather by considering all of the circumstances involved. *See Goland v. CIA*, 607 F.2d 339, 347 (D.C. Cir. 1978). Here, the MPD retains possession of BWC recordings; however, the MPD states that “federal and local prosecutors have independent access to the BWC recordings.” It is unclear from the MPD’s statement whether it has provided federal and local prosecutors with recordings, regardless of whether these recordings were later used in legal proceedings.

⁵ These records may also be withheld under Exemption 2 and Exemption 3(C), but that analysis is not necessary because Exemption 3(A)(iii) alone is sufficient to prevent disclosure.

⁶ The MPD did convey to Appellant its knowledge that a portion of BWC footage was used in the criminal trial of one particular defendant and provided Appellant with information about how to view portions of the footage that have been made publicly available.

The MPD may be asserting that federal and local prosecutors have independent access to the BWC footage and therefore do not obtain it from MPD. Under this interpretation, the MPD has never provided BWC recordings to federal and local prosecutors and does not have any knowledge of BWC recordings that federal and local prosecutors have accessed. Therefore, the MPD's lack of knowledge regarding the use of the BWC recordings in connection with civil or criminal proceedings indicates that the MPD lacks sufficient control to produce the records in response to Appellant's request. Alternatively, the MPD may be asserting that independent access exists solely with respect to evidentiary use of the recordings. Under this interpretation, the MPD may turn over BWC recordings to prosecutors who then have independent access to determine what is introduced as evidence. Therefore, the MPD would have sufficient control to produce the records in response to Appellant's request. Because the MPD's position is unclear, we direct the MPD to clarify its response to this aspect of Appellant's request.

With respect to part 5 of the request, the MPD does not assert a right to withhold records related to the activation and use of BWC, but rather the MPD denies Appellants request for a fee waiver. Under D.C. Official Code § 2-532(b), DC FOIA provides an agency burdened by a FOIA request with recourse, as it permits some of the cost of production to be shifted to the requestor. *See District of Columbia v. FOP*, 33 A.3d 332, 347-348 (D.C. 2011). Prior determinations have found that the jurisdiction of administrative appeals does not encompass fee disputes.⁷ Therefore, this appeal does not reach a determination on the denial of the fee waiver. This appeal confirms that the MPD has stated that it will produce records responsive to part 5 of the request if Appellant agrees to share the cost of production.

Conclusion

Based on the foregoing, we affirm the MPD's decision in part, and remand it in part. The MPD shall clarify its response to part 7 of the request in accordance with this decision by indicating whether it has provided any BWC recordings to local and federal prosecutors and, if so, whether the MPD maintains copies of this footage. If the MPD maintains copies of the recordings, it shall provide them to Appellant or state its legal grounds for withholding them.

⁷ *See e.g.*, Freedom of Information Act Appeal 2014-04, Freedom of Information Act Appeal 2013-56, Freedom of Information Act Appeal 2013-26, Freedom of Information Act Appeal 2012-30, Freedom of Information Act Appeal 2012-21.

Mr. Adam Marshall and Katie Townsend, Esq.
Freedom of Information Act Appeal 2015-55
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This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Gregory M. Evans

Gregory M. Evans
Associate Director
Mayor's Office of Legal Counsel

/s John A. Marsh*

John A. Marsh
Legal Fellow
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

* License pending in the Distinct of Columbia, working under the supervision of a licensed attorney.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-56**

April 21, 2015

VIA ELECTRONIC MAIL

Concerned Citizen

RE: FOIA Request 2015-56

Dear Concerned Citizen:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Office of Unified Communications ("OUC") improperly withheld records you requested under the DC FOIA by failing to respond to your request.

Background

On March 3, 2015, you submitted a request under the DC FOIA to the OUC. On April 1, 2015, you filed an appeal alleging that OUC failed to respond to your request. Although the OUC failed to respond to this office's request for a response to your appeal, according to the District's FOIAxpress system OUC responded to your request in a letter dated April 10, 2015.

Conclusion

Because the OUC responded to your request on April 10, 2015, we consider this matter to be moot and dismiss it; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the OUC's response.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Gizele Richards, Deputy Director, OUC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-57**

May 7, 2015

VIA ELECTRONIC MAIL

Charles Jennings

RE: FOIA Request 2015-57

Dear Mr. Jennings:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Office of Unified Communications (“OUC”) improperly withheld records you requested under the DC FOIA.

Background

On January 15, 2015, you submitted a request under the DC FOIA to the OUC for 9-1-1 call records, police and fire dispatch records, and any telephone or direct line communications between DC 9-1-1, dispatch, and WMATA from 1500 to 1630 hours on January 12, 2015, in regard to a response to L’Enfant Plaza metro station.

On April 9, 2015, the OUC responded to your request, asserting that the records you sought constituted an unwarranted invasion of privacy and were therefore exempt from disclosure pursuant to D.C. Official Code § 2-534(a)(2).

Subsequently you filed an administrative appeal of OUC’s decision with the Mayor, asserting that “communications between governmental employees staffing the OUC dispatch center . . . are not subject to privacy exemptions as emergency service workers working in their normal capacities.” You further stated that “if 9-1-1 calls from the public are deemed to be private . . . then the City could reasonabl[y] omit the public callers voices, provide a transcript, or at least a log of calls, origins, times, and descriptive information from the dispatch systems of OUC and/or DCFEMS.”

The OUC failed to respond to this office’s request for a response to your appeal. This would normally be the end of our inquiry, as the agency has the burden of proof when asserting an exemption to FOIA; however, because privacy concerns of third parties have been implicated in your appeal, and because we have decided this exact issue before, we continue with our analysis.

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a). The right to inspect is subject to statutory exemptions. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute may be examined to construe the local law.

Your primary challenge to OUC’s decision is the agency’s withholding of, or minimally its failure to redact, the audio of 9-1-1 telephone calls. In Freedom of Information Act Appeal 2014-60, the MPD’s decision to withhold the audio of a 9-1-1 call was upheld on the grounds that: (1) disclosure would constitute a clearly unwarranted invasion of personal privacy under D.C. Official Code § 2-534(a)(2); and (2) the audio of the 9-1-1 call was non-segregable as MPD lacks the technical capability to redact the audio. Here, we hold the OUC to the same standard vis a vis technical capability since, to our knowledge, there has been no change in OUC/MPD’s technical capabilities. Accordingly, for the reasons stated in Freedom of Information Act Appeal 2014-60¹, we affirm the OUC’s withholding of audio from the 9-1-1 calls in question.

In the alternative to an audio recording, you requested a transcript of the audio from certain 9-1-1 calls. When it was responsible for responding to FOIA requests for calls for service information, MPD maintained that it did not have transcripts of 9-1-1 recordings. The OUC began responding to requests for calls for service information as of January 12, 2014.² Because the OUC did not respond to your appeal, we are uncertain as to whether it maintains transcripts of 9-1-1 recordings. As a result, we direct OUC to indicate whether it is in possession of responsive transcripts and produce them or state why they are exempt from disclosure under the DC FOIA.

In the same vein, we lack knowledge as to whether the OUC maintains records of interagency communications between OUC and WMATA relating to the requested incident. Under DC FOIA, an agency “has no duty either to answer questions unrelated to document requests or to create documents.” *Zemansky v. United States Environmental Protection Agency*, 767 F.2d 569, 574 (9th Cir. 1985). While the OUC is not required to generate or create new documents, it must indicate whether it possesses a document. The current record is devoid of anything that indicates the existence or non-existence of the requested records of interagency communications. Therefore on remand, OUC shall indicate whether the interagency communications relating to the specified incident exist and produce them or state why they are exempt from disclosure.

Finally, in the alternative to a transcript or audio recording, you requested “at least a log of calls, origins, times, and descriptive information . . .” We believe a properly redacted call log is

¹ A copy of 2014-60 is attached to this decision for your review.

² *See* FOIA Appeal 2015-06, attached for your review.

unlikely to implicate the privacy interest of an OUC employee, a victim, or a witness; however, because OUC did not respond to your appeal, we do not know if the agency maintains such logs. Accordingly, we direct the OUC to determine whether it maintains a call log for the time period you have specified, and to produce it or state why it is exempt from disclosure.

Conclusion

This matter is dismissed in part, as it relates to 9-1-1 audio, and remanded in part. On remand, the OUC shall, within five (5) business days of the date of this decision:

- (1) Determine if it maintains a call log that is responsive to your request and produce the log or state why it is exempt from disclosure; and
- (2) Determine if it maintains, for the requested search period, 9-1-1 transcripts and interagency communications between OUC and WMATA. If OUC maintains these records, it shall either produce them or explain why they are exempt from disclosure.

This shall constitute the final decision of this office; provided, that you may challenge, by separate appeal, any subsequent decision issued by OUC related to this matter.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Gizele Richards, Deputy Director, OUC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-58**

May 4, 2015

Mr. Travis Wolf

RE: FOIA Appeal 2015-58

Dear Mr. Wolf:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Office of Police Complaints (“OPC”) improperly withheld records you requested under the DC FOIA.

Background

On February 26, 2015, you submitted a request under the DC FOIA to the OPC stating, “[p]ursuant to the Freedom of Information Act and the Metropolitan Police Department General Order 1202.5, Series 95, Number 3 and Special Order Number 10, Series 95, please answer this request for copies of any and all complaints on file with the Office of Police Complaints for the following officers: [a list of officers and badge numbers.]”

The OPC denied your request on April 1, 2015, stating that “Without admitting or denying the existence of such records, the release of any Office of Police Complaints information involving the above-named officers would constitute an unwarranted invasion of personal privacy.” According to OPC, the records are exempt from disclosure under D.C. Official Code §§ 2-534(a)(2), (a)(3)(C).

On appeal, you challenge the OPC’s decision, contending that the public has a right to know how the OPC handles complaints against police officers concerning actions taken against the public. You state that you are “re-submit[ing]” your FOIA request; however, you include in your appeal a much more detailed request for eight specific types of documents relating to four police officers.

The OPC sent this office a response to your appeal on April 30, 2015. Citing previous FOIA appeals decisions, the OPC reaffirmed its earlier response and reasserted claims of privacy interests. Further, the OPC notes the incongruity between the initial FOIA request and the eight additional requests found in the appeal. OPC maintains that your new requests should not be considered in this appeal but that even if you had properly refiled these new requests OPC’s response would remain the same.¹

¹ We agree with OPC’s analysis that the request on appeal is clearly different and greater than

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute may be examined to construe the local law.

Two provisions of DC FOIA provide exemptions relating to personal privacy. D.C. Official Code § 2-534(a)(3)(C) (“Exemption (3)(C)”) provides an exemption for disclosure for “[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would . . . (C) Constitute an unwarranted invasion of personal privacy.” The other provision, D.C. Official Code § 2-534(a)(2) (“Exemption (2)”), applies to “[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” While Exemption (2) requires that the invasion of privacy be “clearly unwarranted,” the word “clearly” is omitted from Exemption (3)(C). Thus, the standard for evaluating a threatened invasion of privacy interests under Exemption (3)(C) is broader than under Exemption (2). *See United States Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989).

Internal investigations conducted by a law enforcement agency such as the OPC fall within Exemption (3)(C) if these investigations focus on acts that could, if proved, result in civil or criminal sanctions. *Rural Housing Alliance v. United States Dep’t of Agriculture*, 498 F.2d 73, 81 (D.C. Cir. 1974). *See also Rugiero v. United States Dep’t of Justice*, 257 F.3d 534, 550 (6th Cir. 2001) (The exemption “applies not only to criminal enforcement actions, but to records compiled for civil enforcement purposes as well.”) Since the records you seek relate to investigations that could result in civil or criminal sanctions, Exemption (3)(C) applies to your request.

Determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of one’s individual privacy interests against the public interest in disclosing his or her disciplinary files. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989). On the issue of privacy interests, the D.C. Circuit has held:

[I]ndividuals have a strong interest in not being associated unwarrantedly with alleged criminal activity. Protection of this

the original request. Nevertheless, for the sake of efficiency, we treat the new requests as having been properly filed and as having been rejected by OPC under the rationales OPC discussed in its response to your appeal.

privacy interest is a primary purpose of Exemption 7(C)². ‘The 7(C) exemption recognizes the stigma potentially associated with law enforcement investigations and affords broader privacy rights to suspects, witnesses, and investigators.’ *Bast*, 665 F.2d at 1254.

Stern v. FBI, 737 F.2d 84, 91-92 (D.C. Cir. 1984).

Here, we find that there is a sufficient privacy interest for a person who is simply being investigated for wrongdoing based on allegations. “[I]nformation in an investigatory file tending to indicate that a named individual has been investigated for suspected criminal activity is, at least as a threshold matter, an appropriate subject for exemption under 7(C) [Exemption (3)(C) under DC FOIA].” *Fund for Constitutional Government v. National Archives & Records Service*, 656 F.2d 856, 863 (D.C. Cir. 1981). An agency is justified in not disclosing documents that allege wrongdoing even if the accused individual was not prosecuted for the wrongdoing, because the agency’s purpose in compiling the documents determines whether the documents fall within the exemption, not the ultimate use of the documents. *Bast v. United States Dep’t of Justice*, 665 F.2d 1251, 1254 (D.C. Cir. 1981).

As discussed above, the D.C. Circuit in the *Stern* case held that individuals have a strong interest in not being associated unwarrantedly with alleged criminal activity and that protection of this privacy interest is a primary purpose of the exemption in question. We believe that the same interest is present with respect to civil disciplinary sanctions that could be imposed on an officer of the Metropolitan Police Department (“MPD”). The records you seek may consist of mere allegations of wrongdoing, the disclosure of which could have a stigmatizing effect regardless of accuracy.

We say “may consist” because, in this case OPC has not stated, and has maintained that it will not state, whether complaint records exist relating to the named MPD officers. This type of response is referred to as a “Glomar” response, and it is warranted when the confirmation or denial of the existence of responsive records would, in and of itself, reveal information exempt from disclosure. *Wilner v. Nat’l Sec. Agency*, 592 F.3d 60, 68 (2nd Cir. 2009). The OPC’s Glomar response is justified in this matter because if a written complaint or subsequent investigation against the officers you have named exists, identifying the written record may result in the harm that the FOIA exemptions were intended to protect.

With regard to the second part of the privacy analysis under Exemption (3)(C), we examine whether the public interest in disclosure is outweighed by the individual privacy interest at issue. On appeal, you argue that “[p]olice officers are public servants, and the information requested directly pertains to the officers’ service during the scope of duties.” The public interest in the disclosure of a public employee’s disciplinary files was addressed by the court in *Beck v. Department of Justice, et al.*, 997 F.2d 1489 (D.C. Cir. 1993). In *Beck*, the court held:

² Exemption 7(C) under the federal FOIA is the equivalent of Exemption (3)(C) under the DC FOIA.

The public's interest in disclosure of personnel files derives from the purpose of the [FOIA]--the preservation of "the citizens' right to be informed about what their government is up to." Reporters Committee, 489 U.S. at 773 (internal quotation marks omitted); see also Ray, 112 S. Ct. at 549; Rose, 425 U.S. at 361. This statutory purpose is furthered by disclosure of official information that "sheds light on an agency's performance of its statutory duties." Reporters Committee, 489 U.S. at 773; see also Ray, 112 S. Ct. at 549. Information that "reveals little or nothing about an agency's own conduct" does not further the statutory purpose; thus the public has no cognizable interest in the release of such information. See Reporters Committee, 489 U.S. at 773. The identity of one or two individual relatively low-level government wrongdoers, released in isolation, does not provide information about the agency's own conduct.

Id. at 1492-93.

In the instant matter we find that the public interest releasing the records you have requested pertaining to certain named police officers does not outweigh their individual privacy interests under Exemptions (3)(C) and (2) of the DC FOIA.³

Conclusion

Based on the forgoing we affirm the OPC's decision and dismiss your appeal.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Christian J. Klossner, Deputy Director, OPC (via email)

³ We also note that any public interest that would be served by disclosing the wrongdoings of police officers might be served by the OPC's annual, redacted, online report of all sustained findings of misconducts, along with extensive data regarding the type of allegations made and the demographics of complainants. See Antonelli v. Fed. Bureau of Prisons, 591 F. Supp. 2d 15, 25 (D.D.C. 2008). OPC's annual reports may be found at <http://policecomplaints.dc.gov/page/annual-reports-for-OPC>

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-59**

April 28, 2015

VIA ELECTRONIC MAIL

Mr. James Fournier

RE: FOIA Appeal 2015-59

Dear Mr. Fournier:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Metropolitan Police Department (“MPD”) improperly withheld records you requested under the DC FOIA.

Background

On February 26, 2015, you submitted a request under the DC FOIA to the MPD seeking “all records. . . pertaining to the following individuals: [list of names] . . . In addition, this request seeks any all [sic] documents related to an automobile accident that occurred on December 3, 2014”

The MPD denied your request on March 19, 2015, pursuant to D.C. Official Code §§ 2-534(a)(1), 2-524(a)(3)(C), 2-534(a)(6), stating that the release of the requested materials would constitute an unwarranted invasion of privacy and that the records sought were exempt under the Driver’s Privacy Protection Amendment Act of 2012 (“DPPA”).

On appeal, you challenge the MPD’s decision, contending that the requested reports are public documents. The MPD sent this office a response to your appeal on today’s date, advising that it is reevaluating its response to your request and will contact you in an effort to resolve this matter to your satisfaction.¹

Conclusion

Based on the MPD’s representation that it plans to work with you to provide the documents you are seeking, we consider this matter to be moot and dismiss it; however, the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to the MPD’s response.

¹ A copy of MPD’s letter is attached to this correspondence.

This shall constitute the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-60**

May 8, 2015

VIA ELECTRONIC MAIL

Mr. Josh Israel

RE: FOIA Appeal 2015-60

Dear Mr. Israel:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the Office of the Attorney General (“OAG”) improperly withheld records you requested under the DC FOIA.

Background

On April 2, 2015, you requested a copy of a 2004 advisory opinion written by former Attorney General of the District of Columbia Robert Spagnoletti to former Mayor Anthony Williams regarding whether legal same-sex marriages from other jurisdictions were recognized in the District of Columbia.

On April 23, 2015, the OAG responded that it had identified two responsive memoranda but that these documents were exempt from disclosure under the deliberative process and attorney-work product privileges incorporated in D.C. Official Code § 2-534(a)(4) and (e).

Subsequently, you appealed the OAG’s denial of your request to the Mayor, contending that the requested document is “an important historic record of the move toward LGBT equality” and that given the passage of time the advisory opinion should be disclosed.

The OAG provided this office with a response to your appeal on April 30, 2015.¹ The OAG stated that the responsive documents are exempt under the deliberative process privilege and the attorney-client privilege and maintained that both privileges “encourage the free flow of information, advice, discussion of various points of view, and an assessment of the risks associated with various government actions. These promote better decision making by the government, and therefore serve the public interest. The fact that eleven years have elapsed since the memoranda were prepared does not provide any basis for deciding otherwise.”

¹ The OAG’s response included copies of the memoranda at issue for *in camera* review, as well as a declaration from Assistant Deputy Attorney General Arthur J. Parker describing the search he conducted to identify responsive documents.

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a). The right to inspect a public record, however, is subject to statutory exemptions. *See* D.C. Official Code § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute may be examined to construe the local law.

Your primary challenge of the OAG’s decision is that the memoranda should be released because the documents are more than a decade old, and the reason they were not released when issued has long since become moot. D.C. Official Code § 2-534(a)(4) exempts from disclosure “inter-agency or intra-agency memorandums or letters . . . which would not be available by law to a party other than a public body in litigation with the public body.” Further, D.C. Official Code § 2-534(e) provides that the attorney-client privilege is among the privileges incorporated under the inter-agency memoranda exemption of the DC FOIA.

The attorney-client privilege applies to confidential communications from clients to their attorneys made for the purposes of securing legal advice or services. *Elec. Privacy Info. Ctr. v. DOJ*, 584 F. Supp. 2d 65, 78-79 (D.D.C. 2008); *Coastal States Gas Corp. v. Department of Energy*, 617 F.2d 854, 862-863 (D.C. Cir. 1980). Having reviewed the responsive memoranda *in camera*, we conclude that the memoranda were created in the course of the attorney-client relationship between former Attorney General Spagnoletti and former Mayor Williams. The two responsive memoranda that the OAG identified are unequivocally documents generated by an attorney on behalf of a client to provide confidential legal advice. The memoranda contain legal recommendations and advice as to whether a valid, out-of-state same-sex marriage between two parties domiciled in the District should be recognized by the District. In sum, the memoranda contain the type of confidential legal advice the attorney-client privilege is intended to protect.

Although you assert public policy reasons and the passage of time as grounds for the release of the memoranda, these reasons have no bearing on a document protected by the attorney-client privilege. *See Swidler & Berlin v. United States*, 524 U.S. 399, 410 (1998) (“It has been generally, if not universally, accepted, for well over a century, that the attorney-client privilege survives the death of the client”).

In light of our conclusion that the memoranda in question are protected by the attorney-client privilege, we shall not discuss our analysis of other exemptions asserted by the OAG.²

² Nevertheless, we find that the memoranda were also properly withheld under the attorney work-product and deliberative process privileges, which the OAG asserted at various stages of this matter.

Conclusion

Based on the foregoing, we affirm the OAG's decision and dismiss your appeal.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

/s Bijan T. Hughes

Bijan T. Hughes
Legal Fellow
Mayor's Office of Legal Counsel

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Custom Apparel**

Mundo Verde PCS seeks bids for custom apparel. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at ecarne@mundoverdepcs.org. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for application submission is 4:00pm August 12, 2015.

NOTICE OF INTENT TO ENTER INTO A SOLE SOURCE CONTRACT**Apple Inc.**

Mundo Verde Public Charter School intends to enter into a sole source contract with Apple Inc. for computers, Ipads and relevant accessories for over \$25,000 for the upcoming school year.

- Mundo Verde PCS is an Apple product based school and uses these products for administrative and instructional purposes, specifically for our Expeditionary Learning model.
- Apple Inc. constitutes the sole source for all Apple products with educational discounts.

For further information regarding this notice contact **Elle Carne** at ecarne@mundoverdepcs.org no later than **4pm August 12, 2015.**

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:)	
)	
District of Columbia Nurses Association,)	PERB Case No. 15-I-06
)	
Petitioner,)	Opinion No. 1522
)	
and)	
)	Decision and Order
District of Columbia Department of Health,)	
)	
Respondent.)	

DECISION AND ORDER

I. Statement of the Case

The District of Columbia Nurses Association (“DCNA”) filed a request for impasse resolution procedures (“Request”) pursuant to PERB Rule 527 *et seq.* for impact and effects (“I&E”) bargaining with the District of Columbia Department of Health (“DOH”) involving a reduction in force (“RIF”). Specifically, DCNA requests that PERB find that the parties are at impasse and appoint a mediator.

Based on the circumstances of this case, the Board finds that it is inappropriate to advance this matter through the impasse resolution procedures outlined in PERB Rule 527 *et seq.* Accordingly, DCNA’s Request is denied and the matter is dismissed.

II. Background

On December 26, 2014, DOH conducted a reduction-in-force (“RIF”) of five nonsupervisory clinical nurses in the Community Health Administration, Prenatal and Infant Health Bureau.¹ Previously, on December 23, 2014, DCNA and DOH had met to bargain over the implementation and effects of the RIF. During the meeting the parties were unable to reach an agreement on two of DCNA’s proposals:

¹ (Request at 1-2).

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PERB Case No. 15-I-06
Page 2

Proposal 1 – The Nurses will be given the Right of First Refusal for any additional Clinical Nurse positions that are added to the Healthy Start 3.0 Program or any similar positions in the Department of Health.

Proposal 2 – Providers that are granted funding to provide direct services through Healthy Start Program 3.0 are required to give the nurses the Right of First Refusal for clinical nurse openings for [prenatal] care.²

On January 6, 2015, DCNA emailed DOH to reiterate its proposals.³ On January 23, 2015, DOH responded to DCNA stating that according to Article 19, Section A of the parties' collective bargaining agreement, RIFs "shall be implemented under the provisions of Title 1, Chapter 6, Subchapter XXIV, D.C. Official Code § 1-624.01 (2001) and applicable D.C. regulations."⁴ DOH noted that the applicable District regulation the collective bargaining agreement referred to is "Chapter 24 of the District Personnel Manual" ("DPM Chap. 24"), and that under that provision, "employees who have been affected by a RIF are eligible for both the Agency Reemployment Priority Program, and the Displaced Priority Program." DOH asserted that, under those programs, RIF'd employees "will be given priority consideration over new appointees, transfers, [and] reemployment of a person not on either [of the two] program lists." DOH further noted, however, that even under those programs, "placement and job offers are made according to either an employee's standing within their competitive level, or to which tenure group they belong to." Accordingly, DOH rejected DCNA's request to grant the RIF'd employees a "Right of First Refusal" for future positions within DOH. DOH similarly rejected DCNA's proposal to give the employees a similar "Right of First Refusal" among DOH's contract providers.⁵

On February 2, 2015, DCNA emailed DOH arguing that DPM Chap. 24 does not preclude DOH from giving the employees a "Right of First Refusal" for positions within DOH, and additionally that DPM Chap. 24 does not apply to DOH's contract providers and therefore cannot be used as a reason to reject DCNA's Proposal 2.⁶ On February 13, 2015, DOH responded that it had carefully considered the Union's recommendations but decided to exercise its management right "to follow and adhere to [DPM Chap. 24] and the Agency reemployment Priority Program and the Displaced Priority Program."⁷ Further, DOH stated that it had concluded that the "grant funded Providers will be in the best position to determine which nurses it wants to hire to perform this work" and that DOH would therefore "not interfere" with the Providers' hiring processes.⁸

² *Id.* at 2.

³ *Id.*, Attachment 1.

⁴ *Id.*, Attachment 2.

⁵ *Id.*

⁶ *Id.*, Attachment 3.

⁷ *Id.*, Attachment 4.

⁸ *Id.*, Attachment 5.

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PERB Case No. 15-I-06
Page 3

On February 20, 2015, DCNA filed the instant Notice of Impasse, requesting that PERB assign the matter to a FMCS mediator.⁹ On March 24, 2015, DOH filed a Motion to Dismiss DCNA's Request, alleging that DCNA's proposals "attempt... to alter, or expand upon the RIF procedures established in [DPM Chap. 24]", and are therefore nonnegotiable under PERB case law.¹⁰

III. Analysis

PERB Rule 527 *et seq.* states that when a party has declared an impasse in non-compensation bargaining, the Board "may" direct that mediation, fact-finding, and/or interest arbitration be utilized to help resolve the impasse. The use of the word "may" demonstrates that the Board has discretion to determine if it is appropriate to advance an impasse petition through the impasse resolution procedures outlined in the Rule.¹¹

Additionally, even though an agency is undoubtedly obligated to engage in good faith I&E bargaining¹² over a RIF when requested by the exclusive representative, that duty does not require the parties to bargain in perpetuity or to reach an ultimate agreement.¹³ Further, the Abolishment Act¹⁴ and the Omnibus Personnel Reform Amendment Act¹⁵ narrow the scope of I&E bargaining over RIFs in such a way that any "proposal that attempts to affect or alter RIF procedures is not within the scope of impact and effects bargaining and is therefore nonnegotiable."¹⁶ When a union files an impasse case related to I&E bargaining, the Board can

⁹ *Id.* at 3.

¹⁰ (Motion to Dismiss at 2-3) (internal citations omitted).

¹¹ *AFSCME, District Council 20, Local 2401, AFL-CIO and District of Columbia Child and Family Services Agency*, 61 D.C. Reg. 12586, Slip Op. No. 1497 at p. 3, PERB Case No. 10-I-06 (2014); *see also Lo Shippers Action Committee v. Interstate Commerce Commission, et al.*, 857 F.2d 802, 806 (D.C. Cir. 1988) (holding that just as the use of the word "shall" indicates the absence of discretion, the use of "may" indicates its presence unless there is some modifying context to suggest the construction of the word "may" is mandatory).

¹² *Id.* (defining good faith I&E bargaining as: going beyond "simply discussing" the matter with the union; not engaging in mere "surface bargaining"; not engaging in conduct "at or away from the table that intentionally frustrates or avoids mutual agreement"; consisting of a give a take between the parties; and consisting of a "full and unbridged opportunities by both parties to advance, exchange, and reject specific proposals").

¹³ *Id.* (holding that notwithstanding an agency's obligation to engage in good faith I&E bargaining when requested by the union, "I&E bargaining cannot be expected to continue in perpetuity until an agreement is reached in every case").

¹⁴ D.C. Official Code § 1-624.08 *et seq.*

¹⁵ 1998 D.C. Law 12-124 (Act 12-326) ("An Act To . . . eliminate the provision allowing RIF policies and procedures to be appropriate matters for collective bargaining ...").

¹⁶ *See American Federation of State, County and Municipal Employees, District Council 20, Local 2401, AFL-CIO and District of Columbia Child and Family Services Agency*, 61 D.C. Reg. 5602, Slip Op. No. 1462 at p. 3-4, PERB Case No. 10-N-03 (2014); *see also American Federation of State, County and Municipal Employees, District Council 20, Local 2401, AFL-CIO and District of Columbia Child and Family Services Agency*, 61 D.C. Reg. 5608, Op. No. 1463 at p. 9, PERB Case No. 10-U-37 (2014).

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Page 4

determine whether or not the agency has fulfilled its duty to bargain in good faith.¹⁷ Although PERB has previously contemplated scenarios in which I&E bargaining over a RIF might qualify for the impasse resolution procedures outlined in PERB Rule 527 *et seq.*,¹⁸ the Board finds that this is not one of those cases.

It is without question that DOH had a duty to engage in good faith bargaining with DCNA over the impact and effects of its RIF, but that duty did not require DOH to agree to DCNA's proposals.¹⁹ DOH met with DCNA in December 2014. Thereafter, the parties exchanged several emails. The negotiations reached the point of exhaustion when DOH rejected DCNA's final proposals. Since the parties were not required to reach a final agreement, and since the subject being bargained was a RIF (which, as stated above, has a very narrow scope of bargaining), and since DCNA has not alleged here or in an unfair labor practice complaint that DOH's rejection of its proposals constituted bad faith bargaining, the Board finds, in accordance with its discretion under PERB Rule 527 *et seq.*, that it is inappropriate to advance this case through PERB's impasse resolution procedures.²⁰ DCNA's Request for impasse is therefore denied and the matter is dismissed.²¹

ORDER

IT IS HEREBY ORDERED THAT:

1. DCNA's Request for impasse is denied and the case is dismissed.
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.

May 21, 2015

Washington, D.C.

¹⁷ See *AFSCME Local 2401 and CFSA, supra*, Slip Op. No. 1497 at p. 3-4, PERB Case No. 10-I-06 (holding that in certain cases, when an agency and union have demonstrated that they have bargained in good faith, the Board may conclude that "the agency's duty has been fulfilled and that additional bargaining is not required").

¹⁸ *Id.* at 1; see also *American Federation of Government Employees, Locals 872, 1975 and 2553 v. District of Columbia Department of Public Works*, 49 D.C. Reg. 1145, Op. No. 439 at p. 4, PERB Case Nos. 94-U-02 and 94-U-08 (1995); and *Unions in Compensation Unit 21 v. District of Columbia Department of Health*, 49 D.C. Reg. 7756, Slip Op. No. 674 at f. 2, PERB Case No. 674 (2002).

¹⁹ *Id.* at 3.

²⁰ *Id.* at 3-4.

²¹ As a result of the Board's finding, DOH's Motion to Dismiss is moot and does not need to be addressed.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-I-06, Op. No. 1522, was transmitted by File & ServeXpress to the following parties on this the 26th day of May, 2015.

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/s/ Felice Robinson

PERB

Government of the District of Columbia
Public Employee Relations Board

<hr/>)
)
In the Matter of:)
)
Fraternal Order of Police/Metropolitan)
Police Department Labor Committee (on)
behalf of Robert Loproto),)
)
	Union,)
)
v.)
)
District of Columbia Metropolitan)
Police Department,)
)
	Agency.)
<hr/>)

PERB Case No. 15-A-04
Opinion No. 1523

Decision and Order

DECISION AND ORDER

I. Statement of the Case

On January 5, 2015, Petitioner Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”), on behalf of Robert Loproto (“Grievant”), filed an Arbitration Review Request (“Request”) seeking to set aside an Arbitration Award¹ (“Award”) issued in a grievance arbitration against the District of Columbia Metropolitan Police Department (“MPD”). FOP bases its Request upon the Board’s authority under D.C. Official Code § 1-605.02(6) to modify, set aside, or remand an award where (1) the arbitrator was without, or exceeded, his jurisdiction, and/or (2) the award was procured by fraud, collusion, or other similar and unlawful means.

The Board finds that the Arbitrator did not exceed his jurisdiction and that the Award was not procured by fraud, collusion, or other similar and unlawful means. FOP’s Request is therefore denied.

¹ See (Request, Attachment 6) (hereinafter cited as “Award”).

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II. Background

On December 22, 2004, MPD issued Grievant a Notice of Proposed Adverse Action letter proposing termination of his employment based on five (5) specified charges.² On March 10, 11, and 16, 2005, MPD held a departmental hearing before an MPD Adverse Action Panel (“Panel”).³ The Panel found the Grievant guilty of Charges 1, 3, and 5 (with all associated specifications) and recommended termination.⁴ On April 11, 2005, MPD issued Grievant a Final Notice of Adverse Action letter terminating his employment.⁵ Grievant unsuccessfully appealed the termination to the Chief of Police, and then requested arbitration.⁶

In 2012, the parties appointed Paul Greenberg to arbitrate the grievance.⁷ The parties filed their respective briefs and the record closed on March 22, 2013.⁸ On December 6, 2013, FOP emailed the Arbitrator asking when the decision would be issued.⁹ The Arbitrator responded on January 30, 2014, stating he expected to deliver the decision by March 3, 2014. When that date passed without the decision being issued, FOP emailed the Arbitrator on April 9, 2014, asking for another update. The Arbitrator did not respond. On July 8, 2014, FOP emailed the Arbitrator again asking for another update. In that email, FOP also asked the Arbitrator to notify the parties if he would not be able to issue the decision by August 8, 2014, so that they could appoint another arbitrator.¹⁰ The Arbitrator replied on July 23, 2014, stating that he had worked on the decision, but needed additional time to complete it. He said he would work on it after August 4, 2014.¹¹ On August 4, 2014, the Arbitrator emailed FOP again stating that he would actually continue working on the decision the following week.¹²

On the morning of November 21, 2014, FOP sent the Arbitrator an email stating that FOP had decided to remove him as arbitrator.¹³ FOP instructed Mr. Greenberg to stop all work on the case and to destroy the records he had been sent.¹⁴ Later that afternoon, MPD emailed the Arbitrator stating that FOP had not consulted with MPD about the “asserted removal” and that MPD did not consent to it. MPD also stated that it was not aware of any authority that allowed FOP to unilaterally remove the Arbitrator, and instructed Mr. Greenberg to continue working on the matter until directed otherwise by the Federal Mediation and Conciliation Service (“FMCS”).¹⁵ Shortly thereafter, FOP emailed the Arbitrator again stating that the removal was

² *Id.* at 8.

³ *Id.* at 11.

⁴ *Id.*

⁵ (Request at 4).

⁶ *Id.* at 5.

⁷ *Id.*

⁸ *Id.* at 5, 7.

⁹ *Id.* at 7.

¹⁰ *Id.*

¹¹ *Id.*; *see also* Attachment 4, Attachment 1 at 1.

¹² *Id.*

¹³ *Id.* at 8; *see also* Attachment 4, Attachment 1 at 5.

¹⁴ *Id.*

¹⁵ *Id.*, Attachment 4, Attachment 1 at 4-5.

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Page 3

“for cause” and warned Mr. Greenberg that if he issued an award, FOP would not honor it or pay his fees.¹⁶ FOP also asserted that it would petition FMCS for Mr. Greenberg’s removal “whether or not the MPD consents.”¹⁷ On November 23, 2014, the Arbitrator replied to the parties expressing his regret for the delays, but stated that the award would be completed by December 8, 2014.¹⁸

On December 3, 2014, FOP asked FMCS to remove Mr. Greenberg from the case. FOP expressed doubt that Mr. Greenberg could issue a fair and unbiased decision based on the emails FOP had exchanged with him.¹⁹ FMCS notified FOP that it would not forcefully remove Mr. Greenberg as arbitrator, but advised FOP that if Mr. Greenberg wanted to recuse himself from the matter, he could do so.²⁰

On December 15, 2014, Mr. Greenberg emailed the parties stating that, in his view, FOP could not unilaterally divest him of his duly appointed jurisdiction to decide the case, and that there was no valid reason for him to recuse himself.²¹ Thereafter, Mr. Greenberg issued his Award denying FOP’s grievance, finding that “[a]lthough there may be room to debate whether some of the charges and specifications proffered against Grievant would—standing alone—warrant discharge..., the weight of the established allegations supports [MPD’s] conclusion that Grievant engaged in serious misconduct and that termination is the appropriate sanction.”²²

On January 5, 2015, FOP filed the instant Arbitration Review Request, asserting that the Award was the result of bias against FOP, and that the Arbitrator was without authority to issue the Award because FOP had removed him “for cause.”²³ FOP bases its bias claim on the Board’s authority in D.C. Official Code § 1-605.02(6) and PERB Rule 538.3(c) to modify, set aside, or remand an award where the award “was procured by fraud, collusion, or other similar and unlawful means.”²⁴

The issues before the Board are: (1) whether bias qualifies as an “other similar and unlawful mean” under which the Board can modify, set aside, or remand the Award; and (a) if so, whether the Award exhibits evidence of bias to warrant setting it aside; and (2) whether the Arbitrator was without authority to issue the Award based on FOP’s unilateral effort to remove him.

¹⁶ *Id.*, Attachment 4, Attachment 1 at 4.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 8-9; *see also* Attachment 4, Attachment 1 at 4.

²⁰ *Id.* at 9.

²¹ *Id.*, Attachment 5.

²² Award at 25.

²³ (Request at 2, 10).

²⁴ FOP contends that “[b]ias is clearly a similar unlawful means for an Arbitrator to use in rendering a decision which should require his decision to be invalidated.” (Request at f. 2).

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Analysis

D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.²⁵

A. FOP's Unsupported Bias Claim Does Not Constitute a Statutory Basis for Review of the Award

In *District of Columbia Fire and Emergency Medical Services and International Association of Firefighters, Local 36 (on behalf of Firefighters Mayo and Roach)*, 59 D.C. Reg. 3818, Slip Op. No. 895, PERB Case No. 06-A-20 (2007), the Board found that the petitioner's bias allegation was based on nothing more than a disagreement with the arbitrator's credibility determinations, and therefore did not qualify as a statutory basis upon which PERB could review the award.²⁶ The Board further reasoned that it could not review petitioner's bias argument because the petitioner had not previously raised the allegation with the arbitrator prior to filing its arbitration review request.²⁷

Here, even though FOP did present its bias argument to the Arbitrator,²⁸ FOP does not present any evidence in its Request that shows the Award itself is biased. For example, FOP does not allege that the Arbitrator resolved any questions outside of those presented to him by both MPD and FOP; that he misanalysed or misapplied any of the *Douglas* factors²⁹ in his review of the Panel's findings and recommendations; or that he made any factual findings that were not supported by the record. Moreover, FOP does not allege that the Arbitrator colluded with MPD, that he had any prior relationship with either MPD or FOP or their attorneys, or that he had any personal interest in the outcome of the decision.

Additionally, the Board, in its review of the record and the Award, has likewise not found

²⁵ See also PERB Rule 538.3.

²⁶ See p. 5.

²⁷ *Id.*; see also *University of the District of Columbia v. University of the District of Columbia Faculty Association / NEA (on behalf of Barbara Green)*, 36 D.C. Reg. 3635, Slip Op. No. 220 at ps. 3-4, PERB Case No. 88-A-03 (1989) (holding that a mere disagreement with an arbitrator's conclusions does not, by itself, warrant a finding that the arbitrator lacked neutrality; nor does it provide a sufficient basis for PERB to be able to review the award under the "similar and unlawful means" provision in the CMPA).

²⁸ FOP requested that FMCS forcefully remove Arbitrator Greenberg from the grievance, but FMCS denied the request. (Request at 8-9). Further, FOP raised its concerns to the Arbitrator, but Mr. Greenberg declined to recuse himself. Mr. Greenberg asserted that while there are valid instances where an arbitrator's impartiality can be rightfully questioned—*i.e.*, if the arbitrator fails to disclose ties to one of the parties or attorneys, or if the arbitrator has a personal interest in the outcome of the decision—this case was not one of them. *Id.*, Attachment 5. Mr. Greenberg then assured the parties that FOP's attempt to remove him had "no impact whatsoever" on his ability to decide the case impartially. He asserted that prior to FOP's attempts to remove him, he had already "completed substantial work on the Decision," and that while his analysis "certainly was 'tweaked' during the editing process, the outcome of the Decision was not affected at all, and any revisions to the rationale were modest." *Id.*

²⁹ Award at 21-24 (citing *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (MSPB 1981)).

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any evidence of bias.

Indeed, the only arguments that FOP makes to support its assertion that the Arbitrator's Award is biased are that the Award was issued just two weeks after FOP asked FMCS to forcefully remove Mr. Greenberg,³⁰ and that the Award declined to overturn the Panel's findings. Those arguments, by themselves, do not demonstrate bias.

Thus, the Board finds that FOP's arguments constitute nothing more than a disagreement with the Arbitrator's decision. Accordingly, FOP's Request does not present a statutory basis upon which PERB can review the Award.³¹

B. The Arbitrator Did Not Exceed His Authority When He Issued the Award

To determine if an arbitrator has exceeded his jurisdiction and/or was without authority to render an award, the Board evaluates "whether the award draws its essence from the collective bargaining agreement."³² The U.S. Court of Appeals for the Sixth Circuit, in *Michigan Family Resources, Inc. v. Service Employees International Union Local 517M*, explained what it means for an award to "draw its essence" from a collective bargaining agreement by stating the following standard:

[1] Did the arbitrator act 'outside his authority' by resolving a dispute not committed to arbitration?; [2] Did the arbitrator commit fraud, have a conflict of interest or otherwise act dishonestly in issuing the award?"; "[a]nd [3] [I]n resolving any legal or factual disputes in the case, was the arbitrator arguably construing or applying the contract"? So long as the arbitrator does not offend any of these requirements, the request for judicial intervention should be resisted even though the arbitrator made "serious," "improvident" or "silly" errors in resolving the merits of the dispute.³³

In this case, FOP asserts that because it, "unilaterally or otherwise, removed Greenberg from this arbitration after he *violated* his authority by exceeding the express time limit contained

³⁰ As previously noted in footnote 28 herein, Mr. Greenberg had already "completed substantial work on the Decision" before FOP sent its request to FMCS. (Request, Attachment 5). Therefore, the Board finds that the timing of when Mr. Greenberg issued the Award in relation to FOP's letter to FMCS is not sufficiently suspect to support FOP's allegation that the Arbitrator's entire Award is biased.

³¹ See *FEMS and IAF, Local 36, supra*, Slip Op. No. 895 at p. 5, PERB Case No. 06-A-20.

³² *District of Columbia Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2010) (quoting *District of Columbia Public Schools v. AFSCME, District Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156, PERB Case No. 86-A-05 (1987)); see also *Dobbs, Inc. v. Local No. 1614, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America*, 813 F.2d 85 (6th Cir. 1987).

³³ 475 F.3d 746, 753 (6th Cir. 2007).

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within the [collective bargaining agreement³⁴], Arbitrator Greenberg had no authority to issue the decision in this case.”³⁵ Article 19, E, Section 5(6) of the parties’ collective bargaining agreement states:

The arbitrator shall render his/her decision in writing, setting forth his/her opinion and conclusions on the issues submitted, within thirty (30) days after the conclusion of the hearing. The decision of the arbitrator shall be binding upon both parties and all employees during the life of this Agreement.³⁶

Although the Arbitrator unquestionably failed to issue the Award within thirty days after the record closed,³⁷ the Board disagrees with FOP’s contention that that stripped him of his authority to issue the Award at all. Indeed, the parties’ collective bargaining agreement is silent about consequences for missing the deadline. Furthermore, FOP has not cited—nor has PERB found—any legal authority that would allow FOP to unilaterally divest the duly-appointed Arbitrator of his jurisdiction just because he missed the deadline. The parties jointly selected and appointed Mr. Greenberg and agreed to be bound by his decision. Accordingly, it requires the joint consent of both parties to forcefully remove him.

Additionally, FOP has not alleged or shown that the Arbitrator resolved any disputes that were not committed to him by the parties. FOP has not alleged or shown that the Arbitrator committed fraud, had a conflict of interest, or otherwise acted dishonestly in issuing the award. Finally, with the exception of its argument about the thirty-day deadline in Article 19, E, Section 5(6), FOP has not alleged or shown that the Award itself violates any provision in the parties’ collective bargaining agreement.

Thus, in accordance with the previously stated standard in *Michigan Family Resources, supra*, the Board finds that in spite of missing the thirty-day deadline and FOP’s errant efforts to remove him, the Arbitrator “arguably” construed or applied the parties’ contract, and therefore did not exceed his authority when he issued the Award.

C. Conclusion

Based on the foregoing, FOP’s Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

³⁴ See (Request, Attachment 7) (hereinafter cited as “CBA”).

³⁵ (Request at 10) (emphasis in original).

³⁶ CBA at 25.

³⁷ Despite its denial of FOP’s Arbitration Review Request, the Board wishes to note that it certainly sympathizes with FOP’s well-warranted frustrations over the Arbitrator’s extensive delays. In Mr. Greenberg’s letter to the parties addressing FOP’s efforts to remove him, the Arbitrator warned that “significant damage” would be caused to the dispute resolution process if a single party was permitted to unilaterally remove an arbitrator. (Request, Attachment 5). While that point is well-taken, an arbitrator that takes nearly two years to issue an award in a removal case also runs the risk of causing “significant damage” to the dispute resolution process.

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ORDER

IT IS HEREBY ORDERED THAT:

1. FOP's Request is denied and the matter 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.

May 21, 2015

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-A-04, Opinion No. 1523, was transmitted through File & ServeXpress to the following parties on this the 27th day of May, 2015.

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/s/ Felice Robinson

PERB

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C.

No. 3

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its intent to act upon the proposed Surcharge Update of Washington Gas Light Company (WGL)² in not less than 30 days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. The Rights-of-Way (ROW) Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On May 21, 2015, pursuant to D.C. Code § 10-1141.06,³ WGL filed a Surcharge Update to revise the ROW Reconciliation Factor.⁴ In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3

Section 22

3rd Revised Page 56

3. WGL's Surcharge Update shows that the ROW Current Factor is 0.0326 with the ROW Reconciliation Factor of 0.0073 for the prior period, which yields a net factor of 0.0399.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the June 2015

¹ D.C. Code § 2-505 (2015) and D.C. Code § 34-802 (2015).

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, (GT00-2) Rights-of-Way Reconciliation Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed May 21, 2015.

³ D.C. Code § 10-1141.06 (2015), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

⁴ *GT00-2*, Surcharge Update at 1.

⁵ *Id.* at 2.

billing cycle.⁶ The Company has a statutory right to implement its filed surcharges. However, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge, WGL could be subject to reconciliation of the surcharges.

4. This Surcharge Update may be reviewed at the Office of the Commission Secretary, DC Public Service Commission, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpSC.org. Once at the website, open the "eDocket" tab, click on the "Search database" and input "GT00-2" as the case number and "122" as the item number. Copies of the tariff are available upon request, at a per-page reproduction cost, by contacting the Commission Secretary at (202) 626-5150 or psc-commissionsecretary@dc.gov.

5. Comments on the Surcharge Update must be made in writing to Brinda Westbrook-Sedgwick, at the above address. All comments must be received within 30 and 45 days respectively, of the date of publication of this NOPT in the *D.C. Register*. Once the comment period has expired, the Commission will take final action on WGL's Surcharge Update.

⁶ *Id.* at 1.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENT AS 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 September 1, 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 31, 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: September 1, 2015

Page 2

Ahmad	Tazeen Asiya	Brewster Jory Associates, LLC DBA Capitol Hill Consulting Group 799 South Capital Street, SW, Suite 608	20003
Alexei	Michael	Law Offices of Michael Alexei PLLC 601 Pennsylvania Avenue, NW, Suite 900	20004
Arevalo	Cynthia	The Federal Practice Group Worldwide Service 1150 Connecticut Avenue, NW, Suite 900	20036
Bajaj	Amit	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Bangara	Gianluca	FHI 360 1825 Connecticut Avenue, NW	20009
Bankins	Lacinda	Lanchester Law Firm 601 Pennsylvania Avenue, NW, Suite 900	20004
Barham	Vicki	Wiley, Rein LLP 1776 K Street, NW	20006
Bazil	Beverly	Dickinson Wright PLLC 1875 Eye Street, NW, Suite 1200	20006
Bellamy	Sharon D.	US International Trade Commission 500 E Street, SW	20436
Brewer	Quiana	Forest City Enterprises 1212 4th Street, SE	20003
Brown	Marcia K.	H Street Community Development Corporation 900 2nd Street, NE	20002
Browne	Michael Ann	National Presbyterian School 4121 Nebraska Avenue, NW	20016
Buckner	Sandra W.	Bank of Georgetown 1115 30th Street, NW	20007

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public**

Effective: September 1, 2015

Page 3

Caldwell	Diana Wright	Self 3110 35th Street, NE	20018
Capollupo	Alicia Celeste	Day Pitney LLP 1100 New York Avenue, NW, Suite 300E	20005
Chalker	David	TD Bank 901 7th Street, NW	20001
Cox	Kristine Aurelia	EFO Capital Management, Inc. 21 Dupont Circle, NW, Suite 410	20036
Cueto	Belkis	Groom Law Group, Chartered 1701 Pennsylvania Avenue, NW	20006
Cunanan	Hazel	The Dupont Circle Hotel 1500 New Hampshire Avenue, NW	20002
Davis	Ethelene Delores	Resenau LLP 1801 18th Street, NW, Suite 9	20009
Doersam	Andrew Raymond	American Bankers Association 1120 Connecticut Avenue, NW	20036
Drews	Jennifer L.	Greg Gerner Inc. 4600 Kenmore Drive, NW	20007
Ealley	Lisa D.	Squire Patton Boggs LLP 2550 M Street, NW	20037
Either	Timothy	US Department of Veterans Affairs 425 I Street, NW, Room 6E.505L	20001
Essa	Joan V.	Biotechnology Industry Organization 1201 Maryland Avenue, SW, Suite 900	20024
Ferrell	Nan R.	MWAA-Homeland Security 1 Aviation Circle	20001
Fiori	Rick	Self 510 N Street, SW, N-528	20024

D.C. Office of the Secretary
Recommended for appointments as a DC Notaries PublicEffective: September 1, 2015
Page 4

Foiles	Lauren	Beyond20 700 12th Street, NW, Suite 700	20005
Frost	Kip M.	EY (Ernst and Young) 1101 New York Avenue, NW	20005
George	Teresa V.	U.S. Chamber of Commerce 1615 H Street, NW	20062
Gerlach	Julia	Pioneer Ventures LLC 3335 Connecticut Avenue, NW	20008
Ghebreyohannes	Siye	DC Government Department Human Resources 441 4th Street, NW, Suite 340 North	20001
Green	Ann E.	Real Estate Resource Group, Inc. 1901 Pennsylvania Avenue, NW, 10th Floor	20006
Greenhill	Christopher	PNC Bank 1201 Wisconsin Avenue, NW	20007
Hanna	Agnes	Population Reference Bureau 1875 Connecticut Avenue, NW, Suite 520	20009
Harrington	Mona	US Court of Appeals for the Federal Circuit 717 Madison Place, NW, Suite 210	20439
Harris	Miesha M.	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Hendrix	Shelva	Self 639 Atlantic Street, SE	20032
Hernandez	Carlos A.	TD Bank 901 7th Street, NW	20001
Hernandez	Omar	Wells Fargo Bank 3325 14th Street, NW	20010
Hogans	Catherine E.	Treasury Department Federal Credit Union 1101 2nd Street, NE	20002

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Hughes	Shirley	Lanchester Law Firm 601 Pennsylvania Avenue, NW, Suite 900	20004
Hyre	Nury	Citibank NA 2101 L Street, NW	20036
Jacobe	Jesse	Husch Blackwell 750 17th Street, NW, Suite 900	20006
Kolender	Daniel	Grassroots Business Partners 1710 Rhode Island Avenue, NW, Suite 1000	20036
Leath	Janine S.	Federal Energy Regulatory Commission 888 First Street, NE	20426
Lynch	Carly M.	Love Funding Corporation 1250 Connecticut Avenue, NW, Suite 310	20036
Mace	Jennifer Lind	Hugee Corporation 1818 New York Avenue, NE, #208-D	20002
Madden	Ceil V.	Raymond James 1717 Pennsylvania Avenue, NW, Suite 1050	20006
Magruder	DeMara	Self 35 T Street, NE	20002
Malette	Sydney	Pepco Holdings, Inc. 701 9th Street, NW	20001
Manley	Peggy A.	Unity Health Care, Inc. 1220 12th Street, SE, Suite 120	20003
McDonough	Shannon	Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates 1440 New York Avenue, NW	20005
Melton	Theresa M.T.	American Bar Association 1050 Connecticut Avenue, NW, Suite 400	20036

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Miller	Michael G.	MGM Trial Services, Inc/ Art Miller & Associates 1050 Connecticut Avenue, NW, 10th Floor	20036
Murray	Georgene	Vital Voices Global Partnership 1625 Massachusetts Avenue, NW	20036
Ochoa	Nicholas	Skadden, Arps, Slate, Meagher and Flom LLP 1440 New York Avenue, NW	20005
Ossege	Roanna L.	Capital Reporting Company 1821 Jefferson Place, NW	22042
Payonk	Mary Ann	Olender Reporting - Litigation Solutions 1100 Connecticut Avenue, NW	20036
Picotte	Julianne	Quinn, Emanuel, Urquhart & Sullivan 777 6th Street, NW, 11th Floor	20001
Piercy	Barbara J.	The Morris and Gwendolyn Cafritz Foundation 1825 K Street, NW	20006
Plack	Debora	Williams & Connolly LLP 725 12th Street, NW	20005
Putnam	Geoffrey	Concerned Women for America 1015 15th Street, NW, Suite 1100	20005
Reese	C. Allison DeFoe	Self (Dual) 3149 Hawthorne Drive, NE	20017
Ricard	Wendy C.	Anderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Rice	Racheal	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Roseby	Stephanie R.	Wells Fargo Bank, N.A. 1700 Pennsylvania Avenue, NW	20036
Rosenzweig	Norman	The Law Office of Marc T. McDermott 910 17th Street, NW, Suite 800	20006

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Royster	Curtis	Self 607 Rittenhouse Street, NW	20011
Santhumayor	Ashrita A.	Bank-Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Schwartz	Brooke	Leadership for Educational Equity 1805 7th Street, NW, 8th Floor	20001
Short	Tosha Ann	PNC Bank 1201 Wisconsin Avenue, NW	20020
Shu-Nyamboli	Manda	Department of Commerce Federal Credit Union 14th & Constitution Avenue, NW	20230
Silawi	Ahlam A.	Wells Fargo Bank 4841 Massachusetts Avenue, NW	20016
Skerret	Juan	Citi Bank 1000 Vermont Avenue, NW	20005
Somerville	Latia M.	DC Housing Authority 1133 North Capital Street, NE	20002
Taylor	Janet Lee	Powell Tate 733 10th Street, Suite 600, NW	20001
Terrell	Jaymie	Self 2714 Fort Baker Drive, SE	20020
Thompson	Yvette Tate	Federal Bureau of Prisons 320 First Street, NW	20534
Thrall	Jocelyn Keely	Episcopal Diocese of Washington 3101 Wisconsin Avenue, NW	20016
Tiwari	Sitadai	MedStar Washington Hospital Center 110 Irving Street, NW	20010
Toppin	Orlando	Wells Fargo Bank 1447 P Street, NW	20005
Turner	Sylvia J.	Justice Federal Credit Union 950 Pennsylvania Avenue, NW	20530

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Vasquez	Kristian	Partners of Americas 1424 K Street, NW, Suite 700	20005
Vasquez	Roberto	American Bar Association 1050 Connecticut Avenue, NW	20036
Villatoro	Luis	Wells Fargo Bank 5701 Connecticut Avenue, NW	20015
Vought	Jessica	Quinn Emanuel Urquhart & Sullivan LLP 777 6th Street, NW	20001
Wallace Holmes	Precious	Self 3350 D Street, SE	20019
Washington Jr.	Maurice	Robert A. Ades & Associates, PC 1140 Connecticut Avenue, NW	20036
Watson	Castina Jewel	Same Day Process 1413 K Street, NW, 7th Floor	20005
Wells	Scott M.	Self 1177 22nd Street, NW, Suite 4H	20037
Wesley	Devon J.	Wells Fargo Bank 1901 7th Street, NW	20001
Whelden	Emily	Rosenau LLP 1801 18th Street, NW	20009
Williams	Marilyn R.	Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC 1615 M Street, NW, Suite 400	20036
Williams	Phyllis	National Association of Counties 25 Massachusetts Avenue, NW, Suite 500	20001
Zin	Rosemary	Darby Overseas Investments, LTD 1133 Connecticut Avenue, NW, Suite 400	20036

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****DSLBD Healthy Food Retail Program Grant**

The Department of Small and Local Business Development (DSLBD) is soliciting applications for the **Healthy Food Retail Program Grant**. DSLBD will award up to five grants from the \$170,000 in total available funding.

The purpose of the Healthy Food Retail Program Grant is to expand access to healthy foods in food deserts within the District of Columbia by providing assistance to corner stores, farmers markets and other small food retailers (less than 5,000 square feet).

Eligible applicants are nonprofit organizations or businesses. For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which is currently posted at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Eligible Use of Funds: Applicants may propose any type of project which makes healthy produce more widely available in food deserts. Funds can be used for expenses incurred during the Period of Performance, which is October 1, 2014 through September 30, 2015. For additional examples of eligible uses of funds, exclusions, and a map of the DC food deserts, please review the RFA.

If awarded a grant, grantees must be able to complete funded projects by September 30, 2015.

Application Process: Interested applicants must complete an online application by Friday, August 7, 2015 at 2:00 p.m. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.** Instructions and guidance regarding application preparation can be found in the RFA, which is available at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Selection Process: DSLBD will select grant recipients through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed below.

1. Capacity and Experience of the Applicant (25 points)
2. Strength of the Project Implementation Plan (25 points)
3. Financial Viability of Applicant Organization (25 points)
4. Creativity and Innovation (25 points)

The DSLBD program team will review the panel reviewers' recommendations and the DSLBD Director will make the final determination of grant awards. DSLBD will select a grantee by August 14, 2015.

Award of Grants: Up to five grants totaling \$170,000 will be awarded.

For More Information: Questions may be sent to Lauren Adkins at the Department of Small and Local Business Development at lauren.adkins@dc.gov or 202-727-3900.

Reservations: DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19010 of Nicole Mitchell, as amended¹, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403, and the nonconforming structure requirements under § 2001.3, to allow a three-story rear addition to an existing one-family dwelling in the R-4 District at premises 440 Ridge Street, N.W. (Square 513, Lot 64).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATES: June 23, 2015²; July 14, 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 6 (original) and 33 (revised burden of proof).)

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 her right to a hearing. (Exhibit 2.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on March 3, 2015, at which a quorum was in attendance, ANC 6E voted 6-1-0 to support the application. (Exhibit 28.) Two letters were filed by adjacent property owners in support of the application. (Exhibits 13 and 14.)

The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application as amended. (Exhibit 29.) The District Department of

¹The Applicant initially filed for special exception relief under § 223 for a rear addition not meeting the lot occupancy requirements of § 403. (Exhibit 1.) Subsequently, the Applicant filed a revised burden of proof statement requesting relief from the non-conforming structure requirements under § 2001.3 (Exhibit 31), in addition to the relief initially requested. The caption has been amended accordingly.

² The application was originally scheduled for Expedited Review on June 23, 2015, but was postponed to enable the Applicant to meet posting requirements.

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Transportation (“DDOT”) submitted a report expressing no objection to the approval of the application. (Exhibit 30.)

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, 403, 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, 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 PLANS AT EXHIBIT 5.**

VOTE: **3-0-2** (Peter G. May, Lloyd J. Jordan, and Jeffrey L. Hinkle to APPROVE; Marnique Y. Heath and Frederick L. Hill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 17, 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

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SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19011 of Gabriel, LLC, as amended¹, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for variances from the parking space width requirements under § 2115.1 and the driveway width requirements under § 2117.8(c)(2), and for a special exception from the new residential developments requirements under § 353, to allow the construction of a new three-story, six-unit apartment house in the R-5-A District at premises 129 Varnum Street N.W. (Square 3321, Lots 10 and 11).

HEARING DATES: June 9, 2015, June 16, 2015, and July 14, 2015²

DECISION DATE: July 14, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.) The Applicant amended the plans and the application to request variance relief from the parking space width requirements under § 2115.1 and the driveway width requirements under § 2117.8(c)(2), in addition to a special exception under § 353. (Exhibit 29.)

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") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC did not submit a report, although there was testimony by the Applicant regarding the ANC's failure to pass a motion in support.³

¹ The Applicant amended the application and submitted revised plans and the additional filing fee. (Exhibits 29 – 30B, 33.) The application was amended to add variance relief from the parking space width requirements under § 2115.1 and the driveway width requirements under § 2117.8(c)(2), and to lower the number of units from seven to six. The Applicant amended the application to include: (1) area variance relief from the parking space size requirements under § 2115, to allow three of the six required spaces to be reduced by six inches to 8'6"; and (2) area variance relief from the driveway access width provisions of § 2117.8(c)(2) to allow the driveway to be reduced to 11 feet from the originally proposed 13 feet. Twelve feet is required. The Applicant indicated that the six inches shaved off of three parking spaces, along with the two feet from the driveway, will provide the 3'6" necessary to accommodate the trash enclosure at the rear of the property. (Exhibit 29.) The Applicant testified that it had reposted the notice to reflect the request for amended relief. The caption has been revised accordingly.

² The hearings on June 9 and 16, 2015 were postponed at the request of the Applicant.

³ The Board was unable to grant the ANC great weight because the ANC did not file a written report.

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The Office of Planning (“OP”) submitted two reports. In the first OP report dated June 9, 2015, OP indicated that it could not recommend approval of the application for special exception and listed a number of issues that it stated needed to be resolved. (Exhibit 27.) Subsequently, OP submitted a supplemental report dated July 7, 2015, in which it recommended approval of the amended application and plans, including the variance relief being requested. (Exhibit 31.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 28.)

A letter in opposition to the application was submitted by a nearby resident. (Exhibit 20.) At the hearing on July 14, 2015, six nearby residents testified in opposition to the application.

Variance Relief

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 area variances from the parking space width requirements under § 2115.1 and the driveway width requirements under § 2117.8(c)(2), to allow the construction of a new three-story, six-unit apartment house in the R-5-A 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 reports filed in this case, the Board concludes that in seeking area variances from 11 DCMR §§ 2115.1 and 2117.8(c)(2), 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.

Special Exception Relief

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 from the new residential developments requirements under § 353, to allow the construction of a new three-story, six-unit apartment house in the R-5-A 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 reports filed in this case, the Board concludes that the Applicant has met the burden of proof for

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special exception relief, pursuant to 11 DCMR §§ 3104.1 and 353, 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 the application is hereby **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 30A AND 30B.**

VOTE: **3-0-2** (Peter G. May, Jeffrey L. Hinkle, and Lloyd L. Jordan, to APPROVE; Marnique Y. Heath and Fredrick L. Hill, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 16, 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 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

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WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-46B
Z.C. Case No. 06-46B
Half Street Residential PJV, LLC
(Capitol Gateway Overlay Review @ Square 701, Lot 168)
June 29, 2015

Pursuant to notice, the Zoning Commission of the District of Columbia ("Commission") held a public hearing on May 28, 2015, to consider an application filed by Half Street Residential PJV, LLC ("Applicant") for review and approval of modifications to previously approved plans for a new mixed-use building consisting of residential and retail and service uses, with the potential for a hotel, pursuant to §§ 1607 and 1610 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"), which apply to new construction within the Capitol Gateway Overlay with frontage along Half Street, S.E., south of M Street, S.E., and to properties within Square 701. The initial application also included a request for special exception approval to allow multiple roof structures without a single enclosure, pursuant to §§ 630.4(a) and 411.3. The public hearing was conducted in accordance with the provisions of § 3022. At the public hearing, the Applicant requested additional variances from the residential lot occupancy requirement for the second floor of the building, pursuant to § 634, and from the Half Street building setback requirement of § 1607.2. These additional areas of relief did not result from changes made to the plans submitted to the Commission, but rather, the request was of a technical nature that the Applicant sought out of an abundance of caution to ensure all potential areas of relief were obtained prior to pursuing permits for the project. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

1. On February 26, 2015, the Applicant filed an application for review and approval of modifications to previously approved plans for a new mixed-use building consisting of residential, retail, and service uses, with the potential for a hotel, pursuant to §§ 1607 and 1610 of the Zoning Regulations, which apply to developments on any lot within the Capitol Gateway ("CG") Overlay District with frontage along Half Street, S.E., south of M Street, S E, as well as properties within Squares 700 and 701 north of the Ballpark site.
2. The subject property is located in Square 701 and encompasses the southern portion of Record Lot 168 ("Property"), and is considered a theoretical building site for purposes of zoning.
3. The Applicant filed a pre-hearing submission in support of the application on May 8, 2015 ("Pre-hearing Submission"). (Exhibits ["Ex."] 7, 7A, 7B1, 7B2, 7C, 7D).
4. The Commission held a hearing on the application on May 28, 2015. The Applicant was the only party to the case to appear at the public hearing. Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Property is located, did not participate in the hearing. Proper notice of the hearing was provided by the Office of Zoning pursuant to 11 DCMR § 3015.

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5. By letter dated March 22, 2015, the ANC reported that at its duly noticed meeting on March 9, 2015, ANC 6D voted 4-0-2 to recommend that the Commission approve the proposed modifications to previously approved plans and the requested special exception from the single roof structure enclosure requirement of § 411.3. (Ex. 5.) The letter indicated that the ANC would like to see increased architectural differentiation between the condominium and rental sections of the property. The letter further stated that although the ANC was informed that the project was not subject to the Inclusionary Zoning regulations, the ANC was nevertheless disappointed that the project was 100% market rate.
6. Witnesses appearing at the hearing on behalf of the Applicant included Jair Lynch of JAIR LYNCH Development Partners, Chris Harvey and Chris Schein of HORD|COPLAN|MACHT, Chris Kabatt of Wells+Associates, and Shane Dettman of Holland & Knight, LLP.
7. Messrs. Harvey and Schein were qualified as experts in architecture and landscape architecture, respectively. Mr. Kabatt was qualified as an expert in transportation planning, and Mr. Dettman was qualified as an expert in land use planning.
8. At the public hearing the Applicant requested additional variances from the residential lot occupancy requirement for the second floor of the building (§ 634), and from the Half Street building setback requirement of § 1607.2.
9. At the conclusion of the public hearing on May 28, 2015, the Commission requested additional detail regarding the design of Monument Place and Cushing Place; a revised streetscape plan for Half Street that responds to comments made by the District Department of Transportation (“DDOT”) and the District of Columbia Office of Planning (“OP”); information regarding the Applicant’s coordination with adjacent property owners regarding the design of Half Street; additional detail regarding the proposed roof plan; and responses to outstanding questions contained in the report submitted by OP (Ex. 9), and to submit these revised materials to the record.
10. On June 15, 2015, the Applicant submitted the information requested by the Commission (“Post-hearing Submission”) consisting of a revised set of plans, including a revised roof plan showing greater detail and enlarged interior penthouse accessory recreation space and revised plans for Half Street and Monument Place (“Final Plans”), responses to outstanding comments received from DDOT and DCOP, and responses to the Commission’s questions and requests raised at the public hearing. (Ex. 21, 22.) The Final Plans supplanted the plans submitted to the record on May 8, 2015 as part of the Pre-hearing Submission. Pursuant to the Commission’s request, the Applicant submitted proposed findings of fact and conclusions of law, pursuant to § 3026 on June 15, 2015. (Ex. 20.)

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11. At its June 29, 2015, public meeting, the Commission took final action to approve the application. The Commission determined that the project satisfies all applicable requirements of the CG Overlay District, and the application satisfies the burden of proof for the special exception requested for relief from the single roof structure enclosure requirement, and variances from the residential lot occupancy requirement for the second floor of the building and from the Half Street building setback requirement.

Overview of Previously Approved Plans

12. On February 12, 2007, the Commission voted to approve Z.C. Case No 06-46 for the property now designated as Record Lot 168 (“Previous Plans”).
13. The Previous Plans depicted a 762,800-square -foot, mixed-use development consisting of two buildings (“North Building” and “South Building”) comprising office, residential, hotel, and retail uses. The North Building was approved for office and retail use while the South Building was approved for hotel, residential, and retail use. The Previous Plans were approved for 277,600 square feet of office space, 105,560 square feet of hotel space, 51,010 square feet of retail, and 320,100 square feet of residential. The Previous Plans showed a maximum height of 110 feet, not including roof structures, and a maximum density of 7.44 floor area ratio (“FAR”)
14. To achieve the maximum permitted building height and density, the Previous Plans included the transfer of residential density from Square 700 through combined lot development that also involved the ballpark site to the south.
15. In addition to approving the Previous Plans pursuant to the provisions of the CG Overlay District, the Commission also granted the following areas of zoning relief: a variance from the loading requirements of § 2201.1, a variance from the ground-floor preferred use percentage requirement of § 1604.3, a variance from the Half Street preferred use frontage requirement of § 1607.4, a variance from the ground-floor minimum floor-to-ceiling height requirement of § 1607.5, a special exception from the Half Street setback requirement of § 1607.2, and a special exception from the roof structure setback requirement of § 630.4(b).
16. On January 28, 2008, the Commission voted to approve minor modifications to the Previous Plans (Z.C. Case No. 06-46A). The modifications included a number of design changes and several changes to gross floor area; including: a reduction in office space from 277,600 square feet to 267,162 square feet, an increase in hotel space from 105,560 square feet to 106,269 square feet, an increase in retail space from 51,010 square feet to 51,022 square feet, an increase in residential space from 320,100 square feet to 320,511 square feet, and a reduction in the overall density from 7.44 FAR to 7.35 FAR.

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Overview of Final Plans

17. The Property is “L” shaped in configuration and contains approximately 67,835 square feet of land area in the southwestern portion of Square 701 at the intersection of Half Street, S.E. and N Street, S.E. Square 701 is bounded by M Street on the north, N Street on the south, First Street on the east, and Half Street on the west. Nationals Park ballpark is located immediately south of the Property, across N Street, S.E. The Property is currently vacant.
18. The Applicant intends to construct a mixed-use apartment building with ground- and second-floor retail and service uses and the potential for a hotel on the Property. As shown in the Final Plans, the proposed building will have a height of 110 feet and will contain approximately 460,900-462,900 square feet of gross floor area and an overall FAR between 6.79-6.83, as permitted pursuant to §§ 1602.1(a) of the Zoning Regulations.
19. The proposed building has been designed to actively engage its two street frontages. Along Half and N Streets, the building will be constructed to the building lines and a range of materials will be applied in ways that will differentiate the uses, and reinforce the mixed-use character of the Half Street gateway and surrounding neighborhood. The Half Street façade comprises regularly spaced bays and shallow courts above two levels of retail. The retail levels are primarily composed of a masonry frame with a high percentage of transparent glass. At the second level, a projecting glass bay along Half Street gives the second-story retail added presence, and wraps around to Monument Place to unite these two façades of the building. The residential bays above are simple masonry frames with two-story windows. Balconies accent and further enliven the residential building. The N Street frontage also has a two-story retail expression above which the residential use has a regular pattern of punched windows and balconies. The façades of the courtyards facing Cushing Place continue the pattern of materials expressed on the Half and N Street façades.
20. With regard to parking and loading, the Final Plans include three levels of below grade parking, in full satisfaction of the onsite parking requirements of Chapter 21 of the Zoning Regulations. The required amount of bicycle parking will be provided in two separate storage rooms located adjacent to the loading facilities on the first level. The building will be consistent with the loading relief that was previously granted by the Commission, and will provide one 55-foot-deep loading berth, three 30-foot loading berths, and two 20-foot service delivery spaces. The loading and underground parking facilities will be accessible from Cushing Place, along the east side of the Property.

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21. As shown in the Final Plans, the proposed building still requires the roof structure setback relief that was previously granted by the Commission; however, the extent of relief has been substantially reduced. The area in which the Final Plans require roof structure setback relief is located along the south interior courtyard wall.
22. The building will incorporate a number of elements to enhance its sustainability. As part of the Pre-hearing Statement, the Applicant submitted a draft LEED for Homes Mid-rise Simplified checklist which indicates the building will qualify as LEED-Silver. (Ex. 7C.) Furthermore, at the public hearing, the Applicant committed to pursuing LEED-Silver for New Homes certification.

Description of the Surrounding Area and Zoning Classification

23. The Property is located in Square 701 (the "Square") which is bounded by M Street on the north, N Street on the south, First Street on the east, and Half Street on the west.
24. The Property is located in the southwest corner of the Square and has approximately 365 feet of frontage on Half Street, S.E., and approximately 250 feet of frontage on N Street, S.E. Cushing Place, a currently unimproved 30' wide public alley, runs along the east boundary of the Property and will be constructed as part of this project.
25. The Property, treated as a theoretical building site for purposes of zoning pursuant § 2517, encompasses the southern portion of Record Lot 168 and consists of approximately 67,835 square feet of land area. The northern portion of Record Lot 168 is developed with an office building located at 55 M Street, S.E., which resides on a separate theoretical building site. The Property includes Lots 857, 858, and 859, which are three separate assessment and taxation (A&T) lots according to the records of the District of Columbia Office of the Surveyor. Nationals Park is located to the immediate south of the Property, across N Street, S.E.
26. The Property is zoned CG/CR, as are the rest of the properties within the Square as well as those across Half Street in Square 700. The properties to the east of 1st Street, S.E. are zoned SEFC/CR (Southeast Federal Center Overlay/Commercial Residential), and properties north of M Street, S.E. are zoned C-3-C or CG/C-3-C.
27. Section 1602 of the CG Overlay provides that two or more lots within the CG Overlay may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot. This allocation is accomplished by a combined lot development covenant approved by the District of Columbia and recorded in the land records of the Recorder of Deeds of the District of Columbia. The Property is part of a combined lot development covenant that was duly recorded on August 22, 2008.

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28. Section 1602 further provides that residential and nonresidential floor area on each individual parcel within the CR Zone District shall not exceed a maximum building density of 8.0 FAR on parcels for which a height of 110 feet is permitted by the 1910 Height of Buildings Act, pursuant to § 1602.1(a). As a result of the Property's frontage on N Street, a 90-foot-wide street, a building height of 110 feet is permitted under the Act.

Capitol Gateway Overlay District Design Requirements

29. The proposed project is subject to the requirements of § 1607 of the Zoning Regulations because the proposed building will be located along Half Street, S.E., south of M Street, S.E., within the CG Overlay.
30. Subsection 1607.2 requires any portion of a building or structure exceeding 65 feet to be set back from the building line along Half Street, S.E. a minimum of 20 feet. Pursuant to its authority under § 1610.7, the Commission's approval of the Previous Plans included a special exception from this requirement to allow a setback of 12 feet above a height of 80 feet. As shown in the Final Plans, 11 balconies that project into the previously approved 12-foot setback are proposed. As a technical matter, the Applicant requested variance relief from § 1607.2 at the public hearing to allow the balconies to project into the previously approved setback.
31. Subsection 1607.3 requires each new building to devote not less than 75% of the ground-floor to preferred uses. The Commission's approval of the Previous Plans included a variance from this requirement. As shown in the Final Plans, under Scenario 1, 75.9% of the ground floor will be devoted to preferred uses. Under Scenario 2, as a result of the hotel lobby and associated drop off, the percentage of the ground floor devoted to preferred uses will be reduced to 71.6%.
32. Subsection 1607.4 requires 100% of a building's street frontage along Half Street, S.E., except for space devoted to building entrances or required to be devoted to fire control, to be occupied by preferred uses. As shown in the Final Plans, with the exception of a residential entrance and an entrance lobby to second-level retail, the Final Plans devote 100% of the frontage along Half Street to preferred uses.
33. Subsection 1607.5 requires portions of the ground floor devoted to preferred uses to have a minimum floor-to-ceiling height of 14 feet. The Commission had previously granted a variance from this requirement. As shown in the Final Plans, the proposed building complies with this requirement by providing a clear floor-to-ceiling height in excess of 14 feet on the ground floor. Therefore, the previously granted variance is no longer necessary.

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34. Subsection 1607.7 prohibits the construction or use of any driveway accessing parking or loading along Half Street. As shown in the Final Plans, the proposed building does not include any driveways along Half Street.

The Project Meets the Requirements of § 1610

35. The Final Plans are subject to Commission review and approval pursuant to § 1610 of the CG Overlay. Subsection 1610.3 provides that in addition to demonstrating that the proposed building meets the standards set forth in § 3104 of the Zoning Regulations, an applicant requesting approval under the CG Overlay provisions must also prove that the proposed building meets the requirements of §§ 1610.3(a) through 1610.3(f). Subsection 3104.1 of the Zoning Regulations provides that special exceptions should be granted when "the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." (§ 3104.1.)
36. Subsection 1610.3 further provides that the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation of the proposed building must comply with the specific requirements set forth in that section, and must help achieve the objectives of the CG Overlay District as set forth in § 1600.2 of the Zoning Regulations. The proposed building meets the requirements of § 1610 and is consistent with all applicable purposes of the CG Overlay.
37. The proposed building's height and density are allowed at this location, and the proposed use is consistent with the Property's mixed-use (high-density commercial/high-density residential) designation on the Comprehensive Plan Future Land Use Map. The residential and retail/service uses contemplated by the project will help foster an appropriate mix of uses within Square 701 and the surrounding area. (§ 1600.2(a).)
38. The proposed building is planned to include significant space devoted to preferred retail or service uses on the ground and second floors, including a clear floor-to-ceiling height on the ground floor in excess of 14 feet, and approximately 14 feet on the second floor where the Zoning Regulations have no minimum required height. This space will accommodate precisely the types of retail, service, and entertainment uses encouraged by the CG Overlay. (§ 1600.2(b).)
39. The CG Overlay provides for development of Half Street, S.E., as an active pedestrian-oriented street with active ground-floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale. As shown in the Final Plans, the design of the building, including the setbacks, façade treatment and

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- articulation, and materials, all work together to advance the CG Overlay goals for Half Street, S.E. (§1600.2(g).)
40. The proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the neighboring property in accordance with the Zoning Regulations and Zoning Map. The project assures development of the area with a mixture of uses and a suitable height, bulk, and design. (§1610.3(a).)
 41. The proposed building will help achieve the desired mix of uses in the CG Overlay as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel, and retail, or service uses. The ground- and second-level retail/service uses contemplated for the building along its Half and N Street frontages, with floor to ceiling heights and façade treatments that are intended to emphasize the preferred uses at a comfortable pedestrian scale, will substantially advance the achievement of the desired mix of uses in the CG Overlay. (§1610.3 (b).)
 42. The height, bulk, and architectural design of the proposed building, as shown in the Final Plans, will be in harmony with the context of the surrounding neighborhood and will have no effect on the existing street grid. The proposed building will be constructed to the building lines along Half and N Streets, which will strengthen the street wall along both of these streets and maintain views. (§1610.3 (c).)
 43. The proposed building has been sited to minimize conflicts between vehicles and pedestrians. Access to the building's loading and parking facilities along Cushing Place will help minimize potential conflicts between vehicles and pedestrians. In addition, Monument Place will be a pedestrian-only thoroughfare rather than a vehicular street, thereby removing the curb cut along Half Street that was previously approved. The Applicant's traffic impact study confirms that any impacts to traffic caused by the project can be mitigated through the Applicant's transportation demand management (TDM) plan, which includes all mitigation measures proposed by DDOT and through recommended signal timing adjustments. (§ 1610.3 (d).)
 44. The proposed building's façades have been designed to minimize unarticulated walls adjacent to public spaces through façade articulation and the use of courts, upper-level setbacks, and balconies. (§.1610.3 (e).)
 45. The proposed building will be designed, constructed, and operated in a manner that minimizes impact on the environment, and the Applicant has committed to seeking LEED-Silver certification. (§ 1610.3(f).)

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Requested Areas of Relief: Special Exception

46. The Applicant requested special exception relief pursuant to § 411 of the Zoning Regulations to permit multiple roof structures not meeting the single enclosure requirement of § 411.3. As shown in the Final Plans, a total of four roof structures will be located on the roof level.
47. Subsection 411.3 requires all penthouses and mechanical equipment to be located in one enclosure, and to be in harmony with the main structure in architectural character, material, and color. However, pursuant to § 411.4, when separate elevator cores are required, each one is permitted to have a separate enclosure.
48. As shown in the Final Plans, the proposed building will have three separate elevator cores which have separate enclosures of similar height, materials, and architectural style. In addition, one standalone stair tower will be located at the east end of the southern wing of the building. The stair tower will not be enclosed within one of the elevator core enclosures; therefore, a special exception is required.
49. Compliance with the roof structure regulations is impractical as it would add substantially to the overall mass and perceived height of the southern roof structure of the proposed building. The separate egress stair is a function of the stairway below and the building code which requires separation of means of egress.
50. As a result of the “L” shaped lot, the south wing of the proposed building is relatively narrow, which results in the south elevator core failing to meet the required setback from the south wall of the open court facing Cushing Place. Placing the elevator core and standalone egress stair in a single enclosure would unnecessarily increase the mass and visibility of the building’s southern roof structure, and substantially increase the extent of the nonconforming roof structure setback, which would likely have a negative impact on the light and air into the proposed open court.
51. The requested special exception can be granted without impairing the intent and purpose of the Zoning Regulation and will not adversely affect the light and air of adjacent buildings. The intent of the provisions of § 411 is to exercise a reasonable degree of control over the design and placement of roof structures. Allowing the standalone egress stair will result in less roof structure mass and increase light and air into the building’s south courtyard. The proposed egress stair will continue to have architectural uniformity with the other three elevator cores through the use of similar materials and height. Finally, in accordance with § 630.4(b), the egress stair will be set back from all exterior walls a distance equal to its height above the roof level.

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Requested Areas of Relief: Variances

52. At the public hearing, the Applicant requested additional variances from the residential lot occupancy requirement for the second floor of the building, pursuant to § 634, and from the Half Street building setback requirement of § 1607.2.

Property Is Affected by Several Exceptional Situations or Conditions

53. The Property is affected by an exceptional condition that arises out of a confluence of factors. First, the Property is “L” shaped with the portion of the Property paralleling N Street being exceptionally narrow. Second, the extension of Cushing Place, a 30-foot public alley, across the Property to N Street through a dedicated easement is a condition that is unique to the Property, and is required pursuant to a recorded easement resulting from a prior alley closing proceeding. Finally, the mixed-use nature of the building design and the varying footprint requirements these uses have contributes to the Property’s exceptional situation.

Strict Application of the Zoning Regulations Would Result in Practical Difficulty Upon the Applicant

Residential Lot Occupancy Requirement (§ 634)

54. Within the CR Zone District, non-residential uses are allowed 100% lot occupancy, while residential uses are assigned a maximum lot occupancy of 75%.
55. As shown in the Final Plans, the second level of the southern portion of the building may contain residential uses. Should this area of the building contain dwelling units, a variance would be required from the 75% lot occupancy limit on residential uses.
56. The strict application of the Zoning Regulations would require the Applicant to reduce the second-floor building area by approximately 3,400 square feet which would be practically difficult for the Applicant as it would substantially disrupt building circulation and result in a loss of dwelling units on several floors. Reducing the second floor building area above the Cushing Place easement would eliminate a number of dwelling units and impact the circulation corridor on this level, cutting off the portion of the building east of Cushing Place. Furthermore, narrowing the northern or southern wings of the building would result in a significant loss and/or reconfiguration of dwelling units and an inefficient single-loaded corridor.

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Half Street Building Setback Requirement (§ 1607.2)

57. Subsection 1607.2 of the CG Overlay requires buildings along Half Street, S.E., south of M Street, S.E., to be set back a minimum of 20 feet above a height of 65 feet. Pursuant to § 1607.2, the Commission previously granted a special exception from this requirement to allow a setback of 12 feet above a height of 80 feet.
58. The Final Plans are consistent with the previously granted relief with the exception of 11 balconies that project less than six feet into the previously approved 12-foot setback.
59. The strict application of the Zoning Regulations would result in a practical difficulty as it would require the Applicant to narrow the width of the building by approximately six feet such that the balconies are behind the previously approved 12-foot setback. Due to the depth of the open courtyards facing Cushing Place, the Half Street façade of the building is already fairly narrow. Further narrowing the building to accommodate the balconies within the previously approved 12-foot setback would create inefficient floorplans and cause a substantial loss and/or reconfiguration of dwelling units.

Relief Can be Granted Without Substantial Detriment to the Public Good or Substantial Impairment of the Zone Plan

60. The requested variances can be granted without causing substantial detriment to the public good or substantial impairment to the Zone Plan. Relief from the residential lot occupancy requirement is limited to the second level of the building and will not result in a substantial increase in the overall density of the development. Furthermore, the variance will not result in substantial impairment to the Zone Plan as the intent of the residential lot occupancy requirement will still be achieved through the light, air, and openness provided by N Street and the proposed southern courtyard facing Cushing Place.
61. The variance from the Half Street building setback will not cause substantial impairment to the Zone Plan. The intent of the setback requirement is to permit adequate light and air to the street level along Half Street, which will still occur given the relatively small number and shallow depth of the balconies. Furthermore, a large percentage of the Half Street façade, starting at the street level and extending to the top of the building, is set back from the building line which will contribute to the amount of light and air reaching the street level.

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Office of Planning Report

62. By report dated May 18, 2015, OP stated that it was very supportive of the overall design of the proposal, although clarification and further details should be submitted. (Ex. 9.)
63. In its report, OP stated that the application successfully addresses many of the criteria of the CG Overlay. Specifically, OP noted that the project should help achieve the goals of the CG Overlay to create an active, cohesive pedestrian and transit-oriented environment, and a vibrant entertainment district, especially north of the ballpark. OP specifically noted that the ground-floor retail, the open-air retail on the upper levels at Half and N Streets, and the many residential balconies would help activate the area.
64. With regard to zoning relief, OP supported the requested relief from the requirement that roof structures be located in a single enclosure to allow a standalone stair tower on the southern wing of the building, noting that the stair and closest other penthouse could be put inside one enclosing wall but the result would be an overly large rooftop structure that is more visible than the multiple proposed roof structures. OP also expressed support for lot occupancy relief for the second level of the building should relief be necessary or requested by the Applicant.
65. OP made several recommendations and requests for additional detail; including: (a) relocate the second-floor retail lobby entrance proposed at the corner of Half Street and Monument Place to the south or east; (b) clarify the number of guests room for the potential hotel; (c) clarify how the potential hotel use will affect the amount of the ground floor devoted to preferred uses; (d) clarify how residents will access bike parking; and (e) provide additional detail regarding the design of Monument Place and Cushing Place, including materials and renderings. On June 9, 2015, the Applicant met with OP to discuss these items. The Applicant's responses to each of these items are included below.
66. The Commission finds the Applicant has addressed all of the recommendations and requests made by OP.

DDOT Report

67. By report dated May 18, 2015, DDOT provided its analysis regarding the parking, loading, trip generation, and vehicle turning impacts of the project on the District's transportation network, and provided comments on streetscape and public space design. (Ex. 8.) Regarding public transportation, DDOT found the site to be well served by Metrorail, Metrobus, DC Circulator, and bicycle facilities. With regard to roadway capacity and operations, DDOT found that the project may potentially impact four intersections significantly but that the Applicant's proposed TDM Plan and additional measures will adequately mitigate any impacts.

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68. DDOT stated no objection to the application, with the condition that the Applicant adopt the proposed loading management plan and amend the proposed TDM Plan included in the Comprehensive Transportation Review (April 2015) included as Exhibits 7B1 & 7B2 of the record in this case, to include all additional TDM measures proposed by the Applicant on May 13, 2015, which are included on pages 14 and 15 of the DDOT report, and to prohibit deliveries within three hours of a scheduled ballpark event. The Applicant committed to these conditions.
69. Although not conditions, DDOT also made several comments/recommendations in its report, including: (a) providing required long-term bicycle parking in the garage or on the ground floor inside the building; (b) installing at least one 240-volt electric car charging station in the residential garage and in the retail garage; and (c) continuing to work with DDOT on public space issues, including the design of the streetscape along Half Street. As shown in the Final Plans, the Applicant is providing two bicycle storage rooms that meet the bicycle parking requirements of the Zoning Regulations and D.C. Official Code § 50-1641.01-.09. With regard to installation of an electric car charging station, the Applicant has committed to installing one charging station in the residential garage, but is unable to provide one in the retail garage as the Applicant does not own that building despite having access to a limited amount of parking in the adjacent garage by way of a reciprocal parking easement agreement. Finally, the Applicant is committed to continuing to work closely with DDOT and other property owners along Half Street on a streetscape design for Half Street.
70. The Commission finds that with the TDM Plan proposed by the Applicant, as amended to include the additional mitigation measures proposed to DDOT by the Applicant on May 13, 2015, and with the Applicant's commitment to restrict deliveries to the proposed building within three hours of a ballpark event, the project will not have a substantial negative impact on the surrounding transportation network.

Applicant's Responses to Areas Identified at the Public Hearing as Requiring Additional Information

Scope of the Potential Hotel Use

71. At the public hearing, OP requested clarification on the potential hotel use noting the Pre-hearing Statement indicated the potential for 80 guest rooms while the transportation impact study indicated a higher number. As part of the Post-hearing Statement, the Applicant clarified that the potential hotel use will have approximately 80 guest rooms and reiterated its pre-hearing request for permission to adjust the number of guest rooms no more than $\pm 10\%$.

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Access to Bike Parking from Residential Lobby

72. At the public hearing, OP and DDOT requested the Applicant to provide clarification on how residents will access the required bike storage areas. As shown on the Final Plans, two bike storage areas are shown adjacent to the building's loading facility. For the residential use located along Half Street, residents will access the north bike storage area from the north elevator core located just outside the storage room. From this area, direct access to Cushing Place and the courtesy lobby along Monument Place will be provided. For the residential use along N Street, residents will access the south bike storage area directly from the lobby. This area will also have direct access to Cushing Place. Access to the bike storage areas will be controlled and available only to residents of the building.

Relocation of Second-Level Retail Lobby at Half Street and Monument Place

73. In its report, OP recommended that the second-level retail lobby entrance proposed at the corner of Half Street and Monument Place be moved to the east along Monument Place, or south along Half Street, to allow a more active use to enliven the corner and complement the retail space across Monument Place to the north.
74. Subsequent to the public hearing, the Applicant studied alternatives to the proposed location of the entrance lobby and submitted additional information in support of the proposed location as part of the Post-Hearing Statement.
75. According to the Applicant's Post-Hearing Statement, the relocation of the entrance further south along Half Street would more negatively impact Half Street as an active, pedestrian-oriented street as required by the provisions of the CG Overlay as it would disrupt the consistent active retail frontage that would otherwise occur south of the lobby should its location remain at the corner of Half Street and Monument Place. In contrast, the proposed location of the entrance lobby will blend with the natural break in the street wall created by Monument Place. In addition, the retail on the north side of Monument Place, and the pedestrian activity along Monument Place generated from outdoor seating and programming, users of the proposed courtesy lobby, and the potential hotel use will serve to activate this corner.
76. The Applicant also submitted information related to programmatic challenges that would arise from the relocation of the proposed second-level retail entrance lobby, including impacts to a future tenant's ability to efficiently layout the retail space, uncertainty with regard to tenant preferences related to location of building entrance and street frontage, and potential tenant requirement for connection to the courtesy lobby leading to underground retail parking.

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77. The Applicant will design the proposed entrance lobby with the same design quality as the rest of the ground floor and building, and will not include unarticulated walls or opaque spandrel glass in the design of the lobby frontage.
78. The Commission is persuaded by the Applicant's response to OP's recommendation and finds the proposed location of the second-level retail entrance lobby, as shown in the Final Plans, to be acceptable, and can be designed in a manner that will contribute to the activity along Half Street.

Design of Monument Place and Cushing Place

79. At the public hearing, the Commission and OP requested additional information regarding the design of Monument Place and Cushing Place, including perspective renderings of both, and information regarding materials for Monument Place. The Applicant included the requested information in the Final Plans submitted as part of the Post-hearing Submission.
80. The Commission finds the additional information provided by the Applicant useful to understanding the design of Monument Place and its relationship to Half Street. The design of Monument Place will provide an amenity to residents and works in the area, and offer an opportunity for outdoor seating and programming to support the retail and services uses along Half Street. The design of Cushing Place utilizes the same materials used on the building's street frontages despite this technically being the back side of the building.

Roof Plan

81. At the public hearing, the Commission noted that under the existing Zoning Regulations, the Applicant could, if desired, provide an amount of interior roof top accessory recreation space that, by current interpretation, does not exceed 20% of the total area devoted to roof top accessory recreation space.
82. As part of the Post-Hearing Submission, the Applicant submitted a revised roof plan that includes interior accessory recreation space that does not exceed 20% of total roof area devoted to exterior accessory recreation space.
83. The revised roof plan includes four separate roof structures, having equal height, with three of the roof structures consisting of accessory recreation space, mechanical equipment, and/or elevator cores, and one standalone egress stairway for which the Applicant has requested special exception relief for as part of its application.

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84. As a result of the modifications made to the roof plan to include the interior accessory recreation space, the footprint of the proposed roof structures increased in size. Despite this increase, the extent of noncompliant roof structure setback is consistent with what was presented at the public hearing, and remains limited to the small portion of the south elevator core that is not set back from the wall of the open court facing Cushing Place.
85. In addition to the four roof structures, the revised roof plan includes a pool that is less than four feet above the roof level, a trellis structure to provide shade, and glass guard rails. All of these structures meet the 1:1 setback requirement from the edge of the roof upon which they are located.

Streetscape Design for Half Street

86. In response to comments made at the public hearing by the Commission and DDOT, the Applicant submitted a revised streetscape design concept for Half Street which is included in the Final Plans. Specifically, in response to comments made by DDOT, the design no longer includes bollards and catenary lighting spanning the width of Half Street. In addition, the street tree spacing has been adjusted to be consistent with DDOT standards.
87. As shown in the Final Plans, the revised streetscape design concept shows a curbless Half Street, which DDOT expressed general support for at the public hearing, and in subsequent conversations with the Applicant. However, DDOT noted that further coordination is required on the design of Half Street, and the public space adjacent to the project, and that final plans are subject to review and approval by DDOT, which may result in changes to what is depicted in the conceptual public space designs included in the Final Plans.
88. While the Applicant is only responsible for reconstructing the public space adjacent to the Property, according the Post-Hearing Submission, the Applicant continues to coordinate with adjacent property owners on the long-term, permanent streetscape design for Half Street.

CONCLUSIONS OF LAW

1. The application was submitted pursuant to §§ 1607 and 1610 for review and approval by the Commission. The application, as amended at the public hearing, pursuant to § 1610.7, included requests for special exception and variance relief for the Final Plans.
2. The Commission provided proper and timely notice of the public hearing on the application by publication in the *D.C. Register* and by mail to ANC 6D, the Office of Planning, and owners of property within 200 feet of the site.

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3. Pursuant to §§ 1607.1 and 1610.1, the Commission required the Applicant to satisfy the burden of proving the elements that are necessary to approve the Final Plans pursuant to the provisions of the CG Overlay; establish the case for special exception relief from the roof structure requirement of § 411.3; and establish the case for variances from the residential lot occupancy requirement of § 634.1 and the Half Street building setback requirement of § 1607.2.
4. The Commission concludes that the Final Plans are consistent with the areas of relief previously granted in this case, noting that some areas of relief are either no longer necessary or substantially reduced in extent, and that the Applicant has met its burden under the provisions of the CG Overlay.
5. Pursuant to § 1610.7, the Commission concludes that the Applicant has met its burden under §§ 3104.1, 639.1, and 411.11 for a special exception from the requirement of § 411.3 that all penthouses and mechanical equipment be placed in one enclosure.
6. Pursuant to § 1610.7, the Commission concludes that the Applicant has met its burden under § 3103.2 for variances from the lot occupancy requirement of § 634.1, and from the Half Street building setback requirement of § 1607.2.
7. The Final Plans are within the applicable height, bulk, and density standards for the CG/CR (Capitol Gateway Overlay/Commercial Residential) District and will not tend to affect adversely the use of neighboring property. The overall project is also in harmony with the general intent and purpose of the Zoning Regulations and Map.
8. The Final Plans are not inconsistent with the Comprehensive Plan.
9. The Commission concludes that the Final Plans will further the objectives of the CG Overlay District as set forth in § 1600.2 and will promote the desired mix of uses set forth therein. The design of the proposed building meets the purposes of the Capitol Gateway Overlay and meets the purpose and intent of the design requirements of § 1607 of the Zoning Regulations.
10. No person or parties appeared at the public hearing in opposition to the application.
11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give “great weight” to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 6D. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances.

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12. As noted, ANC 6D voted 4-0-2 in support of the application. In its letter, the ANC expressed its preference that there be greater architectural differentiation between the condominium and rental portions of the building and expressed its disappointment that no affordable housing would be provided. As to the former issue, the Applicant modified the N Street façade such that the primary material was masonry, as opposed to the Half Street façade where glass remained the primary material. With respect to affordable housing, the Applicant offered testimony that the provision of affordable housing was considered, but in view of the difficult task of reinvigorating this project, the inclusion of such housing was not economically viable. The Commission found this position to be reasonable.
13. The ANC did not appear at the public hearing. On June 15, 2015, the Applicant served the ANC with a copy of the Post-hearing Submission which included the Final Plans, responses to DDOT, OP, and the Commission's comments and requests, and an explanation of the two additional variances that were requested at the public hearing. No additional correspondence was received from the ANC in response to the Post-hearing Submission.
14. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) to give great weight to OP recommendations. The Commission concludes that the project is generally consistent with the recommendations made by OP except for its recommendation that the second-level retail lobby entrance proposed at the corner of Half Street and Monument Place be moved to the east along Monument Place, or south along Half Street. For the reasons stated in Findings of Fact 74 through 78, the Commission did not find this recommendation to be persuasive.
15. Based upon the record before the Commission, including witness testimony, the reports submitted by the OP, DDOT, and ANC 6D, and the Applicant's submissions, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under §§ 1607 and 1610, the independent burden for one additional special exception, and the independent burden for two additional variances.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application consistent with this Order. This approval is subject to the following guidelines, standards, and conditions:

1. The approval of the proposed development shall apply to the theoretical building site encompassing the southern portion of Record Lot 168 in Square 701, and extending from

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the southern façade of the existing office building located on the northern portion of Record Lot 168.

2. The project shall be built in accordance with the Final Plans, dated June 15, 2015 and the guidelines, conditions, and standards below. (Ex. 22.)
3. The project shall be consistent with the development scenarios described in the Final Plans and include residential gross floor area ranging from approximately 318,400-402,800 square feet, retail gross floor area ranging from approximately 55,100-69,200 square feet, and hotel gross floor area ranging from zero to approximately 78,300 square feet.
4. The overall density on the Property shall not exceed 6.83 FAR.
5. The Applicant shall implement the transportation demand management and loading management measures set forth in the Comprehensive Transportation Review provided as part of the Applicant's Pre-hearing Statement, and the additional measures and mitigation strategies requested/recommended in the DDOT report, and as agreed to by the Applicant.
6. The Applicant shall have flexibility with the design of the project in the following areas:
 - To adjust the development scenarios included in the Final Plans, including adjustments to the number of dwelling units and hotel sleeping rooms not to exceed $\pm 10\%$, and corresponding adjustments to required parking which shall not be reduced below the minimum onsite parking required by the Zoning Regulations;
 - To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways and mechanical rooms, provided that the variations do not materially change the exterior design and configuration of the building;
 - To vary the final selection of the exterior materials within the color ranges and material types (maintaining the same general level of quality) as proposed, based on availability at the time of construction;
 - To make refinements to exterior materials, details, and dimensions, including beltcourses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals;
 - To vary the exterior design and materials of the ground-floor retail/service space based on the requirements of the individual tenant/occupant provided these changes do not modify the building footprint, or reduce the quality of the

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materials used on the exterior of the ground floor of the project, as shown in the Final Plans;

- To vary the exterior design, orientation, materials, and general location of the second-level retail entrance proposed at the corner of Half Street and Monument Place based on the requirements of the individual tenant/occupant provided these changes do not modify the building footprint, or reduce the quality of the materials used on the exterior of the ground floor of the project, as shown in the Final Plans. The Applicant will ensure that the design for this space is consistent with the rest of the ground-floor retail spaces with regard to exterior design, materials, and degree of transparency; and
- To vary the exterior building signage for the first and second levels of the proposed building with regard to placement, extent, and design based on the requirements of the individual tenant/occupant. The Applicant and all individual tenants/occupants shall erect, hang, place, paint, construct, display, and maintain all temporary and permanent building signage, both on the Property and in public space, in a manner that complies fully with all applicable signage regulations in effect at the time of permitting.

7. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.1 *et seq.* (the "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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.

On June 29, 2015, upon the motion of Commissioner Miller, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order application 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, this Order shall become final and effective upon publication in the *D.C. Register*, that is on July 31, 2015.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 10-06A
Z.C. Case No. 10-06A
D.C. Water and Sewer Authority
(Modification of Approved Plans for Water Tower)
December 8, 2014

SUMMARY ORDER

The District of Columbia Water and Sewer Authority (“Applicant”) submitted an application to the Zoning Commission for the District of Columbia (“Commission”) for the review and approval of a modification to the design of the water tower to be constructed by it pursuant to Zoning Commission (“Z.C.”) Order No. 10-06, dated May 10, 2010.

That approval was made pursuant to 11 DCMR § 2523.1, which authorizes the construction of a water tower owned and operated by the Applicant on unzoned property owned by the District of Columbia and located on the East Campus of Saint Elizabeths Hospital. (11 DCMR § 2523.1.) Because the proposed tower exceeds 90 feet in height, review and approval by the Commission was required. (11 DCMR § 2523.2.) Subsections 2523.4 and 2523.5 permit the Commission to approve the tower without a hearing. Finally, § 2523.8 provides that a request to modify an approved design shall be subject to the same review criteria and approval process as set forth in § 2523.

Z.C Order No. 10-06 approved the design of a 2,000,000-gallon and approximately 175-foot high water tower with certain aesthetic design elements, including an external screen for the water tower structure and landscaping. Subsequent to that approval, the Commission of Fine Arts reviewed the project and expressed concerns over the architectural screening. The design presented to the Historic Preservation Review Board (“HPRB”) did not include the architectural screening. Therefore, HPRB’s recommendation that the building permit be cleared was predicated upon the absence of screening. The National Capital Planning Commission (“NCPC”) also approved the design without the screening and recommended that the tower be painted light in color with no lettering.

The Applicant, therefore, requested that the Commission approve the removal of the exterior aesthetic design elements of the water tower and allow it flexibility to paint the water tower with a light color and modify the design to provide any illumination or lighting required for mitigation, safety, or security purposes.

The Commission provided proper and timely notice of the public meeting on this application by mail to Advisory Neighborhood Commission (“ANC”) 8C, which serves the jurisdiction in which the East Campus of Saint Elizabeths Hospital is located. ANC 8C, in a report dated June 18, 2014, which was submitted into the record, indicated support for the application.

The D.C. Office of Planning (“OP”), in a report dated November 26, 2014, found that the request was consistent with § 2523 of the Zoning Regulations. OP recommended that the Commission

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approve the application and modify Condition No. 1 of Z.C. Order No. 10-06 to remove references to the screening and to permit the flexibility requested.

Based upon the record, and having considered and given great weight to the reports of OP and ANC 8C, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR § 2523.

Because this order will not be adverse to any party, and pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany this Order.

It is, therefore, **ORDERED** that the request for modification of the approved plans be **GRANTED**; provided that the conditions of approval set forth in Z.C. Order No. 10-06 shall continue to apply, except that Condition No. 1 is modified to read as follows:

1. The water tower shall be consistent with the basic water tower design included in the Applicant's Exhibit 3 filing; provided, that the Applicant shall have the flexibility to paint the water tower with a light color and modify the design to provide any illumination or lighting required for mitigation, safety or security purposes.

On December 8, 2014, upon the motion of Commissioner Miller, 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 § 3028.9, this Order shall become final and effective upon publication in the *D.C. Register*, that is on July 31, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-15D
Z.C. Case No. 11-15D
Howard University
(Amendment to the Howard University Central Campus Master Plan)
June 29, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 21, 2015, in order to consider an application by Howard University ("Howard" or the "Applicant"), for an amendment to the Howard University Central Campus Master Plan, dated June 29, 2011 ("Campus Plan"), to remove from the Campus Plan Lots 756-769 in Square 2882. The Commission considered the application pursuant to Chapters 30 and 31 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR" or the "Zoning Regulations"). The public hearing was conducted in accordance with the rules of the Board of Zoning Adjustment at Chapter 31 of Title 11 DCMR.

HEARING DATE: May 21, 2015

DECISION DATE: June 29, 2015

FINDINGS OF FACT

1. On November 7, 2015, Howard filed an application with the Commission seeking an amendment to the Campus Plan, dated June 29, 2011, and prepared by HOK Planning Group. (Exhibit ["Ex."] 5 in Z.C. Case No. 11-15.) The Campus Plan was approved by the Commission pursuant to Z.C. Order No. 11-15, dated January 9, 2012, and effective on March 2, 2015. The Campus Plan proposes development for Howard's campus with over 2,316,584 gross square feet of new construction, major renovations, and additions to existing buildings in three phases over seven years.
2. Howard seeks to amend the Campus Plan to exclude Lots 756-769 in Square 2882 ("Property"), which is designated "Graduate/Workforce Housing" under the Campus Plan. The Property consists of approximately 22,337 square feet, is located in the R-5-B Zone District, and is partially improved with a surface parking lot. Removal of the Property from the Campus Plan will facilitate the development of a mixed-use planned unit development ("PUD") at the northeast corner of Sherman Avenue and Barry Place, N.W., that was approved by the Commission under Z.C. Case No. 14-21 at the same time as it approved this amendment. The PUD site includes the Property and other privately-owned lots and has a total land area of approximately 1.3 acres. The PUD approval included a related Zoning Map amendment from the R-5-B Zone District to the C-2-B Zone District.
3. Under 11 DCMR § 210, a college or university may be approved as a special exception in a Residence District, subject to a campus plan or campus plan amendment approved by the Commission. Section 507 of the Zoning Regulations has similar provisions for a college or university use in the Special Purpose (SP) Zone District. The Zoning Regulations do not require a campus plan for commercially zoned properties.

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4. The Campus Plan identifies the portion of the campus within Square 2882 to accommodate the University Middle School of Mathematics and Science, an Early Childhood Learning Center, and workforce housing for faculty and graduate students. The proposed amendment would exclude a small portion of that area but would not preclude the remainder of the property from being developed as stated in the Campus Plan. The inclusion of the Property in the PUD development is not contrary to the objectives of the Campus Plan in that it would allow Howard to provide new housing opportunities for its faculty and staff earlier than anticipated.
5. The Applicant submitted a Prehearing Statement on May 7, 2015. (Ex. 14-14F.) The Prehearing Statement included letters of support from the Pleasant Plains Civic Association, the Georgia Avenue Community Development Task Force, the LeDroit Park Civic Association, and the Bloomingdale Civic Association. (Ex. 14A-14D.) The Prehearing Statement also included letters of support from Advisory Neighborhood Commission (“ANC”) 1B and ANC 5E (Ex. 14E-14F.)
6. A description of the proposed Campus Plan amendment and the notice of the public hearing in this matter were published in the *DC Register* on March 27, 2015. (Ex. 10.) The notice of public hearing was mailed to all property owners within 200 feet of the Property and to ANC 1B on March 19, 2015. (Ex. 11.) On May 21, 2015, the Commission held a public hearing on the application. The parties to the case were the Applicant and ANC 1B.
7. No persons or parties testified in opposition to the application.
8. By report dated December 31, 2015, the Office of Planning (“OP”) recommended approval of the requested amendment to allow the Property to be excluded from the Campus Plan and incorporated into a larger development that would meet Howard’s goals of providing workforce housing for faculty and graduate students. (Ex. 8.)

CONCLUSIONS OF LAW

The Applicant is seeking special exception approval pursuant to §§ 507 and 3104 of the Zoning Regulations, for an amendment to its campus plan. The Commission is authorized to grant a special exception where, in the judgment of the Commission, based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. (D.C. Official Code § 6-641.07(g)(2)(2012 Repl.), 11 DCMR § 3104.1.)

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The Commission is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and conditions expressed in the written report of an affected ANC. In this case, ANC 1B voted to support the Application and recommended that the Commission approve the application. (Ex. 14E.) The Commission has given ANC 1B's recommendation great weight in approving the application.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.

The Application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application.

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.

VOTE: 5-0-0 (Michael G. Turnbull, Marcie I. Cohen, Anthony J. Hood, Robert E. Miller, and Peter G. May to approve).

BY ORDER OF THE D.C. ZONING COMMISSION
A majority of Commission members approved issuance of this Order.

FINAL DATE OF ORDER: July 22, 2015

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-14**

Z.C. Case No. 14-14

Jemal's CDC, LLC

(Consolidated PUD and Related Map Amendment @

Square 833, Lot 47)

June 29, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 14, 2015, to consider applications for a consolidated planned unit development ("PUD") and related zoning map amendment filed by Jemal's CDC, LLC ("Applicant"). The Commission considered the applications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

FINDINGS OF FACT

The Applications, Parties, Hearings, and Post-Hearing Filings

1. On August 6, 2014, the Applicant filed applications with the Commission for consolidated review of a PUD and related zoning map amendment from the HS-H/C-2-A Zone District to the HS-H/C-2-B District, for property located at 501 H Street, N.E. (Square 833, Lot 47) ("Subject Property").
2. The Subject Property is located on the southeast corner of 5th and H Streets, N.E. in Ward 6, and has a land area of approximately 9,813 square feet. The Subject Property is currently improved with a single-story, 5,777 square foot building, most recently occupied by the H Street Community Development Corporation ("CDC"). This building will be razed in connection with the redevelopment of the Subject Property.
3. The Applicant proposes to redevelop the Subject Property with a six-story, mixed-use, multiple-dwelling building with approximately 47,971 square feet of gross floor area (4.89 floor area ratio ("FAR")). Approximately 15,411 square feet of gross floor area (1.57 FAR) and approximately 8,538 square feet of cellar floor area will be devoted to retail use on the cellar, first, and second levels. Approximately 32,560 square feet of gross floor area (3.32 FAR) and approximately 1,199 square feet of cellar floor area will be devoted to residential use in the cellar, fourth, fifth, and sixth levels, comprised of 28 residential units (plus or minus three units). The building will be constructed to a maximum height of 77'-5" to the top of the roof slab, and 83'-5" to the top of the six-foot parapet.
4. By report dated September 19, 2015 (Exhibit ["Ex."] 12), the District of Columbia Office of Planning ("OP") recommended that the applications be set down for a public hearing.

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At its public meeting held on September 29, 2014, the Commission voted to schedule a public hearing on the applications.

5. The Applicant submitted a prehearing statement for the PUD on February 27, 2015 and a hearing was timely scheduled. (Ex. 15-15I.) A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on March 20, 2015. The notice of public hearing was mailed to all owners of property located within 200 feet of the PUD Site and to ANC 6C on March 13, 2015.
6. At its regularly scheduled public meeting on April 8, 2015, for which notice was properly given and a quorum was present, ANC 6C voted 6-0-0 to support the applications. (Ex. 25.)
7. On April 24, 2015, the Applicant submitted a supplemental prehearing statement in response to comments raised by the Commission at its public meeting on September 29, 2014, and by OP and ANC 6C since filing the application. (Ex. 26-26C.) The supplemental prehearing submission included the following materials: (i) updated architectural plans and elevations; (ii) information on the revised program for on-site parking and loading; (iii) an updated and expanded affordable housing proffer; (iv) a list of agreed-to transportation demand management (“TDM”) measures and a copy of the Applicant’s final transportation impact study prepared by Gorove/Slade Associates, Inc., the Applicant’s transportation consultant; (v) an enhanced list of public benefits and project amenities based on negotiations with ANC 6C; and (vi) an update on the Applicant’s community outreach efforts.
8. On May 4, 2015, OP submitted its final report recommending approval of the applications and the requested areas of zoning flexibility. (Ex. 27.) On May 4, 2015, the District Department of Transportation (“DDOT”) also submitted a report finding no objection to the applications, subject to the condition that the Applicant adopt its proposed TDM measures and provide at least six new short-term bicycle parking spaces on H and 5th Streets, N.E. combined, in addition to the four existing on-street bicycle spaces in front of the Subject Property. (Ex. 28.)
9. On May 14, the Applicant submitted its PowerPoint presentation (Ex. 32), revised architectural plans and elevations (Ex. 33) (the “Plans”), and a photograph of its materials board (Ex. 34), all of which the Applicant presented to the Commission at the public hearing that evening.
10. The parties to the case were the Applicant and ANC 6C.
11. The Commission convened a public hearing on May 14, 2015, which was concluded that same evening. At the hearing, the Applicant presented four witnesses in support of its

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applications: Paul Millstein and Andrea Gourdine of Jemal's CDC, LLC; Kevin Sperry of Antunovich Associates, the project architect; and Erwin Andres of Gorove/Slade Associates, Inc., the project transportation consultant. Based upon their professional qualifications, the Commission qualified Mr. Sperry as an expert in architecture and Mr. Andres as an expert in transportation. At the hearing, the Applicant also submitted copies of its PowerPoint presentation, revised architectural drawings, and a photograph of its materials board. (Ex. 32-34.)

12. At the public hearing, Karen Thomas, Development Review Specialist with OP, testified in support of the applications. Ryan Westrom, Transportation Planner with DDOT, also testified in support of the applications.
13. At the public hearing, Commissioner Christopher Miller of ANC 6C testified in support of the applications.
14. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission. After closing the record, the Commission took proposed action to approve the applications, and requested proposed findings of fact and conclusions of law from the Applicant.
15. The Applicant submitted its draft list of proffers and proposed conditions required by 11 DCMR § 2403.16 on May 21, 2015.
16. On June 4, 2015, the Applicant submitted the following post-hearing items, as requested by the Commission: (i) a plan of the alley showing where the Applicant would restore the brick; (ii) a signed Memorandum of Understanding ("MOU") with ANC 6C; and (iii) draft findings of fact and conclusions of law. The Applicant also submitted its final list of proffers and proposed conditions required by 11 DCMR § 2403.20.
17. The proposed action was referred to the National Capital Planning Commission ("NCPC") on May 18, 2015, pursuant to § 492 of the Home Rule Act.
18. The Executive Director of NCPC by delegated action dated May 29, 2015, found that the proposed PUD and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capitol, nor would it adversely affect any other identified federal interests.
19. The Commission took final action to approve the PUD on June 29, 2015.

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The Subject Property and Surrounding Area

20. The Subject Property is located at 501 H Street, N.E., more specifically described as Lot 47 in Square 833. Square 833 is located in the northeast quadrant of the District and is bounded by H Street to the north, 6th Street to the east, G Street to the south, and 5th Street to the west. The Subject Property is located on the southeast corner of the intersection of 5th and H Streets, N.E., and is bounded by H Street to the north, private property to the east, a public alley to the south, and 5th Street to the west. The Subject Property contains approximately 9,813 square feet of land area and is rectangular in shape, with approximately 122.7 feet of linear frontage on H Street, N.E., and approximately 80 feet of linear frontage on 5th Street.
21. Square 833 includes a public alley system with varying widths and access points. The alley located at the rear of the Subject Property runs east-west between 5th and 6th Streets, has a width of approximately 12.17 feet behind the Subject Property, and narrows to a width of eight feet as it moves eastward through the square.
22. The Subject Property is situated along the thriving H Street, N.E. commercial corridor, and is surrounded by residential, retail, service, office, and institutional uses. The Subject Property is located a half-mile from Union Station, which provides local, regional, and interstate access via Metrorail, Metrobus, the D.C. Circulator, Amtrak, and numerous regional intercity busses. The Subject Property is also located in close proximity to multiple Metrobus lines, Capital Bikeshare stations, and permanent car-share parking spaces.
23. The Subject Property is located in the housing sub-district of the H Street Overlay, and the PUD complies with all of the Overlay's provisions, except §§ 1321.2 and 1326.2, as discussed in Findings of Fact Nos. 44-47 of this Order.
24. The Subject Property is designated in the mixed-use Moderate-Density Commercial and Medium-Density Residential land use categories on the District of Columbia Comprehensive Plan Future Land Use Map, and is designated in a Main Street Mixed-Use Corridor on the District of Columbia Comprehensive Plan Generalized Policy Map. Rezoning the Subject Property to the HS-H/C-2-B Zone District is not inconsistent with those designations.

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The PUD Project

25. The Applicant proposes to construct a six-story, mixed-use, multiple-dwelling building with approximately 47,971 square feet of gross floor area (4.89 FAR). Approximately 15,411 square feet of gross floor area (1.57 FAR) and approximately 8,538 square feet of cellar floor area will be devoted to retail use on the cellar, first, and second levels. Approximately 32,560 square feet of gross floor area (3.32 FAR) and approximately 1,199 square feet of cellar floor area will be devoted to residential use in the cellar, fourth, fifth, and sixth levels, comprised of 28 residential units (plus or minus three units). The building will be constructed to a maximum height of 77'-5" to the top of the roof slab, and 83'-5" to the top of the six-foot parapet.
26. The primary residential entrance will be on the east side of the building along H Street, with retail entrances on H Street and at the corner of the building at the intersection of H and 5th Streets. Building materials will include cast stone with aluminum storefront windows on the first and second levels (retail use) and red brick with metal coping and a black metal cornice on the third through sixth levels (residential use). The architectural plans and elevations, dated May 14, 2015, show an option, shown as option 2, to construct portions of the south and east elevations with a cementitious material. (Ex. 33, p. 22.) The Applicant withdrew this request at the hearing.
27. The project will include five on-site parking spaces located at the rear of the Subject Property and accessed from the public alley. Of those, four spaces are compact in size and one space is handicap-accessible in compliance with the Building Code. One of the compact spaces will be dedicated to a car-share company and accessible 24 hours a day to registered car-share members. The four remaining spaces will be secured by a roll-up garage door and reserved for residential tenants.
28. Residential loading facilities will include one 24-foot loading berth and one 100-square-foot loading platform, located on the southeast corner of the Subject Property. Residential loading will be accessed from the public alley and available to trucks up to 24 feet in length only. A residential trash room will be located adjacent to the residential loading facilities on the east side of the site. Retail loading will occur in the existing loading zone on 5th Street. Retail trash will be stored in a separate loading/trash room located in the southwest corner of the building, with a door leading directly to 5th Street so that loading and trash activities will not come through the alley.
29. The building will achieve a sustainability rating in accordance with the newly adopted D.C. Green Building Code, one of the most progressive green codes in the nation. As shown on Sheet 6 of the Architectural Drawings, the PUD will achieve a LEED-Gold-equivalent rating. The project will also comply with the green area ratio ("GAR") requirements set forth in Chapter 34 of the Zoning Regulations by providing

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approximately 1,044 square feet of bioretention facilities and an approximately 3,813 square foot green roof.

30. The Applicant will set aside no less than eight percent of the building's residential gross floor area for affordable dwelling units devoted to households earning up to 50% of the area median income ("AMI") (approximately three units). This subsidy level is steeper than the subsidy required by the Inclusionary Zoning ("IZ") regulations for the C-2-B Zone District, which require 100% of the IZ units to be set aside for households earning up to 80% of the AMI. The percentage of units in the project offered at the steeper subsidy level is also greater than is required in the existing C-2-A Zone District, which requires that half of the gross floor area devoted to IZ units be set aside for households earning up to 50% of the AMI, and half of the gross floor area devoted to IZ units be set aside for households earning up to 80% of the AMI. The three IZ units will include one studio at 618 square feet, one 1-bedroom unit at 757 square feet, and one 2-bedroom unit at 921 square feet. The 2-bedroom unit is shown on the Plans as a 1-bedroom plus den unit, but will be converted to a 2-bedroom unit by interior redesign such that each bedroom has its own window. There is an error in the calculation data shown on pages 4 and 17 of the Plans. (Ex. 33.). As noted in this Order, the project includes 32,560 square feet of residential gross floor area, and thus the eight percent of required IZ space totals 2,296 of gross floor area. The calculation data at some places on pages 4 and 17 incorrectly states that the project contains only 24,704 square feet of gross floor area, and is therefore required to provide only 1,976 square feet of gross floor area of IZ space.

Existing and Proposed Zoning

31. The PUD Site is located in the HS-H/C-2-A Zone District. The C-2 Zone Districts are divided into C-2-A, C-2-B, and C-2-C Zone Districts. (11 DCMR § 720.1.) The C-2-A Zone Districts are designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside the central core. (11 DCMR § 720.2.) The C-2-A Zone Districts are located in low- and medium-density residential areas with access to main highways or rapid transit stops, and include office employment centers, shopping centers, and medium-bulk mixed-use centers. (11 DCMR § 720.3.) The C-2-A Zone District includes the following development requirements:
- a. A maximum matter-of-right height of 50 feet with no limit on the number of stories (11 DCMR § 770.1), and a maximum height of 65 feet as a PUD (11 DCMR § 2405.1);
 - b. A maximum matter-of-right density of 2.5 FAR and 3.0 FAR utilizing the IZ bonus, all of which may be devoted to residential use, but not more than 1.5 FAR of which may be devoted to non-residential uses (11 DCMR § 771.2), a maximum

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density of 3.0 FAR under the PUD requirements, all of which may be devoted to residential use, but not more than 2.0 FAR of which may be devoted to non-residential uses (11 DCMR § 2405.2); and a maximum non-residential density of 0.5 FAR pursuant to the H Street Overlay regulations (11 DCMR §1321.2);

- c. A maximum lot occupancy for a building or portion of building devoted to residential use of 60% and 75% for a project subject to IZ (11 DCMR §§ 772.1 and 2604.2);
 - d. A minimum rear yard depth of 15 feet (11 DCMR § 774.1);
 - e. If provided, a side yard width of at least two inches per foot of building height, but not less than six feet (11 DCMR § 775.5);
 - f. If provided for a building or portion of building devoted to residential uses, at any elevation in the court, a minimum court width of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet (11 DCMR § 776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of the court based upon the height of the court, but not less than 350 square feet (11 DCMR § 776.4);
 - g. If provided for a building or portion of building devoted to non-residential uses, at any elevation in the court, a minimum court width of three inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 12 feet, and in the case of a closed court, a minimum area of at least twice the square of the width of the court based upon the height of the court, but not less than 250 square feet (11 DCMR § 776);
 - h. For an apartment house, one off-street parking space for each two dwelling units, and for a retail establishment in excess of 3,000 square feet, one parking space for each additional 300 square feet of gross floor area and cellar floor area (11 DCMR § 2101.1); and
 - i. For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; and for a retail establishment with 5,000 to 20,000 square feet of gross floor area and cellar floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (11 DCMR § 2201.1).
32. The Subject Property is located within the Residential Sub-area of the H Street Overlay, which includes the following applicable design requirements:

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- a. Buildings shall be designed and built so that not less than 75% of the streetwall(s) to a height of not less than 25 feet shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets (11 DCMR § 1324.2);
- b. In C-2 Zone Districts within the HS Overlay District, a 70% residential lot occupancy shall be permitted (11 DCMR § 1324.4);
- c. Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., or 15th Street, N.E. shall devote not less than 50% of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building (11 DCMR § 1324.8);
- d. Security grilles shall have no less than 70% transparency (11 DCMR § 1324.9);
- e. Each commercial use with frontage on H Street, N.E shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street directly accessible from the sidewalk (11 DCMR § 1324.10);
- f. Buildings shall be designed so as not to preclude an entrance every 40 feet on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby (11 DCMR § 1324.11);
- g. The ground-floor level of each new building or building addition that fronts on H Street shall have a uniform minimum clear floor-to-ceiling height of 14 feet (11 DCMR § 1324.12);
- h. Buildings subject to § 1324.12 shall be permitted an additional five feet of building height over that permitted in the underlying zone (11 DCMR § 1324.13);
- i. Projection signs shall have a minimum clearance of eight feet above a sidewalk and 14 feet above a driveway, project no more than three feet, six inches from the face of the building, and end a minimum of one foot behind the curbline or extension of the curbline (11 DCMR § 1324.14);
- j. Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than 12 inches from the face of the building (11 DCMR § 1324.15); and

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- k. Roof signs are prohibited (11 DCMR § 1324.16).
33. For PUDs in the H Street Overlay, the minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be 10,000 square feet. (11 DCMR § 1326.2.)
34. The Applicant is requesting a map amendment to rezone the Subject Property from the HS-H/C-2-A Zone District to the HS-H/C-2-B Zone District. The C-2-B Zone District includes the following development requirements:
- a. A maximum matter-of-right height of 65 feet with no limit on the number of stories (11 DCMR § 770.1), and a maximum height of 90 feet as a PUD (11 DCMR § 2405.1);
 - b. A maximum matter-of-right density of 3.5 FAR and 4.2 FAR utilizing the IZ bonus, all of which may be devoted to residential use, but not more than 1.5 FAR of which may be devoted to non-residential uses (11 DCMR § 771.2); a maximum density of 6.0 FAR under the PUD requirements, all of which may be devoted to residential use, but not more than 2.0 FAR of which may be devoted to non-residential uses (11 DCMR § 2405.2); and a maximum non-residential density of 0.5 FAR pursuant to the H Street Overlay regulations (11 DCMR §1321.2);
 - c. A maximum lot occupancy for a building or portion of building devoted to residential use of 80% and 80% for a project subject to IZ (11 DCMR §§ 772.1 and 2604.2);
 - d. A minimum rear yard depth of 15 feet (11 DCMR § 774.1);
 - e. If provided, a side yard width of at least two inches wide per foot of building height, but not less than six feet (11 DCMR § 775.5);
 - f. If provided for a building or portion of building devoted to residential uses, at any elevation in the court, a minimum court width of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet (11 DCMR § 776.3), and in the case of a closed court, a minimum area of at least twice the square of the width of court based upon the height of court, but not less than 350 square feet (11 DCMR § 776.4);
 - g. If provided for a building or portion of building devoted to non-residential uses, at any elevation in the court, a minimum court width of three inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 12 feet, and in the case of a closed court, a minimum area of at least twice

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the square of the width of court based upon the height of court, but not less than 250 square feet (11 DCMR § 776);

- h. For an apartment house, one off-street parking space for each three dwelling units; for a retail establishment in excess of 3,000 square feet, one parking space for each additional 750 square feet of gross floor area (11 DCMR § 2101.1); and
 - i. For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; for a retail establishment with 5,000 to 20,000 square feet of gross floor area and cellar floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (11 DCMR § 2201.1).
35. Consistent with the HS-H/C-2-B development parameters, the Applicant will develop the Subject Property with a mix of residential and retail uses. A tabulation of the PUD's development data is included on page 4 of the Plans. (Ex. 33.)¹

Development Incentives and Zoning Flexibility

36. The Applicant requested flexibility from the Zoning Regulations as discussed in the paragraphs that follow.
37. ***Flexibility from the Parking Space Number and Size Requirements.*** Subsection 2101.1 of the Zoning Regulations requires one parking space for each three dwelling units (residential requirement), and one parking space for each 750 square feet of retail gross floor area in excess of 3,000 square feet of retail gross floor area (retail requirement). Subsection 2115.2 of the Zoning Regulations permits parking garages containing 25 or more required parking spaces to designate up to 40% of those parking spaces for compact cars.
38. The project will include 28 dwelling units (plus or minus three units) and approximately 15,411 square feet of retail gross floor area, and is therefore required to provide 26 parking spaces (nine spaces for residential use and 17 spaces for retail use), all of which must be standard-sized spaces. However, as shown on the Plans, the Applicant is seeking flexibility to provide five parking spaces at the rear of the Subject Property, four of which will be compact in size, and one of which will be handicap-accessible in compliance with

¹ As noted above, there is an error in the calculation data shown on pages 4 and 17 of Exhibit 33. As noted in this Order, the project includes 32,560 square feet of residential gross floor area, and thus the eight percent of required IZ space totals 2,296 of gross floor area. The calculation data at some places on pages 4 and 17 incorrectly states that the project contains only 24,704 square feet of gross floor area, and is therefore is required to provide only 1,976 square feet of gross floor area of IZ space.

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the size requirements of the Building Code. The 25-parking space threshold established by § 2115.2 to provide compact parking spaces is also not met, thus requiring flexibility.

39. As indicated in the Applicant's transportation report, prepared by Gorove/Slade Associates, and as confirmed by DDOT in its report, the proposed number and size of parking spaces is sufficient to meet the anticipated vehicle parking demand for the building, given the Subject Property's convenient access to multiple alternative transportation options and its location in a walkable, mixed-use neighborhood. (Ex. 26C, 28.) The Subject Property is located approximately 0.7 miles (a 14-minute walk) from Union Station, which provides local, regional, and interstate access via Metrorail, Metrobus, the D.C. Circulator Bus, Amtrak, intracity buses, and Capital Bikeshare. The Subject Property is located within 0.2 miles of nine Metrobus lines; within 0.3 miles of three Capital Bikeshare stations and eight permanent car-share spaces; and is deemed "Very Walkable" by walkscore.com, due to its flat topography and close proximity to nearby grocery stores, restaurants and bars, coffee shops, parks, and entertainment venues. Moreover, the public good will be served by a high-quality infill development project in the H Street neighborhood, which the District is seeking to revitalize and reintegrate through public and private investment.
40. The PUD is also consistent with the Comprehensive Plan's goals of investing in transit-oriented development, improving pedestrian facilities, and transforming key District arterials into multi-modal corridors that incorporate and balance a variety of mode choices, including bus or streetcar, bicycle, pedestrian, and automobile. The project will provide on-site bicycle parking and provide a number of transportation demand management ("TDM") measures, as listed in Decision Condition No. C.2 of this Order. Together, these measures and the ample alternative transportation options in the neighborhood will help further the Comprehensive Plan's goals of connecting District neighborhoods by creating more direct connections between the various transit modes and managing the automobile capacity of principal arterials.
41. ***Flexibility from the Rear Yard Requirements.*** Pursuant to § 774.1 of the Zoning Regulations, the Applicant is required to provide a 15-foot rear yard. However, the Applicant is seeking flexibility to provide a rear yard that is approximately six feet wide for the first 20 feet of building height, measured to the center of the 12.17-foot-wide public alley, as permitted by § 774.7. For the building's height between 20 feet and 35 feet, three inches, there is no rear yard. For the building height above 35 feet, three inches, the Subject Property has a 13-foot, 10-inch-deep rear yard.
42. The Applicant cannot provide a 15-foot rear yard because doing so would eliminate the southern portion of the building dedicated to parking, loading, and trash facilities, or else push this area into the main footprint of the building and eliminate retail space. There will be sufficient open space between the rear of the proposed building and the property

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to the south of the Subject Property, due to the existence of the 12-foot-wide public alley and the proposed building's setback on the upper floors. Moreover, even though the project does not include a compliant rear yard depth, the volume of open space provided over the parking and loading facilities and within the property line is significant, such that adequate light and air will be provided to building residents.

43. ***Flexibility from the Loading Requirements.*** Subsection 2201.1 requires that the PUD include one 30-foot loading berth and one 100-square-foot loading platform for the proposed retail uses. Residential loading is not required for an apartment house with fewer than 50 units. The Applicant proposes to provide one 24-foot loading berth for residential uses at the rear of the Subject Property (plus the required 100 square foot loading platform), and to provide all retail loading from 5th Street in the existing loading zone that can accommodate two 24-foot trucks. Residential loading will be limited to 24-foot long trucks, which can access the on-site loading facilities through front-in and front-out maneuvers. Retail deliveries will be loaded into the building through a door on the west façade that leads directly into the retail loading/trash room. This proposed loading configuration will adequately meet residential and retail loading demands for the site and will not cause any adverse impacts on the surrounding streets or pedestrian network.
44. ***Flexibility from § 1321.2 of the H Street Overlay District.*** Subsection 1321.2 of the Zoning Regulations provides that the density for new construction in the HS-H sub-district may not exceed 0.5 FAR for non-residential uses. In this case, the Applicant proposes to provide 1.57 FAR of non-residential uses. Pursuant to § 1304.1, exceptions from the requirements of the Neighborhood Commercial Overlay Districts ("NC Overlay"), including the HS-H Overlay, may be approved by the Board of Zoning Adjustment ("BZA") subject to the requirements listed in § 1304.1. Pursuant to §§ 2405.7 and 2405.8, the Commission may approve any use that is permitted as a special exception and that would otherwise require approval of the BZA.
45. The project complies with the § 1304.1 standards as follows: (i) the project will substantially advance the purposes of the NC Overlay and the HS-H Overlay and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, since the building will establish ground floor retail and residential uses that will increase pedestrian safety and enliven the street; (ii) exceptional circumstances exist that justify the waiver because the PUD will remove the existing one-story office building that detracts from the District's intent to promote new retail and residential uses in this area and because a strong retail base will further the resurgence on this portion of H Street; and (iii) vehicular access and egress are located and designed to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions, since the proposed parking spaces will adequately accommodate parking

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demand and all loading is designed to minimize conflict and function effectively and efficiently for both residential and retail purposes.

46. *Flexibility from § 1326.2 of the H Street Overlay District.* Subsection 1326.2 of the Zoning Regulations provides that the minimum area included within a PUD shall be 10,000 square feet. In this case, the Subject Property has a land area of approximately 9,813 square feet, and thus requires flexibility for approximately 187 square feet. Flexibility is appropriate because the Subject Property is located in the H Street Northeast Overlay Housing Sub-District, which has a stated purpose of encouraging housing. (*See* 11 DCMR §§ 1320.1 and 1321.1.) Presently, 100% of the existing building on the Subject Property is devoted to commercial office use, with no housing or ground floor retail. In order to redevelop the Subject Property with a mix of desired uses, including significant new housing, including affordable housing, flexibility is needed. Moreover, the requested relief in this case is de minimis (less than two percent).
47. At the public hearing, the Applicant also requested flexibility to reduce the height of the building by up to three feet, since the Applicant had not yet determined the exact floor-to-ceiling heights in the three retail levels.

Development Flexibility

48. The Applicant requests development flexibility in the following additional areas:
- a. To be able to provide a range in the number of residential units of plus or minus three units from the 28 units depicted in the Plans;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
 - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, as shown on pages 20, 21, 23, and 24 of the Plans, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
 - d. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED-

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Gold equivalent rating under the LEED-2009 for New Construction and Major Renovations rating standards;

- e. For the retail area at grade level, the flexibility to vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations or needs of a proposed retail tenant; and
- f. To vary the final selection of all exterior signage on the building.

Project Benefits and Amenities

49. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a))

- a. The project implements a number of urban design and architectural best practices that will assist in the further development of H Street, N.E. into a major mixed-use corridor with high-quality architecture, affordable residential units for a diverse population, and neighborhood-serving retail and service establishments. The project incorporates high-quality architecture and visually interesting and articulated building façades that will improve the visual nature of the surrounding block. The building also features high-quality materials, including cast stone with aluminum storefront windows on the first and second levels (retail use) and red brick with metal coping and a black metal cornice on the third through sixth levels (residential use). As requested by ANC 6C, the building includes at-risk windows on the east façade; and
- b. The project includes streetscape improvements, including short-term bicycle racks for a minimum of 12 bicycles, benches, and street trees, that will enhance the pedestrian-friendly nature of the site's H Street location. Large street-facing windows on the building's north and west facades will enhance the urban retail presence and help create a safe, vibrant, and multi-modal neighborhood. Furthermore, the Applicant will restore the public alley to the rear (south) of the Subject Property, for a length of 157'-10" and a width of 12 feet.

50. Housing and Affordable Housing (11 DCMR § 2403.9(f))

- a. In addition to furthering the general housing objectives and policies of the Zoning Regulations and the Comprehensive Plan, the project will help satisfy the growing demand for housing in this rapidly changing neighborhood. The project will replace the Subject Property's existing non-residential uses with a new building that will contain approximately 28 residential units, amounting to approximately 32,560 square feet of gross floor area devoted to residential use. Significantly, the

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Applicant will set aside no less than eight percent of the building's residential gross floor area for affordable dwelling units devoted to households earning up to 50% of the area median income ("AMI"). Based on the expected size and mix of the units in the project, eight percent will result in approximately three IZ units, or approximately 2,296 square feet of gross floor area; and

- b. The proposed subsidy level is steeper than the subsidy required by the IZ regulations for the C-2-B Zone District, which require 100% of the IZ units to be set aside for households earning up to 80% of the AMI. In the existing C-2-A Zone District, the IZ regulations require that half of the gross floor area devoted to IZ units be set aside for households earning up to 50% of the AMI, and half of the gross floor area devoted to IZ units be set aside for households earning up to 80% of the AMI.

51. Environmental Benefits (11 DCMR § 2403.9(h))

- a. The Applicant will provide a high-quality new development in the District of Columbia that is sensitive to the natural environment. The Applicant will implement a number of strategies to enhance the inherently sustainable nature of the Subject Property's location and to promote a healthy, desirable, and comfortable lifestyle that will benefit the project's residents and minimize the building's impact on the environment. The proposed development includes landscaping, a green roof, energy efficient appliances, methods to reduce stormwater runoff, and green engineering practices; and
- b. Although the Applicant is not seeking LEED-certification for the building, the project will meet a LEED-Gold equivalent rating and will be designed to meet rigorous energy and environmental design standards using the LEED-2009 for New Construction and Major Renovations rating system as a guide and performance metric.

52. First Source Employment Agreement (11 DCMR § 2403.9(j))

Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant will enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") whereby the Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.

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53. *Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I))*

The Applicant will donate \$30,000 to Ludlow-Taylor Elementary School for the purchase of new playground equipment. The Applicant will also donate an additional \$75,000 to Ludlow-Taylor Elementary School to be used to enliven the Rosa Simon Multipurpose Room by (i) purchasing new curtains, stage and utility lighting, sound system equipment, storage cabinets, folding chairs, and a room divider; (ii) purchasing and installing a new cafeteria floor; and (iii) painting the interior of the cafeteria. (See Ex. 40, 40C.)

54. The Commission finds that the benefits and amenities package is commensurate with the level of flexibility requested.

Comprehensive Plan

55. The Commission finds that the PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The PUD significantly advances these purposes by promoting the social, physical and economic development of the city through the provision of a high-quality, environmentally-friendly, mixed-use development project that will add approximately 28 new residential units to the District and approximately 23,949 square feet of gross and cellar floor area devoted to new retail uses, without generating any adverse impacts.

56. The Future Land Use Map of the Comprehensive Plan designates the Subject Property for mixed-use Medium-Density Residential and Moderate-Density Commercial uses. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four to seven stories) apartment buildings are the predominant use. Pockets of low- and moderate-density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the Medium-Density designation, although other zones may apply in some locations. (10A DCMR § 225.5.)

57. The Moderate-Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low-density commercial areas

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- but generally do not exceed five stories in height. The corresponding zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply.
58. The proposed rezoning of the Subject Property from the HS-H/C-2-A Zone District to the HS-H/C-2-B Zone District is fully consistent with the Comprehensive Plan designations. The proposed C-2-B zoning classification is specifically identified as a Moderate-Density Commercial zone district. One of the primary purposes of the C-2-B Zone District is to provide commercial and residential functions within a single building, which is also consistent with the stated principle of the Subject Property's mixed-use designation. The Subject Property is also located along a major transportation corridor and is in close proximity to Union Station. Given the District's stated policy of channeling new residential growth into areas near transit stations and along bus routes, the proposed project and map amendment are consistent with the Comprehensive Plan's designation.
59. The District of Columbia Comprehensive Plan Generalized Policy Map designates the Subject Property as a Main Street Mixed-Use Corridor. Main Street Mixed-Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. (10A DCMR § 223.14.) Consistent with the purposes of the Main Street Mixed-Use Corridor designation, the project includes both residential and retail uses, which will help to further economic and housing opportunities and serve neighborhood needs. The existing one-story commercial office development is not consistent with these objectives.
60. The PUD is also consistent with The Comprehensive Plan's guiding principle of managing growth and change since the Applicant will redevelop the Subject Property into a vibrant mixed-use development with approximately 28 residential units and approximately 23,949 square feet of gross and cellar floor area devoted to new retail uses, which will further the revitalization of the neighborhood. The proposed retail uses will create new neighborhood-serving jobs for District residents, provide opportunities for less-affluent households to increase their income, and help to reinvigorate the existing neighborhood fabric. The Applicant's proposal to develop a significant amount of residential and retail use is consistent with the Comprehensive Plan's acknowledgement that the growth of both residential and non-residential uses is critical. The project will also help connect the Subject Property to the rest of the neighborhood and the overall urban fabric by developing a vibrant mixed-use development on H Street, N.E. that will

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draw people from the surrounding community. Furthermore, the project will help attract a diverse population with the inclusion of a mix of residential unit sizes for households of different incomes. (10A DCMR §§ 217.2 and 217.3.)

61. The PUD also furthers the objectives and policies of many of the Comprehensive Plan's major elements, as set forth in the Applicant's Statement in Support and in the OP reports. (Ex. 4, 12, 27.)

Office of Planning Report

62. On September 19, 2014, OP submitted a report recommending set down of the applications. (Ex. 12.) The OP report stated that OP supports the applications, that the project is not inconsistent with the Future Land Use and Generalized Policy Maps, and that the project would further objectives of the Land Use, Transportation, Housing, Economic Development, Urban Design and Capitol Hill elements and their related policies. In its report, OP requested the following information from the Applicant: (i) additional architectural detail and perspectives of the project's relationship with existing development including street level views; (ii) discussion of the parking, its impacts on the surrounding neighborhood and the building's inclusion/exclusion in DDOT's RPP program; and (iii) a refined amenities package commensurate with the requested flexibility. The Applicant subsequently provided this information to OP's satisfaction.
63. On May 4, 2015, OP submitted a second report recommending approval of the applications. (Ex. 27.) This report restated that the PUD is not inconsistent with the Comprehensive Plan's Future Land Use or Generalized Policy Maps, and asserted that the benefits and amenities are commensurate with the level of relief requested.

DDOT Report

64. On May 4, 2015, DDOT submitted a report indicating that it has no objection to the PUD, provided that (i) the Applicant adhere to the commitments for a TDM plan as proposed in the Applicant's supplemental filing and as stated on page 8 of the DDOT Report, and (ii) provide at least six additional short-term bicycle parking spaces on H or 5th Streets. (Ex. 28.) The agreed-to TDM measures are set forth in Decision No. C.2 of this Order.

ANC 6C Report

65. By letter dated April 15, 2015, ANC 6C indicated that at its duly noticed, regularly scheduled public meeting on April 8, 2015, at which a quorum was present, ANC 6C voted unanimously to support the project. (Ex. 25.) The letter stated that the ANC supported the project's proposed benefits and amenities to re-brick the alley behind the south elevation of the building, and make a donation to the Ludlow Taylor Elementary school to be used

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for the playground. The letter also stated that the ANC supported use of an alternative building material in exchange for a greater community amenity subsidy from the Applicant. By letter dated May 13, 2015, ANC 6C noted that at its duly noticed, regularly scheduled public meeting on May 13, 2015, ANC 6C voted unanimously to designate Commissioner Christopher Miller as the representative of ANC 6C on all matters pertaining to Z.C. Case No. 14-14. (Ex. 30.)

66. At the hearing, the Applicant withdrew its request to use the alternative building material, and in a post-hearing filing, the Applicant proffered the full amount of the greater community subsidy referenced by the ANC in its report.

Post-Hearing Submission

67. On June 4, 2015, the Applicant filed a post-hearing submission. (Ex. 40.) The post-hearing submission included: (i) a drawing showing where the public alley at the rear of the Subject Property would be restored; (ii) an executed MOU with ANC 6C; (iii) a letter from the Ludlow-Taylor Elementary School indicating the specific items that will be purchased with the Applicant's financial contribution; (iv) the Applicant draft findings of fact and conclusions of law; and (v) the Applicant's final list of proffers and draft conditions required by 11 DCMR § 2403.20.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

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4. The PUD does not meet the minimum area requirements of §§ 1326.2 or 2401.1 of the Zoning Regulations, but the Commission grants the flexibility requested from these subsections.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed uses for this project are appropriate for the Subject Property. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of the PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission carefully considered ANC 6C's recommendation for approval and concurs in its recommendation. With respect to the issue regarding the ANC's support of using an alternative building material in exchange for a greater community amenity subsidy from the Applicant, the Commission finds that the issue is moot because the Applicant withdrew its request to use the alternative building material, and enhanced its amenities proffer to include the additional support.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

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DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review of a PUD and related zoning map amendment from the HS-H/C-2-A Zone District to the HS-H/C-2-B Zone District, for property located at 501 H Street, N.E. (Square 833, Lot 47). The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The PUD shall be developed in accordance with the architectural plans and elevations (the "Plans"), dated May 14, 2015 (Exhibit 33) and June 4, 2015 (Exhibit 40A), and as modified by the guidelines, conditions, and standards of this Order. The Plans show an option, shown as option 2 on page 22 of Exhibit 33, to construct portions of the south and east elevations with a cementitious material. The Applicant withdrew this request at the hearing, and it is not approved by this Order.
2. In accordance with the Plans, the PUD shall be a six-story, mixed-use, multiple-dwelling building with approximately 47,971 square feet of gross floor area and 4.89 FAR. Approximately 15,411 square feet of gross floor area (1.57 FAR) and approximately 8,538 square feet of cellar floor area shall be devoted to retail use on the cellar, first, and second levels. Approximately 32,560 square feet of gross floor area (3.32 FAR) and approximately 1,199 square feet of cellar floor area shall be devoted to residential use in the cellar, fourth, fifth, and sixth levels, comprised of 28 residential units (plus or minus three units). The building shall be constructed to a maximum height of 77'-5" to the top of the roof slab, and 83'-5" to the top of the six-foot parapet.
3. The Applicant is granted flexibility from the parking space number and size requirements (§§ 2101.1 and 2115.2); the rear yard requirements (§ 774.1); the loading requirements (§ 2201.1); the maximum non-residential density requirements of the H Street Overlay (§ 1321.2); and the minimum PUD lot area requirements of the H Street Overlay (§ 1326.2) consistent with the Plans and as discussed in the Development Incentives and Flexibility section of this Order. (Ex. 33.)
4. The Applicant shall also have flexibility with the design of the PUD in the following areas:

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- a. To be able to reduce the height of the building by up to three feet;
- b. To be able to provide a range in the number of residential units of plus or minus three units from the 28 units depicted in the Plans;
- c. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
- d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, as shown on pages 20, 21, 23, and 24 of the Plans (Ex. 33)², based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
- e. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below the LEED-Gold equivalent rating under the LEED-2009 for New Construction and Major Renovations rating standards;
- f. For the retail area at grade level, the flexibility to vary the location and design of the ground floor components of the building in order to comply with any applicable District of Columbia laws and regulations or needs of a proposed retail tenant; and
- g. To vary the final selection of all exterior signage on the building.

B. Public Benefits

1. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a))
 - a. In accordance with the Plans, the building shall incorporate cast stone with aluminum storefront windows on the first and second levels, and red brick with metal coping and a black metal cornice on the third through sixth

² This flexibility does **not** include the flexibility to use the cementitious material shown as option 2 on page 22 of Exhibit 33.

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- levels. As shown on the Plans, the building shall include at-risk windows on the east façade;
- b. In accordance with the Plans, the project shall include short-term bicycle racks for a minimum of 12 bicycles, benches, and planters in the public space in front of the building; and
 - c. In accordance with the alley plan, and **prior to the issuance of a certificate of occupancy for the building**, the Applicant shall restore the public alley to the rear (south) of the Subject Property, for a length of 157'-10" and a width of 12 feet. (Ex. 40A.)
2. **Housing and Affordable Housing (11 DCMR § 2403.9(f) – For the life of the project**, a minimum of eight percent of the total residential gross floor area shall be dedicated as affordable housing consistent with Chapter 26 of the Zoning Regulations, except that all Inclusionary Units shall be reserved for households with incomes not exceeding 50% of the AMI. The IZ units will include one studio at 618 square feet, one 1-bedroom unit at 757 square feet, and one 2-bedroom unit at 921 square feet. The 2-bedroom unit is shown on the Plans as a 1-bedroom plus den unit, but will be converted to a 2-bedroom unit by interior redesign such that each bedroom has its own window. All of the IZ units shall be devoted to households earning up to 50% of the AMI. The Inclusionary Zoning Covenant for the project shall include a provision requiring that the Inclusionary Units shall be reserved for households with incomes not exceeding 50% of the AMI.
 3. **Environmental Benefits (11 DCMR § 2403.9(h))** – The building shall be designed to include no fewer than the minimum number of points necessary to be the equivalent of a LEED-Gold designation, as shown on the theoretical LEED score sheet submitted with the Plans dated May 14, 2014.
 4. **First Source Employment Agreement (11 DCMR § 2403.9(j)) – Prior to the issuance of a building permit**, the Applicant shall enter into a First Source Employment Agreement with the DOES, whereby the Applicant shall use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD
 5. **Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(I))**
 - a. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall donate \$30,000 to Ludlow-Taylor Elementary School for the purchase of new playground equipment; and

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- b. **Prior to the issuance of a Certificate of Occupancy for the building**, the Applicant shall donate \$75,000 to Ludlow-Taylor Elementary School to enliven the Rosa Simon Multipurpose Room by: (i) purchasing new curtains, stage and utility lighting, sound system equipment, storage cabinets, folding chairs, and a room divider; (ii) purchasing and installing a new cafeteria floor; and (iii) painting the interior of the cafeteria.

C. Transportation Mitigation Measures

1. **Prior to the issuance of a certificate of occupancy for the building**, the Applicant shall reserve one of the secure on-site vehicle parking spaces to a car-share company, and shall make that space accessible 24-hours a day to registered car-share members.
2. **For the life of the project**, the Applicant shall implement the following TDM measures:
 - a. **Resident Transportation Coordinator (“RTC”)**: **Prior to the issuance of a certificate of occupancy for the building**, the Applicant shall designate one employee as the RTC. Among this person’s duties will be to provide information to residents, particularly incoming residents, regarding transit opportunities and schedules, as well as the location of Capital Bikeshare stations within the area and bicycle parking within the building;
 - b. **Digital Multimedia Display**: **Prior to the issuance of a certificate of occupancy for the building**, the Applicant shall install a digital multimodal display known as a “TransitScreen” in the residential lobby that provides schedule information of Metrobus, Metrorail, and locations of Capital Bikeshare stations and car-share locations, among other transportation-related information;
 - c. **Bicycle Usage Program**: **Prior to the issuance of a certificate of occupancy for the building**, the Applicant shall provide a bicycle storage room in a secure, convenient location that will be accessible to residents at all times and can accommodate up to 24 bicycle parking spaces. At the time of initial move-in, the Applicant shall provide a one-time Capital Bikeshare annual membership fee for each initial residential tenant of the building;

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- d. Car Sharing: **At the time of initial move-in**, the Applicant shall provide a one-time car sharing membership (totaling \$85.00) to each initial residential tenant of the building;
- e. Transit Subsidy: **At the time of initial move-in**, the Applicant shall provide a one-time \$100.00 SmarTrip card to each initial residential tenant of the building;
- f. Residential Parking Permit (“RPP”) Program Exclusion: **Prior to the issuance of a certificate of occupancy for the building**, the Applicant shall prevent residential tenants of the building from obtaining RPPs by:
 - (i) placing a clause in emphasized type in all residential leases that prohibits residents from applying for or obtaining RPPs upon pain of mandatory lease termination to the full extent permitted by law;
 - (ii) ensuring that DDOT removes the Subject Property from the list of properties eligible for RPP, or if it is not on the list, classifying it as ineligible for RPP;
 - (iii) should the Applicant offer any units for sale, adding a covenant that runs with the land prohibiting residents from applying for or obtaining RPPs; and
 - (iv) executing a covenant that runs with the land that generally embodies the aforementioned RPP restrictions; and
- g. Unlawful Parking/Stopping: **Prior to signing a lease for the commercial space in the building**, the Applicant shall place a provision in the leases for all commercial tenants requiring them to actively discourage visitors to their establishment from unlawfully stopping or parking automobiles in front of the Subject Property or elsewhere in the neighborhood in connection with visits to the establishment.

D. Miscellaneous

- 1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
- 2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 14-14. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1.

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Construction of the project must commence within three years of the effective date of this Order.

3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
4. Each Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On May 14, 2015, upon the motion of Vice Chairperson Cohen as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the applications at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Michael G. Turnbull to approve; Peter G. May, not present, not voting).

On June 29, 2015, upon the motion of Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on July 31, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-21**

Z.C. Case No. 14-21

BARRY PLACE PARTNERS, LLC

**(Consolidated PUD and Related Map Amendment @
Square 2882, Lots 742-769, 1034, 1038, and 1039)**

June 29, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on May 21, 2015, to consider an application for a consolidated planned unit development (“PUD”) and related Zoning Map amendment filed by Barry Place Partners, LLC (“Applicant”). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

The Applications, Parties, Hearings, and Post-Hearing Filings

1. On November 7, 2014, the Applicant filed an application with the Commission for consolidated review of a PUD and a related Zoning Map amendment from the R-5-B Zone District to the C-2-B Zone District for the approximately 1.3-acre parcel located at the northeast corner of the intersection of Sherman Avenue and Barry Place, N.W., which is more particularly described as Lots 742-769, 1034, 1038, and 1039, and also includes a portion of a public alley to be closed in Square 2882 (“Subject Property”).
2. The Applicant proposes to redevelop the Subject Property with a six-story building that has ground floor commercial/retail use and residential units both at grade and five stories above. The project will have approximately 237,455 square feet of residential use generating approximately 319 dwelling units and approximately 11,517 square feet of commercial/retail uses primarily fronting on Sherman Avenue. The density for the project will be approximately 5.0 floor area ratio (“FAR”), and the maximum building height will be 80 feet.
3. By report dated December 31, 2014, the District of Columbia Office of Planning (“OP”) recommended that the application be set down for a public hearing. (Exhibit [“Ex.”] 23.) At its public meeting held on January 12, 2015, the Commission voted to schedule a public hearing on the application.
4. The Applicant submitted its prehearing statement for the application on March 2, 2015 and a hearing was timely scheduled for the matter for May 21, 2015. (Ex. 26.) A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on March 27, 2015. (Ex. 29.) The notice of public hearing was mailed to all owners of property located within 200 feet of the Subject

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- Property and to Advisory Neighborhood Commission (“ANC”) 1B on March 19, 2015. (Ex. 31.)
5. At its regularly scheduled public meeting on March 10, 2015, for which notice was properly given and a quorum was present, ANC 1B voted 10-0 to support the application. (Ex. 32.)
 6. The Applicant also presented the application to ANC 5E, which, at its regularly scheduled public meeting on March 17, 2015, for which notice was properly given and a quorum was present, voted 9-0 to support the application. (Ex. 34C.)
 7. On May 1, 2015, the Applicant submitted a supplemental prehearing statement that included the following materials: (i) updated architectural drawings for the PUD with a modified color scheme; (ii) letters of support from ANC 1B and ANC 5E; and (iii) an updated list of the proposed public benefits and project amenities. (Ex. 34-34C.)
 8. On May 6, 2015, the District Department of the Environment (“DDOE”) submitted a report that summarized DDOE’s comments on the development and provided guidance on regulations and areas where the Applicant could exceed existing guidelines as a public benefit or amenity for the project. (Ex. 35.)
 9. On May 11, 2015, OP submitted a report to the Commission recommending approval of the application and the requested areas of zoning flexibility, subject to the Applicant providing details regarding the job training proffered in connection with the PUD and the extent and value of the renovations for the community rooms at the LeDroit Park Apartments and the Garfield Terrace Apartments. (Ex. 36.)
 10. On May 11, 2015, the District Department of Transportation (“DDOT”) submitted a report finding no objection to the application, subject to the conditions listed on page 2 of its report. (Ex. 37.)
 11. The parties to the case were the Applicant and ANC 1B.
 12. The Commission held a public hearing on the application on May 21, 2015. At the hearing, Charles Frazier, the developer’s representative, and Stephen Gresham of Niles Bolton Associates, the project architect, testified on behalf of the Applicant. Ms. Jami Milanovich from JM Wells Associates, testified as the transportation consultant for the project. Ms. Maybelle Bennett, the Director of the Howard Community Advisory Council, also addressed the Commission.
 13. At the public hearing, the Applicant submitted the following: (i) a letter from the District of Columbia Housing Authority (“DCHA”) accepting the Applicant’s proffer of proposed improvements to the community rooms at LeDroit Park Apartments and Garfield Terrace

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- Apartments; (ii) a matrix and plans for the Inclusionary Zoning (“IZ”) units and affordable units reserved for Howard University; and (iii) a list of proposed conditions for the approval of the PUD. (Ex. 40, 41, 42.)
14. OP and DDOT testified at the hearing. They were supportive of the application, subject to the conditions listed in their respective reports.
 15. No individuals testified in support of the application at the public hearing. However, the record includes letters of support from the following community organizations: (i) Pleasant Plains Civic Association; (ii) Georgia Avenue Community Development Task Force; (iii) LeDroit Park Civic Association; and (iv) Bloomingdale Civic Association. (Ex. 26D-26G.)
 16. The record was closed at the conclusion of the public hearing, except to receive additional information from the Applicant as requested by the Commission, and the Commission took proposed action to approve the application. The proposed action was referred to the National Capital Planning Commission ("NCPC") on May 26, 2015, pursuant to § 492 of the Home Rule Act.
 17. On May 28, 2015, the Applicant submitted its draft list of final proffers and draft conditions required by 11 DCMR § 2403.16. (Ex. 46.)
 18. On June 3, 2015, the Applicant submitted a letter to the Commission requesting a revised filing deadline for the post-hearing submissions. (Ex. 47.) The request was granted by the Commission.
 19. The Executive Director of NCPC, by delegated action dated June 5, 2015, found that the proposed PUD and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capitol, nor would it adversely affect any other identified federal interests. (Ex. 48.)
 20. On June 17, 2015, DDOT submitted a supplemental report responding to the Applicant’s post-hearing submission. The report stated that the concept plan submitted with the Applicant’s post-hearing submission addresses the conditions stated in DDOT’s previous report.
 21. The Commission took final action to approve the PUD on June 29, 2105.

The PUD Site and Surrounding Area

22. The Subject Property is located at the northeast corner of the intersection of Sherman Avenue and Barry Place, N.W. (Lots 742-769, 1034, 1038, and 1039 and a portion of a

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public alley to be closed in Square 2882). To the north of the Subject Property is a surface parking lot owned by Howard University; to the south are the Howard Plaza Towers; to the west are the Garfield Terrace Apartments; and to the east is the Banneker Recreation Center.

23. The Subject Property is presently improved with a vacant warehouse building that once housed a refrigeration supply company, six row dwellings along Sherman Avenue (five of which are vacant), and a surface parking lot for Howard University that extends from 9th Street to Sherman Avenue. The Applicant proposes to raze the existing structures in connection with redevelopment of the Subject Property.
24. The Subject Property is designated in the mixed-use Medium-Density Residential/ Medium-Density Commercial land use category on the District of Columbia Comprehensive Plan Future Land Use Map, for which C-2-B is a corresponding zone district. The Subject Property is located in the Howard University Town Center Land Use Change Area on the District of Columbia Comprehensive Plan Generalized Policy Map.

The Applicant

25. The Applicant is a partnership between Gateway Investment Partners, the Refrigeration Supply Company, and Ambling University Development Group (“Ambling”). Ambling is a national leader in apartment developments with experience that includes market rate, affordable, and student housing. Its core business includes 63 campus developments and over 15,000 student housing apartment units in the past decade.

Existing and Proposed Zoning

26. The Subject Property is in the R-5-B Zone District. The R-5-B Zone District includes the following development requirements:
 - A maximum height of 50 feet with no limit on the number of stories, and a maximum height of 60 feet as a PUD; (11 DCMR §§ 400.1, 2405.1.)
 - A maximum matter-of-right density of 1.8 FAR; 2.16 FAR with the IZ bonus; and 3.0 FAR as a PUD; (11 DCMR §§ 402.4, 2604.2, 2405.2.)
 - A maximum percentage of lot occupancy of 60%; (11 DCMR §§ 403.2, 2604.2.)
 - A maximum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet; (11 DCMR § 404.1.)
 - If provided, a side yard of at least three inches wide per foot of building height, but not less than eight feet wide; (11 DCMR § 405.9.)
 - A minimum open court width of four inches per foot of height of court, but not less than 10 feet; (§ 406.1.)

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- A minimum closed court width of four inches per foot of height of court, but not less than 15 feet, and a minimum closed court area of twice the square of the required width of court, based on the height of court, but not less than 350 square feet; (§ 406.1.)
 - For an apartment house or multiple dwelling, one off-street parking space for each two dwelling units; and (11 DCMR § 2101.1.)
 - For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.1).
27. The Applicant is requesting a map amendment to rezone the Subject Property to the C-2-B Zone District. The C-2-B Zone District includes the following development requirements:

- A maximum matter-of-right height of 65 feet with no limit on the number of stories, and a maximum height of 90 feet as a PUD; (11 DCMR §§ 770.1, 2405.1.)
- A maximum matter-of-right density of 3.5 FAR which may be devoted entirely to residential use or a public school, and up to 1.5 FAR may be devoted to other permitted uses; 4.2 FAR under IZ; and 6.0 FAR as a PUD, all of which may be devoted to a residential use and up to 2.0 FAR may be devoted to commercial uses, including hotels and motels; (11 DCMR §§ 771.2, 2604.2, 2405.2.)
- A maximum matter-of-right lot occupancy of 80%; (11 DCMR § 772.1.)
- A minimum rear yard depth of 15 feet; (11 DCMR § 774.1.)
- If provided, a side yard of at least two inches wide per foot of height of building, but not less than six feet wide; (11 DCMR § 775.5.)
- Where a court is provided for a building or a portion of a building devoted to non-residential uses, at any elevation in the court, the width of the open court shall be a minimum of three inches per foot of height, measured from the lowest level of the court to that elevation; provided that in no case shall the width of the court be less than 12 feet. (11 DCMR § 776.1.) In the case of a closed court for a building or a portion of a building devoted to non-residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than 250 square feet; (11 DCMR § 776.2.)
- Where a court is provided for a building or a portion of a building devoted to residential uses, at any elevation in the court, the width of court must be a minimum of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet. (11 DCMR § 776.3.) In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area must be at least twice the square of the width of court based upon the height of court, but not less than 350 square feet; (11 DCMR § 776.4.)
- For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units; (11 DCMR § 2101.1.)

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- For a retail or service establishment, one off-street parking spaces for each 750 square feet of gross floor area in excess of 3,000 square feet; (11 DCMR § 2101.1.)
- For an apartment house or multiple dwelling with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep; and (11 DCMR § 2201.1.)
- For a retail or service establishment with 5,000 to 20,000 square feet of gross floor area, one loading berth at 30 feet, and one loading platform at 100 square feet. (11 DCMR § 2201.1.)

Description of the PUD Project

28. The Applicant seeks consolidated PUD approval and a Zoning Map amendment in order to redevelop the Subject Property with a six-story building with ground floor commercial/retail use and residential units both at grade and five stories above. The mix of residential units includes 14 units oriented as flats fronting on Barry Place, six two-story apartments fronting on 9th Street and approximately 299 multi-family apartment units on Levels 2 through 6 of the building. The flats and the two-story units will have pedestrian access directly from Barry Place and 9th Street, respectively. The entrance for the lobby of the apartment house will be at the south end of Sherman Avenue. The commercial/retail space totals approximately 11,517 square feet and will primarily front on Sherman Avenue.
29. Vehicular access to the project will be on the north side of the Subject Property on 9th Street where a drive aisle leads to an at-grade surface parking lot at the center of the project and a ramp down to Level P1. The project will have approximately 144 off-street parking spaces where 117 parking spaces are required. For loading, the project will have one 12'x30' loading berth, in lieu of a 12'x55' berth, one 12'x30' berth, and one 20' space for delivery vehicles.
30. The density for the project will be approximately 5.0 FAR, of which 0.2 FAR will be devoted to commercial/retail use. The maximum building height will be 80 feet. The lot occupancy for the project at the first residential level is 93% where 80% is permitted.
31. Approximately 19,667 square feet, or 8.28% of the gross floor area, being devoted to residential use, will be reserved for IZ units required under Chapter 26 of the Zoning Regulations, which will include 15 studios, eight one-bedroom units, and four two-bedroom units. The studios and one-bedroom units will be set aside for households with incomes not exceeding 80% of the area median income ("AMI"). All of the two-bedroom units (totaling 4,941 square feet) will be set aside for households with incomes not exceeding 60% of the AMI.

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32. Of the approximately 319 units programmed for the PUD, a minimum of 59 units in the building will be leased or available for lease by Howard University faculty, staff and graduate students at all times. Nine of the 59 units, totaling 7,043 square feet and approximately three percent of the gross floor area of the project being devoted to residential use, will be set aside as affordable units as follows: four studios, three one-bedrooms, and two two-bedrooms. The studios and one-bedroom units will be reserved for households with incomes not exceeding 80% of the AMI. The two-bedroom units (totaling 2,470 square feet) will be reserved for households with incomes not exceeding 60% of the AMI.
33. The project will create a vibrant, mixed-use community that will serve and enhance the neighborhood by providing new housing and retail adjacent to Howard University. At the corner of Sherman Avenue and Barry Place, the building is anchored by a transparent entrance that connects vertically through three floors of common space, and is capped with an open sky terrace that provides views along Barry Place and Sherman Avenue. The existing mural on the exterior of the refrigeration supply building will be digitally reproduced and displayed in the lobby of the residential building. Retail tenants, public seating, and landscaping for the project will increase street level activity and continue to revitalize the developing Sherman Avenue corridor.
34. The streetscape has been designed to prioritize the pedestrian. The building is pulled back five feet from the property line on Sherman Avenue, Barry Place, and 9th Street, which maximizes space on the sidewalk and maintains a strong urban edge with pedestrian-scaled massing and activity. Retail uses are provided along Sherman Avenue and residential units are directly accessed from Barry Place and 9th Street. Materials at the street level are primarily masonry and glazing with accents defined by canopies and residential stoops into individual units.
35. Along Barry Place, the Subject Property slopes towards 9th Street. The building has a base of two levels of dwelling units, keeping the building's street face at a human scale. Along 9th Street, two-story residences face the street along the pedestrian way. As the street slopes up to the north, the units take on an English Basement relationship with the sidewalk.
36. Two roof elements are designed—one along Sherman Avenue and one on 9th Street—that connect into a parapet at the building layer to provide cover for balconies and a buffer from mechanical units on the roof. A bi-level community deck is incorporated on the southwest corner of the building, which is planned as a residential communal space. The upper level of the deck has a 360-degree view of the city and reaches out past the south building façade allowing views east, down Barry Place.
37. The project will incorporate many sustainable elements, including bio-retention for storm water management, a major green roof installation, and the building will be LEED-Gold

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certified. The programmed amenities for the building include a fitness center, bicycle storage, and indoor gathering spaces.

Zoning Incentives and Flexibility

38. The Applicant requested flexibility from the following areas of the Zoning Regulations:
- a. *Flexibility from the Lot Occupancy Requirements.* The Applicant seeks flexibility from the lot occupancy requirements. Within the C-2-B Zone District, the maximum permitted commercial lot occupancy is 100% while the maximum permitted residential lot occupancy is 80%. The Applicant proposes a lot occupancy for the PUD of 93% for the retail and residential uses combined on the ground floor and 73% on the upper residential floors. Typically, in mixed-use projects, retail uses occupy the entire ground floor with the residential use above. In this case, the ground floor has a combination of retail and residential uses, and was configured as such to enliven Barry Place and 9th Street. The resulting ground-floor lot occupancy of 93% will not cause any adverse impact and will instead provide a desirable mix of unit types and dynamic, visually interesting streetscapes;
 - b. *Flexibility from the Loading Requirements.* The Applicant seeks flexibility from § 2201.1 of the Zoning Regulations in order to have a 12'x30' loading berth for the residential use in lieu of a 12'x55' loading berth. The proposed 30-foot berth is sufficient to serve the building's residential uses. Due to the size of the proposed units, most of the building residents are expected to use 30-foot trucks or smaller, or will otherwise be able to make arrangements with a loading dock manager who will coordinate with DDOT if larger trucks need to access the Subject Property. In addition, the Applicant has agreed to a loading management plan that establishes guidelines and procedures for loading and delivery operations to avoid adverse impacts on residents of the building and the surrounding community. Elements of the loading management plan, including the loading dock manager's duties, are outlined in the DDOT report (Ex. 37) and set forth in Decision No. C.2 of this Order; and
 - c. *Flexibility from the Roof Structure Requirements.* The Applicant seeks flexibility from the roof structure requirements in §§ 770.6, 777, and 411 of the zoning Regulations in order to have multiple roof structures. The PUD includes two elevator penthouses and one stair tower in three separate enclosures. The location and number of roof structures is driven by the building's core elements and interior layout, and they have been configured and designed to reduce their visual impact from the street. While a single enclosure for the roof structures could theoretically be constructed, doing so would cover a large portion of the roof, would be visible from the street, would reduce the amount of green roof proposed

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for the project, and would be inconsistent with § 411 of the Zoning Regulations to “exercise a reasonable degree of control upon roof structures.”

Development Flexibility

39. In addition to the zoning relief described above, the Applicant also requests flexibility in the following areas:
- a. To be able to provide a range in the number of residential units in the project of 319 units plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
 - c. To vary the number, location, and arrangement of parking spaces, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit; and
 - e. To vary the sustainable design features of the building, provided the total number of LEED points is sufficient to achieve LEED-Gold certification status.

Project Benefits and Amenities

40. Housing and Affordable Housing (11 DCMR § 2403.9(f)) – The project provides the following housing and affordable housing:
- a. The project shall provide a total of approximately 237,455 square feet (“sq. ft.”) of residential gross floor area (“GFA”) of housing, approximately 210,745 sq. ft. of GFA of this total will be market-rate housing, and approximately 26,710 sq. ft. will be affordable housing comprised of the IZ noted in part (b), and the Affordable Housing for Howard Faculty, Staff, and Graduate Students noted in part (c) below;

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- b. Inclusionary Zoning. For so long as the project exists, the Applicant shall provide no less than 19,667 sq. ft. of GFA reserved as IZ units required under Chapter 26 of the Zoning Regulations. This reserved space shall be comprised of:
- (1) No less than 4,941 sq. ft. of GFA set aside for households with incomes not exceeding 60% of the area median income (“AMI”), which shall be comprised of no less than four two-bedroom units; and
 - (2) No less than 14,726 sq. ft. of GFA set aside for households with incomes not exceeding 80% of the AMI, which shall be comprised of no less than 23 units.

The IZ Covenant for the project will include a provision requiring compliance with this deeper level of affordability;

- c. Affordable Housing for Howard Faculty, Staff, and Graduate Students. In addition to the Inclusionary Units required under Chapter 26 of the Zoning Regulations as described above, for so long as the project exists, the Applicant shall reserve 7,043 sq. ft. of GFA of affordable housing for Howard University faculty, staff, and graduate students. This reserved space shall be comprised of:
- (1) No less than 2,470 sq. ft. of GFA set aside for households with incomes not exceeding 60% of AMI, which shall be comprised of no less than two two-bedroom units; and
 - (2) No less than 4,573 sq. ft. of GFA set aside for households with incomes not exceeding 80% of AMI, which shall be comprised of no less than seven units.

The distribution of the Howard University affordable units will be in substantial accordance with the matrix and plans marked as Ex. 42 of the record and Sheet 12 of the Plans; and (Ex. 49A2.)

- d. Housing for Howard Faculty, Staff, and Graduate Students. The Applicant and the University shall enter into an agreement whereby the Applicant is obligated to make no fewer than 50 units within the project for lease by Howard University faculty, staff and graduate students at all times, for the life of the project. These units shall be in addition to the nine affordable units reserved for Howard faculty, staff, and graduate students.

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Prior to the issuance of a building permit for the project, the Applicant shall furnish a letter from Howard University confirming said agreement between the parties.

41. Employment Benefits (11 DCMR § 2403.9(e)) – During the operation of the project, for a five-year period the Applicant, through the Refrigeration Supply Company, agrees to provide 50 scholarships for HVAC Technician training and EPA Type I, II, and III and Universal Certification. The scholarships will be limited to persons who reside within ANC 1B. The Applicant shall advertise the training program through the Pleasant Plains Civic Association and the Single Member District Representative for ANC 1B-11.

Prior to the issuance of a certificate of occupancy for the PUD, the Applicant will furnish sufficient evidence to the Zoning Administrator that the training program is fully operational. Sufficient evidence will include a copy of the agreement between the Applicant and the organization responsible for processing the scholarship applications, names of those persons who have applied for and are receiving the training, and the location(s) of the training site(s).

42. Environmental Benefits (11 DCMR § 2403.9(h)) – The project provides the following environmental benefits:
- a. LEED Certification. The Applicant commits that the resulting PUD will be certified as LEED-Gold; and
 - b. Green Roof. The project features an extensive 29,000 sq. ft. green roof that covers 76% of the roof area. The green roof will reduce heat island effect, promoting community health and assisting with storm water management. It also provides additional insulation for the building. By covering a substantial part of the upper roof with plant material and providing shade in the courtyard through the use of roof top trees, the amount of reflective heat will be greatly diminished from a traditional roof top condition. In addition to the environmental benefits, the human condition will be improved by providing a space that can be used for active and passive recreation. The planting areas will not just be an aesthetic amenity. These areas will filter and store storm water for re-use on the project. In addition to the roof covering the parking deck, a sky lounge with a green wall or hydroponic garden is planned on the upper floor of the roof tower.

Comprehensive Plan

43. The PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The PUD significantly advances these purposes by promoting the social, physical,

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- and economic development of the District through the provision of a high-quality, state-of-the-art, eco-friendly mixed-use development that will add approximately 319 new residential units and ground-floor retail, without generating any adverse impacts.
44. The Future Land Use Map of the Comprehensive Plan designates the PUD Site for mixed-use Medium-Density Residential/Medium-Density Commercial uses. The Medium Density Residential designation is used to define neighborhoods or areas where mid-rise (four-to-seven) apartment buildings are the predominant use. Pockets of low- and moderate-density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the Medium-Density designation, although other zones may apply in some locations. (10A DCMR § 225.5.) The Medium Density Commercial land use designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. (10A DCMR § 225.10.)
45. The Applicant's proposal to rezone the Subject Property from the R-5-B Zone District to the C-2-B Zone District to construct a mixed-use development is consistent with the Comprehensive Plan designation. The C-2-B Zone District is specifically identified as a Medium Density Commercial zone district. One of the primary purposes of the C-2-B Zone District is to provide commercial and residential functions within a single building, which is also consistent with the stated principles of the mixed-use designation of the Subject Property. The Subject Property is located along a major transportation corridor and is in proximity to the U Street Metrorail Station and multiple Metrobus routes. Given the District's stated policy of channeling new residential and retail growth into areas near transit stations and along bus routes, the PUD and Zoning Map Amendment are consistent with the Comprehensive Plan's land use designation of the Subject Property.
46. The District of Columbia Comprehensive Plan Generalized Policy Map designates the Subject Property in the Howard University Town Center Land Use Change Area. The guiding philosophy in Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. (10A DCMR § 223.11.) As Land Use Change Areas are redeveloped, the District aspires to create high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods. (10A DCMR § 223.12.) Consistent with the purpose of Land Use Change Areas, the PUD includes a mix of uses, including

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housing, retail shops, and services, which will help to improve and positively impact the surrounding urban environment.

47. The PUD is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as follows:

- a. *Managing Growth and Change.* In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (10A DCMR § 217.4.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (10A DCMR § 217.6.) The PUD is fully consistent with each of these goals. Redeveloping the Subject Property into a vibrant, mixed-use development in an infill location along a major District corridor will revitalize the neighborhood and help improve the surrounding community;
- b. *Creating Successful Neighborhoods.* One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the Plan's elements. (10A DCMR § 218.8.) The PUD furthers this goal since, as part of the PUD process, the Applicant worked closely with ANC 1B, ANC 5E, and many other community organizations to ensure that the development provides a positive impact to the surrounding neighborhood; and
- c. *Building Green and Healthy Communities.* One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (10A DCMR § 221.3.) The building on the Subject Property will include a significant number of sustainable design features and is located in a transit-rich environment, reducing the need to use private vehicles to access the site. Moreover, the building will achieve LEED-Gold certification.

48. In addition to the Comprehensive Plan's guiding principles, the PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as set forth in the Applicant's Statement in Support and in the OP reports. (Ex. 12, 23, 36.)

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Office of Planning Reports

49. On December 31, 2014, OP submitted a report recommending set down of the application. (Ex. 23.) The OP report stated that the application is not inconsistent with the Comprehensive Plan Future Land Use recommendation for the Subject Property as mixed-use Medium-Density Residential and Medium-Density Commercial and that the project furthers many policies in various elements of the Comprehensive Plan. The report also recommended that the Applicant provide the following information on the Application: (i) a fully dimensioned roof plan; (ii) the range of units for which flexibility is requested; and (iii) a rationale for not providing a Certified Business Enterprises (“CBE”) agreement. The Applicant provided this requested information to OP and the Commission.
50. On May 11, 2015, OP submitted a report recommending approval of the application. (Ex. 36.) The report restated that the PUD is not inconsistent with the Comprehensive Plan, including the Future Land Use Map designation for mixed use, Medium-Density Residential and Medium-Density Commercial development, and that the project furthers many policies in various elements of the Comprehensive Plan. The OP report recommended approval of the application, subject to the Applicant providing details regarding the proffered job training and the extent and value of the renovations proposed for the recreation rooms at LeDroit Park Apartments and the Garfield Terrace Apartments. The Applicant provided the requested information at the public hearing on the application.

DDOT Report

51. On May 11, 2015, DDOT submitted a report finding no objection to the application, subject to the conditions listed on page 2 of its report. (Ex. 37.) The Applicant agreed to all the conditions listed in the DDOT report, and they are included as conditions of this Order.
52. On June 17, 2015, DDOT submitted a supplemental report responding to the Applicant’s post-hearing submission. The report stated that the concept plan submitted with the Applicant’s post-hearing addresses the conditions stated in DDOT’s previous report.

DDOE Report

53. On May 6, 2015, DDOE submitted a report that provided guidance on regulations and areas where the Applicant could exceed guidelines as a public amenity or benefit. (Ex. 35.)

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ANC Reports

54. By letter dated March 24, 2015, ANC 1B indicated that at its regularly scheduled public meeting on March 10, 2015, for which notice was properly given and a quorum was present, ANC 1B voted unanimously by a vote of 10-0 to support the application. The report stated that ANC 1B's support was conditioned on the delivery of community benefits in the areas of affordable housing, housing for Howard University faculty and staff, job training, sustainable design elements, transportation, improvements to community recreation space, and through the design of the project, that were listed in the ANC's written report. (Ex. 32.)
55. The project site is located within the boundary of ANC 1B.
56. By letter dated March 24, 2015, ANC 5E indicated that at its regularly scheduled public meeting on March 17, 2015, for which notice was properly given and a quorum was present, ANC 5E voted unanimously by a vote of 9-0 to support the application. The report stated that the support was conditioned on the delivery of the community benefits outlined in the Applicant's pre-hearing statement to the Commission. (Ex. 34C.)
57. The project site is located approximately three blocks away from the boundary of ANC 5E.

Post-Hearing Submission

58. On June 3, 2015, the Applicant filed with the Commission a request to revise the filing deadlines for the agreed-to post-hearing materials. (Ex. 47.) The request was granted on June 4, 2015. (Ex. 47.)
59. On June 10, 2015, the Applicant filed with the Commission revised plans and additional information on the following elements of the application: job training scholarships, reproduction of the mural on the exterior wall of the existing warehouse building, a security plan for the garage, a courtyard elevation, response to the DDOE report, proposed sidewalk improvements on Barry Place, the loading dock configuration, and the height of the elevator override at the loading dock elevator on 9th Street. (Ex. 49-49C.)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)

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2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the Subject Property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of the PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of

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the affected ANC. The affected ANC in this case is ANC 1B. The Commission carefully considered ANC 1B's recommendation for approval and concurs in its recommendation. The Commission has included conditions in this Order sufficient to ensure that the community benefits listed in ANC 1B's reports are delivered. Because the project is located three blocks away from the boundary of ANC 5E, the Commission does not consider it an affected ANC. The Commission nonetheless carefully considered its recommendation and comments. The Commission concurs with its recommendation, and believes that the conditions in this Order are sufficient to ensure that the community benefits of the PUD outlined in the pre-hearing statement are delivered.

11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review and approval of a planned unit development and related map amendment from the R-5-B Zone District to the C-2-B Zone District for the approximately 1.3-acre parcel located at the northeast corner of the intersection of Sherman Avenue and Barry Place, N.W. (Lots 742-769, 1034, 1038, and 1039, and also a portion of a public alley to be closed in Square 2882). The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The PUD shall be developed in accordance with the plans titled "Lower Sherman Avenue Redevelopment PUD Document," prepared by Niles Bolton Associates, dated June 10, 2015, and marked as Exhibits 49A1-49A5 of the record (the "Plans").
2. In accordance with the Plans, the PUD shall be a six-story building with ground floor commercial/retail use and residential units both at grade and in the five stories above. The project shall have approximately 237,455 square feet of residential use generating approximately 319 dwelling units and approximately 11,517 square feet of commercial/retail uses primarily fronting on Sherman Avenue. The density for the project shall be approximately 5.0 floor area ratio ("FAR") and the maximum building height shall be 80 feet.
3. The Applicant is granted flexibility from the lot occupancy requirements (11 DCMR § 772.1); the loading requirements (11 DCMR § 2201.1); and the roof structure requirements (11 DCMR §§ 770.6, 777 and 411), consistent with the

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Plans and as discussed in the Development Incentives and Flexibility section of this Order.

4. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - a. To provide 319 residential units, plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
 - c. To vary the number, location, and arrangement of parking spaces, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
 - e. To vary the sustainable design features of the building, provided the total number of LEED points achievable does not decrease below the equivalent of a LEED Gold designation;
 - f. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use; and
 - g. To vary the final selection of all exterior signage on the building.

B. Public Benefits

1. Housing and Affordable Housing (11 DCMR § 2403.9(f) – The project shall provide the following housing and affordable housing:

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- a. The project shall provide a total of approximately 237,455 square feet (“sq. ft.”) of residential gross floor area (“GFA”) of housing, approximately 210,745 sq. ft. of GFA of this total will be market-rate housing, and approximately 26,710 sq. ft. will be affordable housing comprised of the Inclusionary Zoning noted in part (b), and the Affordable Housing for Howard Faculty, Staff, and Graduate Students noted in part (c) below;
- b. Inclusionary Zoning. **For so long as the project exists,** the Applicant shall provide no less than 19,667 sq. ft. of GFA reserved as Inclusionary Units required under Chapter 26 of the Zoning Regulations. This reserved space shall be comprised of:
- (1) No less than 4,941 sq. ft. of GFA set aside for households with incomes not exceeding 60% of the area median income (“AMI”), which shall be comprised of no less than four two-bedroom units; and
 - (2) No less than 14,726 sq. ft. of GFA set aside for households with incomes not exceeding 80% of the AMI, which shall be comprised of no less than 23 units.

The IZ Covenant for the project shall include a provision consistent with this condition;

- c. Affordable housing for Howard Faculty, Staff, and Graduate Students. **For so long as the project exists,** in addition to the IZ units required under Chapter 26 of the Zoning Regulations described in part (b) of this condition, prior to the issuance of a certificate of occupancy for the project, the Applicant shall reserve 7,043 sq. ft. of GFA of affordable housing for Howard University faculty, staff, and graduate students. This reserved space shall be comprised of:
- (1) No less than 2,470 sq. ft. of GFA set aside for households with incomes not exceeding 60% of AMI, which shall be comprised of no less than two two-bedroom units; and
 - (2) No less than 4,573 sq. ft. of GFA set aside for households with incomes not exceeding 80% of AMI, which shall be comprised of no less than seven units.

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The distribution of the Howard University affordable units shall be in substantial accordance with the matrix and plans marked as Exhibit 42 of the record and Sheet 12 of the Plans. The monitoring and enforcement documents required by 11 DCMR § 2409.10 shall include a provision requiring compliance with this Condition B.1(c); and

- d. Housing for Howard Faculty, Staff, and Graduate Students. The Applicant and the University shall enter into an agreement whereby the Applicant is obligated to make no fewer than 50 units within the project for lease by Howard University faculty, staff, and graduate students at all times, **for the life of the project.** These units shall be in addition to the nine (9) affordable units reserved for Howard faculty, staff, and graduate students.

Prior to the issuance of a building permit for the project, the Applicant shall furnish a letter to the Zoning Administrator from Howard University confirming said agreement between the parties.

2. Environmental Benefits (11 DCMR § 2403.9(h)) – The project shall provide the following environmental benefits:
 - a. LEED Certification. **Prior to the issuance of a certificate of occupancy for the building,** the Applicant shall furnish a copy of its LEED certification application to the Green Building Certification Institute. The PUD shall fulfill or exceed LEED-Gold Certification; and
 - b. Green Roof. **For so long as the project exists,** the project shall include a 29,000-square-foot green roof that covers 76% of the roof area. The planting areas on the green roof will be designed to filter and store storm water for re-use on the project. In addition, the project shall include a sky lounge on the upper floor of the roof tower with a green wall or hydroponic garden. The green roof and sky lounge shall be designed in substantial accordance with the Plans.
3. Employment Benefits (11 DCMR § 2403.9(e)) – Job Training Scholarships. **During the operation of the project,** for a five-year period the Applicant, through the Refrigeration Supply Company, shall provide a minimum of 50 scholarships for HVAC Technician training and EPA Type I, II, and III and Universal Certification. The scholarships shall be available to those persons who reside within the boundaries of ANC 1B. The Applicant shall advertise the training program through the Pleasant Plains Civic Association and the Single Member District Representative for ANC 1B-11.

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Prior to the issuance of a certificate of occupancy for the PUD, the Applicant will furnish sufficient evidence to the Zoning Administrator that the training program is fully operational. Sufficient evidence will include a copy of the agreement between the Applicant and the organization responsible for processing the scholarship applications, names of those persons who have applied for and are receiving the training, and the location(s) of the training site(s).

4. **Other Public Benefits and Project Amenities (11 DCMR § 2403.9(j)) - Improvements to Community Recreation Spaces. Prior to the issuance of a building permit for the project**, the Applicant shall either (1) donate \$110,308 to the DC Housing Authority (“DCHA”) to cover the cost of certain improvements to the community rooms at the LeDroit Park Apartments and the Garfield Terrace Apartments, respectively, or (2) enter into an agreement with DCHA to make the improvements to said spaces. This obligation shall be in accordance with the letter from DCHA, including the attached plans, marked as Exhibit 40 of the record.

C. **Transportation Mitigation Measures**

1. **Traffic/Pedestrian Improvements. Prior to the issuance of a certificate of occupancy for the project**, the Applicant shall complete or cause the completion of the following traffic and pedestrian improvements, at its sole expense:
 - a. The installation of a turn pocket at the westbound approach to the Sherman Avenue/Barry Place intersection, which requires re-striping, the relocation of the parking to the north side of the street, and the potential elimination of curbside parking spaces;
 - b. Improve four substandard crosswalks within the immediate vicinity of the site – northwest bound approach at the Florida Avenue/Barry Place/10th Street intersection; eastbound approach at the Barry Place/9th Street intersection, and the northbound and southbound approaches at the Barry Place/Georgia Avenue intersection; and
 - c. Install a four-foot-wide concrete sidewalk that circumvents the two existing catch basins, as depicted in the sketch attached as Exhibit C of the Applicant’s post-hearing submission. (Ex. 49C.) The details for said improvement shall be subject to review and approval by DDOT at the time of public space review. The Applicant shall not be obligated to make any sidewalk improvement for this section of Barry Place beyond the concept sketch in Ex. 49C.

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2. Loading Management Plan. **For the life of the Project,** the Applicant shall implement a loading management plan as described on page 5 of the DDOT report marked as Exhibit 37 of the record.
3. Transportation Demand Management (“TDM). **For the life of the project,** the Applicant shall implement a TDM plan with strategies to limit the need for and use of vehicles at the proposed residential building. The TDM plan shall include:
 - a. A member of the property management team will be designated as the Transportation Management Coordinator (“TMC”). The TMC will be responsible for ensuring that information is disseminated to tenants of the building. The position may be part of other duties assigned to the individual;
 - b. Information on and/or links to current transportation programs and services will be provided on the property management website. Such programs and services may include:
 - (1) Capital Bikeshare;
 - (2) Car-sharing services;
 - (3) Uber;
 - (4) Ridescout;
 - (5) Commuter Connections Rideshare Program;
 - (6) Commuter Connections Guaranteed Ride Home;
 - (7) Commuter Connections Pools Program;
 - (8) DDOT’s DC Bicycle Map;
 - (9) Nearby Bicycle vendors and service providers;
 - (10) goDCgo.com; and
 - (11) WMATA;
 - c. An electronic display will be provided in a common, shared space in the building and will provide public transit information such as nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital BikeShare locations indicating the number of bicycles available at each location;
 - d. Convenient and covered secure bike parking facilities will be provided with storage for a minimum of 140 bicycles and an additional 38 short-term bicycle parking spaces in the public space;
 - e. **For the first five years the building is open,** at the initial occupancy of each unit, the Applicant will provide a one-time, one-year Capital

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BikeShare membership or one-year carshare membership to all new residents of the project;

- f. A minimum of 10 bicycle helmets will be made available for use by the residents;
- g. Install a bicycle maintenance facility on the P-1 parking level;
- h. Unbundle parking costs from the price of lease or purchase; and
- i. Reserve one parking spot in the parking garage for a carshare company, if there is interest in the use of a space by a carshare company.

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Subject Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 14-21. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Construction of the project must commence within three years of the effective date of this Order.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. 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 that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

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4. Each Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On May 21, 2015, upon the motion of Chairman Hood as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application at the conclusion of its public hearing 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 Commissioner Turnbull, as seconded by Vice Chairperson Cohen, this Order was **ADOPTED** by the Zoning Commission 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 § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on July 31, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 15-16

**(MRP Rhode Island Avenue Investors, LLC, B&R Associates, LP, and Sandrock,
LP – First-Stage and Consolidated PUDs @ Square 3629, Lots 7, 813, and 814 –
Rhode Island Center)**

July 20, 2015

THIS CASE IS OF INTEREST TO ANC 5E

On July 15, 2015, the Office of Zoning received an application from MRP Rhode Island Avenue Investors, LLC, B&R Associates, LP, and Sandrock, LP (together, the “Applicant”) for approval of first-stage and consolidated planned unit developments (“PUDs”) for the above-referenced property.

The property that is the subject of this application consists of Lots 7, 813, and 814 in Square 3629, which is located in northeast Washington, D.C. (Ward 5), on a site that fronts both Rhode Island Avenue, N.E. and Fourth Street, N.E and is bounded by 4th Street, N.E. (west), Rhode Island Avenue, N.E. (south), the Metrorail tracks and the Metropolitan Branch Trail (east), and Edgewood Terrace Apartments (north). The property is zoned C-3-A.

The site is currently improved with a strip shopping center comprised of one-story retail shops and a surface parking lot. The Applicant proposes to develop in six phases, approximately 1,550 residential units and 245,000 square feet of retail space. The total density of the project will be 3.61 floor area ratio (“FAR”) and the maximum building heights will be 90 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 335A**

Z.C. Case No. 80-13A

BP 1330 Connecticut Avenue, LLC

(Modification of an Approved Consolidated Planned Unit Development @ Square 138)

April 13, 2015

This Order pertains to a request by BP 1330 Connecticut Avenue, LLC ("Applicant"). The Applicant seeks approval of a modification to an approved planned unit development ("PUD") for the property known as 1330 Connecticut Avenue, N.W. (Square 138, Lot 803) ("Property"). The original PUD was approved in Z.C. Orders No. 297 and 335 ("Orders"), which became effective on October 11, 1979 and March 12, 1981, respectively. The Applicant requested that the Zoning Commission for the District of Columbia ("Commission") consider the request to be a minor modification pursuant to its Consent Calendar procedures set forth at 11 DCMR § 3030, which permit the Commission to grant such modifications without a hearing or referral to the National Capital Planning Commission.

Pursuant to notice, the Commission held a public meeting on April 13, 2015 and considered this modification request as a Consent Calendar item. The Commission then voted to approve the modification.

FINDINGS OF FACT

1. The original orders in Z.C. Case Nos. 78-21 and 80-13 (the "Orders"), approved a 10-story office and retail building adjacent and connected to an existing building, the International Associations of Machinists ("IAM") building located at 1300 Connecticut Avenue, N.W. The approved 10-story office building (1330 Connecticut Avenue, N.W.) contains approximately 228,474 square feet of gross floor area. The approved building also has a height of 118 feet, contains 220 underground parking spaces, and provides five loading berths. (Exhibits ["Ex.,"] 1-1B.)
2. Design conditions for the approved building included retail arcades for the first floor, a "mini-park" on 19th Street, red brick exterior finishes, limestone/limestone-colored trim, and bronze tinted glass fenestration. The overall approved PUD, including both buildings, has a gross floor area of 352,933 square feet (7.0 FAR), of which no more than 48,000 square feet may be dedicated to retail use. The Orders did not approve any changes to the IAM building (1300 Connecticut) other than those necessary to allow construction of the 1330 Connecticut building. (Ex. 1-1B.)
3. By Z.C. Order No. 297-A, effective May 29, 1992, the Commission approved modifications to only the IAM building. The modifications included improvements to the lobby entrance and ground-floor retail, a new cornice and two flags, and new windows on the western wall. (Ex. 1.)
4. By Z.C. Order No. 297-B, effective May 28, 1993, the Commission approved another modification to the IAM building. The modification was to change the slope of the loading berth, insert a loading platform, and eliminate six parking spaces. (Ex. 1.)

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5. On March 26, 2015, the Applicant submitted an application requesting approval of minor modifications to only the building at 1330 Connecticut Avenue N.W.; the proposed modification will not affect the IAM building (1300 Connecticut) in any way. The proposal includes minor changes to the exterior of the building to improve building operations, to make the building more attractive to potential tenants, and to accommodate an existing long-term principal tenant. Specifically, the requested changes are as follows: (Ex. 1-1B):
 - a. The first-floor retail arcades along Connecticut Avenue, N Street, and 19th Street will be enclosed so that the retail spaces and entrances will extend to the building line. This will result in approximately 3,960 square feet of new enclosed space. The new glazed storefront system will be more pedestrian friendly and will include new signs and doorways;
 - b. The lobby entrance on Connecticut Avenue will be altered to include more glazing, as well as new doors and fixtures above the entrance;
 - c. The retail spaces and lobby will be reconfigured. The lobby and retail spaces will not have a direct connection, and the lobby will no longer be a public passage through the building;
 - d. The double-hung windows on the upper floors of the Connecticut Avenue façade will be replaced with inoperable energy efficient windows that will have the appearance of being double-hung;
 - e. The ribbon windows in the upper floors on the Connecticut Avenue, N Street, and 19th Street façades will be replaced with energy-efficient and transparent ribbon windows;
 - f. The guardrails on the upper floors will be extended up to the code-required height by adding glass panels onto the existing guardrails; and
 - g. The “mini-park” will be improved with new landscaping. The planters will be modified to make them more pedestrian in scale and to allow outdoor seating. The steps will be reconfigured.
6. The Office of Planning’s April 6, 2015 report recommended that the Commission approve the proposed modifications as minor. (Ex. 4.)
7. Advisory Neighborhood Commission (“ANC”) 2B did not submit written comment in regard to the application. The Dupont Circle Citizen’s Association indicated that it had no objection to the request. (Ex. 5.)

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CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modifications to the building at 1330 Connecticut Avenue are minor and may be approved under § 3030 of the Zoning Regulations. The Commission concludes that the proposed modifications are consistent with the intent of the Commission in approving the original Orders. Further, the Commission finds that the proposed modifications are in the best interest of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and the Zoning Map. The approval of this modification application is not inconsistent with the Comprehensive Plan.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give “great weight” to OP recommendations. The Commission concurs with the recommendation of OP that the proposed modifications be approved as minor.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (DC Law 1-21, D.C. Official Code § 1-309.10(d)), to give “great weight” to the issues and concerns of the affected ANC. The ANC submitted no written comments,

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this application for a modification of the approved PUD in Z.C. Order Nos. 297 and 335. The approved modification shall be as shown in the plans included as Exhibit 1B of the record.

On April 13, 2015, upon motion by Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Michael G. Turnbull to adopt; May not present; not voting).

In accordance with the provisions of 11 DCMR 3028.29, this Order shall become final and effective upon publication in the *D.C. Register* on July 31, 2015.

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