VOL. 62 – NO. 34 AUGUST 14, 2015

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council passes Law 21-14, Prohibition of Pre-Employment Marijuana Testing Act of 2015
- D.C. Council enacts Act 21-148, Fiscal Year 2016 Budget Support Act of 2015
- Office of the City Administrator establishes procedures for the Concealed Pistol Licensing Review Board, for conducting hearings for application denial appeals
- Board of Elections schedules a public hearing on the "Public Accountability Safety Standards Act of 2016 for the District of Columbia"
- Board of Elections publishes text for Initiative No. 76 "District of Columbia Minimum Wage Act of 2016"
- Executive Office of the Mayor re-designates the District Department of the Environment as the "Department of Energy and Environment"
- Department of Health Care Finance implements new methodologies for determining and renewing Medicaid eligibility

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et *seq*. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-50l et *seq.* (2012 Repl.).

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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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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-14

"Prohibition of Pre-Employment Marijuana Testing Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-25 on first and second readings April 14, 2015, and May 5, 2015, respectively. Following the signature of the Mayor on May 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-67 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6870). Act 21-67 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-67 is now D.C. Law 21-14, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-15

"Events DC Technical Clarification Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-76 on first and second readings April 14, 2015, and May 5, 2015, respectively. Following the signature of the Mayor on May 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-68 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6872). Act 21-68 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-68 is now D.C. Law 21-15, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-16

"Workforce Job Development Grant-Making Reauthorization Temporary Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-136 on first and second readings April 14, 2015, and May 5, 2015, respectively. Following the signature of the Mayor on May 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-69 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6874). Act 21-69 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-69 is now D.C. Law 21-16, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-17

"Soccer Stadium Development Technical Clarification Temporary Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-155 on first and second readings April 14, 2015, and May 5, 2015, respectively. Following the signature of the Mayor on May 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-70 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6876). Act 21-70 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-70 is now D.C. Law 21-17, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-18

"Medical Marijuana Supply Shortage Temporary Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-160 on first and second readings April 14, 2015, and May 5, 2015, respectively. Following the signature of the Mayor on May 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-71 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6880). Act 21-71 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-71 is now D.C. Law 21-18, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-19

"Jubilee Maycroft TOPA Notice Exemption Temporary Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-162 on first and second readings April 14, 2015, and May 5, 2015, respectively. The legislation was deemed approved without the signature of the Mayor on May 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-72 and was published in the May 29, 2015 edition of the D.C. Register (Vol. 62, page 6882). Act 21-72 was transmitted to Congress on June 1, 2015 for a 30-day review, in accordance with Section 602(c) (1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-72 is now D.C. Law 21-19, effective July 22, 2015.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

June	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25
July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 with MCN Build, LLC for design-build services for the Hyde-Addison Elementary School Complex, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 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 Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-0074 with MCN Build, LLC for design-build services for the Hyde-Addison Elementary School Complex in the aggregate amount of $1,038,564 and authorizes payment for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To amend, on an emergency basis, due to congressional review, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Congressional Review Emergency Amendment Act of 2015".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31,2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW15111 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. 10 to Contract No. CW15111 with Career T.E.A.M., LLC to provide job placement and retention services and authorizes payment in the total not-to-exceed amount of $1,558,201 for services received and to be received under the contract modifications for 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 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "South Chestnut Wind Power Purchase Agreement Contract No. DCAM-13-NC-0147 Approval Emergency Act of 2015".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCAM-13-NC-0147, a multiyear agreement between the District government and South Chestnut LLC, to provide wind power for the District government for the next 20 years.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, Change Order Nos. 002 through 004 to Contract No. DCAM-13-CS-0061Et 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order Nos. 002 through 004 to Contract No. DCAM-13-CS-0061E 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 Change Order Nos. 002 through 004 to Contract No. DCAM-13-CS-0061E with Turner Construction Company for Design-Build Services for Shepherd Elementary School, and authorizes payment in the aggregate amount of $10,574,896.36 for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, the reprogramming request of $2,400,000 within the Department of General Services for Facilities Operations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reprogramming $2,400,000 in Local Funds within the Department of General Services Approval Emergency Act of 2015".

Sec. 2. (a) Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council a reprogramming request in the amount of $2,400,000 of local funds within the Department of General Services from its rent program to Facilities Operations.

(b) The Council approves the $2,400,000 reprogramming request.

Sec. 3. Fiscal impact statement.

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

Sec. 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NFPHC Omnibus Anesthesiology Services 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 the following contract modifications, and authorizes payment as stated below:

(1) Modification No. 3 to Contract No. NFPHC-039-2 between NFPHC and EmCare to provide anesthesiology services to NFPHC and to authorize payment for the services received and to be received under this contract modification in the amount of $1,027,641.50; and

(2) Proposed Modification No. 4 to Contract No. NFPHC-039-2 between NFPHC and EmCare to provide anesthesiology services to NFPHC and to authorize payment for the services to be received under this contract modification in the amount of $1,338,171.

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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "1351 Nicholson Street, N.W., Old Brightwood School Lease Amendment Emergency Act of 2015".

Sec. 2. 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.*), and the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*), the Council authorizes the Mayor:

(1) To amend the existing lease agreement between the District of Columbia and Community Academy Public Charter School, Inc. (the "Lease"), dated March 1, 2001, for the 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 (the "Property"), to:

(A) Adopt Friendship Public Charter School, Inc. as assignee of the lease;

(B) Extend the term of the Lease for a period of greater than 20 years; and

(C) Provide such other terms related to the extension of the Lease and transfer of the Property as are consistent with the letter of intent approved by both parties to the Lease; and

(2) To execute any associated transactional documents.

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, proposed 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCPO-2012-R-0177 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 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, and authorizes payment in the total amount for option year three of $17,243,102.19 for the period from October 1, 2014, 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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCPO-2012-C-0154 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 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, and authorizes payment in the total amount for option year three of $85,359,939.87 for the period from October 1, 2014, 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

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 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Margaret Peters and Roumania Peters Walker Tennis Courts Designation Emergency Act of 2015".

Sec. 2. Pursuant to sections 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding the requirements of section 407 (D.C. Official Code 9-204.07) of the Act, the Council 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".

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Director of the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Margaret Peters and Roumania Peters Walker Tennis Courts Act of 2015, passed on 2nd reading on July 14, 2015 (Enrolled version of Bill 21-174), 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§ l-206.02(c)(3)).

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To symbolically designate the 1100 block of Florida Avenue, N.E., as Ruby Whitfield Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ruby Whitfield Way Designation Act of 2015".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding section 407 of the Act (D.C. Official Code § 9-204.07), the Council symbolically designates the 1100 block of Florida Avenue, N.E., as "Ruby Whitfield Way".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To require public and public charter high schools beginning in the 2016-2017 school year and middle schools beginning in the 2017-2018 school year to submit an annual assurance of compliance with Title IX, to require the Office of the State Superintendent of Education to publish a list of schools that do not submit an assurance of compliance, to require schools to annually report data on their athletic programming and make the data publicly available, to require the Office of the State Superintendent of Education to develop 5-year athletic equity strategic plans, to require the Office of the State Superintendent of Education to designate a Title IX Coordinator for the District's interscholastic athletics, to require each local education agency to designate a LEA Title IX Athletic Coordinator, to require an applicable school to designate a School Title IX Athletic Liaison, and to provide the District of Columbia State Athletic Association with education responsibilities for Title IX and college athletic eligibility and scholarships.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Title IX Athletic Equity Act of 2015".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Applicable schools" means any public or public charter high school beginning in the 2016-2017 school year and any public or public charter middle school beginning in the 2017-2018 school year.

(2) "Athletic program" means all interscholastic sports offered to students by an applicable school.

(3) "Competition level" means the division or categorization of teams by ability or competitiveness, which may include varsity, junior varsity, and intramural.

(4) "GERC" means a Gender Equity Review Committee established pursuant to section 5(a).

(5) "Interscholastic athletics program" means all athletic activities or sports offered within a school, the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools.

(6) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single

charter.

(7) "OSSE" means the Office of the State Superintendent of Education.

(8) "Participant" means a student who is attending an applicable school and a member on the tryout roster or official team roster of an interscholastic or intramural activity or sport who participated in team practices, contests, and competitions, or otherwise engaging in other activities as part of the team and was eligible for participation.

(9) "Participation rate" means the ratio of the number of participants of that gender in the athletic program to the number of students of that gender in the student body.

(10) "Title IX" means Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. §§ 1681-1688).

(11) "Title IX regulations" means 34 CFR § 106.1 *et seq.*

Sec. 3. Nondiscrimination.

Each applicable school in the District shall operate its athletic programs in a manner that does not discriminate against students or staff on the basis of sex, gender, or gender identity.

Sec. 4. Athletic equity reporting.

(a) Each applicable school shall report to the LEA annually by July 1 a statement of compliance with Title IX and submit the following information:

(1) The total enrollment in the school by gender, race, and ethnicity;

(2) The number of students participating in athletics by team and competition level and by gender, categorized by race or ethnicity, if available;

(3) The coach-to-athlete ratio for each team;

(4) The total number of athletic directors, athletic staff, coaches, trainers, and medical service providers, and for those identified, the following information, to be provided in aggregate by gender:

(A) Total compensation, separated by primary duties and athletic duties, if applicable, and race or ethnicity, if the information is available;

(B) Employment status, such as full-time, part-time, contract, or volunteer;

(C) Qualifications and experience, including relevant certifications and length of time in the current position grouped by number of years: through 5 years; more than 5 years through 10 years; and more than 10 years;

(5) The funding sources for athletic programs and amount by team, if available, including state and federal funding, fundraising, booster clubs, game and concession receipts, donations, grants, and other sources;

(6) The total annual expenditures by athletics team, including:

(A) Expenditures for travel;

(B) Expenditures for equipment, including any equipment replacement schedule;

(C) Expenditures for uniforms, including any uniform replacement schedule;

(D) Expenditures for construction, renovation, expansion, maintenance,

repair and rental of athletic facilities, including medical facilities, locker rooms, fields, and gymnasiums;

(E) Publicity and marketing; and

(F) Awards, banquets, insurance, and any other expenses;

(7) The practice and competition schedule, including the days of the week, times, and locations where practices or competitions were scheduled;

(8) The season in which each team competed;

(9) Whether each team participated in post-season competition and the success of the team in any post-season competition;

(10) The nature and extent of training provided to athletic administrators, coaches, and other staff regarding the requirements of Title IX and strategies to promote gender equity in athletics;

(11) The availability of additional academic supports, including tutors, designed exclusively for or available exclusively to athletes;

(12) The conditions and locations of all athletic facilities and a listing of the teams that use each facility;

(13) The graduation rates and college and college athletic scholarship offer and acceptance rates of students by gender, race, and ethnicity; and

(14) For the initial submission under this section, the school year in which each existing team was established and, for each subsequent year, a listing of teams that were newly established, reestablished, eliminated, or demoted from competition during the school year.

(b) If the data reported shows that the allocation of resources, athletic participation opportunities, and benefits and services from interscholastic athletic programs for males and females is not substantially proportional to their respective enrollment numbers, or that the allocation is not substantially proportional within the genders by race and ethnicity, then the statement of compliance that accompanies the data described in subsection (a) of this section shall include an explanation of the disproportion, how it will be remedied, and the timeline for effectuating the remedy.

(c) Each LEA shall submit the assurance of compliance for each school under its control to OSSE by August 1 annually. If an LEA fails to submit the assurance of compliance by the required date, the school shall complete an OSSE-approved Title IX training. If a school fails to complete the OSSE-approved Title IX training by October 1, the school shall be barred from competing in a new season for any District of Columbia State Athletic Association athletic event until the school both submits the required assurance of compliance and completes an OSSE-approved Title IX training.

(d) OSSE shall publish, annually within 90 days of August 1, a list of applicable schools that failed to submit the assurance of compliance. OSSE shall publish the information submitted pursuant to subsections (a) and (b) of this section on its website and submit the information to the Council.

Sec. 5. Additional requirements.

(a) Each public or public charter high school shall establish a 3-member Gender Equity

Review Committee or identify at least 3 senior administrators to establish criteria for ensuring the gender equity in the school's athletic program, evaluate the athletics program, and manage Title IX issues at the LEA. This grievance procedures and criteria shall be posted publicly on the school's website.

(b) An LEA shall develop grievance procedures that are made available upon request or to any person alleging a violation of Title IX in accordance with Title IX regulations.

(c) An applicable school shall maintain Title IX records for a minimum of 10 years. The Title IX records shall be subject to review by the Mayor and shall include the following:

(1) A Title IX Plan, which shall include a self-evaluation of the school's entire athletic program based on the annual assurance of compliance required by this act and proposed plans and timetables, as appropriate, to ensure gender equity in the athletics program, including items such as practice times, facilities, coaching stipends, and athletic budgets;

(2) A summary of Title IX complaints, including the resolution of each, for the current and previous 9 years;

(3) A copy of the school's grievance procedures; and

(4) For public and public charter high schools, a list of members of the GERC or the 3 senior administrators serving in this capacity and their contact information.

Sec. 6. Designation of Title IX athletic coordinators.

(a) OSSE shall designate a Title IX Coordinator for the District's interscholastic athletics who shall coordinate the District's efforts to ensure and encourage compliance with the athletics aspects of Title IX and this act. The responsibilities of the Title IX Coordinator shall include those described in 34 C.F.R. § 106.8(a). OSSE shall annually notify all students and the students' guardians of and make publicly available on a website the name, office address, e-mail address, and phone number of the Title IX Coordinator designated pursuant to this section. Each applicable school shall post a notice with this information in the school's athletic facilities.

(b) Each LEA shall designate an LEA Title IX Athletic Coordinator who shall oversee and monitor each applicable school within the LEA to ensure and encourage compliance with the athletic aspects of Title IX and this act; and

(c) Each applicable school shall designate a School Title IX Athletic Liaison, in accordance with 34 C.F.R. § 106.8(a), who coordinates the activities at the school level that are designed to promote gender equity in athletics. The School Title IX Athletic Liaison is not required to, but may, serve as one of the 3 members of the GERC. Additionally, the School Title IX Athletic Liaison shall:

(1) Receive and process complaints and inquiries related to Title IX and athletics;

(2) Make recommendations to the school's GERC on promoting gender equity in athletics;

(3) Maintain the school's Title IX records as described in section 5(c);

(4) Enforce the school's athletic non-discrimination policy, if any; and

(5) Implement corrective measures to comply with Title IX.

(d) If an applicable school is also an LEA, the LEA Title IX Athletic Coordinator shall carry out the responsibilities of both the LEA Title IX Athletic Coordinator and the School Title

IX Athletic Liaison.

Sec. 7. District of Columbia State Athletic Association responsibility.

The District of Columbia State Athletic Association shall coordinate with each applicable school to educate the school, its students, and the students' guardians regarding National Collegiate Athletic Association eligibility requirements and collegiate athletic scholarships, with particular emphasis on outreach to girls.

Sec. 8. Title IX athletic equity strategic plans.

By August 1, 2016, and every 5 years thereafter, OSSE shall develop a 5-year strategic plan to encourage and ensure gender equity in compliance with Title IX in public and public charter high schools. The plan shall include:

(1) Data submitted to the OSSE under this act for the prior 5 years;

(2) A listing of schools by gender participation gap by greatest to least, to be measured by the difference between the percentage of enrolled students who are girls and the percentage of total athletic opportunities, measured as spots on teams, provided to girls;

(3) A description of athletic funding, by school;

(4) A strategy for ensuring athletic gender equity;

(5) An account of the District's high school student-athlete graduation rates, college attendance rates, and college athletic scholarship acceptance rates by gender, as available; and

(6) A survey of best practices from other national membership organizations, states, municipalities, and local community-based organizations.

Sec. 9. 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.*), shall issue rules to implement the provisions of this act.

Sec. 10. 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. 11. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide real property tax relief for Lot 800 in Square 789, owned by the Naval Lodge Building, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Naval Lodge Building, Inc. Real Property Tax Relief Act of 2015".

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

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

"47-1097. Naval Lodge Building, Inc.; Lot 800, Square 789.".

(b) A new section 47-1097 is added to read as follows:

"§ 47-1097. Naval Lodge Building, Inc.; Lot 800, Square 789.

"(a) The real property located at 330 Pennsylvania Avenue, S.E., described as Lot 800, Square 789 ("Property") shall be exempt from real property taxation so long as the real property is owned by the Naval Lodge Building, Inc., a District of Columbia nonprofit corporation, the Naval Lodge No. 4, F.A.A.M. ("Lodge"), or a subsidiary of the Lodge, and is used for the purposes and activities of the Lodge, and is not used for any commercial purpose, except as provided in subsection (b) of this section.

"(b) Section 47-1005 shall apply to the Property exempted under this section; provided, that so long as the rent or other income generated is used for the maintenance and preservation of the property, the property or a portion thereof may be rented to another person without loss of the exemption.

"(c) The owner of the Property shall make the reports required by § 47-1007 and shall have the appeal rights provided by § 47-1009. ".

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the real property located at 330 Pennsylvania Avenue, S.E., described as Lot 800, Square 789 for the period beginning October 1, 2013 (tax year 2014) through the end of the month following the effective date of this

ENROLLED ORIGINAL

act shall be forgiven and that any payments made shall be refunded to the person who made the payments.

Sec. 4. Applicability.

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

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Margaret Peters and Roumania Peters Walker Tennis Courts Designation Act of 2015".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding the requirements of section 407 of the Act (D.C. Official Code 9-204.07), the Council 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".

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Director of the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

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.

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

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and notwithstanding section 209(b)(5)(B) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.09(b)(5)(B)), the Council of the District of Columbia finds that the public streets adjacent to Squares 603S, 605, 607, 661, 661N, and 665, and in Reservations 243 and 244, as shown by the hatch-marks on the Surveyor's plat in the official file for S.O. 13-14605, are unnecessary for street purposes and orders them closed, with the title to the land to vest in the District of Columbia.

Sec. 3. Notwithstanding 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)) and 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 is authorized to enter into easement agreements or covenants with the Potomac Electric Power Company, Verizon, the District of Columbia Water and Sewer Authority, Washington Gas Light Company, and the National Capital Planning Commission necessary to accomplish the street and alley closings set forth in section 2, as well as the utility relocations required by the Amended and Restated Development Agreement between the District and DC

ENROLLED ORIGINAL

Stadium, LLC, approved by the Council of the District of Columbia on June 30, 2015, for the development of a soccer stadium at Buzzard Point.

Sec. 4. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor of the District of Columbia and the Office of the Recorder of Deeds.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow any applicant that received notification on July 25, 2014, that its medical marijuana cultivation center was eligible for registration to modify its application, to allow a holder of a cultivation center registration that owns or has a valid lease for the real property adjacent to its existing cultivation center to expand its facility into that adjacent real property for purposes of increasing production of marijuana plants, not to exceed the authorized limit, and to increase the number of living plants a cultivation center may possess at any time to 1000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Expansion Temporary Amendment Act of 2015".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01) is amended by adding a new paragraph (1A) to read as follows:

"(1A) "Adjacent" means located within the same physical structure as, and is abutting, adjoining, bordering, touching, contiguous to, or otherwise physically meeting.".

(b) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

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

(A) Paragraph (3) is amended by adding a new subparagraph (C) to read as follows:

"(C)(i) Notwithstanding 22 DCMR §§ C5003.2 and C5003.3, any applicant that received notification from the Department on July 25, 2014, that its cultivation center was eligible for registration shall be permitted to modify the location and premises identified on the application within 90 days after the effective date of the Medical Marijuana Cultivation Center Expansion Emergency Amendment Act of 2015, passed on emergency basis on June 30, 2015 (Enrolled version of Bill 21-255), without negatively affecting the current status of the application or registration.

"(ii) Any application that is modified pursuant to sub-subparagraph (i) of this subparagraph shall be exempt from 22 DCMR § C5303.6, adopted on an emergency basis by the Department on May 19, 2015 (62 DCR 8351).".

(B) New paragraphs (4) and (5) are added to read as follows:

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"(4) The Mayor may approve the holder of a cultivation center registration that also owns, or has a valid lease for, real property adjacent to its existing cultivation center to physically expand the registered cultivation center into that adjacent real property for the purpose of increasing production of marijuana plants, not to exceed the limit permitted under this act.

"(5) For the purposes of this subsection, the non-transferability of ownership provisions set forth in 22 DCMR §§ C5003 and C5501 shall not be construed as prohibiting the restructuring of ownership or changes between officers, directors, or other persons owning or controlling a percentage of the registered cultivation center or the entity named in the cultivation center registration application that was pending as of March 2, 2015, to operate a cultivation center at the same adjacent real property if the application received a score of at least 150 points from the Program's review panel.".

(2) Subsection (e)(2) is amended by striking the number "500" and inserting the number "1000" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Purchasing, selling, exchanging, or otherwise transacting any synthetic drug, as defined in D.C. Official Code § 47-2844(a-2)(1A)(F)(ii), shall be a per se imminent danger to the health or safety of the residents of the District.".

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

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

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 4, 2015

To establish, on a temporary 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 Temporary 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.

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

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

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

Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
July 31, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 11, 2015

To enact and amend 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 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 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;

(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 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.

"(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 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:

(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:

(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 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.

"(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.

"(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:

(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 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 2nd reading on June 30, 2015 (Enrolled version of 21-158).".

SUBTITLE E. OFFICE ON AGING REPORTING REQUIREMENTS

Sec. 1041. Short title.

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

Sec. 1042. Office on Aging reporting requirements.

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.

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SUBTITLE F. GRANTS ADMINISTRATION

Sec. 1051. Short title.

This subtitle may be cited as the "Grant Administration 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;

"(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 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 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 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

"(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 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;

(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 Amendment Act of 2015".

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 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.

This subtitle may be cited as the "Apprenticeship Modernization 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.".

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(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:

"(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:

"(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;

"(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.

SUBTITLE C. RETAIL PRIORITY AREA AMENDMENT

Sec. 2021. Short title.

This subtitle may be cited as the "Retail Priority Area Amendment Act of 2015".

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.".

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

"(m) There is established the U Street/l4th 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 l4th Street, N.W., to Spring Road, N.W.; thence southeast on Spring Road, N.W., to l3th 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, 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 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:

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(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.

"(iii) Youth ages 16 to 21years 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.

"(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.".

SUBTITLE E. LOCAL RENT SUPPLEMENT AMENDMENT

Sec. 2041. Short title.

This subtitle may be cited as the "Local Rent Supplement 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 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 Amendment Act of 2015".

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 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.

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 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.

(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.".

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(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;

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

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"(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 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 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) Subparagraph (B) is amended by striking the word "or" at the end.

(b) 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".

(c) 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 June 10, 2014.

SUBTITLE J. SOLAR PERMITTING FEES TECHNICAL AMENDMENT

Sec. 2091. Short title.

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

Sec. 2092. Section 2022 of the Solar Permitting Fees Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990), is amended by striking the phrase "12-K," both times it appears and inserting the phrase "12-M" in its place.

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SUBTITLE K. ELECTRIC COMPANY INFRASTRUCTURE IMPROVEMENT

Sec. 2101. Short title.

This subtitle may be cited as the "Electric Company Infrastructure Improvement Financing 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.".

Sec. 2103. Applicability.

This subtitle shall apply as of May 3, 2014.

SUBTITLE L. ADULT CAREER PATHWAYS TASK FORCE AMENDMENT

Sec. 2111. Short title.

This subtitle may be cited as the "Adult Career Pathways Task Force 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:".

(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.

ENROLLED ORIGINAL

SUBTITLE M. ADULT CAREER PATHWAYS IMPLEMENTATION

Sec. 2121. Short title.

This subtitle may be cited as the "Career Pathways Implementation 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")."

(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.".

ENROLLED ORIGINAL

SUBTITLE N. CLEAN TEAM EXTENSION

Sec. 2131. Short title.

This subtitle may be cited as the "Clean Team Extension 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 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;

(C) Survey the designated area to ensure an adequate number of trash and recycle bins;

(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 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 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 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 Amendment Act of 2015".

ENROLLED ORIGINAL

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;

"(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).

ENROLLED ORIGINAL

"(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.

"(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

"(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 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.".

ENROLLED ORIGINAL

SUBTITLE S. SOCCER STADIUM DEVELOPMENT TECHNICAL CLARIFICATION

Sec. 2181. Short title.

This subtitle may be cited as the "Soccer Stadium Development Technical Clarification 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, 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;

"(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:

"(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.".

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 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 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 Amendment Act of 2015".

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;

"(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 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.

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;

(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.".

SUBTITLE B. CHILD FATALITY REVIEW COMMITTEE AMENDMENT

Sec. 3011. Short title.

This subtitle may be cited as the "Child Fatality Review Committee Establishment 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 phase "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.".

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 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 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 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 Amendment Act of 2015".

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:

ENROLLED ORIGINAL

"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
"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

ENROLLED ORIGINAL

"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
"At-risk	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))	0.219	$2,079

"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2016
"Level 1: Special Education - Residential	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	0.368	$3,493
"Level 2: Special Education - Residential	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	1.337	$12,691
"Level 3: Special Education - Residential	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	2.891	$27,438
"Level 4: Special Education - Residential	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	2.874	$27,280

"LEP/NEP - Residential	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	0.668	$6,341

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

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2016
"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 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

"(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 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 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.

(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 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.

SUBTITLE F. DCPS SPONSORSHIP OPPORTUNITIES AMENDMENT

Sec. 4051. Short title.

This subtitle may be cited as the "District of Columbia Public Schools Sponsorship Opportunities 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.

"(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 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:

"(16) Information exempt from disclosure pursuant to section 7g of the State Education Office Establishment Act of 2000, passed on 2nd reading on June 30, 2015 (Enrolled version of Bill 21-158).".

SUBTITLE H. BOOKS FROM BIRTH

Sec. 4071 . Short title.

This subtitle may be cited as the "Books from Birth Establishment 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;

"(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 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).

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.

SUBTITLE J. AT-RISK FUNDING AMENDMENT

Sec. 4091. Short title.

This subtitle may be cited as the "At-Risk Funding 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.

SUBTITLE K. ENVIRONMENTAL LITERACY SPECIALIST PILOT PROGRAM

Sec. 4101. Short title.

This subtitle may be cited as the "Environmental Literacy Specialist Pilot Program 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.

"(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 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, 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 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) 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 March 25, 2015.

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 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.

This subtitle may be cited as the "Youth Bullying Prevention 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 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;

"(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.".

ENROLLED ORIGINAL

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 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 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.".

ENROLLED ORIGINAL

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 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 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.".

ENROLLED ORIGINAL

SUBTITLE T. RAISING EXPECTATIONS FOR EDUCATION AMENDMENT

Sec. 4191. Short title.

This subtitle may be cited as the "Raising Expectations for Education 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.".

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 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 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, 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 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.

SUBTITLE D. PHARMACEUTICAL DETAILING LICENSURE EXEMPTION

Sec. 5031. Short title.

This subtitle may be cited as the "Pharmaceutical Detailing Licensure Exemption 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 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 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 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 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)(l)), 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.

(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.

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.

(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

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 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.

(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

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.

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. Sunset.

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 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;

"(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 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.".

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

SUBTITLE A. PARKING AMENDMENT

Sec. 6001. Short title.

This subtitle may be cited as the "Parking Amendment Act of 2015".

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 subsequent offense $60.	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 subsequent offense $60.

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

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 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 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.".

ENROLLED ORIGINAL

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 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 9l is added to read as follows:

"Sec. 9l. 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 9l" 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 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:

(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 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 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

Sec. 6071. Short title.

This subtitle may be cited as the "Bicycle and Pedestrian Advisory Council Term Clarification 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 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.

(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 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

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 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 Amendment Act of 2015".

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 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 Amendment Act of 2015".

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 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.

"(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 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.

(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.

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SUBTITLE P. PUBLIC SPACE RENTAL FEE WAIVER

Sec. 6151. Short title.

This subtitle may be cited as the "Public Space Rental Fee Waiver 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 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 September 30, 2015.

SUBTITLE R. SUSTAINABLE FOOD SERVICE WARE CLARIFICATION

Sec. 6171. Short title.

This subtitle may be cited as the "Sustainable Food Service Ware Clarification 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.

(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 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 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) 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 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:

"(A) Under 22 years of age; and

"(B) Enrolled in a District of Columbia public school or public charter school at the 12th grade or lower or enrolled in an alternative, adult, or special education District of Columbia public school or 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 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.".

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; D.C. Official Code § 32-1368), 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; D.C. Official Code § 2-275.01(a)), 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; D.C. Official Code § 32-1231.15), is amended to read as follows:

"Sec. 16. Applicability.

"This act shall apply as of October 1, 2015.".

Sec. 7010. 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.

Sec. 7011. The Retail Incentive Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-288; 60 DCR 2325), is repealed.

Sec. 7012. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

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

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

Sec. 7013. Section 701 of the Raising Expectations for Education Outcomes Omnibus Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-757.01), is repealed.

Sec. 7014. The Senior Citizen Real Property Tax Relief Act of 2013, effective May 28, 2014 (D.C. Law 20-105; 61 DCR 3474), is repealed.

SUBTITLE B. PRIOR BUDGET ACT AMENDMENTS

Sec. 7021. Short title.

This subtitle may be cited as the "Prior Budget Act Amendment Act of 2015".

Sec. 7022. (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. 7023. The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472), is amended as follows:

(a) Section 7313 is repealed.

(b) Section 7314(b) is amended by striking the phrase "50% of".

(c) 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. 7024. The Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990), is amended as follows:

(a) Section 1053 is repealed.

(b) Section 7152(b)(1) (D.C. Official Code § 1-325.291(b)(1)) is amended by striking the phrase "$60.9 million".

(c) Section 7153(b) (D.C. Official Code § 1-325.301(b)) is amended by striking the phrase "$60.9 million".

(d) Section 7154(b) (D.C. Official Code § 1-325.311(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.

(e) 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.".

(f) Section 7182 and 7183 (D.C. Official Code §§ 2-1210.31 and 2-1210.32) are repealed.

(g) 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.

(h) Section 9009 is repealed.

Sec. 7025. 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:

(a) The existing text is designated as sub-subparagraph (i) and amended as follows:

(1) Strike the phrase "2014, and 2015" and insert the phrase "and 2014" in its place.

(2) Strike the figure "$30,000" and insert the figure "$20,000" in its place.

(b) 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.".

Sec. 7026. 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.".

Sec. 7027. 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.

Sec. 7028. 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 as follows:

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

(i) Paragraph (3) is amended by adding a new sentence at the end to read as follows:

"Only the land values of comparable multi-family residential properties shall be used in determining land values for vault rent purposes of residential condominiums.".

(ii) Paragraph (5) is amended by striking the phrase "Provided that the land values of comparable multi-family residential properties shall only be used in determining land values for vault rent purposes in residential condominiums, the" and inserting the word "The" in its place.

Sec. 7029. Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase "§ 28-3905" and inserting the phrase "Chapter 18 of Title 2" in its place.

Sec. 7030. 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:

(a) 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.".

(b) Section 4074(a) (D.C. Official Code § 38-283(a)) is amended as follows:

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

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

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

"(4) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report listing the names and locations of licensed child development facilities with 50 % or more eligible children enrolled, whether or not the facility participates in the CACF Program, and whether and why the facility was excused from participation.".

(c) A new section 4077 is added to read as follows:

"Sec. 4077. Applicability.

"This subtitle shall apply as of October 1, 2015.".

Sec. 7031. 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.

Sec. 7032. 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:

"(c) This section shall not apply to a home purchase with a closing date of after March 30, 2015.".

Sec. 7033. Section 47-181 of the District of Columbia Official Code is amended as follows:

(a) 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; 61 DCR 9990) ("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.".

(b) 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.

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

(1) Paragraph (7) is amended by striking the figure "$6,650" and inserting the figure "$6,500" in its place.

(2) Paragraph (13) is amended by striking the phrase "Raise estate" and inserting the phrase "Raise the estate" in its place.

(d) 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.

Sec. 7034. 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. 7035. Section 47-362(f)(2) of the District of Columbia Official Code is amended as follows:

(a) Designate the existing text as subparagraph (A).

(b) 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.

(c) 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.".

Sec. 7036. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) 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.

(b) Section 47-845.02 is amended as follows:

(1) 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.".

(2) 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.

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(3) Subsection (d) is amended by striking the phrase "and § 47-845," and inserting the phrase ", § 47-845, and § 47-845.03" in its place.

(4) 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.".

(c) Section 47-845.03 is amended as follows:

(1) 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.".

(2) Subsection (c) is amended by striking the phrase "at least 25 years" and inserting the phrase "at least the immediately preceding 25 years" in its place.

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

(4) 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.".

Sec. 7037. Chapter 13A of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the section designation "47-1390. Office of Real Property Tax Sale Review.".

(b) Section 47-1334(b) is amended by striking the phrase "1% per month" and inserting the phrase "1.5% per month" in its place.

(c) Section 47-1341 is amended as follows:

(1) 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

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"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

"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.

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"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).".

(2) 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.

"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).

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IN THE DISTRICT OF COLUMBIA

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

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

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

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

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

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

(d) Section 47-1346(a)(5) is amended as follows:

(1) Subparagraph (A) is amended by striking the word "taxes" and inserting the phrase "in rem taxes" in its place.

(2) Subparagraph (B) is amended by striking the word "taxes" and inserting the phrase "in rem taxes" in its place.

(e) Section 47-1348 is amended as follows:

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(1) Subsection (a)(10) is amended by striking the phrase "1% per month" and inserting the phrase "1.5% per month" in its place.

(2) Subsection (c) is amended by striking the phrase "1% per month" and inserting the phrase "1.5% per month" in its place.

(f) Section 47-1353(d) is amended by striking the phrase "1% per month" and inserting the phrase "1.5% per month" in its place.

(g) 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.
- "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.....

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"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).".

(h) Section 47-1354(b) is amended by striking the phrase "the other purchaser" and inserting the phrase "such other purchaser" in its place.

(i) Section 47-1361(d)(1) is amended by striking the phrase "subsection (b-1)" and inserting the phrase "subsection (b-2)" in its place.

(j) Section 47-1377(a)(1)(A)(i) is amended by striking the word "amount" and inserting the word "cost" in its place.

Sec. 7038. Section 47-1801.04(44) of the District of Columbia Official Code is amended as follows:

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

(1) Sub-subparagraph (i) is amended by striking the semicolon and inserting the phrase "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;" in its place

(2) Sub-subparagraph (ii) is amended by striking the phrase "January 1, 2015" and inserting the phrase "December 31, 2014" in its place.

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

(1) The lead-in language is amended by striking the phrase "January 1, 2015" and inserting the phrase "December 31, 2014" in its place.

(2) Sub-sub-subparagraph (I) is amended by striking the phrase "$6,650" and inserting the phrase "$6,500" in its place.

(c) Subparagraph (C)(ii) is amended as follows:

(1) The lead-in language is amended by striking the phrase "January 1, 2015" and inserting the phrase "December 31, 2014" in its place.

(2) Sub-sub-subparagraph (I) is amended by striking the phrase "$6,650" and inserting the phrase "$8,350" in its place.

(3) Sub-sub-subparagraph (II) is amended by striking the phrase "$7,800" and inserting the phrase "$10,275" in its place.

Sec. 7039. 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.".

Sec. 7040. Section 47-1806.02 of the District of Columbia Official Code is amended as follows:

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

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

(b) 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.

(c) Subsection (i)(2) is amended by striking the phrase "and subject to § 47-1806.04(e)".

Sec. 7041. 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.

Sec. 7042 Section 47-1806.06 of the District of Columbia Official Code 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.

Sec. 7043. Section 47-2002(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (5) is repealed.

(b) Paragraph (6) is repealed.

Sec. 7044. 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.".

Sec. 7045. Section 47-3702 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase "before January 1, 2015" and inserting the phrase "before January 1, 2016" in its place.

(b) 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 $6million 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%.".

(c) Subsection (b) is amended by striking the phrase "before January 1, 2015" and inserting the phrase "before January 1, 2016" in its place.

Sec. 7046 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.

Sec. 7047. 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.

Sec. 7048. Applicability.

(a) Section 7028 shall apply as of July 1, 2015.

(b) Sections 7027, 7031, 7036, and 7037 shall apply as of October 1, 2014.

SUBTITLE C. PARKING TAX CONTINGENCY

Sec. 7051. Short title.

This subtitle may be cited as the "Parking Tax Contingency Amendment Act of 2015".

Sec. 7052. 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. 7053. Section 7052 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 7092(c).

SUBTITLE D. LOW INCOME CREDIT AMENDMENT

Sec. 7061. Short title.

This subtitle may be cited as the "Low Income Credit Amendment Act of 2015".

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Sec. 7062. 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:

"(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. 7063. Applicability.

This subtitle shall apply to taxable years beginning after December 31, 2014.

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SUBTITLE E. VAPOR PRODUCT AMENDMENT

Sec. 7071. Short title

This subtitle may be cited as the "Vapor Product Amendment Act of 2015".

Sec. 7072. 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

"(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. 7073. Applicability.

This subtitle shall apply for taxable periods beginning on or after October 1, 2015.

SUBTITLE F. NOTICE OF PROPOSED AUDIT CHANGES REQUIREMENT

Sec. 7081. Short title.

This subtitle may be cited as the "Notice of Proposed Audit Changes Requirement Amendment Act of 2015".

Sec. 7082. 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. 7091. Short title.

This subtitle may be cited as the "Fire and Emergency Medical Services Overtime Settlement Fund Act of 2015".

Sec. 7092. Fire and Emergency Medical Services Overtime Settlement Fund.

(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. 7093. Applicability.

If funds deposited under section 7092(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 7052 shall not apply.

SUBTITLE H. BUSINESS IMPROVEMENT DISTRICT TECHNICAL CLARIFICATION

Sec. 7101. Short title.

This subtitle may be cited as the "Business Improvement District Technical Amendment Act of 2015".

Sec. 7102. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 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:

(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. 7111. Short title.

This subtitle may be cited as the "District of Columbia Depository Expansion Amendment Act of 2015".

Sec. 7112. 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. 7121. Short title.

This subtitle may be cited as the "4427 Hayes Street, N.E., Real Property Tax Abatement Amendment Act of 2015".

Sec. 7122. 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. 7131. Short title.

This subtitle may be cited as the "Market-based Sourcing Clarification Amendment Act of 2015".

Sec. 7132. 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.

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

"(b) The purchaser shall receive simple interest of 1.5% 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) 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) 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;

"(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-subparagraph (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.".

(e)(1) Subsections (a),(b), and (c) of this section shall apply as of October 1, 2014.

(2)Subsection (d) of this section shall apply to tax years beginning after December 31, 2014.

SUBTITLE L. REAL PROPERTY ASSESSMENT APPOINTMENT CLARIFICATION

Sec. 7141. Short title.

This subtitle may be cited as the "Real Property Assessment Appointment Clarification Amendment Act of 2015".

Sec. 7142. Section 47-825.02 of the District of Columbia Official Code is repealed.

SUBTITLE M. SOUTHWEST BUSINESS IMPROVEMENT DISTRICT CLARIFICATION

Sec. 7151. Short title.

This subtitle may be cited as the "Southwest Business Improvement District Clarification Amendment Act of 2015".

Sec. 7152. Section 210(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.7161. Short title.

This subtitle may be cited as the "Standard Deduction Withholding Clarification Amendment Act of 2015".

Sec. 7162. 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. 7171. Short title.

This subtitle may be cited as the "Unified Economic Development Clarification Amendment Act of 2015".

Sec. 7172 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:

(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. 7181. Short title.

This subtitle may be cited as the "Combined Reporting Clarification Amendment Act of 2015".

Sec. 7182. 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;
"(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.".

ENROLLED ORIGINAL

SUBTITLE Q. UNION MARKET DISTRICT TIF

Sec. 7191. Short title.

This subtitle may be cited as the "Union Market District TIF Inducement Act of 2015".

Sec. 7192. 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.*).

(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. 7193. 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. 7194. 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. 7195. 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 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. 7201. Short title.

This subtitle may be cited as the "Real Property Tax Transfer Deferral Amendment Act of 2015".

Sec. 7202. 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.

(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. 7211. Short title.

This subtitle may be cited as the "National Cherry Blossom Festival Fundraising Match Act of 2015".

Sec. 7212. (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.*).

ENROLLED ORIGINAL

SUBTITLE T. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF

Sec. 7221. Short title.

This subtitle may be cited as the "Tregaron Conservancy Tax Exemption and Relief Amendment Act of 2015".

Sec. 7222. 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 "Lots 857, 859, and 860" and inserting the phrase "Lots 848, 857, 859, and 860" in its place.

Sec. 7223. Transfer exempt from transfer and recordation taxes.

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 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. 7224. Applicability.

This subtitle shall apply as of March 1, 2015.

SUBTITLE U. RETAIL SERVICE STATION TRANSFER TAX

Sec. 7231. Short title.

This subtitle may be cited as the "Retail Service Station Transfer Tax Amendment Act of 2015".

Sec. 7232. 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. 7241. Short title.

This subtitle may be cited as the "IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Fund Amendment Act of 2015".

Sec. 7242. 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; 61 DCR 9990), 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 2nd reading on June 30, 2015 (Enrolled version of Bill 21-158), 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

Sec. 7251. Short title.

This subtitle may be cited as the "Public Space Revenue Clarification Amendment Act of 2015".

Sec. 7252. 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. 7253. 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.

ENROLLED ORIGINAL

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 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 Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), and the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738).

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

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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
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 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.".

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 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 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 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:

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"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)).

"(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

"(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 the Alley Rehabilitation Project through a reprograming pursuant to Chapter 3 of Title 47 of the District of Columbia Official Code.

"(b) This section shall expire on September 30, 2016.".

SUBTITLE F. CAPITAL RESCISSIONS

Sec. 8051. Short title.

This subtitle may be cited as the "Fiscal Year 2016 Capital Rescission 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

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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 LIBRARY	0300	(621.15)
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	0300	(28,328.87)

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		MODERNIZATION/RENOVATION		
	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
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)**

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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 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.

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 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 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:		

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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
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**

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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.

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), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
August 11, 2015

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A CEREMONIAL RESOLUTION

21-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize and honor Laurie Solnik as a dedicated and committed volunteer of Hill Havurah for her work that made a difference in the lives of many District of Columbia residents.

WHEREAS, Laurie Solnik has lived on Capitol Hill for 22 years and has been part of Hill Havurah since its early days of meeting in people's living rooms;

WHEREAS, Laurie has helped build the havurah into a thriving community of 150 families, with 100 children in pre-school, Sunday school and B'nai Mitzvah programs;

WHEREAS, Laurie -- Moses-like -- brought us our cherished Sefer Torah from a store attic in Jerusalem;

WHEREAS, Laurie has led song-filled services for Kabbalat Shabbat, Havdalah, and Shabbat;

WHEREAS, Laurie has presided over wonderfully chaotic Tot Shabbat services and Torah Parades;

WHEREAS, Laurie has provided spiritual guidance and leadership at Hill Havurah High Holiday, Chanukah, Purim, and Passover services;

WHEREAS, Laurie has written, designed, and published countless editions of Hill Havurah's well-read Shmoozy Nus and kept our website up to date;

WHEREAS, Laurie has presided at 22 weddings and more than 50 baby namings;

WHEREAS, Laurie has schlepped all around town to ensure that our children had arts and crafts at all our holiday gatherings and that we were well-fed;

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WHEREAS, Laurie has worked tirelessly with our Christian brothers and sisters in the neighborhood to build strong relationships for our many programs and events; and

WHEREAS, Laurie has been the all-knowing “bubbe” of Hill Havurah, its heart and soul who welcomes all to our community and nurtures the bonds between us.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia acknowledges and applauds Laurie Solnik for her dedication to Hill Havurah.

Sec. 2. This resolution may be cited as the “Laurie Solnik Recognition Resolution of 2015”.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize, honor, and express our overwhelming gratitude to Will Stephens for his commitment to excellence and his numerous contributions to the District of Columbia and her citizens, and to declare May 8, 2015, as "Will Stephens Day" in the District of Columbia.

WHEREAS, Will Stephens has served as a Commissioner on the DuPont circle Advisory Neighborhood Commission for 7½ years;

WHEREAS, Will Stephens did a truly outstanding job representing the constituents in his Single Member District;

WHEREAS, Will Stephens has served as Chairman of the DuPont Circle Advisory Neighborhood Commission for 4½ ;

WHEREAS, Will Stephens, as Chairman of the DuPont Circle Advisory Neighborhood Commission, played a major role in coordinating and guiding it to become one of the, if not the very best, Advisory Neighborhood Commissions in Washington, D.C.;

WHEREAS, Will Stephens' work in and for his community greatly contributed to superb communication between the community and local authorities – and local authorities and the community; and

WHEREAS, Will Stephens was able to draw on a unique skill to identify key community issues and problems and then set in motion these issues and problems.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia salutes and congratulates Will Stephens for his commitment to the citizens of the District of Columbia, recognizes and honors him for his outstanding service and superlative leadership, and declares May 8, 2015, as "Will Stephens Day" in the District of Columbia.

Sec. 2. This resolution may be cited as the "Will Stephens Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize, honor, and express our overwhelming gratitude to Commander Michael Reese for his untiring dedication and service to the residents of the District of Columbia on the occasion of his retirement, and to declare May 1, 2015, as "Michael Reese Day" in the District of Columbia.

WHEREAS, Commander Michael Reese and his family reside in the District of Columbia and for almost 30 years he worked for the Metropolitan Police Department;

WHEREAS, Michael Reese served as Commander of the Second District for the past 4 years, partnering with residents, elected leaders, universities, and businesses;

WHEREAS, Commander Michael Reese set an example of outstanding leadership, dedication, and community cooperation, treating everyone - his officers and civilians alike - with respect and dignity; and

WHEREAS, Commander Michael Reese retired from the Metropolitan Police Department on March 9, 2015, and will embark on a new career with the District of Columbia Housing Authority as Deputy Chief of Police, continuing his service to the residents of the District of Columbia.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia recognizes, honors, and salutes Commander Michael Reese for his stellar service to the residents of and visitors to the District of Columbia, extends its sincere best wishes, and declares May 1, 2015, as "Michael Reese Day" in the District of Columbia.

Sec. 2. This resolution may be cited as the "Commander Michael Reese Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize and honor House of Ruth Board of Director members John Harwood, Astrid Weigert, and Ellen Adams for their many years of dedicated service.

WHEREAS, House of Ruth was founded in 1976;

WHEREAS, House of Ruth helps women, children, and families in greatest need and with very limited resources build safe, stable lives and achieve their highest potential;

WHEREAS, at House of Ruth, women, children, and families heal from lifetimes of traumatic abuse;

WHEREAS, House of Ruth has 14 programs in Washington, D.C., where the capacities and needs of each woman and child are assessed and a specialized combination of services to meet their specific needs and build on their strengths is designed;

WHEREAS, every year at House of Ruth, more than 1,000 women and children work hard to learn the skills to live independently so they can eliminate homelessness and abuse from their lives;

WHEREAS, House of Ruth enfolds the women and families in an environment that is safe, structured, and predictable and they receive highly responsive and caring attention from the staff;

WHEREAS, House of Ruth's Board of Directors consists of dedicated individuals who believe in the vision to enable the largest number of people served to achieve stable housing, trauma recovery, mental health, addiction recovery, employment, and abuse-free relationships to heart; and

WHEREAS, three of those Board of Directors members, Attorney John Harwood, German Professor at Georgetown University, Astrid Weigert, and Dr. Ellen Adams have admirably served a combined total of 31 years and are retiring.

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IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia recognizes and honors John Harwood, Astrid Weigert and Ellen Adams for their many contributions to the citizens and the city of Washington, D.C., congratulates them, and wishes them the best.

Sec. 2. This resolution may be cited as the "John Harwood, Astrid Weigert, and Ellen Adams House of Ruth Board of Directors Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize, honor, and express overwhelming gratitude to the members of the Washington Convention Center Advisory Committee for 20 years of dedicated voluntary service and professionalism.

WHEREAS, since the origin of the Washington Convention Center Advisory Committee ("WCCAC") in 1995, Carmencita Kinsey (Chair), Elizabeth Blakeslee (First Vice-Chair and Secretary), Anthony Giancola (Second Vice-Chair), Joseph Hairston (Parliamentarian), Winifred Abdul-Rahim, Doris Brooks, Stephen Cochran, Third District MPD Commander Jacob Kishter, Linda Lee, Gregory Melcher, Daniel Nadeau, Denise Tolliver, and ANC 6E01 Commissioner Alexander Padro have all made valuable contributions to the work of the Washington Convention and Sports Authority and the Washington Convention Center Advisory Committee;

WHEREAS, since long before the opening of the Washington Convention Center in 2003, the valuable recommendations of the WCCAC to the Washington Convention and Sports Authority Board of Directors, staff and contractors proved to be successful;

WHEREAS, the WCCAC provided updates to the community and received input from the community by holding regularly scheduled meetings of the entire advisory committee and subcommittee meetings as deemed necessary to discuss issues relating to transportation, public safety, economic development, community relations, and urban planning;

WHEREAS, in accordance with Bill 17-80, the Washington Convention Center Authority Advisory Committee Act of 2008, the WCCAC served as the liaison to the community on matters pertaining to the Walter E. Washington Convention Center Headquarters Hotel, the Marriott Marquis Washington DC;

WHEREAS, in this capacity, the WCCAC created a Convention Center Headquarters Hotel Ad Hoc Subcommittee consisting of the Headquarters Hotel Development Team, members of the WCCAC, and 23 community representatives (stakeholders from the immediate impacted

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area);

WHEREAS, the Headquarters Hotel Ad Hoc Subcommittee provided community input via regularly scheduled meetings to the Headquarters Hotel Development Team during its approvals, groundbreaking, pre-construction, construction, and opening phases of the hotel in the following areas: Community Impact; Landscape Preparation for Approval Hearings, such as the Zoning Commission and Historic Preservation Review Board; Retail Space (space to serve both the community and hotel guests); Traffic Control Plan (TCP); Citywide Transportation Management Plan (TMP); and Transportation Operation Plan (TOP) to include Truck/Bus/Taxi Staging, Pedestrian Access/Movement, Parking, Mass Transit Connection and Traffic Flow around the Headquarters Hotel and the Convention Center; Street Furnishings; Training (in accordance with Bill 18-0310, the New Convention Center Hotel Amendment Act of 2009), and any other issues deemed necessary by the Headquarters Hotel Development Team, Washington Convention and Sports Authority Board of Directors, Washington Convention Center Advisory Committee, and Convention Center staff or contractors;

WHEREAS, the WCCAC participated in numerous community meetings and made valuable recommendations to the Washington Convention and Sports Authority Board of Directors and staff or contractors regarding, but not limited to, urban planning, streetscape improvements, public safety, transportation issues, retail development, utilization of local, small, and disadvantaged businesses and affirmative action;

WHEREAS, the District of Columbia would not have a world-class convention center without the tireless efforts of the members of the Washington Convention Center Advisory Committee for the past 20 years; and

WHEREAS, the model of the WCCAC is an example for other major projects throughout the city as a new way of operating resulting in significantly simplifying communication of problems, issues, and ideas.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia applauds the efforts of Carmencita Kinsey (Chair), Elizabeth Blakeslee (First Vice-Chair and Secretary), Anthony Giancola (Second Vice-Chair), Joseph Hairston (Parliamentarian), Winifred Abdul-Rahim, Doris Brooks, Stephen Cochran, Third District MPD Commander, Jacob Kishter, Linda Lee, Gregory Melcher, Daniel Nadeau, Denise Tolliver, and ANC 6E01 Commissioner Alexander Padro, in their commitment over the past 20 years of working with the Washington Convention and Sports Authority and the Marriott Marquis Washington DC to build and operate these exceptional facilities that continue to respect the surrounding community and serve as a catalyst for economic development

ENROLLED ORIGINAL

throughout the District of Columbia.

Sec. 2. This resolution may be cited as the “Washington Convention Center Advisory Committee Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize the success of the University of the District of Columbia women's basketball team and celebrate the 40th anniversary of the historic 1975 competition between the Federal City College (now the University of the District of Columbia) Pantherettes and the Chinese Women's National Team.

WHEREAS, the Federal City College Pantherettes were selected and ranked 16th in the 1975 Association of Intercollegiate Athletics for Women National Women's Basketball Championships and, for the 1975-1976 season, were preseason ranked No. 1 by Popular Sports Magazine;

WHEREAS, in the first round of the 1975 regular season championship games, the Federal City College Pantherettes played the country's No. 1-ranked team, Delta State University;

WHEREAS, although Delta State was favored to win, the Pantherettes successfully carried the game into overtime, but unfortunately lost by just 2 points after a travelling call;

WHEREAS, the Pantherettes finished 5th overall in the 1975 championship, one of the most successful finishes of a historically black college or university;

WHEREAS, adding to its 1975 success, the Federal City College women's basketball team was selected that year to be one of 5 women's college basketball teams to engage in USA-People's Republic of China Sports Diplomacy, dubbed "Friendship First, Competition Second;"

WHEREAS, participants in this tournament included California State University in Los Angeles, Delta State University in Tennessee, the USA National Team in Rochester, NY, Queens College at Madison Square Garden, and the Federal City College;

WHEREAS, *t*his tournament marked the first ever visit by an all-female team from China to the United States;

ENROLLED ORIGINAL

WHEREAS, according to, Charles Woodruff Yost, then Chairman of the Board for the National Committee on United States-China Relations, Inc., sports played a vital role in the normalization of relations between the United States and China, beginning in 1971 with the cordial hospitality extended by the Chinese to the US Table Tennis Team; and

WHEREAS, on February 12, 2014, at the Embassy of China, Deputy Head & Counsellor Zha Liyou announced, in recognition of the 40th anniversary of the historic sports diplomacy event, that the embassy would like to bring all 5 teams to China in 2015.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the District of Columbia applauds the success of the Federal City College Panthorettes and appreciates their representation of the United States and the District of Columbia with the highest degree of class, dignity, and respect throughout all related diplomatic events.

Sec. 2. This resolution may be cited as the "Federal City College Pantherettes Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize and celebrate the success of the Earth Conservation Corps in cleaning up the Anacostia River and elevating the livelihoods of at-risk youth throughout the District of Columbia.

WHEREAS, the Earth Conservation Corps is a nonprofit, environmental action program dedicated to the restoration of the Anacostia River and empowering underserved youth in the District of Columbia to reclaim their communities and their livelihoods by way of restoring the river;

WHEREAS, the Earth Conservation Corps' River of Hope partnership seeks to engage more than 2,000 at-risk youth by providing them with skills, job training, and employment opportunities throughout the course of their volunteer service;

WHEREAS, partners include the Environmental Protection Agency and the District Department of the Environment whose guidance and expertise provide volunteers with the experience to set them on a path toward a profession in the environmental sciences;

WHEREAS, the Earth Conservation Corps, along with Living Lands & Waters, a national river restoration organization, cohosts the "Capital River Relief" project, a 3-week river cleanup event, which galvanizes more than 400 volunteers to remove trash and debris from the Anacostia River;

WHEREAS, on Earth Day, the Earth Conservation Corps mobilizes over 200 volunteers to remove about 7.5 tons of trash from the river as part of the project;

WHEREAS, through their ongoing in-school, after-school, and summer programming partnership with the District of Columbia Public Schools, Earth Conservation Corps members have delivered their conservation lessons to more than 2,820 younger children and their families; and

WHEREAS, when the Earth Conservation Corps was founded in 1989, the Anacostia River was one of the most polluted rivers in the United States; however, today the river is

ENROLLED ORIGINAL

recovering in part due to the strong leadership of Bob Nixon, the Founder and Co-Chair, and Brenda Richardson, the Community Outreach Director, and their dramatic reclamation effort.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the District of Columbia is grateful for the unwavering commitment of the volunteers of the Earth Conservation Corps to the restoration of the Anacostia River and encourages the Earth Conservation Corps to continue to engage District youth in green infrastructure projects and environmental education programs.

Sec. 2. This resolution may be cited as the "Earth Conversation Corps Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2015

To recognize the first anniversary of Breast Care for Washington operating in the District of Columbia.

WHEREAS, Breast Care for Washington ("BCW") was founded in 2012 as a community-centered breast cancer screening organization to enhance access to breast cancer screening and care among medically underserved women in the Washington, D.C. area;

WHEREAS, the mission of BCW is to reduce the breast cancer mortality rate in the Washington, D.C. area by promoting access to breast cancer screening, diagnostics, and treatment to all women, regardless of their ability to pay;

WHEREAS, BCW's permanent screening center opened in May 2014 within a federally qualified health center in Community of Hope's new Conway Health and Resource Center in Ward 8;

WHEREAS, the District of Columbia has the unfortunate distinction of leading the nation in breast cancer mortality per capita at 29.4 deaths per 100,000 and mortality rates are above 30 per 100,000 in Ward 8 and in 3 of the District's other wards;

WHEREAS, BCW is the first and only facility to provide comprehensive breast screening services using state-of-the-art 3D mammography technology east of the Anacostia River, and the first entity to provide comprehensive breast screening services within a primary care setting in the metropolitan area;

WHEREAS, BCW's future plans include a truly mobile screening program that allows mammography services to be provided within other health centers, homeless shelters, and community venues on a rotating basis; and

WHEREAS, BCW is making a difference in the lives of women who need these services the most.

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IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia congratulates this valuable organization on its first year of service, and does hereby wish Breast Care for Washington much success as it continues its mission to achieve better health outcomes in the District of Columbia by promoting access to breast cancer screening, diagnostics, and treatment for all women who need it, regardless of their insurance coverage or ability to pay.

Sec. 2. This resolution may be cited as the "First Anniversary of Breast Care for Washington Operating in the District of Columbia Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To recognize, congratulate, and honor The National Cathedral School Class of 2015 for believing in the power of young women and embracing the core values of excellence, service, courage, and conscience, and to declare May 18, 2015, as "The National Cathedral School Class of 2015 Day" in the District of Columbia.

WHEREAS, The National Cathedral School ("NCS") believes in the power of young women and educates them to embrace NCS's core values of excellence, service, courage, and conscience;

WHEREAS, The National Cathedral School Class of 2015 is truly an iconic class, filled with students headed off to colleges in 3 different countries, with 4 taking a gap year;

WHEREAS, they join NCS alumnae at institutions such as the University of Pennsylvania, Trinity College, and the University of Virginia, and are the first alumnae in years to matriculate to institutions such as the Parsons School of Design, UCLA, and the University of British Columbia;

WHEREAS, The National Cathedral School Class of 2015 has students who planned the first co-educational Diversity Forum, confronting issues of gender roles, race, and socioeconomic class;

WHEREAS, The National Cathedral School Class of 2015 has members who have won ISL and city championships in softball, basketball, soccer, cross country, and volleyball; and

WHEREAS, The National Cathedral School Class of 2015 has completed a total of 6000 community service hours, including service at organizations such as Christ House, the Anacostia Watershed, Excel Public Charter School, Fort DuPont Ice Arena, Horizons Greater Washington, and We Read DC.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia recognizes, congratulates, and honors The National Cathedral School Class of 2015, and declares May 18, 2015, as "The National Cathedral School Class of 2015 Day" in the District of Columbia.

ENROLLED ORIGINAL

Sec. 2. This resolution may be cited as "The National Cathedral School Class of 2015 Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To recognize and honor the Washington Capitals on their stellar regular season and advancement to the National Hockey League's Eastern Conference semifinals.

WHEREAS, the Washington Capitals under the ownership of Ted Leonsis and the coaching of Barry Trotz have brought action and excitement to Washington, D.C. and the metropolitan area for the past decade;

WHEREAS, Alex Ovechkin became the all-time franchise goal and point leader, ending the season with 475 goals and 895 points, won the Rocket Richard trophy for the most goals scored during the season, and is a finalist for both the Hart Trophy and the Ted Lindsay Award;

WHEREAS, Nicklas Backstrom became the all-time franchise assist leader, ending the season with 419 assists;

WHEREAS, the Washington Capitals returned to the playoffs after a one year absence by finishing second in the Metropolitan Division with a 45-26 record and 101 points;

WHEREAS, the Washington Capitals beat the New York Islanders in the Eastern Conference quarterfinals;

WHEREAS, the Washington Capitals advanced to the Eastern Conference semifinals and lost in overtime to the New York Rangers in Game 7;

WHEREAS, the Washington Capitals have helped in the transformation of Chinatown and the Gallery Place neighborhood into an exciting destination for the entire metropolitan area;

WHEREAS, the Washington Capitals contribute to the good of the community through the Washington Capitals Charities and a variety of fundraising efforts and donations; and

ENROLLED ORIGINAL

WHEREAS, Washington, D.C. and the entire metropolitan area looks forward to "rocking the red", supporting and routing for the Washington Capitals for many years to come.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia salutes the Washington Capitals for its spirit and countless achievements in advancing sporting excellence in Washington, D.C. and recognizes and congratulates all of the Washington Capitals on their individual achievements during this stellar season.

Sec. 2. This resolution may be cited as the "Washington Capitals' 2014-2015 Season Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To recognize the importance of DC Black Pride to the community and to welcome visitors from this region, across the country, and around the world to the festival and associated events.

WHEREAS, May 22, 2015 through May 25, 2015, marks the 25th Annual DC Black Pride Celebration;

WHEREAS, DC Black Pride is the oldest and one of the largest Black Pride events in the world, drawing thousands of visitors from around the globe;

WHEREAS, the mission of DC Black Pride has always been to increase awareness of and pride in the diversity of the lesbian, gay, bisexual, transgender, and questioning in the African American community as well as support organizations that focus on health disparities, education, youth, and families;

WHEREAS, DC Black Pride is led by Earl D. Fowlkes, Jr. and Kenya Hutton and a volunteer Advisory Board that coordinates this annual event and consists of: Andrea Woody-Macko; Genise Chambers; Re'ginald Shaw-Richardson, Joseph F. Young; Cedric Harmon; Jeffrey Richardson, Angela Peoples, Thomas King , C. Hawkins and Sonya Hemphill;

WHEREAS, as the very first Black Pride festival, DC Black Pride fostered the beginning of the Center for Black Equity (formerly known as the International Federation of Black Prides, Inc. (IFBP)) and the "Black Pride Movement," which now consists of 40 Black Prides on 4 continents;

WHEREAS, DC Black Pride is a program of the Center For Black Equity;

WHEREAS, DC Black Pride 2015 is a multi-day festival featuring: an Opening Reception; community town hall meetings; educational workshops; a poetry slam; a film festival; an interfaith service; performances by musicians, dancers, and other artists; and the Health and Wellness Expo, the culminating event of DC Black Pride;

ENROLLED ORIGINAL

WHEREAS, DC Black Pride is widely considered to be one of the world's preeminent Black Pride celebrations, drawing more than 30,000 people to the Nation's Capital from across the United States as well as Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands; and

WHEREAS, the theme for this year's celebrations is: "DC Black Pride 2015: "25! Inspiring a Movement, The Mission Continues".

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia hereby honors the hard work of all those involved in organizing the 25th Annual DC Black Pride Celebration, and welcomes visitors from this region and across the country and the world to the 2015 DC Black Pride Festival and associated events.

Sec. 2. This resolution may be cited as the "DC Black Pride Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To recognize the 30th anniversary of Positive Force D.C. and Revolution Summer as part of the broad contribution of punk rock music and culture to the city.

WHEREAS, the District of Columbia has a vibrant musical culture and history, which is deeply entwined with social movements and making the world a better place;

WHEREAS, Positive Force D.C.'s mission is to harness the arts in service to social justice for the most marginalized and vulnerable among us, turning words into action through benefit concerts, protests, educational events, art shows, and direct service to those in need;

WHEREAS, beginning in June of 1985, Positive Force D.C. and others declared "Revolution Summer" to promote social and personal transformation, including protests at the South African embassy and beyond, benefit concerts for frontline community groups, concern for animal rights, communal living, and rejecting sexism in the music scene;

WHEREAS, thirty years later, Positive Force D.C. and the punk rock community continue to promote the connection between music and community, delivering groceries to seniors, organizing demonstrations, promoting social awareness, and raising money for nonprofits;

WHEREAS, our city is home to the fertile and committed punk scene that helped to birth and support Positive Force D.C., inspiring people around the world to do it themselves, from Bad Brains and Positive Mental Attitude, to Minor Threat and straight-edge, to Rites of Spring and Revolution Summer, to Fugazi and all-ages concerts, to Bikini Kill and Riot Grrrl, and every expression of that defiant, inclusive, creative, and compassionate spirit displayed today;

WHEREAS, Positive Force D.C. believes that the past must be fuel for work in the present moment, providing inspiration to build a community, city, country, and world with a place for everyone, where every person truly matters, where we lift one another up towards our greatest possibilities, and where no one is forgotten or thrown away; and

ENROLLED ORIGINAL

WHEREAS, Positive Force D.C. calls on us all to be not simply witnesses, but participants, challenging ourselves and our world, knowing that revolution starts now with each of us.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia recognizes the 30th anniversary of Positive Force D.C. and Revolution Summer as part of the broad contribution of punk rock music and culture to the city.

Sec. 2. This resolution may be cited as the "Positive Force 30th Anniversary Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To recognize the role of the Maverick Room at 2305 4th Street, N.E., and other music venues for their critical role in the development and support of the District of Columbia's indigenous go-go music and culture.

WHEREAS, the District of Columbia has a rich musical history and musicians and the arts continue to play a vital role in making the District a wonderful place to live, work, and visit;

WHEREAS, go-go music and culture are indigenous to the District of Columbia and contribute to the creative, economic, and entertainment fabric of our city;

WHEREAS, the Maverick Room was open in the 1960s and 1970s at 2305 4th Street, N.E., and, along with other venues, such as Panorama Room, Disco Trés Chic, and Thumpers, featured musical acts and fans that developed the go-go sound;

WHEREAS, Chuck Brown and the Soul Searchers, Rare Essence, Trouble Funk, Experience Unlimited, and other groups created and popularized go-go;

WHEREAS, the District of Columbia's past, present and future are enriched by the web of people and places connected to go-go, including musicians, fans, venues, record stores, disc-jockeys, dancers, and more; and

WHEREAS, we have an obligation to safeguard and celebrate this cultural gem and ensure that go-go continues to thrive in the District of Columbia in the future, such as through a Go-Go Institute.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that the Council of the District of Columbia recognizes the rich contributions made to our city by go-go music and culture, which was incubated at the Maverick Room.

Sec. 2. This resolution may be cited as the "Maverick Room Go-Go Heritage Recognition Resolution of 2015".

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA

EXCEPTED SERVICE APPOINTMENTS AS OF JULY 31, 2015

NOTICE OF EXCEPTED SERVICE EMPLOYEES

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Trantham, Paul	Constituent Services Coordinator	1	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Date:	January 6, 2016

License No.:	ABRA-098547
Licensee:	Bardo, LLC
Trade Name:	Bardo Riverfront
License Class:	Retailer's Class "C" Tavern
Address:	25 Potomac Avenue, S.E.
Contact:	William Stewart: 762-233-7070

WARD 6 ANC 6D SMD 6D07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the 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 January 6, 2016.

NATURE OF OPERATION

New outdoor tavern with Summer Garden seating 750 patrons and brewpub. Total occupancy load of 750.

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

Sunday through Thursday 11 am – 2 am and Friday & Saturday 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 14, 2015
Petition Date: September 28, 2015
Hearing Date: October 13, 2015
Protest Hearing: January 06, 2016

License No.: ABRA-099786
Licensee: Bonfire, LLC
Trade Name: Bonfire
License Class: Retail Class "C" Restaurant
Address: 1132 19th Street, N.W.
Contact: Faigal Gill 310-418-6675

WARD 2 ANC 2B SMD 2B06

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 09, 2015 at 1:30 pm.

NATURE OF OPERATION
New Restaurant with modern American cuisine and entertainment. Occupancy load is 136.

HOURS OF OPERATON
Sunday through Thursday 10 am –2 am, Friday and Saturday 10 am –3 am

HOURS OF SALES/SERVICE/CONSUMPTION
Sunday through Thursday 10 am –2 am, Friday and Saturday 10 am –3 am

HOURS OF OPERATION OF ENTERTAINMENT
Sunday through Thursday 6 pm –2 am, Friday and Saturday 6 pm –3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Date:	January 6, 2016

License No.:	ABRA-099947
Licensee:	Burn DC, LLC
Trade Name:	Burn by Rocky Patel
License Class:	Retailer's Class "C" Tavern
Address:	477 H Street, N.W.
Contact:	Stephen O'Brien: 202-625-7700

WARD 2 ANC 2C SMD 2C02

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 January 6, 2016.

NATURE OF OPERATION

New tavern will operate a cigar lounge serving food and alcohol with a seating capacity of 16 patrons. Total occupancy load of 29. Entertainment Endorsement will provide a DJ and solo performances.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 2 am and Friday & Saturday 11 am – 3 am

HOURS OF ENTERTAINMENT

Sunday through Saturday 11 am – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Hearing Date:	January 6, 2016
License No.:	ABRA-099787
Licensee:	Chaia Georgetown, LLC
Trade Name:	Chaia LLC
License Class:	Retailer's Class "D" Restaurant
Address:	3207 Grace Street, N.W.
Contact:	Bettina Stern: 202-744-7010

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 January 6, 2016 at 1:30 pm.

NATURE OF OPERATION

A restaurant that offers seasonal, plant-based tacos in a stylish, fast, casual setting. Vegetarian combinations are served in freshly pressed and grilled handmade corn tortillas.
Total Seats: 20. Total Occupancy Load: 49.

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

Sunday through Thursday 8am – 2 am
Friday through Saturday 8am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Date:	January 6, 2016
License No.:	ABRA-097611
Licensee:	Decadence, LLC
Trade Name:	Decadence
License Class:	Retailer's Class "D" Restaurant
Address:	6204 Georgia Ave., N.W.
Contact:	Robin Franklin: 202-300-7870

WARD 4 ANC 4A SMD 4A04

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 January 6, 2016.

NATURE OF OPERATION

Restaurant serving local and non-local patrons desiring breakfast and lunch during regular business hours. Offering small plates and with a focus on desserts paired with select beer and wine. Applicant requests an Entertainment Endorsement and Cover Charge for a one-man band, easy listening and jazz music. Total Occupancy Load of 20.

HOURS OF OPERATION

Monday through Saturday 7 am – 10 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Monday through Friday 12 pm – 10 pm and Saturday 8 am – 10 pm

HOURS OF ENTERTAINMENT

Saturday 7 pm- 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Hearing Date:	January 6, 2016
License No.:	ABRA-099839
Licensee:	Neighborhood Restaurant Group XXIV, LLC
Trade Name:	Hazel
License Class:	Retailer's Class "C" Restaurant
Address:	808 V Street, N.W.
Contact:	A. Kline: 202-686-7600

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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 1/6/2016 at 4:30 pm.

NATURE OF OPERATION

Restaurant serving modern American cuisine. No Entertainment, No Dancing, No Performances. Seating inside for 65, Total Occupancy Load of 99. Summer Garden with seating for 80.

HOURS OF OPERATION INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date:	August 14, 2015
Petition Date:	September 28, 2015
Hearing Date:	October 13, 2015
Protest Date:	January 6, 2016

License No.:	ABRA-099949
Licensee:	Sugar Factory Union Station, LLC
Trade Name:	Sugar Factory
License Class:	Retailer's Class "C" Tavern
Address:	50 Massachusetts Avenue, N.E., Space T-018
Contact:	Stephen O'Brien: 202-625-7700

WARD 6 ANC 6C SMD 6C04

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 January 6, 2016.

NATURE OF OPERATION

Tavern, candy and retail store selling food, specialty drinks, alcoholic beverages, juices, coffee, ice cream, cookies, and candy with 16 seats and a Total Occupancy Load of 29.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 12 pm – 6 pm and Monday through Saturday 10 am – 9 pm

BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure "Public Accountability Safety Standards Act of 2016 for the District of Columbia Government" is a proper subject matter for initiative at the its regular meeting on Wednesday, October 7, 2015 at 10:30 a.m., One Judiciary Square, 441 4th Street, N.W., Suite 280N, Washington, DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, October 1, 2015 to the Board of Elections, General Counsel's Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number, and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than Monday, October 5, 2015 at 4:00 p.m.

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

SHORT TITLE

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

SUMMARY STATEMENT

District of Columbia Candidates and Serving Officials

Alcohol and Drug Abuse Test for Candidates or individuals seeking Congressional Seats, Council Chairman, Council Seats, Mayor, Attorney General, Proposers of Initiative or Referendum Measures and Petition Challengers.

Voluntary test for candidates seeking signature exemption requirements.

Mandatory Alcohol and Drug Test for petition challengers, proposers of initiative or referendum measures and winners of Primary, General and Special Elections.
Failed Test: Automatic Disqualification.

Serving officials who are Congressional Members, Attorney General, Selected Agency Directors and Chiefs, Mayor, Chairman and Council Members.
Random Test yearly by position or benefit option, resignation before test.
Fail Test: Employment Termination.

LEGISLATIVE TEXT

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

Public Accountability Safety Standards Act of 2016
for the District of Columbia Government
(also known as PASS).

2. This law is to prevent the use of Alcohol and Drugs (Schedule I-IV Controlled Substance including synthetic marijuana) by certain individuals who are considered Safety Sensitive Personnel for the District of Columbia Government including those who seek elected positions or introduce initiative or referendum measures to the voters and residents of the District of Columbia.

A. Candidate(s) for elected office, in the District of Columbia.

B. Proposer(s) of initiative or referendum measures for the District of Columbia.

C. Petition Challenger(s) who file in question or against Candidates and Proposers of Initiative or Referendum Measures for the District of Columbia.

D. Serving Officials

1. Elected Officials of the District of Columbia Government

2. Agency Chiefs or Directors of Departments of the District of Columbia Government.

E. Tier One Support Staff and Hired Independent Contractors

1. Executive Office of the Mayor – All Deputy Mayors

2. Office of the Attorney General: Assistant Attorney General of the District of Columbia Government and Tier One Support Staff.

A. Civil or Criminal cases when District of Columbia Government as Defendant. One Alcohol and Drug Test per Hearing or one per month for Assistant Attorney General(s) of the District of Columbia Government defending case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails Alcohol and Drug Test, individual is automatically terminated without benefits.

B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to individual(s) or Department represented and Assistant Attorney General of the District of Columbia Government. Defendant can request drug test one per plaintiff and legal team who represents plaintiff (not to exceed 4 tests) during trial or before hearing. Results of Alcohol and Drug Test can be admitted to any court or Judge.

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

A. Civil or criminal cases when District of Columbia Government as Defendant has contracted or hired a law firm or Private Consultant. One Alcohol and Drug Test per Hearing or one per month of attorney(s) representing and defending individuals or agencies arguing case. One per each defendant that District of Columbia Government represents in court for duration of trial, weekly or monthly, if any District employee or serving official fails Alcohol and Drug Test, individual is automatically terminated without benefits.

B. Plaintiff cases when District of Columbia Government as Plaintiff: No test to subject, individual or Agency Director represented or hired or contracted independent Attorney General. Defendant can request drug test one per plaintiff and legal team who represents plaintiff (not to exceed 4 tests) during trial or before hearing. Results of Alcohol and Drug test can be admitted to any court or Judge.

4. Office of the Inspector General:

Tier One Support Staff (Armed or Unarmed) - Agents, Auditors, Inspectors, Analysts, and Investigators.

A. Unwarranted investigations. Each Investigator and authorizing supervisor)(s) for the duration of one per week Alcohol and Drug Test. Any person who fails Alcohol and Drug Test shall be automatically terminated without benefits.

B. Warranted, approval of Court only. One Alcohol and Drug Test of each individual who is a participant of investigating team.

5. Office of the Inspector General (Armed and Unarmed) – Contract Private Consultants, Contract Investigators and Auditors.

    A. Unwarranted investigations. Absolute disclosure of names of investigators (armed or unarmed) and person of authority, Each Investigator and person(s) of authority, for the duration, one per week Alcohol and Drug Test. Any person who fails Alcohol and Drug Test shall be automatically terminated.

    B. Warranted, approval of Court only. One Alcohol and Drug Test of each individual who is a participant of investigating team (armed or unarmed).

6, District of Columbia Parking Enforcement.

    A. Unwarranted investigations. Absolute disclosure of names of investigators and person of authority (Director, serving official or elected official, Each Investigator and person(s) of authority, for the duration, one per week Alcohol and Drug Test. Any person who fails drug and alcohol shall be automatically terminated without benefits.

    B. Any staff member, independent contractor and/or Government employee who issues District of Columbia parking tickets within authorized or unauthorized hours or after 6 PM shall be required along with Supervisor who authorizes order past standard work hours, to have a mandatory Alcohol and Drug Test weekly pending order. Failed Alcohol and Drug Test: automatic termination of individual.

3.0. **Administers of Test**

1. Defense Intelligence Agency

2. National Security Agency

i. Any identified Administer of tests has the right to add other US Agency(s) or any Departments, military or non military, to substitute personnel without congressional approval and oversight, to assist in testing of Candidate(s), Proposer(s), Petition Challenger(s), Serving Official(s), Elected or Appointed Agency Chief(s) and Director(s).

4.0 **Witness of Tests**

i. Witness of Test shall be selected randomly by the Administers of test on the day of notice to any candidate or serving officials for assignment request (1- 60 days or indefinite term).

Witness of test has absolute immunity from termination of Position or Department and from any Department Executive's, Supervisor's or Director's questions and public disclosure when serving.

1.0 Alcohol and Drugs Definition

Alcohol & Schedule I-IV(including synthetic marijuana) Controlled Substance.

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

1.2 **Drugs**: Schedule I-IV Controlled Substance. (*Title 21 US Code Chapter 13 Sec. 812*). and Synthetic Marijuana.

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

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

(1) Schedule I.—
(A) The drug or other drug and alcohol has a high potential for abuse.
(B) The drug or other drug and alcohol has no currently accepted medical use in treatment in the United States.
(C) There is a lack of accepted safety for use of the drug or other drug and alcohol under medical supervision.

(2) Schedule II.—
(A) The drug or other drug and alcohol has a high potential for abuse.
(B) The drug or other drug and alcohol has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
(C) Abuse of the drug or other drug and alcohols may lead to severe psychological or physical dependence.

(3) Schedule III.—
(A) The drug or other drug and alcohol has a potential for abuse less than the drugs or other drug and alcohols in schedules I and II.
(B) The drug or other drug and alcohol has a currently accepted medical use in treatment in the United States.
(C) Abuse of the drug or other drug and alcohol may lead to moderate or low physical dependence or high psychological dependence.

(4) Schedule IV.—
(A) The drug or other drug and alcohol has a low potential for abuse relative to the drugs or other drug and alcohols in schedule III.
(B) The drug or other drug and alcohol has a currently accepted medical use in treatment in the United States.
(C) Abuse of the drug or other drug and alcohol may lead to limited physical dependence or psychological dependence relative to the drugs or other drug and alcohols in schedule III.

(5) Schedule V.—
(A) The drug or other drug and alcohol has a low potential for abuse relative to the drugs or other drug and alcohols in schedule IV.
(B) The drug or other drug and alcohol has a currently accepted medical use in treatment in the United States.
(C) Abuse of the drug or other drug and alcohol may lead to limited physical dependence or psychological dependence relative to the drugs or other drug and alcohols in schedule IV.
(c) Initial schedules of controlled drug and alcohols
Schedules I, II, III, IV, and V shall, unless and until amended [1] pursuant to section 811 of this title, consist of the following drugs or other drug and alcohols, by whatever official name, common or usual name, chemical name, or brand name designated:
Schedule I
(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacetylmathadol. [2]
(4) Alphameprodine.
(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.

(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethylthiambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethylthiambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Racemoramide.
(42) Trimeperidine.

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

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-Oxide.
(6) Cyprenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10) Heroin.
(11) Hydromorphinol.
(12) Methyldesorphine.
(13) Methylhydromorphine.
(14) Morphine methylbromide.
(15) Morphine methylsulfonate.
(16) Morphine-N-Oxide.
(17) Myrophine.
(18) Nicocodeine.
(19) Nicomorphine.
(20) Normorphine.
(21) Pholcodine.
(22) Thebacon.

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

(1) 3,4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxyamphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10) Marihuana.
(11) Mescaline.
(12) Peyote.
(13) N-ethyl-3-piperidyl benzilate.

(14) N-methyl-3-piperidyl benzilate.
(15) Psilocybin.
(16) Psilocyn.
(17) Tetrahydrocannabinols.
(18) 4-methylmethcathinone (Mephedrone).
(19) 3,4-methylenedioxypyrovalerone (MDPV).
(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C–E).
(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C–D).
(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C–C).
(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C–I).
(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–2).
(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–4).
(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C–H).
(27) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C–N).
(28) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C–P).
(d)
(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.
(2) In paragraph (1):
(A) The term "cannabimimetic agents" means any drug and alcohol that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.
(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.
(B) Such term includes—
(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP–47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP–47,497 C8-homolog);
(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH–018 and AM678);
(iv) 1-butyl-3-(1-naphthoyl)indole (JWH–073);
(v) 1-hexyl-3-(1-naphthoyl)indole (JWH–019);
(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH–200);
(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH–250);
(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH–081);
(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH–122);
(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH–398);
(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR–19 and RCS–4);
(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR–18 and RCS–8); and
(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH–203). Schedule II
(a) Unless specifically excepted or unless listed in another schedule, any of the following drug and alcohols whether produced directly or indirectly by extraction from drug and alcohols of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the drug and alcohols referred to in clause (1), except that these drug and alcohols shall not include the isoquinoline alkaloids of opium.
(3) Opium poppy and poppy straw.
(4) coca [3] leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the drug and alcohols referred to in this paragraph.
(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.

(8) Levomethorphan.
(9) Levorphanol.
(10) Metazocine.
(11) Methadone.
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
(13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
(14) Pethidine.
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18) Phenazocine.
(19) Piminodine.
(20) Racemethorphan.
(21) Racemorphan.
(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers. Schedule III
(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following drug and alcohols having a stimulant effect on the central nervous system:
(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
(2) Phenmetrazine and its salts.
(3) Any drug and alcohol (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.
(4) Methylphenidate.
(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following drug and alcohols having a depressant effect on the central nervous system:
(1) Any drug and alcohol which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.
(2) Chorhexadol.
(3) Glutethimide.
(4) Lysergic acid.
(5) Lysergic acid amide.
(6) Methyprylon.
(7) Phencyclidine.
(8) Sulfondiethylmethane.
(9) Sulfonethylmethane.
(10) Sulfonmethane.
(c) Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:**(1)** Not \\\\\\\\\\\\\\more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
(e) Anabolic steroids. Schedule IV
(1) Barbital.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Ethchlorvynol.
(5) Ethinamate.
(6) Methohexital.
(7) Meprobamate.
(8) Methylphenobarbital.
(9) Paraldehyde.
(10) Petrichloral.
(11) Phenobarbital.

2.0 Test, Immunity and Termination Period

2.1 **Administers of Test:** Special United States Agencies with internal or external medical and/or laboratory testing capabilities independent of the District of Columbia Government.

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

A. Candidates

B. Selected Agency Chief or Directors of the District of Columbia Government.

C. Petition Challenger(s)

D. Tier One Support Staff – District of Columbia Office of the Attorney General, District of Columbia Office of the Inspector General, Executive Office of the Mayor.

E. Tier One Support Contractors – Private investigators and Security Guards, Private Law Firms or individual Attorneys at Law.

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

A. Elected Serving Officials of the District of Columbia

B. Proposer(s) of Initiative or Referendum Measures for the District of Columbia

C. Voluntary Test – Candidate Positions or temporary replacement of elected officials or serving appointed officials

D. Temporary Replacements of Elected Officials of the District of Columbia Government by Lottery Drawings

2.13 **Test Witness –** District of Columbia Government Agency does not participate in Laboratory test results and must be present at the time of test and location of test.

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A. District of Columbia Metropolitan Police Department- Narcotics Division

B. District of Columbia Metropolitan Police Department- Uniform Operations

C. District of Columbia Fire EMS

D. District of Columbia Department of Health

E. District of Columbia Department of Homeland Security and Emergency Management.

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

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

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

2.17 **Drug Testing:** Schedule I-IV Drugs including Synthetic Marijuana.

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

A. Candidate – Automatic disqualification, with prejudice for a period of 8 years.

B. Petition Challenger(s) – Automatic disqualification with prejudice for a period of 10 years.

C. Serving officials - Automatic employment termination without benefits.

D. Emergency or Temporary Legislation - Automatic terminations of individual and vote.

E, Public or Legislation Meetings and Hearings - Automatic termination.

F. Declared Veto - Automatic termination of veto.

G. Proposer of Initiative or Referendum Measures - Automatic disqualification for a period of 8 years.

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

2.20 **Emergency or Temporary Legislation.** All Officials will be tested without notice. Non Passing alcohol and drug test results – vote shall not be counted, and official to be automatically terminated without benefits (No immunity of Serving Elected Officials.)

2.21 **Declared Veto.** Subject tested 24 hours after declaration of veto at location of order – veto can be stricken or removed if fail Alcohol and Drug test.

2.22 **Alcohol and Drug Test** One test only.

2.23 **Immunity:** Special Exemption of Alcohol and Drug Test not to be conducted on individual until further notice or return to position.

i. Candidate(s)- No Immunity

ii. Proposer(s) of Initiative or Referendum Measures - No Immunity

iii. Petition Challenger(s) - No Immunity

iv. Chief of Staff – Immunity to vacate position or resign before mandatory Alcohol and Drug Test. Only to temporarily replace Elected Officials

v. Assistant District of Columbia Attorney General – Immunity to vacate position or resign before mandatory Alcohol and Drug Test. Refusal of position to replace elected District of Columbia Attorney General.

vi. Assistant Director or Assistant Chief of any selected agency next in line, tier one assistant of agency or department, can exercise refusal of position replacement of Director or Chief without Alcohol and Drug Test until Lottery drawing of position or appointment of temporary or interim Director or Chief of agency.

vii. Elected Serving Officials:

A. Vacation leave at the time of notification (maximum 30 days).

B. Prescription Medical Leave and Clinical Treatment.

C. Recess Period of Duties for District of Columbia Government (including holiday etc.).

D. Resignation before Alcohol and Drug Test.

vii. Serving Selected Agency Chiefs and Directors appointed to office

A. Vacation leave at the time of notification (maximum 30 days).

B. Prescription Medical Leave and Clinical Treatment

C. Resignation before Alcohol and Drug Test

2.24 **Termination Period Penalties:** Period of termination after failing Alcohol and Drug Test, not eligible to seek elected office of the District of Columbia, hold office, or seek employment; banned, in the stipulated time frame listed., from consulting or lobbying with

i. the District of Columbia Government or affiliated independent agencies, non profit and community organizations (classified by the Internal Revenue Services as501(c)3 or 501(c)4) who receive District of Columbia or Federal grants and independent prime contractors or affiliated companies, vendors, or

ii. subcontractors of any District of Columbia or Federal funded contracts of the District of Columbia Government agencies or affiliated independent agencies for the District of Columbia Government

2.25 **Candidates –** Any declared political party affiliation or non political party affiliation.

2.26 **Congressional Seats**

2.27 United States Shadow Representative – 2 years from test date
2.28 Delegate to the House of Representatives – 6 years from test date
2.29 United States Shadow Senator – 2 years from test date

2.30 **Mayor of the District of Columbia** – 4 years from test date

2.31 **Council Chairman** – 5 years from test date

2.32 Council Member At Large – 3 years from test date
2.33 Council Member At Large – 3 years from test date
2.34 Council Member At Large – 3 years from test date
2.35 Council Member At Large – 3 years from test date

2.36 **Ward Council Members**

2.37 Council Member - Ward 1 – 2 years from test date
2.38 Council Member - Ward 2 – 2 years from test date
2.39 Council Member - Ward 3 – 2 years from test date
2.40 Council Member - Ward 4 – 2 years from test date
2.41 Council Member - Ward 5 – 2 years from test date
2.42 Council Member - Ward 6 – 2 years from test date
2.43 Council Member - Ward 7 – 2 years from test date
2.44 Council Member - Ward 8 – 2 years from test date

2.45 **Attorney General of the District of Columbia** – 5 years from test date

2.46 **Proposer or Initiative or Referendum** – 5 years from test date

2.47 **Petition Challenger** – 4 years from test date

2.48 **Serving Elected Officials**

2.49 **Congressional Seats**

2.50 United States Shadow Representative – 3 years from test date
2.51 Delegate to the House of Representatives – 8 years from test date
2.52 United States Shadow Senator – 3 years from test date

2.53 **Mayor of the District of Columbia** – 5 years from test date

2.54 **Council Chairman** – 8 years from test date

2.55 **Council Seats**:

2.56 Council Member At Large – 5 years from test date
2.57 Council Member At Large – 5 years from test date
2.58 Council Member At Large – 5 years from test date
2.59 Council Member At Large – 5 years from test date

2.60 **Ward Council Members**

2.61 Council Member - Ward 1 – 4 years from test date
2.62 Council Member - Ward 2 – 4 years from test date
2.63 Council Member - Ward 3 – 4 years from test date
2.64 Council Member - Ward 4 – 4 years from test date
2.65 Council Member - Ward 5 – 4 years from test date
2.66 Council Member - Ward 6 – 4 years from test date
2.67 Council Member - Ward 7 – 4 years from test date
2.68 Council Member - Ward 8 – 4 years from test date

2.69 **Attorney General of the District of Columbia** – 15 years from test date
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2.70 **Agency Chiefs and Directors**

2.71 **District of Columbia Executive Office of the Mayor**

A**.** Position of Deputy Mayors – 7 years from test date

2.72 **District of Columbia Government Office of the Attorney General**

A. Independent Contract Attorneys or Law firm – Terminated from Contract.

B. District of Columbia Government Assistant Attorney Generals – 8 years from test date.

2.73 **District of Columbia Parking Enforcement**

A. Director – 10 years from test date

B. Tier One Staff Members – 1 years from test date

C. Parking Enforcement Officers – 4 years from test date

2.74 **District of Columbia Metropolitan Police Department**

A. Chief – 15 years from test date

2.75 **District of Columbia Government Homeland Security and Emergency Management**

A. Director and Chief – 20 years from test date

B. Agents, Investigators, Inspectors and Analysts (Armed or Unarmed) – 20 years from test date

2.76 **District of Columbia Inspector General**

A. Inspector General – 15 years from test date.

2.77 **District of Columbia Fire Department**

A. Chief – 10 years from test date

2.78 **District of Columbia Department of Transportation**

A. Director – 8 years from test date

B. General Counsel – 6 years from test date

C. Contract Officer(s) – 10 years from test date

2.79 **District of Columbia Department of Public Works**

A. Director – 10 years from test date

B. General Counsel – 6 years from test date

C. Contract Officer(s) – 10 years from test date

2.80 **District of Columbia Office of the Chief Financial Officer**

A. Chief Financial Officer – 15 years from test date

2.81 **District of Columbia Department of Health**

A. Director – 7 years from test date

2.82 **District of Columbia Department of Consumer and Regulatory Affairs**

A. Director – 6 years from test date

B. General Counsel – 5 years from test date

2.83 **District of Columbia Public Schools**

A. Superintendent – 8 years from test date

B. Chancellor – 5 years from test date

C. Chief of Staff – 4 years from test date

D. General Counsel – 5 years from test date

2.84 **Office of Small and Local Business Development**

A**.** Director – 7 years from test date

B. General Counsel – 5 years from test date

2.85 **District of Columbia Water**

A**.** General Manager – 15 years from test date

B. General Counsel – 10 years from test date

C. Board of Directors – 8 years from test date

2.86 **District of Columbia Public Service Commission**

A. Chairperson (Chairman) – 15 years from test date

B. Commissioners – 8 years from test date

C. General Counsel – 10 years from test date

2.87 **District of Columbia Board of Elections and Ethics**

A. Chairman – 20 years from test date

B. Board Members – 8 years from test date

C. General Counsel – 10 years from test date

3.0 Candidate(s), Proposer(s), Petition Challenger(s)

3.1 **Congressional Seats**

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

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

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

3.4 **Council Seats**:

3.41 Council Member At Large (*DC Official Code 1-204.02*)
3.42 Council Member At Large (*DC Official Code 1-204.02*)
3.43 Council Member At Large (*DC Official Code 1-204.02*)
3.44 Council Member At Large (*DC Official Code 1-204.02*)

3.5 **Ward Council Members**

3.51 Council Member - Ward 1 (*DC Official Code 1-204.02*)
3.52 Council Member - Ward 2 (*DC Official Code 1-204.02*)
3.53 Council Member - Ward 3 (*DC Official Code 1-204.02*)
3.54 Council Member - Ward 4 (*DC Official Code 1-204.02*)
3.56 Council Member - Ward 5 (*DC Official Code 1-204.02*)
3.57 Council Member - Ward 6 (*DC Official Code 1-204.02*)
3.58 Council Member - Ward 7 (*DC Official Code 1-204.02*)
3.59 Council Member - Ward 8 (*DC Official Code 1-204.02*)

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

3.61 **Voluntary Test**: Optional procedure for candidate who seeks office to be tested for Alcohol and Drugs after declaration of position sought, one test same day declaring candidacy. Candidate must pass Alcohol and Drug Test in order to have automatic ballot access and be exempt from petition signature requirements for position seeking.

If fail test, candidate to be disqualified.

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

i. Any individual, company, law firm, profit or nonprofit foundation, PAC, political party, special interest group, trade union, activist group, community organization, unions and lobbyists, etc. whom challenges petitions filed by any candidate seeking any position shall take a mandatory alcohol and drug test, day of filing petition to DCBOEE Petition challenger must take one Alcohol and Drug Test and pass as an individual and shall have a right to transfer challenge to law firm, private consultant, any registered business, etc. of the District of Columbia. All staff members, employees, executive directors or owners of entity located in the District of Columbia, must take and pass one Alcohol and Drug Test in who are current employees or Directors of organization at the filing time period of challenger, (all must pass Alcohol and Drug Test in order for the challenger's transfer to be accepted by DCBOEE.

ii. Results by test administers, submitted to DCBOEE and District of Columbia Court of Appeals within 1-8 hours of test.

iii. Failure of test is automatic disqualification and dismissal with prejudice, by DCBOEE and District of Columbia Court of Appeals from any future challenges for a period of 4 year.

iv. If entity is a business or any other organization it must be registered by the District of Columbia Consumer and Regulatory Affairs, one year before challenge if corporation, L.L.C. or 10 days before hearing as sole proprietor.

3.63 **Proposer(s)** Title 3 DCMR Chapter 10 §1012 :

i. Any individual, company, law firm, profit or nonprofit foundation, PAC, political party, special interest group, trade union, activist group, community organization, unions and lobbyists, whom proposes initiatives or referendum measures, challenges petitions filed by any candidate seeking any position shall take a mandatory Alcohol and Drug Test, day of filing initiative or referendum to DCBOEE Proposer must take one Alcohol and Drug Test and pass as an individual and shall have a right to transfer challenge to law firm, private consultant, any registered business of the District of Columbia. All staff members, employees, executive directors or owners of entity located in the District of Columbia, must take and pass one Alcohol and Drug Test in order for the proposer's transfer to be accepted by DCBOEE.

ii. Results by test administers, submitted to DCBOEE and District of Columbia Court of Appeals within 1-8 hours of transfer.

iii. Failure of test is automatic dismissal with prejudice, by DCBOEE and District of Columbia Court of Appeals from any initiative or referendum measures of topic filed for

a period of 1 year.

iv. If entity is a business or any other organization it must be registered by the District of Columbia Consumer and Regulatory Affairs, one year before challenge if corporation, L.L.C. or 10 days before hearing as sole proprietor.

3.64 **Declared Winners**: Announcement by DCBOEE

i. Primary Election

A. Democratic Party: One Alcohol and Drug Test of candidate of highest voting percent of position seeking.

B. Independent/No Party: All candidates declared, one Alcohol and Drug Test on day of declaration or primary election. No percentage or margin vote for position seeking.

C. Republican Party: One Alcohol and Drug Test of candidate of highest voting percent position seeking.

D. Liberation Party: One Alcohol and Drug Test of candidate of highest voting percent position seeking.

E. Statehood Green: One Alcohol and Drug Test of candidate of highest voting percent position seeking.

F. All Other(s): All candidates declared, one Alcohol and Drug Test on day of declaration. No percentage or margin vote for position seeking.

ii. General Election: Declared winner of largest voting percentage as per DCBOEE announcement for position shall take Alcohol and Drug Test within 24 hours.

A. Write in(s): One Alcohol and Drug Test of candidate on same day of declaring position at DCBOEE.

iii. Special Election: Declared winner of highest voting percentage, mandatory Alcohol and Drug Test within 24 hours of DCBOEE notice.

A. Write in(s): One Alcohol and Drug Test of candidate on same day of declaring position at DCBOEE.

3.65 **Fail test**:

A. Primary Election: Advance to competing candidate of party affiliation who can pass Alcohol and Drug Test One test only per candidate, All candidates of party must

appear for Alcohol and Drug Test selection 24 hour notice. Failure to appear for test is automatic disqualification.

B. General Election: Advance to opposite political party, or no-political party, write-in with highest percentage competing for position. One test per candidate, within 24 hours. All candidates who sought position must appear at designated time for Alcohol and Drug Test. Failure to appear for test results is automatic disqualification.

C. Special Election: Advance to any candidate passing the test regardless of party with highest voting percentage margin. One test per candidate, 24 hours after notice. All candidates must appear for Alcohol and Drug Test. Failure to appear is automatic disqualification.

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

4.0 Serving Officials Random Tests - Elected Officials

4.1 **Definition:** Per year by position to be tested at offices of Federal buildings, District of Columbia Government owned or leased facilities. If elected officials are conducting meetings at residence on behalf of the District of Columbia Government, test can be conducted at location, not limited to any state in the United States of America or International territories.

4.2 **Congressional Seats**

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

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

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

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

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

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

4.5 **Attorney General** (10 per year)
4.6 **Council Chairman Pro-Tempore** (6 per year)

4.7 **Council Seats**:

4.80 **Council Members At Large**

4.81 **Council Member At Large (**4 per year)
4.82 **Council Member At Large (**4 per year)
4.83 **Council Member At Large (**4 per year)
4.84 **Council Member At Large (**4 per year)

4.85 **Ward Council Members**

4.86 **Council Member - Ward 1 (**3 per year)
4.87 **Council Member - Ward 2 (**3 per year)
4.88 **Council Member - Ward 3 (**3 per year)
4.89 **Council Member - Ward 4 (**3 per year)
4.90 **Council Member - Ward 5 (**3 per year)
4.91 **Council Member - Ward 6 (**3 per year)
4.92 **Council Member - Ward 7 (**3 per year)
4.93 **Council Member - Ward 8 (**3 per year)

4.94 Breathalyzer. not to exceed .08%. May fail one test.

4.95 Alcohol and Schedule I-IV Controlled Drugs (including synthetic marijuana).

5.0 Administrative Medical Prescription Leave or Clinical Treatment Elected Officials

5.1 **Employee Leave Use:** Employed Elected Official shall have use not to exceed one option leave per elected term only. Employee (Elected Official) and seat shall be held for individual until medical leave or clinical treatment is completed. Employee (Elected Official) shall take one mandatory Alcohol and Drug Test before returning to position.

5.2 **Purpose:** Administrative Medical Prescription Leave or Clinical treatment for up to 160 days. Must have licensed U.S. physician to prescribe any drug use of Schedule I-IV Controlled Substance for health reasons or clinical treatment.

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

i. Administrative Medical Leave for 1 to 90 days. Chief of Staff, must pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days, or Chief of Staff can vacate position or if individual does not pass test, employee will not be eligible for the position. The position shall be filled by former candidate(s) (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC member(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Ward Council Member position. Temporary Ward Council Member must be able to

pass an Alcohol and Drug Test at the time of lottery. Temporary Ward Council Member shall be sworn in by the District of Columbia Attorney General.

ii. Temporary position shall have Governing Authority to 90 days maximum to the winning participant such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines Ward Council Member fit to return for governing and authority duties for the District of Columbia Government

iii. If condition is non recoverable Complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.31 **Council Chairman**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 150 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can vacate position. If individual does not pass test, employee will not be eligible for the position. The position shall be filled by former candidate(s) (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member in the election year which Council Chairman was declared winner, ANC member(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Council Chairman position. Must be able to pass an Alcohol and Drug Test at the time of lottery. Temporary Council Chairman shall be sworn in by any active sitting Judge of the District of Columbia Superior Court or Judge of the District of Columbia Court of Appeals.

ii. Temporary position shall have Governing Authority to 150 days maximum to the winning participant such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting, signing authority, repeal authority and emergency and temporary legislative authority, until medical examination determines Council Chairman fit to return for governing and authority duties for the District of Columbia Government

iii. If condition of Council Chairman is non recoverable complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.32 **Council Chairman Pro Tempore**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 110 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can

vacate position. If individual, does not pass test, employee will not be eligible for the position.

The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC member(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Council Member position. Temporary Council Chairman Pro Tempore must be able to pass an Alcohol and Drug Test at the time of lottery. Temporary Council Chairman Pro Tempore to be sworn in by any active sitting Judge of the District of Columbia Superior Court.

ii. Temporary position shall have Governing Authority to 110 days maximum to the winning participant such as Chief of Staff, former candidate(s) or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines Council Member fit to return for governing and authority duties for the District of Columbia Government

iii. If condition of Council Chairman Pro Tempore is non recoverable complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.33 **Council Members at Large**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 100 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can vacate position. If individual, does not pass test, employee will not be eligible for the position.

The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member, ANC member(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Council Member at Large position. Temporary Council Member at Large must be able to pass an Alcohol and Drug Test at the time of lottery. Temporary Council at Large shall be sworn in by any District of Columbia Superior Court Judge.

ii. Temporary position shall have Governing Authority to 100 days maximum, to the winning participants, such as Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines

Council Member at Large fit to return for governing and authority duties for the District of Columbia Government

iii. If condition is non recoverable, complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.34 **Attorney General**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 160 days. Assistant Attorney General of the District of Columbia Government must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. The Assistant Attorney General of the District of Columbia Government can vacate position. If individual, does not pass test, employee will not be eligible for the position. The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC, individual(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Council Member position. Temporary Attorney General must be able to pass an Alcohol and Drug Test at the time of lottery.

Temporary Attorney General shall be sworn in by any sitting District of Columbia Superior Court or District of Columbia Court of Appeals Judge.

ii. Temporary position shall have Governing Authority to 160 days maximum to the winning participants susch as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines Attorney General fit to return for governing and authority duties for the District of Columbia Government

iii. If condition is non recoverable complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.
Current tier one Assistant Attorney General to automatically fill position after test, if Temporary Assistant Attorney General fails Alcohol and Drug Test or refuses to be tested. Lottery drawing shall take place within 48 days.

5.35 **Mayor**

i. Administrative Medical Leave for 1 to 90 days. Chief of Staff has voting and signing authority for a period of 14 days, by passing Alcohol and Drug Test.

The position shall be filled by current Council Chairman who is automatically placed after passing Alcohol and Drug Test. If Council Chairman fails Alcohol and Drug Test or refuses to be tested. Lottery drawing shall take place within 72 hours.

The position shall be selected by 3 stages lottery drawings of former candidate(s) with 1st and 2nd Reserve Groups, which will be considered as participants at lottery drawing for temporary seat.

1. Mayoral candidates regardless of party or voting percentage, minimum of one participants.

2. 1st Reserve Participants – (Minimum of 1), former Council Chairman Candidate(s) of election year of sitting Mayor. If Mayoral candidates do not pass Alcohol and Drug Test or non active or participation

3. 2nd. Reserve Participants – (Minimum of 1) ANC member city wide active registered voter in the District of Columbia. If 1st Reserve Group does not participate or Group cannot pass Alcohol and Drug Test:

   Former Candidates (participants of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC, individual(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia Government. All individuals whom volunteer their name to be considered for Temporary Mayor position. Temporary Mayor must be able to pass Alcohol and Drug Test at the time of name selection to hold the seat. If not present, automatically disqualified.

   Interim Mayor shall be sworn in by any sitting District of Columbia Superior Court or District of Columbia Court of Appeals Judge.

ii. Temporary position shall have Governing Authority to 90 days maximum, to the winning participants such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing. Position has voting, signing authority, appointing agency Directors and chiefs authority and, veto authority, until medical examination determines Mayor fit to return for governing and authority duties for the District of Columbia Government

iii. If condition is non recoverable, complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.36 **United States Shadow Representative**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 60 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can vacate position. If individual, does not pass test, employee will not be eligible for the position.

The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC, individual(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary United States Shadow Representative position. Temporary United States Shadow Representative must be able to pass an Alcohol and Drug Test at the time of lottery.

United States Shadow Representative shall be sworn in by any sitting District of Columbia Superior Court or District of Columbia Court of Appeals Judge.

ii. Temporary position shall have Governing Authority to 60 days maximum, to the winning participants such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines United States Shadow Representative fit to return for governing and authority duties for the District of Columbia Government

iii. If condition is non recoverable, complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.37 **Delegate to the US House of Representatives**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 100 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can vacate position. If individual, does not pass test, employee will not be eligible for the position.

The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member (2 year experience of participating) or current individual(s) who are the reserve group of seekers (4 year experience of participating), in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary Delegate to the US House of Representatives position. Temporary Delegate to the US House of Representatives must be able to pass an Alcohol and Drug Test at the time of lottery. Delegate to the US House of Representatives shall be sworn in by any sitting District of Columbia Superior Court or District of Columbia Court of Appeals Judge.

A. 1st Drawing - any former candidate(s) who is an active registered voter in the District of Columbia (Minimum of 1). Must have had ballot access of General Election year of member was declared winner.

2nd Reserve – Former candidate(s) of District of Columbia Mayor race of the election year sitting member (Minimum of 1) Must have had ballot access of General Election year of member was declared winner.

3rd Reserve – Former candidate(s) of District of Columbia Council Chairman (Minimum of 1). Must have had ballot access of General Election year of member was declared winner.

ii. Temporary position shall have Governing Authority to 100 days maximum to the winning participants such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting, signing authority, and authority to attend and chair committee hearings, until medical examination determines Delegate to the US House of Representatives fit to return for position governing duties and representing the District of Columbia Government

iii. If condition is non recoverable complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

5.38 **United States Shadow Senator**

i. Administrative Prescription Medical Leave or Clinical Treatment for 1 to 60 days. Chief of Staff must take and pass mandatory Alcohol and Drug Test before individual is granted voting and signing authority for a period of 14 days. Chief of Staff can vacate position. If individual, does not pass test, employee will not be eligible for the position.

The position shall be filled by former candidates (participant of General Election or Special Election) who are active registered voters of the District of Columbia, who competed against the sitting member or current ANC, individual(s) of the Ward who are the reserve group of seekers, in a random lottery drawing by the Attorney General of the District of Columbia all individuals whom volunteer their name to be considered for Temporary United States Shadow Senator position. Temporary United States Shadow Senator must be able to pass an Alcohol and Drug Test at the time of lottery.

United States Shadow Senator shall be sworn in by any sitting District of Columbia Superior Court or District of Columbia Court of Appeals Judge.

ii. Temporary position shall have Governing Authority Leave to 60 days maximum to the winning participants such as: Chief of Staff, former candidates or ANC of Ward, by lottery drawing, has voting and signing authority until medical examination determines United States Shadow Senator fit to return for governing, authority duties and representing the District of Columbia Government

iii. If condition is non recoverable complete resignation of position with all benefits in place, and Special Election to take place by DCBOEE regulations.

6.0 Serving Officials - Random Tests

(Agency Chiefs and Directors Appointed to Office)

6.0 **Definition**: Per year by position to be tested at office(s) of the District of Columbia Government owned or leased facilities not limited to any state in the United States of America or International territories If conducting meetings at residence on behalf of the District of Columbia Government official can be tested at location,

6.1 **Agency Chiefs and Directors**

6.11 **District of Columbia Executive Office of the Mayor**

A**.** Position of Deputy Mayors (4 tests per year)

6.12 **District of Columbia Government Assistant Attorney General**

A. **Independent contract attorneys or Law firm** (8 tests per year or 1 per Court Hearing)
B. **District of Columbia Government Assistant Attorney Generals** (6 tests per year).

6.13 **District of Columbia Parking Enforcement**

A. Director (10 tests per year)

B. Tier One Staff Members (3 tests per year)

C. Parking Enforcement Officers (8 tests per year)

6.14 **District of Columbia Metropolitan Police Department**

A. Chief (10 tests per year)

6.15 **District of Columbia Government Homeland Security and Energy Management**

A. Director and Chief (10 tests per year)

B. Agents, Investigators, Inspectors and Analysts (Armed or Unarmed) (4 tests per year)

6.16 **District of Columbia Inspector General**

A. Inspector General (10 tests per year).

6.17 **District of Columbia Fire Department**

A. Chief (10 tests per year)

6.18 **District of Columbia Department of Transportation**

A. Director (10 tests per year)

B. General Counsel (6 tests per year)

C. Contract Officer(s) (10 tests per year)

6.19 **District of Columbia Department of Public Works**

A. Director (10 tests per year)

B. General Counsel (6 tests per year)

C. Contract Officer(s) (10 tests per year)

6.20 **District of Columbia Office of the Chief Financial Officer**

A. Chief Financial Officer. (10 tests per year)

6.21 **District of Columbia Department of Health**

A. Director (6 tests per year)

6.22 **District of Columbia Department of Consumer and Regulatory Affairs**

A. Director (8 tests per year)

B. General Counsel (6 tests per year)

6.23 **District of Columbia Public Schools**

A. Superintendent (6 tests per year) or

B. Chancellor (6 tests per year)

C. Chief of Staff (4 tests per year)

D. General Counsel (6 tests per year)

6.24 **Office of Small and Local Business Development**

A**.** Director (8 tests per year)

B. General Counsel (tests 6 per year)

6.25 **District of Columbia Water**

A**.** General Manager (tests 10 per year)

B. General Counsel (tests 6 per year)

C. Board of Directors (tests 4 per year)

6.26 **District of Columbia Public Service Commission**

A. Chairperson (Chairman) (8 tests per year)

B. Commissioners (5 tests per year)

C. General Counsel (6 tests per year)

6.27 **District of Columbia Board of Elections and Ethics**

A. Chairman (10 tests per year)

B. Board Members (6 tests per year)

C. General Counsel (8 tests per year)

6.28 **Random**: Subject being tested will be notified between at 9:00 AM and 9:30 AM of the day of test. Test to be administered between the hours 11:00AM to 6 PM.

6.29 **Benefit Option** Any serving officials of the District of Columbia Government who resigns up to 1 hour before Alcohol and Drug Test shall have rights and access to full benefits..

6.30 **Failed Test:** Automatic termination of individual and employment position without benefits..

6.31 Breathalyzer not to exceed .08%. May fail one test.

6.32 Drug Test: Schedule I-IV Controlled Drugs including Synthetic Marijuana. May not fail one test.

7.0 Administrative Medical Prescription Leave or Clinical Treatment
Selected Agencies Appointed Chief and Directors

7.10 **Purpose:** Administrative Medical Prescription Leave or Clinical Treatment for up to 1-100 days. Must have licensed U.S. physician to prescribe any drug use of Schedule I-IV Controlled Substance for health reasons or clinical treatment.

7. 11 **Leave Use**: Medical Prescription Leave or Clinical Treatment can only be used (1) time per 4 years.

7.12 **Temporary Directors**

i. Replacement of Agency Chiefs or Directors.

All temporary Director(s) or Chief(s) of agencies for the District of Columbia Government must take a mandatory Alcohol and Drug Test on the day of request by Director or Chief of agency for Administrative Medical Prescription Leave or Clinical Treatment.

ii. If Assistant Director, Deputy etc. second in line of the Executive Director or Chief of any agency of the District of Columbia Government fails Alcohol and Drug Test, employee shall be not eligible for Temporary Director position of an agency and will be terminated without benefits. Deputy Mayor's Office staff member will serve agency after passing Alcohol and Drug Test.

iii. Reserve 2nd Tier or staff can volunteer name to be drawn in a lottery within 7 days of being posted by agency at stipulated time and date of drawing of lottery administered by Council Chairman of the District of Columbia Government and witnessed by employee union representative.

7.13 **Agency Chiefs and Directors**

7.14 **District of Columbia Executive Office of the Mayor**

A**.** Position of Deputy Mayors - 60 days per 4 years

7.15 **District of Columbia Government Assistant Attorney General**

A. **Independent contract attorneys or Law firm** 0 days per 4 years

B. **District of Columbia Government Assistant Attorney Generals** 50 days per 4 years.

7.16 **District of Columbia Parking Enforcement**

A. Director - 100 days per 4 years

B. Tier One Staff Members - 40 days per 4 years

C. Parking Enforcement Officers - 60 days per 4 years

7.17 **District of Columbia Metropolitan Police Department**

A. Chief - 100 days per 4 years

7.18 **District of Columbia Government Homeland Security** and Energy Management

A. Director and Chief - 100 days per 4 years

B. Agents, Investigators, Inspectors and Analysts (Armed or Unarmed) - 50 days per 4 years

7.19 **District of Columbia Inspector General**

A. Inspector General - 100 days per 4 years.

7.20 **District of Columbia Fire Department**

A. Chief - 100 days per 4 years

7.21 **District of Columbia Department of Transportation**

A. Director - 100 days per 4 years

B. General Counsel - 50 days per 4 years

C. Contract Officer(s) - 100 days per 4 years

7.22 **District of Columbia Department of Public Works**

A. Director - 100 days per 4 years

B. General Counsel - 50 days per 4 years

C. Contract Officer(s) - 100 days per 4 years

7.23 **District of Columbia Office of the Chief Financial Officer**

A. Chief Financial Officer - 100 days per 4 years

7.24 **District of Columbia Department of Health**

A. Director - 50 days per 4 years

7.25 **District of Columbia Department of Consumer and Regulatory Affairs**

A. Director - 60 days per 4 years

B. General Counsel - 50 days per 4 years

7.26 **District of Columbia Public Schools**

A. Superintendent - 50 days per 4 years

B. Chancellor - 50 days per 4 years

C. Chief of Staff - 40 days per 4 years

D. General Counsel - 50 days per 4 years

7.27 **Office of Small and Local Business Development**

A**.** Director - 70 days per 4 years

B. General Counsel - 50 days per 4 years

7.28 **District of Columbia Water**

A**.** General Manager - 70 days per 4 years

B. General Counsel - 50 days per 4 years

C. Board of Directors - 30 days per 4 years

7.29 **District of Columbia Public Service Commission**

A. Chairperson (Chairman) - 70 days per 4 years

B. Commissioners - 30 days per 4 years

C. General Counsel - 50 days per 4 years

7.30 **District of Columbia Board of Elections and Ethics**

A. Chairman - 70 days per 4 years

B. Board Members - 30 days per 4 years

C. General Counsel - 60 days per 4 years

8.0 Lottery Drawings for Temporary Positions

8.1 **Purpose:** *Procedures for Temporary Non Elected Employment by special drawing.*

A. Chief of Staff fails Alcohol and Drug Test during replacement of Elected Official for Administrative Medical Prescription Leave or Clinical Treatment

B. Elected Official fails Alcohol and Drug Test.

8.2. **Ward Council Members**:

Any former candidate(s) of a General Election or Special Election (*must be an active District of Columbia voter*), or ANC reserve participants regardless of political affiliation can submit a sealed envelope with their name and address to the lottery drawing. Before the stipulated time of drawing. An envelope will be drawn by the Attorney General of the District of Columbia and Chairman, and witnessed by Chairman of the Council.

Employment term:

1 Medical Prescription Leave Period or Clinical Treatment: Paid with benefits..

2. Special Election Period: Paid with benefits.

A. Must have a minimum of (1) former candidate or a reserve of ANC members. members, before time line expiration date and time of ballot drawing for position.

B. Sealed envelope selected from lottery box by the Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for temporary Ward member will be spoken aloud to the attending public audience, media and/or press coverage.

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group – Selected if no participant(s) show or all fail Alcohol and Drug Test

C. Alcohol and Drug Test will be given to the selected first drawing participant(s) or Reserve participant(s), by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test.

8.3 **Council-at-Large**:

Employment term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

Any former candidate(s) of a Special Election or General Election,(must be an active District of Columbia voter), against sitting Council-At-Large member can submit a sealed envelope with their name and address to a lottery for drawing before time to submit for drawing. Envelope will be drawn by Council Chairman and witnessed by elected District of Columbia Attorney General. Employment Term:

A. Must have minimum of (1) former candidate or reserve of ANC members. 1-unlimited before time line expiration of ballot drawing for position

B. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for Council-at-Large and Reserve Group of ANC city wide members, if no former Council at Large candidate(s) volunteers for drawing), will be spoken aloud to the attending public audience, media and/or press coverage.

.

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group – Selected if no participant(s) show or all fail Alcohol and Drug Test

C. Alcohol and Drug Test will be given to the selected first drawing participant(s) or Reserve participant(s), .the spot by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test

8.4 **Council Chairman:**

Employment term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

Any former candidate(s) of a Special Election or General Election, whichever applies, and ANC Reserve list of participants against sitting Council Chairman, can submit a sealed envelope with their name and address to lottery for drawing before time to submit for drawing. Envelope will be drawn by Council chairman and witnessed by elected District of Columbia Attorney General and Chief District of Columbia Superior Court Judge

.

A. Must have minimum of (1) former candidate or reserve of ANC members. 1-unlimited before time line expiration of ballot drawing for position

B. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for Council Chairman and Reserve Group of ANC city wide members (if not former Council Chairman candidate(s) volunteers for drawing) will be spoken aloud to the attending public audience, media and/or press coverage..

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group – Selected if no participant(s) show or all fail Alcohol and Drug Test

C. Alcohol and Drug Test will be given to the selected first drawing participant(s) or Reserve participant(s), .the spot by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test

.

8.5 **Mayor:** Lottery drawing applies if Council Chairman cannot pass an Alcohol and Drug Test at the time of position reappointment to Mayor seat..

8.6 **Attorney General**

Any former candidate(s) of Special Election or General Election who are active District of Columbia voters who competed against sitting elected District of Columbia Attorney General, can submit a sealed envelope with their name and address to lottery for drawing before time to submit for drawing. Envelope will be drawn by Council Chairman and witnessed by the Mayor of the District of Columbia.

Employment Term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

A. Must have minimum of (1) former candidate or reserve of ANC members. 1-unlimited before time line expiration of ballot drawing for position

B. Sealed envelope selected from lottery box by Council Chairman of the District of Columbia (Elected) will be opened and the name of volunteer(s) for the drawing: the former candidate(s) for District of Columbia Attorney General or Reserve List of Reserve Group of ANC city wide members (ANC member who must be registered as a District of Columbia Attorney will be spoken aloud to the attending public audience, media and/or press coverage..

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group – (Minimum of 1) Selected if no participant(s) show or all fail Alcohol and Drug Test

C. Alcohol and Drug Test will be given to the selected former candidate(s) for Attorney General or second drawing of Reserve ANC, on the spot by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual who can pass Alcohol and Drug Test.

8.7. **District of Columbia Delegate to the House of Representatives**

Any former candidate(s) of a General Election or Special Election (active District of Columbia voter), or reserve participants regardless of political affiliation can submit a sealed envelope with their name and address to the lottery drawing. Before the stipulated time of drawing. An envelope will be drawn by the Attorney General of the District of Columbia and witnessed by Chairman of the Council.

Employment term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

A. Participants must have minimum of (1) former candidate(s) or reserve outside candidates of ANC members. (Minimum of 1) before time line expiration of ballot drawing for position.

i. Reserve Outside Candidates: Any candidate of the District of Columbia seeking and position for elected office who did not win seat or is not holding a current position in the District of Columbia Government regardless of party affiliation

ii. ANC Member(s) Current or sitting member city wide regardless of party affiliation

B. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for Ward member ANC will be spoken aloud to the attending public audience, media and/or press coverage.

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group – Selected if no participant(s) show or all fail Alcohol and Drug Test

.

C. Alcohol and Drug Test will be given to the selected former candidate(s) or ANC Member(s) at the time of drawing, by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test.

8.8. **District of Columbia United States Shadow Representative**

Any former candidate(s) of a General Election or Special Election (active District of Columbia voter, or ANC reserve participants regardless of political affiliation can submit a sealed envelope with their name and address to the lottery drawing. Before the stipulated time of drawing. An envelope will be drawn by the Attorney General of the District of Columbia and witnessed by Chairman of the Council.
Employment term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

A. Must have minimum of (1) former candidate or reserve of Participants for drawing before time line expiration of ballot drawing for position. Minimum of 1.

B. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for Ward member ANC will be spoken aloud to the attending public audience, media and/or press coverage..

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group #1 – Selected if no participant(s) show or all fail Alcohol and Drug Test

.

C. Alcohol and Drug Test will be given to the selected former candidate(s) or ANC at the time of drawing, by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test.

8.9 **District of Columbia United States Shadow Senator**

Any former candidate(s) of a General Election or Special Election (active District of Columbia voter, or ANC reserve participants regardless of political affiliation can submit a sealed envelope with their name and address to the lottery drawing. Before the stipulated time of drawing. An envelope will be drawn by the Attorney General of the District of Columbia and Chairman, and witnessed by Chairman of the Council.

Employment term:

1 Medical Prescription Leave Period: Paid with benefits..

2. Clinical Treatment: Paid with benefits.

3. Special Election Period: Paid with benefits.

A. Must have minimum of (1) former candidate or reserve of ANC members. (Minimum of 1) before time line expiration of ballot drawing for position

B. Sealed envelope selected from lottery box by Attorney General of the District of Columbia (Elected) will be opened and the name of the former candidate(s) for Ward member ANC will be spoken aloud.

i. First Drawing Group – Former candidate(s),. (Minimum of 1)

ii. Reserve Drawing Group #1 – Selected if no participant(s) show or all fail Alcohol and Drug Test

C. Alcohol and Drug Test will be given to the selected former candidate(s) or ANC at the time of drawing, by an Administer of the test. If subject fails test, proceed with next drawing until new selected individual passes test.

9.0 Public Disclosure - Press Release

Report results to DCBOEE, broadcast media (television , AM and FM radio). and print media (newspapers -local and out of territory), Internet web sites, (social media and others). Spokesperson: Attorney General – Elected.

9.1 **Candidates, Proposers of Initiative and Petition Challengers**

A. Voluntary – only if pass drug and alcohol

B. Primary Election – Declared winning candidate(s) only from each political party or all others and independent candidates (No Party) who have ballot access.

C. General Elections – Declared winner(s) only press release of test results, pass or fail.

D. Proposer(s) of Initiative or Referendum – Fail or pass Alcohol and Drug Test.

E. Special Elections – Declared winner(s) only of position.

F. Test Refusal – Press release of refusal.

G. Resign Before Test – Press release of resignation.

H. Petition Challenge – Press release of test results of Challenger(s): individual, private consultant, law firm, political party, trade and union organizations, etc.. Fail or pass Alcohol and Drug Test.

9.2 **Serving officials**: All elected positions and agency Chiefs and Directors.

A. Fail Test: Press Release.

B. Resignation Before Test: Discretion of official.

C. Administrative Prescription Medical Leave: Press Release.

D. Refusal of Test: Press Release.

10.0 Act of Legislative Text and Proposer's Signature

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

10.2 **Benefits of PASS for the District of Columbia**.

i. To assure absolute confidence of election(s) and elected or serving officials in the District of Columbia Government.

ii. To install independent budget autonomy request from the U.S. Congress for the daily and yearly operations of the District of Columbia Government.

iii. Approval of the District of Columbia voting authority inside of the House of Representatives (1 vote), Senate (1vote) to participate on behalf of residents of the district of Columbia

iv. Undeniable approval for a chartered commonwealth territory rights renewable every 200 years or non revocable by Congressional approval pending the District of Columbia Mayor City Council and Government does not change or remove key safety regulations or the Public Accountability Safety Standards Law of 2016.

10.3 This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official Code §1-206.02(c)(a).

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 15-17: Dr. Ernest Hadley House
4304 Forest Lane NW
Square 1619, Lot 78
Applicant: Off Boundary Preservation Brigade
Affected Advisory Neighborhood Commission: 3D

The hearing will take place at **9:00 a.m. on Thursday, September 24, 2015**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

The District of Columbia Public Charter School Board ("PCSB") hereby gives notice, dated, August 6, 2015, of Academy of Hope Adult Public Charter School's request to amend its goals and academic expectations. A public hearing regarding this item will be held on September 21, 2015 at 6:30 p.m.; a vote will be held on October 26, 2015 at 6:30 p.m. To submit public comments, you may do so by one of the actions below. All comments must be submitted by September 21, 2015. Please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or lquinn@dcpcsb.org.

Submitting Public Comment:

1. Submit a written comment via:
   (a) E-mail*: public.comment@dcpcsb.org
   (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above
   (d) Phone: 202-328-2660

2. Sign up to testify in-person at the public hearing on September 21st, by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, September 17th.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

The District of Columbia Public Charter School Board ("PCSB") hereby gives notice, dated, August 6, 2015, of Washington Yu Ying Public Charter School's request to amend its goals and academic expectations and mission statement. A public hearing regarding this item will be held on September 21, 2015 at 6:30 p.m.; a vote will be held on October 26, 2015 at 6:30 p.m. To submit public comments, you may do so by one of the actions below. All comments must be submitted by September 21, 2015. Please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or lquinn@dcpcsb.org.

Submitting Public Comment:

1. Submit a written comment via:
   (a) E-mail*: public.comment@dcpcsb.org
   (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above
   (d) Phone: Call 202-328-2660

2. Sign up to testify in-person at the public hearing on September 21st, by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, September 17th.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF NEW SCHOOL LOCATION

The District of Columbia Public Charter School Board ("PCSB") hereby gives notice of Goodwill Excel Center Public Charter School's intent to locate its facility to 1776 G Street, NW, Washington, DC 20006. A public hearing on the matter will be held on Monday, September 21, 2015 at 6:30pm. To submit public comments, you may do so by one of the actions below. All comments must be submitted by September 21, 2015. For further information, please contact Avni Patel, Senior Special Education Specialist, at 202-328-2660.

Submitting Public Comment:

1. Submit a written comment via:
   (a) E-mail*: public.comment@dcpcsb.org
   (b) Postal mail*: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above
   (d) Phone: 202-328-2660

2. Sign up to testify in-person at the public hearing on September 21st, by emailing a request to public.comment@dcpcsb.org by no later than 4 p.m. on Thursday, September 17th.

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

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

TIME: 9:30 A.M.

WARD FOUR

19088 ANC-4C **Application of Jose Ayala**, pursuant to 11 DCMR § 3103.2, for variances from the rear yard requirements under § 774.1, and the off-street parking requirements under § 2101, to allow the construction of a new four-story mixed use building in the C-2-A District at premises 3701 14th Street N.W. (Square 2826, Lot 96).

WARD FIVE

18095B ANC-5B **Application of Servants of the Lord and the Virgin of Matara**, pursuant to 11 DCMR § 3104.1, for a special exception from the residence requirements under § 215, to allow the continued operation of a clerical and religious group residence in the R-1-B District at premises 1326 Quincy Street N.E. (Square 3968, Lot 17).

WARD FIVE

19090 ANC-5E **Application of Basque Bar LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the Green Area Ratio requirements under § 3405.1, to establish a restaurant in the C-2-A District at premises 300 Florida Avenue N.W. (Square 519, Lot 73).

WARD ONE

19093 ANC-1B **Application of Warder, LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 336, to renovate and convert a vacant one-family semi-detached building into a three-unit apartment house in the R-4 District at premises 2708 Sherman Avenue N.W. (Square 2858, Lot 53).

WARD FIVE

19094 ANC-5E — **Application of 28th Street Partners, LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the use requirements under § 336, to convert a residential building into a three-unit apartment house in the R-4 District at premises 64 W Street N.W. (Square 3118, Lot 52).

WARD TWO

19095 ANC-2B — **Application of Carr Properties**, pursuant to 11 DCMR §§ 3104.1 and 411.11, for a special exception from the multiple roof structures with walls of uneven height requirements pursuant to § 770.6, to construct an addition to an existing mixed use building in the C-4 District at premises 1100 15th Street N.W. (Square 197, Lots 81, 812, 858, and 859).

PLEASE NOTE:

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

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

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

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

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

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF FINAL RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Title IX of the Firearms Regulations Control Act of 1975 (Act), effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), and any substantially similar emergency, temporary, or permanent versions of this legislation, and Mayor's Order 2015-036, dated January 9, 2015, hereby gives notice of the adoption of an amendment to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking is necessary to amend procedures for the Concealed Pistol Licensing Review Board (Board) to provide for the conduct of appeals by summary disposition for any denials of an application for a concealed pistol license issued by the Chief of the Metropolitan Police Department (Chief), where those appeals do not require an oral evidentiary hearing because the appeal does not include a dispute concerning a material fact. *See Kourouma v. FERC*, 723 F.3d 274, 278 (D.C. Cir. 2013). Additionally, the rulemaking amends the procedures for calculating time when required acts are done by mailing, and establishes procedures for the Board to stay an appeal and submit any issue to the Chief or the appellant for the Chief or appellant's consideration, documentation, or explanation.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* at 62 DCR 2095 on February 13, 2015 and a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* at 62 DCR 5525 on May 1, 2015. No comments were received to the May 1, 2015 notice and no changes have been made to the rulemaking.

The rules were adopted as final on August 10, 2015 and will become effective upon publication in the *D.C. Register*.

A new Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, is added to Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, to read as follows:

CHAPTER 12 CONCEALED PISTOL LICENSING REVIEW BOARD

1200 GENERAL PROVISONS

1200.1 The purpose of this chapter is to implement Section 908 of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), to establish review and hearing procedures for the Concealed Pistol Licensing Review Board (Board) created by the Act.

1200.2 In any conflict within this chapter between general and specific provisions, the specific provisions shall govern.

1200.3 In any conflict between this chapter and any provision of the Act, the Act shall govern.

1200.4 Any reference to "the Board" shall mean the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to issue summary dispositions, conduct hearings, and render final decisions by the Act.

1200.5 The Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

1201 COMPUTATION OF TIME

1201.1 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

1201.2 The last day of the computed period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

1201.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation unless an applicable statute expressly provides otherwise.

1201.4 For the purposes of this chapter, "legal holiday" means the following:

(a) New Year's Day;

(b) Martin Luther King Jr.'s Birthday;

(c) President's Day;

(d) District of Columbia Emancipation Day;

(e) Memorial Day;

(f) Independence Day (4th of July);

(g) Labor Day;

(h) Columbus Day;

(i) Veterans Day;

(j) Thanksgiving Day;

(k) Christmas Day; and

(l) Any other day designated a legal holiday by the President of the United States or the District of Columbia government.

1201.5 When an act is required or allowed to be done at or within a specified time, the Board may at any time in its discretion and for good cause shown, do either of the following:

(a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or

(b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

1201.5 When an act is required to be taken within a specified period of time after the receipt of a notice, pleading, or filing, and the notice, pleading, or filing is sent by United States Mail, commercial carrier, or District of Columbia inter-agency mail, the period of time within which the required act must be taken shall begin five (5) calendar days after the date such mailing is shown to have been sent. A party

may provide proof that a document has been sent by postmark, proof of service, or other evidence.

1201.6 Notwithstanding Subsection 1201.5, an appellant's request for appeal shall be considered timely filed if it is physically received by the Board within fifteen (15) days after the date of the receipt of the notice of the Chief's final action from which the appeal is being requested.

1202 APPEALS

1202.1 Within the time periods established by the Act, a person may file an appeal with the Board if the Chief of the Metropolitan Police Department (Chief) has:

(a) Denied the person's application or renewal application for a license to carry a concealed pistol in the District pursuant to the Act; or

(b) Issued a limitation or revocation of a license to carry a concealed pistol pursuant to the Act.

1202.2 An appeal shall be submitted in writing to the Board at the address contained in any notice of final action of the Chief that was issued to the person. The request for appeal shall be filed within fifteen (15) days after the date of the appellant's receipt of the notice of the Chief's final action from which the appeal is being requested. The request for appeal may be filed by hand delivery, electronic mail, or by U.S. Mail or other delivery service, provided that the request for appeal is received by the Board within fifteen (15) days after the date of the appellant's receipt of the notice of the Chief's final action.

1202.3 The appeal need not follow any specific format, although blank forms may be created and made available by the Board. An appeal should contain the following information:

(a) A short description of the Chief's final action being appealed;

(b) A description of reasons why the Chief's final action was in error and the relief sought from the Board;

(c) A copy of the Chief's final action being appealed;

(e) The appellant's full name, address, email address, and telephone and fax numbers, as well as the same information for any attorney representing the appellant in the appeal; and

(f) All written materials that the appellant wishes the Board to consider at any hearing.

1202.4 Not later than ten (10) days after receipt of the appeal, the Chairperson of the Board shall:

(a) Assign a three (3) member panel (Panel) and appoint a presiding member (Presiding Member) to review the appeal or assign the appeal to the full Board;

(b) Send to the Chief a copy of the appeal, a notice of the names of the three (3) member panel and Presiding Member, if applicable, and a notice to provide the Board with information concerning the final action that is the subject of the appeal; and

(c) Send a notice to the appellant of receipt of the appeal, the names of the three (3) member panel, and the Presiding Member, if applicable.

1202.5 Not later than ten (10) days after receipt of any information provided by the Chief pursuant to § 1202.4(b), the Board or Panel shall meet to determine if based upon the information submitted by the appellant and Chief the appeal should be resolved through a summary disposition or by a contested case hearing.

1202.6 If the Board or Panel determines that, based upon the materials submitted by the appellant and the Chief, the matters in dispute appear to be appropriate for summary disposition, the Board or Panel shall follow the procedures in § 1210.

1202.7 If the Board or Panel determines that a contested case hearing is appropriate for the resolution of the appeal, then it shall issue a notice of hearing to the appellant and Chief. The hearing shall be scheduled to take place on a date not less than thirty (30) or more than forty-five (45) days from the date of the notice.

1203 NOTICE OF CONTESTED CASE HEARING

1203.1 A notice of hearing issued by the Board shall:

(a) Provide the time, date, and location of the hearing;

(b) Reference applicable statutes, rules, or regulations;

(c) State the matters in dispute;

(d) Advise the parties that they may be represented by counsel or other representative of their choosing;

(e) Advise the parties that they may present oral testimony through themselves or witnesses and they may seek to have the attendance of a witness compelled by subpoena; provided, that the name of any witness to be presented by a party is submitted to the opposing party not less than ten (10) days prior to the date of the hearing;

(f) Advise the parties that they may present any relevant written or recorded statements made by the parties and any books, papers, documents, photographs, tangible objects, or other evidence which is in their possession for consideration by the Board; provided, that copies of such

evidence is delivered to the opposing party not less than ten (10) days prior to the date of the hearing;

(g) Advise the parties that any witness may be cross-examined by the opposing party or questioned by any member of the Board;

(h) Advise the parties that, pursuant to the Act, the burden of proof, the burden of production of evidence, and the burden of persuasion is on the appellant;

(i) Advise the parties that they may present rebuttal evidence within any limits established by the Presiding Member;

(j) Advise the parties that they may apply for the services of a qualified interpreter if they or a witness is deaf, hearing impaired, or cannot readily understand or communicate the spoken English language;

(k) Advise the appellant that failure to appear for the hearing will, absent good cause to permit the hearing to be rescheduled, result in the Board entering a dismissal of the appeal and sustaining the final action of the Chief; and

(l) Advise the parties of the date, time, and location or manner of any pre-hearing conference.

1204 APPEARANCES AND REPRESENTATION

1204.1 In a proceeding before the Board, any person or party may:

(a) Appear on his or her own behalf; or

(b) Be represented by any other person duly authorized in writing to do so.

1204.2 An authorization provided pursuant to § 1204.1(b) shall be in a manner prescribed by the Board, and shall state either that the individual is an attorney duly licensed to practice law in the District or, if not an attorney duly licensed to practice law in the District of Columbia, that the authorization includes the power of the agent or representative to bind the person in the matter before the Board. An attorney licensed to practice law by a jurisdiction within the United States may represent a person before the Board.

1205 SERVICE OF PAPERS

1205.1 Any paper required to be served upon a party shall be served upon him or her or upon the representative designated by him or her, or on any person otherwise designated by law to receive service of papers.

1205.2 When a party has appeared through an attorney or representative, service shall be made upon the attorney or representative of record.

1205.3 Service may be made by personal delivery, by mail, by email, or as otherwise authorized by law.

1205.4 Service upon a party shall be completed as follows:

(a) By personal delivery: On handing the paper to the person to be served, or leaving it at his or her office with his or her administrative assistant or time clerk or other person in charge, or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, by leaving it at his or her usual place of residence with some person of suitable age and discretion then residing in that place;

(b) By email: Upon sending the paper electronically to his or her email address or to the email address of his or her attorney or representative as listed on the written appearance submitted pursuant to § 1204.

(c) By mail: On depositing the paper in the United States mail, properly stamped and addressed to the address provided by a person on any application for license or that appears on any license issued by the Chief; or

(d) Upon being served in the specific manner prescribed by an order of the Board made in any proceeding.

1205.5 Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document served.

1205.6 Proof of service may be made by filing with the Board any of the following:

(a) A written acknowledgment of the party served or his or her attorney of record;

(b) A certificate of the attorney of record if he or she has made the service; or

(c) A certificate of the person making the service.

1205.7 For the purposes of this chapter, the phrase "filing with the Board," means the actual or electronic delivery to, and physical or electronic receipt by, the Board of pleadings and other papers.

1205.8 All documents filed with the Board relating to a hearing shall bear a caption which identifies the appellant, the Board's case or reference number, and the title of the pleading or document.

1205.9 All documents filed with the Board shall be printed on letter-sized paper using a font no smaller than twelve (12) point.

1206 RECORD OF MEETINGS AND HEARINGS

1206.1 All meetings of the Board whether open or closed shall be recorded by electronic means; provided, that if a recording is not feasible, detailed minutes of the meeting shall be kept.

1206.2 Changes in the official transcript may be made only when they involve errors affecting substance and upon the filing of a motion by a party to correct a transcript with the Board.

1206.3 Copies of any motion to correct a transcript shall be served simultaneously on all opposing parties or legal representatives.

1206.4 Objections to the motion to correct a transcript shall be filed with the Board within five (5) days and served upon the parties.

1206.5 The transcript may be changed by the Board at a public meeting to reflect any corrections.

1207 MEETINGS AND HEARINGS

1207.1 Hearings of the Board shall be scheduled as needed for the purpose of receiving evidence and testimony on specific matters.

1207.2 Meetings and hearings shall be held at the time and place the Presiding Member designates.

1207.3 The Presiding Member may conduct all or part of any prehearing conference or decision meeting by telephone, television, video conference, or other electronic means.

1207.4 An evidentiary hearing may be conducted by telephone, television, video conference, or other method only if:

(a) All parties consent; or

(b) The Presiding Member finds that this method will not impair reliable determination of the credibility of testimony, and each party must be given an opportunity to attend, hear, and be heard at the proceeding as it occurs.

1207.5 A Board member attending a decision meeting may vote even if the member did not attend any or all of the prior meetings or hearings on a matter before the Board; provided that the Board member has read the transcript or listened to or viewed any available electronic recording of the prior meetings or hearings he or she did not attend and the Board member has reviewed the complete record.

1208 EVIDENCE

1208.1 Evidence shall be taken in conformity with Section 10(b) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-509(b) (2012 Repl.)).

1208.2 The Presiding Member may permit rebuttal evidence.

1208.3 Any party objecting to the admissibility of evidence shall state the grounds of the objection(s) relied upon.

1208.4 A party may place on the record a statement summarizing any evidence excluded by the Presiding Member.

1208.5 If excluded evidence consists of documentary evidence, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.

1208.6 The Presiding Member, in his or her discretion, may receive into evidence certified copies of documents in place of the originals.

1208.7 If a party is offering materials contained in a book or larger document, that party shall plainly designate the relevant portions. The remaining material contained in that book or document shall be excluded.

1208.8 No document or other writing shall be accepted for the record after the close of the hearing, except with the consent of the Presiding Member after due notice to the opposing parties and only when the receipt of the document will not unfairly affect the interest of a party.

1208.9 Witnesses may be examined or cross-examined by each member of the Board, or any party or the party's representative.

1208.11 The Presiding Member may admit hearsay evidence during an evidentiary hearing if the Presiding Member determines it will be relevant and material to the resolution of any factual issue in dispute in the matter before the Board.

1209 PRE-HEARING CONFERENCES AND DISCOVERY

1209.1 Prior to any scheduled evidentiary hearing, the Presiding Member may require that the appellant and/or his or her attorney or representative appear for a pre-hearing conference with the Chief and/or the Chief's representative to consider the following:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the issues in dispute;

(c) The possibility of obtaining the admission of facts and documents which will avoid unnecessary proof;

(d) Limitation of the number of witnesses;

(e) Other matters which may aid in the disposition of the appeal; and

(f) Whether or not the use of any pre-hearing discovery is necessary to a fair adjudication of the appeal, what form the discovery may take, and any schedule for such discovery.

1209.2 The Presiding Member may issue a pre-hearing statement which recites the action taken at the conference, the amendments allowed to the issues in dispute, and the agreements made by the parties as to any of the matters considered which limit the issues for hearing to those issues not disposed of by admissions or agreements of counsel or parties.

1209.3 The Presiding Member may issue a pre-hearing order concerning the timing and manner of discovery and any pretrial motions or orders.

1210 SUMMARY DISPOSITION

1210.1 The Board may resolve an appeal through a summary disposition when the Board determines that the resolution of the appeal does not include a dispute concerning a material fact.

1210.2 If the Board determines that an appeal may be appropriate for summary disposition, the Board shall send a notice to the applicant that:

(a) Contains the materials submitted to the Board by the Chief;

(b) Advises the appellant that he or she has ten (10) days from receipt of the notice to submit any written argument to the Board, and serve a copy on the Chief, concerning:

(1) The existence of any material fact in dispute that would require an evidentiary hearing; and

(2) The appellant's views on why the Chief's exercise of discretion in denying the appellant's application was arbitrary and capricious or was not supported by reliable, probative, and substantial evidence.

1210.2 Within ten (10) days after receipt of a written argument by the appellant, the Chief shall file with the Board, and serve a copy on the appellant, a written response on the issue of the presence of a dispute of material fact, and any rebuttal argument concerning the Chief's exercise of discretion.

1210.3 After receipt of the Chief's response, the Board may at its discretion conduct an informal hearing at which the parties may appear and present oral argument on issues identified by the Board.

1210.4 After receipt of the Chief's response and the conclusion of any informal hearing, the Board shall meet and determine whether or not there is a dispute of material fact and, if they so find, issue a notice of a contested case hearing. If the Board determines there is not a dispute of material fact, then the Board shall issue a decision to sustain the final action of the Chief, reverse the action of the Chief, or modify the decision of the Chief, and also include in the decision the basis for its decision to proceed by summary disposition.

1211 STAYS OF APPEALS

1211.1 At any point in an appeal, if the Board determines that it is necessary or appropriate for resolution of the appellant's appeal, the Board may stay any action on the appeal and submit any issue to the Chief or the appellant for the Chief or appellant's consideration, documentation, or explanation.

1211.2 The Chief or appellant ("responding party") shall have ten (10) days after receipt of any submission by the Board pursuant to § 1211.1 to file a response with the Board and serve a copy on the opposing party.

1211.3 Within (10) days after receipt of a response served by the responding party pursuant to § 1210.6 the opposing party shall file a response with the Board and serve a copy on the responding party.

1211.4 After review of the responses filed by the Chief and the appellant the Board shall lift its stay and proceed with consideration of the appeal.

1211 [RESERVED]

1212 STIPULATIONS

1212.1 Apart from stipulations reached during or as a result of the pre-hearing conference, the parties may stipulate in writing at any stage in the proceeding or orally during the hearing any relevant fact or the contents or authenticity of any document.

1212.2 Post-conference stipulations may be received as evidence.

1212.3 Parties may also stipulate the procedure to be followed in the proceeding and such stipulation may, on motion of all parties, be approved by the Presiding Member and govern the conduct of the proceeding.

1213 CONTINUANCES

1213.1 A hearing scheduled to be conducted before the Board shall not be delayed by a continuance unless a motion for the continuance is made not less than five (5) days before the scheduled hearing date.

1213.2 A continuance shall not be granted unless the motion for continuance, in the Board's opinion, sets forth good and sufficient cause for the continuance.

1213.3 Conflicting engagements of counsel or a party's representative, or absence of counsel or a party's representative, shall not be regarded as sufficient cause for continuance unless set forth in a motion filed promptly after notice of the hearing has been given. The employment of new counsel or a new representative shall not be regarded as sufficient cause for continuance unless a motion for continuance is filed promptly after the party becomes aware that the employment of the former counsel or representative will end.

1214 NONAPPEARANCE OF PARTIES AND DEFAULTS

1214.1 The Presiding Member may wait a reasonable length of time for a party to appear before beginning a proceeding. After a reasonable time, however, if a party who has received notice has not appeared, the Presiding Member may proceed as follows:

(a) The Presiding Member may proceed with the hearing, obtain the testimony of those persons present, and, on the basis of the testimony and the record, the Board may issue a decision in the case;

(b) The Presiding Member, for good cause, may postpone the hearing without taking testimony; or

(c) In the case of the appellant failing to appear, the Presiding Member, with the concurrence of a majority of the members present, may dismiss the appeal and sustain the decision of the Chief.

1215 ASSIGNMENT OF BOARD MEMBERS TO HEARING PANELS

1215.1 Board members shall sit on hearing panels in such order and at such times as the Chairperson of the Board directs.

1215.2 In determining the composition of a hearing Panel, the Chairperson shall:

(a) Comply with the requirements of Section 908(c) of the Act;

(b) Assign the Board member designated by the Director of the Department of Behavioral Health, or the public member who qualifies as mental health professional, to any hearing panel at which an issue concerning the mental health of the appellant will be adjudicated; and

(c) Make hearing assignments in a manner that equitably divides the workload among the Board members.

1215.3 In the sole discretion of the Chairperson, a hearing may be assigned to the full Board.

1215.4 Any decision of a hearing Panel shall be the final decision of the Board with no right of any party to request consideration by the full Board; provided, a party may request reconsideration, rehearing, or re-argument before the Panel pursuant to Section 1222.

1216 INTERPRETERS

1216.1 The Board shall ascertain before the hearing whether an interpreter will be required, pursuant to the notice issued pursuant to Subsection 1203.1, and shall make appropriate arrangements if an interpreter is required.

1216.2 An oath or affirmation shall be administered to the interpreter orally or in writing.

1217 SPECIFIC RULES OF HEARING PROCEDURE

1217.1 A party may cross-examine any other party or person, except that the Presiding Member may rule a question out of order when it is irrelevant, immaterial, or unduly repetitious.

1217.2 Witnesses shall be examined and cross-examined orally under oath or affirmation.

1217.3 The order of procedure at the hearing shall be as follows:

(a) Call to order and opening comments by the Presiding Member;

(b) Consideration of pending motions and procedural matters;

(d) The appellant's case;

(e) The Chief's case; and

(g) Any rebuttal offered by the appellant.

1217.4 In an evidentiary hearing, no decision or order of the Board shall be made except upon the exclusive record of the proceedings before the Board.

1218 BURDEN OF PROOF

1218.1 In all cases before the Board the appellant has the burden of persuading the Board that the Chief's final action should be reversed or modified based on substantial evidence.

1218.2 The appellant has the burden of producing evidence that (1) the appellant met all the non-discretionary requirements of the Act, and (2) that having met all the non-discretionary requirements of the Act, the Chief's exercise of discretion was not supported by reliable, probative, and substantial evidence.

1219 POST-HEARING PROCEDURES

1219.1 The record shall be closed at the end of the hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs, as directed by the Chairperson or Presiding Member.

1219.2 Prior to issuing the final decision, the Board may, on its own motion, reopen the record and require further hearing or briefing on designated issues before the Board.

1219.3 Notice of a further hearing along with a designation of issues shall be forwarded to any party who participated in the earlier proceedings, or his or her legal representative. Notice shall be given at least fourteen (14) days prior to the date set for further hearing.

1220 PROPOSED FINDINGS

1220.1 The Board may request parties to submit proposed findings of fact and conclusions of law for the consideration of the Board within the time the Presiding Member may direct.

1220.2 Copies of proposed findings and conclusions shall be served by each party upon the opposing party.

1221 FINAL DECISION

1221.1 Within ninety (90) days after the conclusion of a hearing, the Board shall render its decision in writing, setting forth findings of fact and conclusions of law and giving the reasons for its decision.

1221.2 The findings and conclusions in the decision shall be governed by and based upon the evidence adduced at the hearing along with any other evidence in the record.

1221.4 A decision shall be supported by substantial evidence on the record. Pursuant to the substantial evidence rule, courts shall uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.

1221.5 The decision shall sustain, reverse, or modify the final action as requested by the appellant or the Chief.

1221.6 The decision shall include an instruction that the appellant or the Chief may pursue judicial review in the manner provided by the Act.

1222 RECONSIDERATION

1222.1 Any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding shall be filed by a party within ten (10) days of the order having become final. The motion shall be served upon the opposing party. The Board shall not receive or consider any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding that is filed prior to the order having become final.

1222.2 A motion for reconsideration, rehearing, or re-argument shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought.

1222.3 Within seven (7) days after a motion has been filed and served, an opposing party may file a response in opposition to or in support of the motion.

1222.4 Neither the filing nor the granting of the motion shall stay a decision unless the Board orders otherwise.

1222.5 A motion for reconsideration, rehearing, or re-argument shall not be a prerequisite to judicial review.

1223 SUBPOENAS AND DEPOSITIONS

1223.1 The Board may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence.

1223.2 Each subpoena issued by the Board shall include the following:

(a) The name of the respondent;

(b) The title of the action;

(c) A specification of the time allowed for compliance with the subpoena; and

(d) (1) A command to the person to whom it is directed to attend and give testimony at a time and place specified in the subpoena; or

(2) A command to the person to whom it is directed to produce and permit inspection and copying of the books, papers, documents, or tangible things designated in the subpoena.

1223.3 Any party may, by a written motion, request the Board to subpoena particular persons or evidence.

1223.4 A request for subpoena shall state the relevancy, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence, the identification of all documents desired and the facts to be proven by them in sufficient detail to indicate materiality and relevance.

1223.5 Any person to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, request the Board to quash or modify the subpoena.

1223.6 Any application to quash a subpoena shall be accompanied by a brief statement of the reasons supporting the motion to quash.

1223.7 The Board may quash or modify the subpoena upon a showing of good cause.

1223.8 Upon written notice and for extraordinary circumstances, such as the need to preserve testimony or the need to obtain testimony from a non-resident witness or party, the Board may order testimony to be taken by deposition, before any person who is designated by the Board to administer oaths. Such deposition may be conducted by video conference or other electronic means approved by the Board.

1224 SERVICE OF SUBPOENA OR NOTICE OF DEPOSITION

1224.1 A subpoena or notice of deposition may be served by any person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena or notice upon a person named therein shall be made by delivering a copy of the subpoena to the person and, if the person's attendance is commanded, by tendering to that person the fees for one (1) day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or the District of Columbia or an officer or agency thereof, fees and mileage need not be tendered.

1224.2 Witnesses are entitled to a witness fee of forty dollars ($40) per day and the cost of public transportation to the proceeding or a mileage fee calculated at seventeen cents (17¢) per mile.

1224.3 Service of a subpoena or notice of deposition, and fees, to an individual may be made by any of the following means:

(a) Handing the subpoena or notice to the person;

(b) Leaving the subpoena or notice at the person's District government office with the person in charge of the office;

(c) Leaving the subpoena or notice at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing in that dwelling place or abode; or

(d) Mailing the subpoena or notice by registered or certified mail to the person at the person's last known address.

1224.4 When the person to be served is not an individual, a copy of the subpoena or notice of the deposition and fees shall be delivered by one (1) of the following ways:

(a) Handing the subpoena or notice to a registered agent for service;

(b) Handing the subpoena or notice to any officer, director, or agent in charge of any office of that person; or

(c) Mailing the subpoena or notice by registered or certified mail to the representative at his or her last known address.

1224.5 The individual serving a subpoena shall file with the Board a return of service setting forth the facts establishing proper service.

1224.6 The Board may, upon the failure by any person to obey a subpoena served upon that person, apply to the D.C. Superior Court for an order requiring the person to appear before the Board to give testimony, produce evidence, or both. If a person fails to obey the order without an adequate excuse, the Board may apply for an order that the person be held by the court for contempt.

1225 TRANSCRIPTS: CITATION AND COSTS

1225.1 All proceedings, except for settlement conferences, shall be recorded. The recording is the official record of what occurred at the proceeding.

1225.2 Any party may obtain a copy of the recording of a hearing at the party's expense.

1225.3 Transcripts of the recording of the proceedings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.

1225.4 In filings, a party may only rely upon a transcript prepared according to this section.

1225.5 Unless otherwise stipulated by the parties or ordered by Board, if a party cites to a portion of a transcript, the entire transcript of the case must be filed with the Board, and a copy must be served on the opposing party.

1225.6 In any case in which a party files a petition for review in the District of Columbia Court of Appeals, the Board will arrange for the preparation and filing of a transcript without charge only if the Court of Appeals has permitted the petitioner to proceed *in forma pauperis*. In all other cases, the Board will arrange for preparation and filing of a transcript only after the Board receives payment for the cost of preparing the transcript.

1226 SUMMARY SUSPENSION HEARINGS

1226.1 Any person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3, within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board.

1226.2 The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing.

1226.3 The Board shall notify the Chief and the appellant of the date and location of the hearing as soon as practical.

1226.4 The Chief shall have the burden of production and the burden of persuasion for the summary suspension.

1226.5 A summary evidentiary hearing shall be conducted in a manner that provides opportunity to the licensee to challenge the basis of the Chief's suspension action through the presentation of documentary evidence and testimony, as well as the ability to examine and cross-examine any witness.

1226.6 If the Board sustains the suspension, it shall issue a written decision setting forth its findings of facts and conclusions of law. The decision to sustain the suspension shall expire within thirty (30) days after the decision is issued unless the Chief has served the licensee a notice of intent to revoke pursuant to Section 905 of the Act. If the Chief has served the licensee a notice of intent to revoke pursuant to Section 905 of the Act, the summary suspension shall remain in effect until the Chief revokes the permit or, if a timely request for an appeal of the notice of revocation has been filed with the Board, the conclusion of the notice of revocation appeal.

1226.7 Any decision of the Board to sustain a suspension shall be a temporary decision and not a final action. There is no right of appeal from a decision of the Board to sustain a summary suspension action. An appeal must follow a final decision of the Board to sustain a revocation of the license that was the subject of the summary suspension and the appeal must be based on the facts and conclusions that formed the basis of the final decision.

1299 DEFINITIONS

1299.1 For the purposes of this chapter, the term:

"**Act**" – means Title IX of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)) and any substantially similar emergency, temporary, or permanent versions of this legislation.

"**Board**" – means the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to conduct hearings and render final decisions by the Act.

"**Chairperson**" – means the Chairperson of the Board.

"**Chief**" – means the Chief of the Metropolitan Police Department or his or her designee.

"**Panel**" – means a hearing panel authorized by the Act and comprised of three (3) members of the Board designated to review an appeal, conduct any evidentiary hearing, and render any temporary or final decision on the appeal.

"**Presiding Member**" – means the Board member presiding over a Panel, or the Chairperson when an appeal is assigned to the full Board.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), 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.774; D.C. Official Code § 1-307.02 (2014 Repl.)), 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 the adoption of Chapter 95, entitled "Medicaid Eligibility" of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules reorganize the District's eligibility policies and procedures in accordance with the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029; (codified as amended in scattered sections of 42 U.S.C.)) (collectively referred to as the Affordable Care Act) (ACA), and related regulations.

DHCF is the single state agency for the administration of the State Medicaid program under Title XIX of the Social Security Act and CHIP under Title XXI of the Social Security Act in the District. As the single state agency, DHCF is also responsible for supervising and administering the District of Columbia State Plan (State Plan) for Medical Assistance pursuant to 42 U.S.C. §§ 1396 *et seq.*, and amendments thereto. DHCF shall ensure that the State Plan establishes standards that govern DHCF, or its designee, in the administration of the District's Medicaid program.

These rules will allow District resident to apply for health care coverage using a single, streamlined application which may be submitted online, by telephone, through the mail, or in-person. Eligibility will be verified primarily through self-attestation and electronic data accessed through state, federal and private data sources. The implementation of streamlined eligibility and enrollment processes under these rules will encourage real-time eligibility and enrollment in Medicaid; enable the application of eligibility verification policies more consistently and accurately; improve application processing times; and reduce administrative costs.

A Notice of Proposed Rulemaking was published October 31, 2014 at 61 DCR 11440, and a Notice of Emergency and Second Proposed Rulemaking was published in the *D.C. Register* March 20, 2015 at 62 DCR 003443. No comments were received and no substantive changes have been made. The Director adopted these rules as final on August 5, 2015 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

CHAPTER 95 MEDICAID ELIGIBILITY

9500 GENERAL PROVISIONS

9500.1 This chapter shall govern eligibility determinations for the District of Columbia (District) Medicaid programs authorized under Title XIX and XXI of the Social Security Act (the Act).

9500.2 Pursuant to 42 U.S.C. Sections 1396 *et seq*., and amendments thereto, the Department of Health Care Finance (Department) shall be responsible for supervising and administering the District of Columbia State Plan (the State Plan) for Medical Assistance.

9500.3 The Department may delegate its authority to determine eligibility for non-pregnant individuals, ages twenty-one (21) through sixty-four (64), without dependent children; individuals, ages zero (0) through twenty (20); pregnant women; parents and other caretaker relatives; individuals formerly in foster care, and individuals who are aged, blind, or disabled pursuant to 42 C.F.R. Subsection 431.10.

9500.4 The Department may delegate its authority to conduct administrative reviews and fair hearings with respect to denials of eligibility pursuant to 42 C.F.R. Subsection 431.10.

9500.5 The Department shall exercise appropriate oversight over the eligibility determinations and appeal decisions of its designees and incorporate such written delegations in the State Plan.

9500.6 The Department shall apply the following general standards in the administration of its Medicaid programs:

(a) Information explaining the policies governing eligibility determinations and appeals shall be provided in plain language and in a manner that is accessible and timely to all applicants and beneficiaries, including those with limited or no-English proficiency and those living with disabilities;

(b) District Medicaid program information shall be provided to applicants and beneficiaries who have limited or no-English proficiency through the provision of language services at no cost to them pursuant to Title VI of the Civil Rights Act of 1964, effective July 2, 1964 (42 U.S.C. §§ 2000d, *et seq*.), the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq*.) (Language Access Act), and Mayor's Order 2007-127, dated May 31, 2007;

(c) District Medicaid program information shall be provided to applicants and beneficiaries who are living with disabilities through the provision of auxiliary aids and services at no cost to the individual in accordance with Title II of the Americans with Disabilities Act of 1990, effective July 26,

1990 (42 U.S.C. §§ 12101 *et seq.*), § 504 of the Rehabilitation Act of 1973, effective September 26, 1973 (29 U.S.C. § 794), and the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.*);

(d) Applicants and beneficiaries shall be informed at the time of application, renewal, or redetermination that the Department, shall obtain and use available information to verify income, eligibility, and the correct amount of Medicaid payments, except for aged, blind, or disabled individuals whose eligibility is determined by the U.S. Social Security Administration (SSA) under an agreement between the District and SSA pursuant to Section 1634 of the Act;

(e) Information obtained by the Department under this section may be exchanged with the District Health Benefit Exchange Authority (DC HBX) and with other District or federal agencies for the purpose of:

(1) Verifying eligibility for Medicaid, the DC HBX, or other Insurance Affordability Programs (IAP), defined as one of the following:

(i) A State Medicaid program under Title XIX of the Social Security Act;

(ii) A State children's health insurance program (CHIP) under Title XXI of the Social Security Act;

(iii) A State basic health program established under the Affordable Care Act; or

(iv) A program that makes coverage available through an Exchange with advance payments of premium tax credits or cost-sharing reductions;

(2) Establishing the amount of tax credit or cost-sharing reduction due;

(3) Improving the provision of services; and

(4) Administering IAPs; and

(f) Income and eligibility information shall be furnished to the appropriate District agencies responsible for the child support enforcement program under part D of Title IV of the Act; and the provision of old age, survivors, and disability benefits under Title II and for Supplemental Security Income (SSI) benefits under Title XVI of the Act.

9500.7 The Department shall establish and maintain policies that govern the types of information about applicants and beneficiaries that are protected against unauthorized disclosure for purposes unrelated to the determination of Medicaid eligibility. Protected information may include, but is not limited to, the following:

(a) Name and address;

(b) Phone number;

(c) Social security number;

(d) Medical services provided;

(e) Social and economic conditions or circumstances;

(f) Department evaluation of personal information;

(g) Medical data, including diagnosis and past history of disease or disability;

(h) Any information received for verifying income eligibility and the amount of Medicaid payments; and

(i) Any information received in connection with the identification of legally liable third party resources pursuant to applicable federal regulations.

9500.8 Protected information, in accordance with Subsection 9500.7, shall not include Medicaid beneficiary identification numbers.

9500.9 The Department shall provide notice or other communications concerning an applicant's or beneficiary's eligibility for Medicaid electronically only if the individual has affirmatively elected to receive electronic communications. If the individual elects to receive communications from the agency electronically, the Department shall:

(a) Confirm by regular mail the individual's election to receive notices electronically;

(b) Inform the individual of the right to change such election, at any time, to receive notices through regular mail;

(c) Post notices to the individual's electronic account within one (1) business day of notice generation; and

(d) Send an email or other electronic communication alerting the individual that a notice has been posted to the individual's account.

9500.10 If an electronic communication is undeliverable, a notice shall be sent by regular mail within three (3) business days of the date of the failed electronic communication.

9500.11 At the individual's request, the Department shall provide a paper copy of any notice posted to the individual's electronic account.

9500.12 The Department shall provide the following information by telephone, mail, in person, or through other commonly available electronic means, as appropriate, to all applicants and other individuals upon request:

(a) Eligibility requirements;

(b) Covered Medicaid services;

(c) The rights and responsibilities of applicants and beneficiaries; and

(d) Appeals.

9500.13 The Department shall consider the following factors in determining eligibility for Medicaid:

(a) Income at or below the applicable Medicaid program standard;

(b) District of Columbia residency;

(c) Age;

(d) Social security number;

(e) U.S. Citizenship or satisfactory immigration status;

(f) Household composition;

(g) Pregnancy, where applicable; and

(h) Any other applicable non-financial eligibility factors under federal or District law, such as disability, blindness, or need for long-term services or supports.

9500.14 The Department shall use MAGI-based methodologies and non-MAGI-based methodologies in eligibility determinations for enrollment in and receipt of benefits from the District Medicaid program, in accordance with the requirements of this chapter, and any subsequent amendments thereto.

9500.15 MAGI-based income methodologies, under the provisions of this chapter, shall apply to the following groups:

(a) Non-pregnant individuals, ages twenty-one (21) through sixty-four (64), without dependent children;

(b) Individuals, ages zero (0) through twenty (20);

(c) Pregnant women; and

(d) Parents and other caretaker relatives. For purposes of this section a caretaker relative is a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care (as may, but is not required to, be indicated by claiming the child as a tax dependent for Federal income tax purposes), and who is one of the following:

(1) The child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;

(2) The spouse of such parent or relative, even after the marriage is terminated by death or divorce; or

(3) Another relative of the child based on blood (including those of half-blood), adoption, or marriage.

9500.16 No resource (assets) test shall apply to eligibility groups identified in Subsections 9500.15(a) through 9500.15(d).

9500.17 MAGI-based income methodologies, under the provisions of this chapter and 42 C.F.R. Section 435.603, shall not apply to the following groups:

(a) Individuals who are under the age of eighteen (18) for whom an adoption assistance agreement under Title IV-E of the Act is in effect and individuals who receive Title IV-E foster care maintenance payments;

(b) Individuals who are under the age of twenty-one (21) in foster care under the responsibility of the District and individuals receiving adoption subsidy payments;

(c) Individuals who are under the age of twenty-six (26) and were on District Medicaid and in foster care under the responsibility of the District at the time they reached the age of eighteen (18) or have aged out of foster care;

(d) Individuals who are age sixty-five (65) or older when age is a condition of eligibility;

(e) Individuals whose eligibility is being determined on the basis of being blind or disabled or on the basis of being treated as being blind or disabled, including but not limited to, individuals eligible under 42 C.F.R. Section 435.121, Section 435.232, Section 435.234, or under Section 1902(e)(3) of the Act;

(f) Individuals who request coverage for long-term services and supports for the purpose of being evaluated for an eligibility group under which long-term services and supports are covered;

(g) Individuals who are being evaluated for eligibility for Medicare cost sharing assistance under Section 1902(a)(10)(e) of the Act and 42 C.F.R. Section 435.603;

(h) Individuals who are being evaluated for coverage as medically needy; and

(j) Other individuals whose eligibility for Medicaid does not require a determination of income by the Department.

9500.18 For an applicant or beneficiary found not eligible based on MAGI methodology and who has been identified on the application or renewal form as potentially eligible on a non-MAGI basis, an eligibility determination shall be made on such basis.

9500.19 The meaning of foster care under this chapter shall be consistent with the definition of foster family home under 45 C.F.R Section 1355.20.

9500.20 The Department shall issue and maintain all policies relevant to Medicaid eligibility determinations. The Department shall make its policies available at www.dhcf.dc.gov and shall provide updates as necessary.

9501 APPLICATION, REDETERMINATION, AND RENEWAL

9501.1 An individual may apply for Medicaid or other Insurance Affordability Programs (IAPs) using a single, streamlined application described at 42 C.F.R. Sections 435.907(b) and (c). The application and any required verification may be submitted:

(a) Over the Internet;

(b) By telephone;

(c) By mail;

(d) In person; and

(e) Through other commonly available electronic means.

9501.2 The application and any required verification may be submitted by:

(a) The applicant;

(b) An adult who is in the applicant's household or family;

(c) An authorized representative of the applicant, pursuant to Subsection 9501.33; or

(d) An individual acting responsibly on behalf of the applicant, if the applicant is a minor or incapacitated.

9501.3 Where the Department requires additional information to determine eligibility, the Department shall provide written notice that includes a statement of the specific information needed to determine eligibility; and the date by which an applicant or beneficiary shall provide the required information.

9501.4 The Department shall determine whether an applicant meets the eligibility factors for Medicaid based upon receipt of:

(a) A complete, signed, and dated application for Medicaid and other IAPs; and

(b) Required verifications as described in the District Verification Plan pursuant to 42 C.F.R. Sections 435.940 through 435.965 and Section 457.380.

9501.5 An application shall be considered complete and submitted if all of the following requirements are met:

(a) All information, including but not limited to demographic information, citizenship/nationality or satisfactory immigration status, household composition, residency, and income, to determine eligibility is provided within the time frame established at Subsection 9501.9;

(b) The application is signed and dated, under penalty of perjury; and

(c) The application is received by the Department.

9501.6 The Department shall accept handwritten, telephonically recorded, and electronic signatures that conform to the requirements of federal and District law.

9501.7 The Department may not require an in-person interview as part of the application process for Medicaid eligibility determinations.

9501.8 The Department shall use the application filing date to determine the earliest date for which Medicaid can be effective. The filing date shall be the date that a complete application is received by the Department.

9501.9 Application timeliness standards shall be as follows:

(a) For an initial eligibility determination based on a disability, the Department shall inform the applicant of timeliness standards and determine eligibility within sixty (60) calendar days of the date that a complete application is submitted.

(b) For an initial eligibility determination for all other applicants, the Department shall inform the applicant of timeliness standards and determine eligibility within forty-five (45) calendar days of the date that a complete application is submitted.

(c) The Department may extend the sixty (60) day and forty-five (45) day periods pursuant to D.C. Official Code Section 4-205.26 and described in Subsections 9501.9(a) through (b) when a delay is caused by unusual circumstances such as:

(1) Circumstances wholly within the applicant's control;

(2) Circumstances beyond the applicant's control such as hospitalization or imprisonment; or

(3) An administrative or other emergency that could not be reasonably controlled by the Department.

9501.10 Eligibility for Medicaid shall begin three (3) months before the month of application if the individual was eligible and received covered services during that period.

9501.11 The earliest possible date for retroactive eligibility shall be the first day of the third month preceding the month of application.

9501.12 Retroactive eligibility, pursuant to Subsections 9501.10 and 9501.11, shall not apply to:

(a) Qualified Medicare Beneficiaries (QMB);

(b) Individuals without dependent children eligible for Medicaid under Section 1115 of the Social Security Act on or before December 31, 2014;

(c) Individuals determined presumptively eligible by qualified hospitals; and

(d) Individuals determined presumptively eligible based on pregnancy.

9501.13 An applicant or an individual acting on an applicant's behalf may withdraw an application upon request and prior to an eligibility determination through any means identified at Subsection 9501.1.

9501.14 The Department shall renew eligibility every twelve (12) months for all beneficiaries, except for beneficiaries deemed eligible for less than one (1) year.

9501.15 A beneficiary shall immediately notify the Department of any change in circumstances that directly affects the beneficiary's eligibility to receive Medicaid, or affects the type of Medicaid for which the beneficiary is eligible.

9501.16 The Department shall redetermine eligibility for beneficiaries identified at Subsection 9501.15 at the time the change is reported.

9501.17 When renewing or redetermining eligibility, the Department shall, where possible, determine eligibility using available electronic information.

9501.18 Where the Department can renew eligibility based on available electronic information, the Department shall issue written notice of the determination to renew eligibility and its basis to the beneficiary no later than sixty (60) days before the end of the certification period. The Department shall then renew eligibility for twelve (12) months.

9501.19 A beneficiary shall not be required to sign and return the written notice identified at Subsection 9501.18 if the information provided in the notice is accurate.

9501.20 Where the information in the written notice identified at Subsection 9501.18 is inaccurate, the beneficiary shall provide the Department with correct information, along with any necessary supplemental information through any means allowed under Subsection 9501.1.

9501.21 A beneficiary may provide correct information and any necessary supplemental information pursuant Subsection 9501.20 without signature.

9501.22 Where the Department cannot determine eligibility using available information, the Department shall provide a pre-populated renewal form with information available to the Department; a statement of the additional information needed to renew eligibility; and the date by which the beneficiary shall provide the requested information.

9501.23 Where the Department provides a beneficiary with a pre-populated renewal form, to complete the renewal process, the beneficiary shall:

(a) Complete and sign the form in accordance with Subsection 9501.6;

(b) Submit the form via the Internet, telephone, mail, in person, or through other commonly available electronic means; and

(c) Provide required information to the Department before the end of the beneficiary's certification period.

9501.24 The pre-populated renewal form shall be complete if it meets the requirements identified in Subsection 9501.5.

9501.25 Where a beneficiary fails to return the pre-populated renewal form and the information necessary to renew eligibility, the Department shall issue a written notice of termination thirty (30) days preceding the end of a beneficiary's certification period.

9501.26 The Department shall terminate Medicaid eligibility when:

(a) A beneficiary fails to submit the pre-populated renewal form and the necessary information by the end of certification period; or

(b) The beneficiary no longer meets all eligibility factors.

9501.27 For an individual who is terminated for failure to submit the pre-populated renewal form and necessary information, the Department shall determine eligibility without requiring a new application if the individual subsequently submits the pre-populated renewal form and necessary information within ninety (90) days after the date of termination.

9501.28 The Department shall terminate eligibility upon a beneficiary's request.

9501.29 Upon receipt of a written request for termination of Medicaid eligibility by the beneficiary, the Department shall terminate the beneficiary's eligibility on:

(a) The last day of the month in which the Department receives the request where there are fifteen (15) or more days remaining in the month;

(b) The last day of the following month in which the Department receives the request where there are fewer than fifteen (15) days remaining in the month; or

(c) A date earlier than those referenced in Subsections 9501.29(a) through (b), upon request by the beneficiary.

9501.30 A request to terminate Medicaid eligibility shall be complete if all of the following requirements are met:

(a) The request is submitted by Internet, telephone, mail, in-person, or through other commonly available electronic means;

(b) The request is signed and dated, under penalty of perjury, in accordance with Subsection 9501.6; and

(c) The request includes all information necessary to determine the identity of the individual seeking termination.

9501.31 The Department shall provide written notice of termination no later than fifteen (15) calendar days prior to termination, except as stated under Subsection 9508.5 through Subsection 9508.7.

9501.32 An applicant or beneficiary determined to be ineligible for Medicaid shall receive an eligibility determination for other IAPs.

9501.33 An individual may designate another individual or organization to be an authorized representative to act on their behalf to assist with an application, a redetermination of eligibility, and other on-going communications with the Department. The Department shall require the following:

(a) The designation of an authorized representative shall be in writing and signed, pursuant to Subsection 9501.6, by the individual seeking representation. In the alternative, legal documentation of authority to act on behalf of an individual under District law, including a court order establishing legal guardianship or power of attorney, may serve in the place of a written authorization;

(b) The authority of an authorized representative shall be valid until the represented individual or authorized representative notifies the Department that the representative is no longer authorized to act on the individual's behalf; or there is a change in the legal document of authority to act on the individual's behalf;

(c) An authorized representative may be authorized to:

(1) Sign an application on behalf of an applicant;

(2) Receive copies of notices and other communications from the Department;

(3) Act on behalf of an individual in all other matters with the Department; and

(4) Complete and submit redetermination forms; and

(d) An authorized representative shall agree to maintain, or be legally bound to maintain, the confidentiality of any information regarding the represented individual provided by the Department.

9502 RESIDENCY

9502.1 An individual shall be a resident of the District as a condition of Medicaid eligibility.

9502.2 An individual shall be considered incapable of stating intent to reside in the District if one of the following applies to the individual:

(a) Individual has an I.Q. of forty-nine (49) or less or a mental age of seven (7) or less, based on tests acceptable to the District Department on Disability Services;

(b) Individual is judged legally incompetent; or

(c) Individual is found incapable of indicating intent by a physician, psychologist, or other similarly individual licensed in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*. (2012 Repl.)).

9502.3 A resident of the District shall be any individual who:

(a) Meets the conditions of Subsections 9502.4 through 9502.19; or

(b) Meets the criteria specified in an interstate agreement under Subsection 9502.23.

9502.4 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, 9502.14, and 9502.15 below, an individual under age nineteen (19) who lives in the District shall be considered a resident of the District.

9502.5 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, 9502.14, and 9502.15 below, the state of residence of an individual who is age nineteen (19) through twenty (20) shall be where the individual resides or the state of residency of the parent or caretaker relative with whom the individual resides.

9502.6 An individual who is under the age of twenty-one (21), who is capable of stating intent to reside; who is married or emancipated, and who does not reside in an institution, shall follow the residency rules applicable to individuals who are the age of twenty-one (21) and older.

9502.7 An individual, who is the age of twenty-one (21) or older and who does not live in an institution, shall be considered a resident of the District if the individual is living in the District voluntarily and not for a temporary purpose; that is, an individual with no intention of presently leaving including individuals without a fixed address or who have entered the District with a job commitment or seeking employment, whether or not currently employed.

9502.8 Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence.

9502.9 Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District, except insofar as it may bear on whether the individual is there for a temporary purpose.

9502.10 Unless an exception applies, the State of residence for an individual who is age twenty-one (21) and over, and who is not living in an institution, but who is incapable of stating intent to reside, shall be the State where the individual lives.

9502.11 Where a District agency or designee arranges or makes an out-of-state placement for any individual aged eighteen (18) and older receiving diagnostic, treatment, or rehabilitative services related to intellectual or developmental disabilities, the District shall be the State of residence.

9502.12 The State of residence for an individual placed by the District in an out-of-District institution shall be determined as follows:

(a) An individual who is placed in an institution in another State by a District agency or designee is a District resident;

(b) If a District agency or designee arranges or makes the placement, the District is considered as the individual's State of residence, regardless of the individual’s intent or ability to indicate intent;

(c) Where a placement is initiated by a District agency or designee because the District lacks a sufficient number of appropriate facilities to provide services to its residents, the District, as the State making the placement is the individual's State of residence.

9502.13 Any action by a District agency or designee beyond providing information to the individual and the individual's family constitutes arranging, or making, an out-of-District placement in an institution.

9502.14 The State of residence for an individual of any age who receives a State supplementary payment (SSP) shall be the State paying the SSP.

9502.15 The State of residence for individuals who is under the age of twenty-one (21) receiving adoption assistance, foster care, or guardianship care under title IV-E of the Social Security Act (the Act) shall be the State where such individuals actually live even if adoption assistance, foster care, or guardianship payments originate from the District.

9502.16 The State of residence for an institutionalized individual under the age of twenty-one (21), who is neither married nor emancipated, shall be the following:

(a) The parent's or legal guardian's State of residence at the time of placement;

(b) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that same State; or

(c) If the individual has been abandoned by his or her parents and has no legal guardian, the State of residence of the individual who files an application.

9502.17 For any institutionalized individual who became incapable of indicating intent before age twenty-one (21), the State of residence shall be:

(a) That of the parent applying for Medicaid on the individual's behalf, if the parents reside in separate States (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);

(b) The parent's or legal guardian's State of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);

(c) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that State (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's); or

(d) The State of residence of the individual or party who files an application is used if the individual has been abandoned by his or her parent(s), does not have a legal guardian and is institutionalized in that State.

9502.18 For any institutionalized individual (regardless of any type of guardianship) who became incapable of indicating intent at or after age twenty-one (21), the State of residence is the State in which the individual is physically present, except where another State makes a placement.

9502.19 For any other institutionalized individual, the State of residence shall be the State where the individual is living and intends to reside.

9502.20 The Department shall not deny eligibility for Medicaid because an individual has not resided in the District for a specified period.

9502.21 The Department shall not deny eligibility for Medicaid to an individual in an institution, who satisfies the residency rules set forth in this section on the grounds that the individual did not establish residence in the District before entering the institution.

9502.22 The Department shall not deny or terminate an individual's eligibility for Medicaid because of the individual's temporary absence from the District if the individual intends to return when the purpose of the absence has been accomplished, unless another State has determined that the individual is a resident there for purposes of Medicaid.

9502.23 The District may extend eligibility for Medicaid to individuals who would traditionally be considered residents of a State other than the District under an interstate agreement.

9502.24 Where two or more States cannot resolve which State is the State of residence, and in the absence of an interstate agreement between the District and another State governing disputed residency, the State where the individual is physically located shall be the State of residence.

9503 CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS

9503.1 An individual shall meet applicable citizenship or satisfactory immigration status requirements as a condition of Medicaid eligibility.

9503.2 The following groups of individuals satisfy citizenship or satisfactory immigration status requirements:

(a) A U.S. citizen or national as described in Subsection 9503.8, including children born to a non-citizen in the U.S;

(b) Lawful Permanent Residents (LPRs) pursuant to the Immigration and Nationality Act (INA);

(c) Refugees admitted under Section 207 of INA including Afghan and Iraqi Special Immigrants (SIV's) as permitted under Pub. L. 111-118;

(d) Aliens granted Asylum under Section 208 of INA;

(e) Cuban or Haitian entrants as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(f) Aliens granted conditional entry prior to April 1, 1980;

(g) Aliens who have been paroled into the U.S. in accordance with 8 U.S.C. § 1182(d)(5) for less than one (1) year;

(h) Certain battered spouses, battered children or parents, or children of a battered individual with a petition approved or pending under Section 204(a)(1)(A) or (B) or Section 244(a)(3) of the INA;

(i) An individual who has been granted withholding of Deportation;

(j) American entrants pursuant to Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988 (as contained in Section 101(e) of Pub. L. 100-202 and amended by the 9th provision under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988, Pub. L. 100-461 as amended);

(k) American Indians born outside the U.S. who were born in Canada and are at least fifty percent (50%) American Indian blood and to whom the provisions of Section 289 of the INA apply; and are members of a federally recognized tribe as defined in Section 4(e) of the Indian Self-Determination and Education Act; and

(l) Lawfully residing aliens who are under the age of twenty-one (21) and pregnant women pursuant to Section 1903(v)(4) of the Social Security Act, including the following individuals who are:

(1) Defined as qualified aliens in 8 U.S.C. Section 1641(b) and (c);

(2) In a valid nonimmigrant status, as defined in 8 U.S.C. Section 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. Section 1101(a)(17))(includes worker visas, student visas, and citizens of Micronesia, the Marshall Islands, and Palau);

(3) Paroled into the U.S. in accordance with 8 U.S.C. Section 1182(d)(5) for less than one (1) year, except for individuals paroled for prosecution, for deferred inspection or pending removal proceedings;

(4) Granted temporary resident status in accordance with 8 U.S.C. Section 1160 or Section 1255a, respectively;

(5) Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. § 1254a, and individuals with pending applications for TPS who have been granted employment authorization;

(6) Granted employment authorization under 8 C.F.R Section 274a.12(c);

(7) Family Unity beneficiaries in accordance with Section 301 of Pub. L. 101-649, as amended;

(8) Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;

(9) Granted Deferred Action status;

(10) Granted an administrative stay of removal under 8 C.F.R Section 241 (issued by the Department of Homeland Security);

(11) The recipient of an approved visa petition or who has a pending application for adjustment to lawful permanent resident status;

(12) The recipient of a pending application for asylum under 8 U.S.C. Section 1158, or for withholding of removal under 8 U.S.C. Section 1231, or under the Convention Against Torture who have been granted employment authorization; or are under the age of fourteen (14) and have had an application pending for at least one-hundred eighty (180) days;

(13) Granted withholding of Deportation;

(14) Children who have a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. Section 1101(a)(27)(J);

(15) Lawfully present in American Samoa under the immigration laws of American Samoa; or

(16) Victims of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, approved October 28, 2000 (Pub. L. 106-386, as amended; 22 U.S.C. Section 7105(b)).

9503.3 Individuals with deferred action under the U.S. Department of Homeland Security's Deferred Action for Childhood Arrivals (DACA) process, as described

in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not meet citizenship or satisfactory immigration status requirements under Subsections 9503.2(c) through (l).

9503.4 Unless exempt under 8 U.S.C. Section 1613(b), qualified aliens who are age nineteen (19) or older and entered the U.S. on or after August 22, 1996 shall be subject to a five (5) year period during which they are ineligible for full Medicaid.

9503.5 The five (5) year period, described in 8 U.S.C. Section 1613, shall begin on the date the qualified alien entered the U.S., or the date a previously unqualified alien attained qualified alien status.

9503.6 An alien who does not meet the citizenship or satisfactory immigration status requirements identified at Subsections 9503.1 through 9503.5 may be eligible to receive emergency services that are not related to an organ transplant procedure if:

(a) The alien has a medical condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(1) Placing health in serious jeopardy;

(2) Serious impairment to bodily functions; or

(3) Serious dysfunction of a bodily organ or part.

(b) The alien meets all other eligibility requirements for Medicaid except the requirements concerning furnishing social security numbers and verification of alien status; and

(c) The alien's need for the emergency service continues.

9503.7 The Department shall discontinue Emergency Medicaid for aliens described at Subsection 9503.6 once the alien's medical condition has been stabilized.

9503.8 An individual shall qualify as a U.S. citizen if the individual was born in the fifty (50) states or the District of Columbia, Puerto Rico, Gram, U.S. Virgin Islands or Northern Mariana Islands. Nationals from American Samoa or Swain's Island are regarded as U.S. citizens for purposes of Medicaid eligibility. A child of a U.S. citizen born outside the U.S. may automatically be eligible for a Certificate of Citizenship.

9504 SOCIAL SECURITY NUMBER

9504.1 An individual, except as otherwise provided in this section, shall provide his or her SSN as a condition of Medicaid eligibility pursuant to 42 C.F.R. Section 435.910.

9504.2 An individual who cannot provide his or her SSN shall provide proof of an application for an SSN with the U.S. Social Security Administration (SSA).

9504.3 The Department shall take the following actions when an individual cannot recall his or her SSN or has not been issued an SSN:

(a) Assist with the completion of an application for an SSN;

(b) Obtain evidence required under SSA regulations to establish the age, the citizenship or alien status, and the true identity of the individual; and

(c) Send the application to SSA, or request SSA to furnish the number, if there is evidence that the individual has previously been issued a SSN.

9504.4 The Department shall not deny or delay services to an otherwise eligible individual pending issuance or verification of the individual's SSN by the SSA.

9504.5 Individuals identified in Subsection 9504.3 shall be eligible for Medicaid on a temporary basis for ninety (90) days.

9504.6 The Department shall verify each SSN of each individual with SSA, as prescribed by the U.S. Commissioner of Social Security, to ensure that each SSN furnished was issued to that individual, and to determine whether any others were issued.

9504.7 The requirement to furnish an SSN shall not apply to the following individuals:

(a) An individual who is applying for Medicaid due to the presence of an emergency medical condition defined at 42 C.F.R Section 440.255;

(b) An individual who does not have an SSN and may only be issued an SSN for a valid non-work reason;

(c) An individual who refuses to obtain an SSN because of well-established religious objections;

(d) An individual who is an infant under the age of one (1);

(e) An authorized representative;

(f) Adult who is applying for Medicaid on a minor's behalf; or

(g) Any other individual member of an applicant or beneficiary's household who is not applying for Medicaid.

9504.8 The Department may give a Medicaid identification number to an individual who, because of well-established religious objections, refuses to obtain an SSN. The identification number may be either an SSN obtained by the District on an individual's behalf or another unique identifier.

9504.9 The Department shall advise an individual of the uses the Department will make of each SSN, including its use for verifying income, eligibility, and amount of Medicaid payments.

9505 VERIFICATION OF NON-FINANCIAL ELIGIBLITY FACTORS

9505.1 The Department shall verify the non-financial eligibility factors necessary for a MAGI-based Medicaid eligibility determination at the time of application, at each renewal of eligibility, and at each redetermination of eligibility in accordance with the District Verification Plan pursuant to 42 C.F.R. Sections 435.940 through 435.965 and Section 457.380.

9505.2 An applicant, adult who is in a minor applicant's household, or an authorized representative, as identified in Subsection 9501.33, of an applicant shall attest to the following non-financial eligibility factors:

(a) Household composition;

(b) Residency;

(c) Age;

(d) SSN;

(e) U.S. citizenship, nationality or satisfactory immigration status;

(f) Pregnancy status;

(g) Relationship of a caretaker relative to an applicant or eligible child; and

(h) Eligibility for Medicare.

9505.3 The Department shall accept attestation without verification, unless the attestation is not reasonably compatible with information available to the Department, for the following eligibility factors:

(a) Household composition;

(b) Residency for individuals age eighteen (18) and under;

(c) Age;

(d) Pregnancy (includes attestation of multiple gestation pregnancies, *i.e.*, a woman pregnant with twins would be counted as three people);

(e) Relationship of a caretaker relative to an applicant, beneficiary, or eligible child;

(f) Homelessness; and

(g) Eligibility for Medicare.

9505.4 The Department shall require verification through one (1) or more federal and State electronic data sources for the following eligibility factors:

(a) Residency for individuals age nineteen (19) and older;

(b) SSN; and

(c) U.S. citizenship/nationality or satisfactory immigration status.

9505.5 The Department shall not require verification of U.S. citizenship or nationality and satisfactory immigration status pursuant to Subsection 9505.4(d) for the following:

(a) Individuals receiving SSI;

(b) Individuals receiving Social Security Disability (SSDI) based on their own disability;

(c) Individuals who are entitled to or enrolled in Medicare;

(d) Individuals who are eligible for Medicaid as a deemed newborn; and

(e) Children in foster care or receiving adoption assistance payments.

9505.6 The Department shall use a reasonable compatibility standard to match information obtained from federal and State electronic or other data sources with attested application information as further described in Subsection 9505.7 below.

9505.7 Attestation and information from electronic or other data sources shall be considered reasonably compatible by the Department where the data sources match or do not significantly differ from attestation. Only discrepancies that affect eligibility shall be considered significant.

9505.8 The Department may require individuals to provide supplemental information where electronic data is unavailable or application information is not reasonably compatible with information obtained from an electronic or other data source.

9505.9 The Department may accept supplemental information in the following forms:

(a) Paper, electronic, or telephonic documentation; or

(b) If other documentation is not available, a statement which explains the discrepancy.

9505.10 The Department shall provide a ninety (90) day period to provide supplementary information to verify SSN, U.S. citizenship or nationality, and satisfactory immigration status once per lifetime. Medicaid coverage may be provided during this period.

9505.11 An applicant who makes a good faith effort to obtain the requested documentation may receive an additional ninety (90) day period to produce the documentation necessary to verify citizenship or immigration status once per lifetime.

9505.12 Excepting citizenship, nationality, and satisfactory immigration status, the Department may waive its verification requirements for exceptional circumstances.

9505.13 In accordance with the District Verification Plan, exceptional circumstances shall include:

(a) Homelessness;

(b) Domestic violence;

(c) Instances where a noncustodial parent refuses to release documentation germane to verification of one (1) or more eligibility factors; and

(d) Other circumstances as identified on a case-by-case basis and approved by the Department.

9506 MODIFIED ADJUSTED GROSS INCOME (MAGI) ELIGIBILITY

9506.1 This section shall establish the factors of District Medicaid eligibility for modified adjusted gross income (MAGI) eligibility groups, as identified in Section 9500.

9506.2 To be determined eligible for Medicaid as a parent or other caretaker relative, an individual shall:

(a) Be a parent or other caretaker relative of a dependent child;

(b) Have a household income that does not exceed two hundred sixteen percent (216%) of the Federal Poverty Level (FPL) as determined in accordance with this section; and

(c) Meet all other applicable non-financial eligibility factors identified at Subsection 9506.9.

9506.3 To be determined eligible for Medicaid as a pregnant woman, an individual shall:

(a) Be pregnant or in the post-partum period;

(b) Have household income that does not exceed three hundred nineteen percent (319%) of the FPL as determined in accordance with this Section;

(c) Not otherwise eligible or enrolled under the following mandatory groups:

(1) Supplemental Security Income (SSI) and related groups,

(2) Parent or Other Caretaker Relatives,

(3) Infants and Children, or

(4) Title IV-E Foster Children;

(d) Not entitled to or enrolled in Medicare; and

(e) Meet all other applicable non-financial eligibility factors identified at Subsection 9506.9.

9506.4 The Department shall not require a pregnant woman to cooperate in establishing paternity in order to receive Medicaid.

9506.5 A pregnant woman who is determined eligible for Medicaid shall retain eligibility throughout the pregnancy and the post-partum period regardless of changes in household income.

9506.6 To be determined eligible for Medicaid as an infant and child under age nineteen (19), an individual shall:

(a) Be age zero (0) through eighteen (18);

(b) Have a household income that does not exceed three hundred nineteen percent (319%) of the FPL as determined in accordance with this section; and

(c) Meet all other applicable non-financial eligibility factors identified at Subsection 9506.9.

9506.7 To be determined eligible for Medicaid as a child age nineteen (19) or twenty (20), an individual shall:

(a) Be age nineteen (19) or twenty (20);

(b) Have household income that does not exceed two hundred sixteen percent (216%) of the FPL as determined in accordance with this section; and

(c) Meet all other applicable non-financial eligibility factors identified at Subsection 9506.9.

9506.8 To be eligible as an individual without a dependent child (childless adult), an individual shall:

(a) Be age twenty-one (21) through sixty-four (64);

(b) Have a household income that does not exceed hundred thirty-three percent (133%) of the FPL as determined in accordance with this section;

(c) Without dependent children;

(d) Not otherwise eligible or enrolled under the following mandatory groups:

(1) SSI and related groups,

(2) Parent or Caretaker Relative,

(3) Pregnant Woman,

(4) Former Foster Child, or

(e) Not entitled to or enrolled in Medicare Part A or Part B; and

(f) Meets all other applicable non-financial eligibility requirements identified at Subsection 9506.9.

9506.9 All individuals applying for Medicaid, regardless of eligibility group, shall meet the following non-financial eligibility factors:

(a) Be a District resident pursuant to 42 C.F.R. Section 435.403;

(b) Provide an SSN or be exempt pursuant to 42 C.F.R. Section 435.910 and Subsection 9504.7; and

(c) Be a U.S. citizen or national, or be in a satisfactory immigration status.

9506.10 The Department shall employ MAGI methodologies (based on federal income tax rules) to determine household composition, family size, and how income is counted during eligibility determinations for MAGI eligibility groups.

9506.11 For individuals who expect to file a federal income tax return or who expect to be claimed as a tax dependent by another tax filer for the taxable year in which an eligibility determination is made, household composition shall be determined as follows:

(a) The household of an individual who expects to be a tax filer consists of the tax filer and all of the tax dependents the tax filer expects to claim;

(b) The household of a tax dependent, except individuals identified at Subsection 9506.14, consists of the tax filer claiming the tax dependent and all other tax dependents expected to be claimed by that tax filer;

(c) The household of a married individual who lives with their spouse consists of both spouses regardless of whether they expect to file a joint federal tax return or whether one (1) or both spouses expect to be claimed as a tax dependent by another tax filer; and

(d) The household of a pregnant woman which consists of the pregnant woman plus the number of children she is expected to deliver. In the case of determining the family size of other individuals who have a pregnant woman in their household, the pregnant woman is counted herself plus the number of children she is expected to deliver.

9506.12 The Department shall consider an individual who expects to be both a tax filer and a tax dependent to be a tax dependent.

9506.13 For individuals who do not expect to file a federal income tax return or be claimed as a tax dependent for the taxable year in which an eligibility determination is made, household composition shall be determined as follows:

(a) The household of an individual who expects to be a non-filer consists of the non-filer and, if living with the non-filer:

(1) The non-filer's spouse;

(2) The non-filer's children under age nineteen (19); and

(3) If the non-filer is under age nineteen (19), the non-filer's parents and any siblings who are also under age nineteen (19).

9506.14 Household composition shall be determined under Subsection 9506.13 for the following:

(a) Individuals who expect to be claimed as a tax dependent by a tax filer who is not their spouse or biological, adoptive, or step parent, regardless of the individual's age;

(b) Individuals who are under age nineteen (19) living with both parents who do not expect to file a joint federal tax return, and who expect to be claimed as a tax dependent by one of their parents; or

(c) Individuals who are under age nineteen (19) and expect to be claimed by a non-custodial parent.

9506.15 MAGI-based income shall be determined using federal income tax rules for determining adjusted gross income except as otherwise provided in this Section. Countable income shall include the following:

(a) Wages, salaries, tips, and other forms of earned income;

(b) Taxable and tax-exempt interest;

(c) Ordinary dividends;

(d) Qualified dividends;

(e) Taxable refunds, credits, or offsets of state and local income taxes;

(f) Alimony received;

(g) Business income or losses;

(h) Capital gains or losses;

(i) Other taxable gains or losses;

(j) Taxable Individual Retirement Account (IRA) distributions;

(k) Taxable pensions and annuities – taxable amount;

(l) Rental real estate, royalties, income from partnerships, S corporations, trusts, etc.;

(m) Farm income or losses;

(n) Unemployment compensation;

(o) Taxable and tax-exempt Social Security benefits except as provided in Subsection 9506.16(q) below;

(p) Lump sum payments (in the month received), including back pay, a retroactive benefit payment, State tax refund, or an insurance settlement; and

(q) Any other income reported on the Internal Revenue Service (IRS) Form 1040.

9506.16 Countable income shall exclude the following:

(a) Income scholarships, awards, or fellowship grants used for education purposes and not for living expenses;

(b) American Indian/Alaska Native income as defined in 42 C.F.R Section 435.603(e);

(c) Educator expenses;

(d) Certain business expenses of reservists, performing artists, and fee-based government officials;

(e) Health savings account deduction;

(f) Moving expenses;

(g) Deductible part of self-employment tax;

(h) Self-employed Simplified Employee Pension (SEP), Savings Incentive Match Plan for Employees (SIMPLE), and qualified plans;

(i) Self-employed health insurance deduction;

(j) Penalty on early withdrawal of savings;

(k) Alimony paid;

(l) Individual Retirement Account (IRA) deduction;

(m) Student loan interest deduction;

(n) Tuition and fees;

(o) Public assistance benefits;

(p) Domestic production activities deduction; and

(q) SSI benefits under Title XVI of the Act.

9506.17 Household income shall include the MAGI-based income of all individuals in a household except that:

(a) The MAGI-based income of an individual who is included in the household of his or her natural, adopted, or step parent and is not expected to be required to file a federal tax return for the taxable year of an eligibility determination, shall not be included in household income, whether or not the individual files a federal tax return; and

(b) The MAGI-based income of a tax dependent, other than a spouse or child under age nineteen (19), who is not expected to be required to file a separate federal tax return for the taxable year of an eligibility determination, is not included in the household income of the tax filer who expects to claim the tax dependent, whether or not such tax dependent files a federal tax return.

9506.18 An amount equivalent to five percent (5%) of the Federal Poverty Level (FPL) for the applicable family size shall be deducted from household income only when determining the financial eligibility of an individual under the highest income standard available for an individual.

9506.19 The Department shall base current financial eligibility for Medicaid on current monthly income.

9506.20 Current monthly income shall be calculated as follows:

(a) Income received on a yearly basis or less often than monthly, that is predictable in both amount and frequency, shall be converted to a monthly amount or prorated;

(b) If the amount or frequency of regularly received income is known, the Department shall average the income over the period between payments; or

(c) If neither the amount nor the frequency is predictable, the Department shall not average the income but count income only for the month in which it is received.

9506.21 The Department shall verify financial eligibility for Medicaid at the time of application, at each renewal of eligibility, and at each redetermination of eligibility in accordance with the District Verification Plan, submitted to CMS pursuant to 42 C.F.R. Sections 435.940-435.965 and Section 457.380.

9506.22 An applicant adult who is in a minor applicant's household or family, or an authorized representative of an applicant, as identified in 42 C.F.R. Section 435.923, shall attest to household income.

9506.23 The Department shall verify financial eligibility through one (1) or more federal and State electronic data sources.

9506.24 The Department shall use a reasonable compatibility standard to match financial information obtained from federal and State electronic data sources with attested application information.

9506.25 The reasonable compatibility standard for financial information shall be met when:

(a) The attestation and data sources are both above the District Medicaid program's applicable income standard;

(b) The attestation and data sources are both below the District Medicaid program's applicable income standard;

(c) The attestation is below the District Medicaid program's applicable income standard and the data sources are above the applicable income standard, when the difference between them is less than ten percent (10%) of the amount given by data sources; and

(d) The attestation is zero (0) income and no income data is available from electronic data sources.

9506.26 The Department may require supplemental information where electronic data is unavailable or application information is not reasonably compatible with information obtained from an electronic data source.

9506.27 The Department may accept supplemental information reflecting current monthly income in the following forms:

(a) Paystubs;

(b) Completed employer verification form;

(c) Statement showing retirement income, disability income, Workers Compensation income, or a pension statement;

(d) Bank and checking account statement;

(e) Paper, electronic, or telephonic documentation; or

(f) If other documentation is not available, a statement which explains the discrepancy.

9506.28 The Department shall provide a forty-five (45) day period to provide supplementary information to verify financial eligibility.

9506.29 The Department may waive the verification required under this section for exceptional circumstances.

9506.30 In accordance with the District Verification Plan, exceptional circumstances shall include:

(a) Homelessness;

(b) Domestic violence;

(c) Employer moved to another state or country;

(d) Business closed;

(e) Employer will not release information;

(f) Self-employed individuals who cannot produce documentation of income; or

(g) Other circumstances as identified on a case-by-case basis and approved by the Department.

9507 NON-MAGI ELIGIBILTY GROUP: DEEMED NEWBORNS

9507.1 To be determined eligible for Medicaid as a deemed newborn, an individual shall be born to a woman eligible for and receiving Medicaid from the District at the time of birth.

9507.2 The Department shall not require an application or income test for deemed newborns.

9507.3 The Department shall not require deemed newborns to provide or apply for a SSN until age one (1).

9507.4 The Department shall not require verification of U.S. citizenship/nationality or satisfactory immigration status for deemed newborns.

9507.5 A deemed newborn who is determined eligible for Medicaid shall retain eligibility from date of birth until the end of the month in which the newborn turns age one (1) regardless of changes in household income or the mother's eligibility for Medicaid; and provided the newborn remains a resident of the District.

9508 NOTICE AND FAIR HEARING RIGHTS

9508.1 The Department shall provide timely and adequate notice of eligibility and enrollment determinations and the right to appeal to Medicaid applicants and beneficiaries consistent with the requirements set forth in Federal and District law and rules.

9508.2 The Department shall provide timely and adequate notice to Medicaid applicants and beneficiaries in cases of intended adverse action such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid services.

9508.3 An adequate notice shall include:

(a) A statement of what action(s) are intended;

(b) The reason(s) for the intended action(s);

(c) Specific law and regulations supporting the action, or the change in federal or District law that requires the action(s);

(d) An explanation of an applicant or beneficiary's right to request an administrative or fair hearing; and

(e) The circumstances under which Medicaid is provided during the pendency of a hearing.

9508.4 A timely notice shall be postmarked at least fifteen (15) calendar days before the date an action would become effective, except as permitted under Subsection 9508.5.

9508.5 The Department may dispense with timely notice, but shall send adequate notice under the following circumstances:

(a) The Department has factual information confirming the death of a beneficiary;

(b) The Department receives a written and signed statement from a beneficiary:

(1) Stating that Medicaid is no longer required; or

(2) Providing information which requires termination or reduction of Medicaid and indicating, in writing, that a beneficiary understands the consequence of supplying the information;

(c) A beneficiary has been admitted or committed to an institution, and no longer qualifies for Medicaid;

(d) A beneficiary's whereabouts are unknown and Department mailings, directed to the beneficiary, has been returned by the post office indicating no known forwarding address;

(e) A beneficiary has been deemed eligible for Medicaid in another state and that fact has been established;

(f) A change in level of medical care has been prescribed by a physician;

(g) Presumptive eligibility granted for a specific period is terminated and the beneficiary has been informed in writing at the time of application that the eligibility automatically terminates at the end of the specified period;

(h) The notice involves an adverse determination made with regard to the preadmission screening requirements of Section 1919(e)(7) of the Act; or

(i) The date of action will occur in less than ten (10) days, in accordance with 42 C.F.R. Section 483.12(a)(5)(ii), which provides exceptions to the thirty (30) day notice requirements of 42 C.F.R. Section 483.12(a)(5)(i).

9508.6 Under the circumstances identified in Subsection 9508.5, the Department shall issue notice no later than the effective date of action.

9508.7 The Department may issue a notice no later than five (5) calendar days before the date of action if the Department has facts related to probable fraud by the beneficiary; and those facts have been verified, if possible, through secondary sources.

9508.8 Applicants and beneficiaries may request, through any of the means described at Subsection 9508.12, an administrative review of an adverse action from the Department of Human Services, Economic Security Administration before requesting a fair hearing. A request for an administrative review shall not affect the right to request a fair hearing.

9508.9 The Department shall grant an opportunity for a fair hearing when:

(a) An application for Medicaid is denied;

(b) Eligibility for Medicaid is suspended;

(c) Eligibility for Medicaid is terminated;

(d) An applicant or beneficiary believes the Department has taken an action which affects the receipt, termination, amount, kind, or conditions of Medicaid in error;

(e) A beneficiary, who is a resident of a skilled nursing facility, believes the Department has wrongly determined that a transfer or discharge from the facility is required;

(f) A beneficiary believes the Department made a wrong determination with regard to the preadmission and annual resident review requirements of Section 1919(e)(7) of the Social Security Act (the Act);

(g) A beneficiary, who is an enrollee in a Managed Care Organization (MCO) or Pre-paid Inpatient Health Plan (PIHP), was denied coverage of or payment for medical services;

(h) A beneficiary who is dissatisfied with the District's determination that disenrollment from a MCO, PIHP, Pre-paid Ambulatory Health Plan, or Primary Care Case Management is appropriate; or

(i) A Medicaid claim was denied or not acted upon with reasonable promptness pursuant to D.C. Official Code Section 4-210.02 and Subsection 9501.9.

9508.10 The Department shall not be required to grant a hearing if the sole issue is a federal or District law requiring an automatic change that adversely affects some or all beneficiaries.

9508.11 The Department may deny or dismiss a request for a fair hearing if:

(a) The applicant or beneficiary withdraws the request in writing; or

(b) The applicant or beneficiary fails to appear at a scheduled hearing without good cause.

9508.12 An individual, an adult who is in the individual's household, or an authorized representative shall submit a fair hearing request via:

(a) Internet;

(b) Telephone;

(c) Mail;

(d) In person; or

(e) Through other commonly available electronic means.

9508.13 An applicant or beneficiary seeking a fair hearing shall submit a fair hearing request no later than ninety (90) days following the date the notice of adverse action is mailed.

9508.14 Where the Department provides notice as required under Subsections 9508.3 through 9508.7, and the beneficiary requests a fair hearing before the date of adverse action, the Department may not terminate or reduce services until a hearing decision is rendered unless:

(a) It is determined at the hearing that the sole issue is one of Federal or District law or policy; and

(b) The Department promptly informs the beneficiary in writing that Medicaid services will be terminated or reduced pending the hearing decision.

9508.15 The Department may reinstate Medicaid services if a beneficiary requests a hearing not more than ten (10) days after the date of action.

9508.16 Reinstated services shall continue until a hearing decision is reached unless, the hearing has determined that the sole issue is one of federal or District law or policy.

9508.17 The Department shall reinstate and continue services until a decision is rendered after a hearing if:

(a) Action is taken without the advance notice required under Subsections 9508.5 through 9508.7;

(b) The beneficiary requests a hearing within ten (10) days from the date that the individual receives the notice of action. The date on which the notice is received is considered to be five (5) days after the date on the notice, unless the beneficiary shows that notice was not received within the five (5)-day period; or

(c) The Department determines that the action resulted from other than the application of federal or District law or policy.

9508.18 If a beneficiary's whereabouts are determined to be unknown, discontinued services shall be reinstated if the beneficiary's whereabouts become known during the time the beneficiary is eligible for services.

9508.19 The Department shall allow an applicant or beneficiary who requests a fair hearing decision no later than fifteen (15) days of the date that notice is mailed to decline receipt of Medicaid pending a fair hearing decision.

9508.20 An appeal to the District Health Benefits Exchange Authority of a determination of eligibility for advanced payments of the premium tax credit or cost-sharing reduction shall trigger a request for a fair hearing under this section.

9508.21 Fair hearings and appeals for the District Medicaid program shall be administered through the Office of Administrative Hearings in accordance with 42 C.F.R. Section 431.10(d) and 42 C.F.R. Sections 431.200 *et seq.*, and amendments thereto, 1 DCMR Section 2970 through 1 DCMR Section 2978, and amendments thereto, and D.C. Official Code Sections 4-210.01 *et seq.*, and amendments thereto.

9508.22 This section shall apply to all eligibility determinations for Medicaid programs administered by the Department of Health Care Finance under Title XIX and Title XXI of the Act.

9509 [RESERVED]

9510 [RESERVED]

9511 [RESERVED]

9512 [RESERVED]

9513 [RESERVED]

9500.99 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed:

Alien - An individual who is not a Citizen or National of the United States pursuant to 8 U.S.C.A. § 1641 and § 101(a) of the Immigration and Nationality Act, 8 U.S.C.A. § 1101(a).

Applicant - An individual who is seeking an eligibility determination for Medicaid through an application submission or a transfer from another insurance affordability program.

Application - The single streamlined form that is used by the District of Columbia in accordance with 42 C.F.R. § 435.907(b) or an application described in § 435.907(c)(2) of this chapter submitted on behalf of an individual.

Authorized Representative - Legally authorized individual or entity able to consent on behalf of a prospective applicant.

Beneficiary - An individual who has been determined eligible and is currently receiving Medicaid.

Budget Period - The monthly or annual period in which financial eligibility for Medicaid is determined.

Certification Period - Medicaid eligibility is determined for a twelve-month period. This period is called a certification period.

Cost Sharing - When patients pay out-of-pocket for a portion of health care costs not covered by health insurance, including but are not limited to, copays, deductibles, and coinsurance.

Custodial Parent - A court order or binding separation, divorce, or custody agreement establishing physical custody controls; or if there is no such order or agreement or in the event of a shared custody agreement, the custodial parent is the parent with whom the child spends most nights pursuant to 42 C.F.R § 435.603 (iii)(A)-(B).

Deemed Newborn - A child under the age of one (1) who is automatically eligible for Medicaid pursuant to 42 C.F.R. § 435.117.

Deferred Action for Childhood Arrivals (DACA) - Certain individuals who were brought to the U.S. as children are as described pursuant to the Memorandum from Janet Napolitano, Secretary of Homeland Security, to David V. Aguliar, Acting Commissioner, U.S. Customs and Border Protection; Alejandro Mayorkas, Director, U.S., Citizenship and Immigration Services; John Mortan, Director, U.S. Immigration and Customs Enforcement (June 15, 2012) (on file with the U.S. Department of Homeland Security.

Department - For the purposes of this chapter, the term "the Department" shall refer to the Department of Health Care Finance (DHCF) or its designee.

Dependent Child - A natural or biological, adopted or step-child who is under the age of eighteen (18), or is age eighteen (18) and a full-time student in secondary school (or equivalent vocational or technical training).

Eligibility determination - An approval or denial of eligibility in accordance with 42 C.F.R. § 435.911 as well as a renewal or termination of eligibility in accordance with 42 C.F.R. § 435.916.

Emergency medical condition - A medical condition, including emergency labor and delivery, manifesting itself by acute symptoms of sufficient severity including severe pain so that the absence of immediate medical attention could reasonably be expected to result in one of the following: (1) placing the patient's health in serious jeopardy, (2) serious impairment to bodily functions, (3) serious dysfunction of a bodily organ or part.

Fair Hearings - an administrative procedure that gives applicants and beneficiaries the opportunity to contest adverse decisions regarding eligibility and benefit determinations.

Family - The individuals for whom a tax filer claims a deduction for a personal exemption under § 151 of the Code for the taxable year, which may include the tax filer, the tax filer's spouse, and dependents. 26 U.S.C. § 36B(d)(1)(2012).

Family size - The number of persons counted as members of an individual's household for purposes of MAGI Medicaid eligibility. When counting a household that includes a pregnant woman, the pregnant woman is counted as herself plus the number of children she is expected to deliver.

Federal Poverty Level (FPL) - A measure of income levels updated periodically in the Federal Register by the Secretary of Health and Human Services under the authority of 42 U.S.C. Section 9902(2), as in effect for the applicable budget period used to determine an individual's eligibility in accordance with 42 C.F.R. § 435.603(h).

Household Composition - Determined by individuals living together and their relationships to one another. The composition of the household determines an individual's family size.

Household Income - The MAGI-based income of every individual included in an applicant or beneficiary's household.

Indian - Means any individual who is a member of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. §§ 1601 *et seq*.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Institution - Means Institution and Medical institution, as defined in 42 C.F.R. § 435.1010.

Lawfully Present - Aliens described at 42 C.F.R. Section 152.2 (1),(3)-(7); aliens in a valid nonimmigrant status, as defined in 8 U.S.C. § 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. § 1101(a)(17)); aliens granted an administrative stay of removal under 8 C.F.R. Section 241; aliens lawfully present in American Samoa under the immigration laws of American Samoa; and aliens who are victims of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, approved October 28, 2000 (Pub. L. 106-386, as amended; 22 U.S.C. § 7105(b)).

Limited or no-English proficiency - As defined by D.C. Official Code § 2-193 (2012 Repl.) as the inability to adequately understand or to express oneself in the spoken or written English language.

Long-term services and supports - Nursing facility services, a level of care in any institution equivalent to nursing facility services; home and community-based services furnished under a waiver or State plan under Sections 1915 or 1115 of the Act; home health services as described in § 1905(a)(7) of the Act and personal care services described in § 1905(a)(24) of the Act.

Lawful Permanent Resident (LPR) - One who was lawfully admitted for permanent residence in accordance with the immigration laws of the United States, such status not having changed since admission. A legalized alien under IRCA whose status has been adjusted from LTR to LPR by INS.

Medicaid - Means the program established under Title XIX and Title XXI of the Social Security Act, 42 U.S.C. §§ 1396 *et seq*. and Title 29 DCMR, Chapter 9.

Medically Needy - Individuals, as described in 42 U.S.C. § 1396a(a)(10)(A)(ii), who meet non-financial eligibility determination factors but who have incomes over the Medicaid threshold.

Modified adjusted gross income (MAGI) - Income calculated using the financial methodologies used to determine modified adjusted gross income as defined in 26 U.S.C. § 36B(d)(2)(B) and 42 C.F.R. § 435.603.

U.S. National - A person who is a citizen of the U.S. or a person who, though not a citizen of the U.S., owes permanent allegiance to the U.S.

Non-MAGI - Eligibility Groups described at 42 C.F.R. § 435.603 for which MAGI–based methods do not apply.

Parent - A person who has a natural or biological, adopted, or step-child.

Pregnant woman - A female during pregnancy and the post-partum period, which begins on the date the pregnancy ends, extends 60 calendar days, and then ends on the last day of the month in which the 60-day period ends.

Qualified Alien - An alien described in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. § 1641, as amended (PRWORA), and non-citizens required to be eligible by § 402(b) of the PRWORA, as amended, and non-citizens not prohibited by § 403 of PRWORA, as amended including qualified non-citizens subject to the five (5) year bar identified in 8 U.S.C. § 1613.

Qualified Plan - Profit-sharing, money purchase, defined benefit plans, 401K, and other retirement plans that allow a tax-favored way to save for retirement. Employers may deduct contributions made to the plan on behalf of their employees. Earnings on these contributions are generally tax free until distributed at retirement.

Renewal - Annual review to evaluate continued eligibility for Medicaid.

Satisfactory Immigration Status - An immigration status which does not make the alien ineligible for benefits under the applicable program (See § 121(d)(1)(B)(i)(III)) of IRCA, 42 U.S.C.A. § 1320b-7, note).

Self-employed Simplified Employee Pension (SEP) - A written plan that allows individuals to make contributions toward their own retirement and their employees' retirement without getting involved in a more complex qualified plan.

Sibling - Each of two or more children or offspring having one or both natural, biological, adopted, or step-parents in common.

SIMPLE - An employer sponsored retirement plan offered for small businesses that have 100 employees or less.

State - Includes any of the fifty (50) constituent political entities of the United States and the District of Columbia.

Tax dependent - Tax dependent has the same meaning as the term "dependent" under Section 152 of the Internal Revenue Code, as an individual for

whom another individual claims a deduction for a personal exemption under § 151 of the Internal Revenue Code for a taxable year.

Verification plan - the plan describing the verification policies and procedures adopted by the Department in accordance with 42 C.F.R. §§ 435.940-435.965, and § 457.380.

Well-established religious objections - The applicant is a member of a recognized religious sect or division of the sect and adheres to the tenets or teachings of the sect or division and for that reason is conscientiously opposed to applying for or using a national identification number.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2012 Repl.)) (the "Act"), hereby gives notice of the intent to adopt final rulemaking to amend Chapter 45 (Procurement Training) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates Chapter 45 and implements the provisions in the Act that apply to procurement learning and development. The current Chapter 45 contains regulations that are outdated and inconsistent with the Act.

The CPO gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication in the D.C. Register.

Chapter 45, PROCUREMENT TRAINING, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

The chapter heading is amended to read as follows:

CHAPTER 45 PROCUREMENT LEARNING AND DEVELOPMENT

Section 4500, GENERAL PROVISIONS, is amended to read as follows:

4500 GENERAL PROVISIONS

4500.1 The Director shall establish and conduct classes, courses, seminars, workshops, and other educational programs on District procurement law, rules, and procedures (collectively referred to in this section as "procurement educational programs" or "programs") in accordance with Section 206 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.06).

4500.2 The Director may designate the size and enrollment of procurement educational programs and may target specific programs to particular groups of District employees or non-employees.

4500.3 The Director may establish a tuition or program fee for non-employee participants in programs open to the public. Any fee shall be based on the costs of developing and providing materials and instruction.

4500.4 The Director shall provide notice of all programs by publication of a notice of program offerings on the Office of Contracting and Procurement's website, and in any other manner the Director may deem appropriate.

4500.6 Procurement educational programs and requirements shall be designed to ensure that persons who have authority to contractually bind the District have the necessary experience, learning and development, and technical knowledge to make sound decisions.

Section 4501, AGENCY PROCUREMENT TRAINING PLANS, is repealed and replaced with:

4501 [RESERVED]

Section 4502, NON-DISTRICT TRAINING SOURCES, is repealed and replaced with:

4502 [RESERVED]

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov, by postal mail or hand delivery to the address above, or by calling (202) 727-0252. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2014 Repl.)), hereby gives notice of proposed rulemaking action to adopt amendments to the following chapters in Title 3 (Elections and Ethics)," of the District of Columbia Municipal Regulations (DCMR): Chapter 1 (Organization of the Board of Elections and Ethics); Chapter 2 (Political and Ethical Conduct of Board Members and Employees); Chapter 3, (Advisory Opinions of the Board); Chapter 5 (Voter Registration); Chapter 6 (Eligibility of Candidates); Chapter 7 (Election Procedures); Chapter 8 (Tabulation and Certification of Election Results); Chapter 9 (Filling Vacancies), Chapter 10 (Initiative and Referendum); Chapter 11 (Recall of Elected Officials); Chapter 14 (Candidate Nominations: Political Party Primaries for Presidential Preference and Convention Delegates); Chapter 15 (Candidate Nominations: Electors of President and Vice-President of the United States); Chapter 16 (Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner); and Chapter 17 (Candidates: Members and Officials of Local Committees of Political Parties and National Committeepersons).

The proposed amendments will bring the rules into conformity with the Voter Registration Access and Modernization Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-158; 62 DCR 003604 (March 27, 2015)), and the Primary Date Alteration Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-273; 62 DCR 006644 (May 22, 2015)).

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

Chapter 1 of Title 3 DCMR, ELECTIONS AND ETHICS, is amended in its entirety to read as follows:

CHAPTER 1 ORGANIZATION OF THE BOARD OF ELECTIONS

100 ESTABLISHMENT AND AUTHORITY OF THE BOARD OF ELECTIONS

100.1 The District of Columbia Board of Elections is established under § 3 of the District of Columbia Election Act, approved August 12, 1955 (69 Stat. 699 (1955); D.C. Official Code §§ 1-1001.02, 1-1103.05(a) (2014 Repl.)).

100.2 The District of Columbia Board of Elections is vested with authority to administer and enforce the provisions of the District of Columbia Election Act, as amended, the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; D.C. Official Code §§ 1-1101.01 *et seq*. (2014 Repl.)).

100.3 The Board is composed of three (3) members, no more than two (2) of whom shall be members of the same political party, who are appointed by the Mayor and confirmed by the Council of the District of Columbia.

100.4 The Mayor designates, from time to time, the Chairperson of the Board.

100.5 The Board shall appoint an Executive Director who is primarily responsible for the administrative operations of the Board, including personnel liaison, budget submission, accounting, management of data processing systems, procurement of supplies and services, maintenance of voter records, election preparation, and other duties as delegated or assigned by the Board.

100.6 The Board shall appoint a General Counsel who shall be the Board's chief legal advisor and primarily responsible for representing the Board in all judicial proceedings relating to local elections, campaign finance, conflict of interest and lobbying laws. The General Counsel shall perform other duties delegated or assigned by the Board.

100.7 The Executive Director and the General Counsel shall be accountable solely to the Board.

101 OFFICE OF CAMPAIGN FINANCE

101.1 The Office of the Director of Campaign Finance is established by law under the jurisdiction of the District of Columbia Board of Elections.

101.2 The Administrator of the Office of Campaign Finance is the "Director of Campaign Finance," who is appointed by, and serves at the pleasure of, the Board.

101.3 The Director of Campaign Finance is responsible for the administrative operations of the Board pertaining to the Campaign Finance Act and other duties delegated or assigned by the Board.

102 ORGANIZATION OF THE BOARD OF ELECTIONS

102.1 Except as provided otherwise by statute, a quorum of the Board shall consist of no less than two (2) members of the Board and shall be necessary to conduct official Board business.

102.2 At the beginning of each calendar year, a preliminary schedule of regular meetings for the year, which the Board has discretion to change, will be published in the *D.C. Register*.

102.3 The Board may hold a pre-meeting immediately prior to commencing a regular meeting for the sole purpose of administrative action, which does not include the deliberation or taking of official action.

102.4 Regularly scheduled Board meetings shall be held on the first Wednesday of each month, or at least once each month, at a time to be determined by the Board. Additional meetings may be called as needed by the Board.

102.5 Notice of all regular and additional meetings of the Board will be published on the Board's web site at least forty-eight (48) hours in advance, except in the case of emergency.

102.6 The Board may exercise its discretion and reschedule a regular meeting or call special meetings when necessary with reasonable notice to the public.

102.7 The Board encourages comments on any issue under the jurisdiction of the Board at its regular meetings and will provide the public with a reasonable opportunity to appear before the Board and offer such comments.

102.8 To ensure the orderly conduct of public Board meetings, public comments may be limited with respect to the number of speakers permitted and the amount of time allotted to each speaker; however, the Board will not discriminate against any speaker on the basis of his or her position on a particular matter.

102.9 Any member of the public who intends to comment regarding any agenda item or any issue under the jurisdiction of the Board is encouraged to notify the Board in advance of his or her intent to do so, providing his or her name and the topic on which he or she wishes to speak. Such notification may be provided by e-mail to ogc@dcboee.org, by fax to (202) 741-8774, by telephone at (202) 727-2194, by mail to 441 4th Street, NW, Suite 270 North, Washington, DC 20001, or in person at the Board's office. No person shall be prevented from speaking at a Board meeting simply because he or she has not provided advance notice of his or her intent to do so.

102.10 Members of the public who wish to submit items for consideration by the Board shall do so in writing one (1) week in advance. Failure to submit an item in advance as required may, within the Board's discretion, result in the matter being continued until the next regularly scheduled meeting.

103 EXECUTIVE SESSIONS

103.1 For the purposes of this chapter, the term "executive session" means a Board meeting where the public, employees of the Board, or any other persons may be excluded.

103.2 The Board may enter into executive session, and discuss any matter upon which it will not vote, make resolutions or rulings, or take action of any kind, including the following:

(a) Personnel matters, including the recruitment, appointment, employment, assignment, promotion, discipline, compensation, removal, or resignation of employees, or other individuals over whom it has jurisdiction;

(b) Employee disciplinary actions;

(c) General Counsel briefings on litigation strategy;

(d) Confidential proceedings under the Campaign Finance Act;

(e) Quasi-judicial deliberations;

(f) Matters which would result in the disclosure of information specifically exempted from disclosure by statute;

(g) Matters which would result in the disclosure of trade secrets and commercial or financial information;

(h) Matters which would involve a clear and unwarranted invasion of privacy, an accusation of a crime, or formal censure; and

(i) Matters which would result in the disclosure investigatory records compiled for law enforcement purposes.

104 ORDERS OF THE BOARD

104.1 The Chairperson shall approve or disapprove Board orders in writing with his or her signature, as may be appropriate.

104.2 The Chairperson shall be legally bound to administer a Board order notwithstanding the fact that he or she may have disapproved the order.

105 WRITTEN COMMUNICATIONS

105.1 For the purposes of this chapter, the term "written communications" means letters, memoranda, or other documents.

105.2 All requests for documents shall be handled in accordance with procedures set forth in the District of Columbia Freedom of Information Act.

105.3 Where a majority of the Board votes to issue a communication, the Chairperson or the Chairperson's designee may sign the document and issue it on behalf of the Board.

Chapter 2 is amended in its entirety to read as follows:

CHAPTER 2 POLITICAL AND ETHICAL CONDUCT OF BOARD MEMBERS AND EMPLOYEES

200 ESTABLISHMENT AND AUTHORITY OF THE BOARD OF ELECTIONS
201 POLITICAL ACTIVITY OF MEMBERS AND EMPLOYEES OF THE BOARD
202 POLITICAL ACTIVITY OF POLLING PLACE OFFICIALS
203 ETHICAL CONDUCT

200 ESTABLISHMENT AND AUTHORITY OF THE BOARD OF ELECTIONS

200.1 The purpose of this chapter is to establish standards of conduct for members and employees of the District of Columbia Board of Elections and polling place officials for their official activities in order to maintain public confidence in the integrity of those persons responsible for the administration of the election laws and the conduct of the electoral process in the District of Columbia.

200.2 The provisions of this chapter shall solely govern the political and ethical conduct of the members and employees of the Board and polling place officials and are not intended to be exclusive of rules governing the ethical conduct of all District of Columbia Government employees.

201 POLITICAL ACTIVITY OF MEMBERS AND EMPLOYEES OF THE BOARD

201.1 Except as provided in this section, nothing in this chapter shall be construed as prohibiting the members or employees of the Board from doing any of the following:

(a) Exercising the right to vote at any election conducted in the District of Columbia or elsewhere;

(b) Signing any nominating, initiative, referendum or recall petition; or

(c) Attending candidate forums.

201.2 No member or employee of the Board shall:

(a) Be a candidate or nominee for any elected office;

(b) Hold any office in any political party or political committee; or

(c) Participate in the activities of or contribute to any political committee of any candidate for District office or for or against any ballot measure in the District of Columbia.

201.3 A member or employee of the Board shall not engage in any activity, including attending political dinners, fundraisers, parties, meetings or conferences which would imply support of or opposition to a local candidate or group of candidates for office, as defined in § 9900, a local political party or political committee, or an initiative, referendum, or recall measure to appear on the ballot in the District of Columbia.

202 POLITICAL ACTIVITY OF POLLING PLACE OFFICIALS

202.1 Polling place officials shall be governed by the provisions of this section while employed by the Board. A polling place official is employed by the Board during any hours that he or she is performing services for the Board.

202.2 A polling place official shall not:

(a) Be a candidate or nominee for any elected office, except that a polling place official may be a candidate for office of Advisory Neighborhood Commissioner. In such instances, the polling place official shall not be assigned to work at a precinct within the Advisory Neighborhood Commission Single-Member District in which he or she is a candidate for office;

(b) Hold any office in any political party or political committee; or

(c) Participate in the activities of any candidate or political committee for or against any ballot measure in the election held in the District of Columbia.

202.3 Political activity conducted by polling place officials prior to employment will not disqualify a polling place official from service.

203 ETHICAL CONDUCT

203.1 A member or employee of the Board shall not directly or indirectly give any person who is not a member or employee of the Board access to official information obtained through or in connection with his or her employment which has not been released to the general public or which is not a matter of public record.

203.2 A member or employee of the Board shall not solicit or accept, either directly or through the intercession of others, any fee, gift, gratuity, favor, loan, entertainment, or other thing of monetary value from any person, organization, or entity which:

(a) Has obtained, or is seeking to obtain, contractual or other business or financial relations with the Board;

(b) Conducts operations or activities that are regulated or examined by the Board; or

(c) Has interests that may be favorably affected by the action or inaction of the member employee in the performance of his or her official duties.

203.3 The restrictions set forth in § 203.2 of this section shall not apply to any of the following:

(a) Obvious personal relationships, such as those that exist between an employee or member and his or her parents, children, or spouse;

(b) The acceptance of food and refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting;

(c) The acceptance of loans from financial institutions on customary terms to finance the acquisition of a car, home, appliance, or other personal items;

(d) The acceptance of unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, and like items of nominal intrinsic value; or

(e) The acceptance of a voluntary gift of nominal value of a cash donation in a nominal amount which is presented on a special occasion such as marriage, illness, or retirement.

203.4 A member or employee of the Board shall not directly or indirectly use or allow the use of government property of any kind, including office machines, motor vehicles, materials, supplies or funds, for other than officially approved activities.

203.5 Without prior approval of the Board, a member or employee of the Board shall not accept any reimbursement for expenses or receive any other honorarium or fee for any service, speech, or other activity which is rendered as a result of his or her official duties with the Board, whether or not such activities were performed during official working hours.

203.6 Board members and employees shall not engage in any employment which is incompatible with the full and proper discharge of their government responsibilities.

203.7 No Board member or employee shall do indirectly (by, through, or with other persons) those acts or actions which the Board member or employee are prohibited from doing directly under the restrictions set forth in this chapter.

203.8 An employee shall promptly report to his or her immediate supervisor any attempt to direct or otherwise unlawfully influence the discharge of that employee's official duties.

Section 301, REQUESTS FOR ADVISORY OPINIONS, of Chapter 3, ADVISORY OPINIONS OF THE BOARD, is amended in its entirety to read as follows:

301 REQUESTS FOR ADVISORY OPINIONS

301.1 A request for an advisory opinion shall be in writing, signed by the requestor and filed with the General Counsel to the Board of Elections.

301.2 Upon receipt of a request for an advisory opinion relative to the Campaign Finance Act, the General Counsel shall transmit a copy of the request for an advisory opinion to the Director of Campaign Finance.

301.3 A request for an advisory opinion shall contain the following:

(a) The full name, residence address, and telephone number of the requestor; and

(b) A clear and concise statement of the facts relating to the specific transaction or activity which constitute a violation of the law.

Chapter 5 is amended in its entirety to read as follows:

CHAPTER 5 VOTER REGISTRATION

500 GENERAL REQUIREMENTS AND QUALIFICATIONS
501 VOTER REGISTRATION INFORMATION
502 QUALIFIED UNIFORMED SERVICES AND OVERSEAS VOTERS
503 [REPEALED]
504 REGISTRATION THROUGH VOTER REGISTRATION AGENCIES (VRAs)
505 VOTER REGISTRATION APPLICATION DISTRIBUTION AGENCIES
506 [REPEALED]
507 [REPEALED]
508 REGISTRATION THROUGH THE DEPARTMENT OF MOTOR VEHICLES
509 VOTER REGISTRATION APPLICATION PROCESSING: BY MAIL
510 VOTER REGISTRATION APPLICATION PROCESSING: IN-PERSON AT THE BOARD OF ELECTIONS OR A VOTER REGISTRATION AGENCY (VRA)
511 VOTER REGISTRATION APPLICATION PROCESSING: DIGITAL VOTER SERVICE SYSTEM
512 VOTER REGISTRATION APPLICATION PROCESSING FOR QUALIFIED UNIFORMED SERVICES AND OVERSEAS VOTERS
513 VOTER REGISTRATION APPLICATION PROCESSING: AT THE POLLS, EARLY VOTING CENTERS, AND DURING IN-PERSON ABSENTEE VOTING

500 GENERAL REQUIREMENTS AND QUALIFICATIONS

500.1 No person shall be registered to vote in the District of Columbia unless he or she:

(a) Is a qualified elector as defined by D.C. Official Code § 1-1001.02(2) (2014 Repl.); and

(b) Executes a voter registration application by signature or mark on a form approved by the Board or by the Election Assistance Commission attesting that he or she meets the requirements as a qualified elector.

500.2 A person is a "qualified elector" if he or she:

(a) For a primary election, is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election, or for a general or special election, is at least eighteen (18) years of age on or before the date of the general or special election;

(b) Is a citizen of the United States;

(c) Is not incarcerated for the conviction of a crime that is a felony in the District;

(d) Has maintained a residence in the District for at least thirty (30) days preceding the next election and does not claim voting residence or the right to vote in any state or territory; and

(e) Has not been adjudged legally incompetent to vote by a court of competent jurisdiction.

500.3 An applicant shall provide the following information on a voter registration application:

(a) Applicant's complete name;

(b) Applicant's current and fixed residence address in the District;

(c) Applicant's date of birth;

(d) Applicant's original signature; and

(e) Applicant's Department of Motor Vehicles (DMV)-issued identification number in the case of an applicant who has been issued a current and valid driver's license, or the last four (4) digits of the applicant's social security number. If an applicant for voter registration has not been issued a current and valid driver's license or a social security number, the Board shall assign the applicant a unique identifying number which shall serve to identify the applicant for voter registration purposes.

500.4 A person who is otherwise a qualified elector may pre-register on or after his or her sixteenth (16th) birthday, but he or she shall not vote in any primary election unless he or she is at least seventeen (17) years of age and will be eighteen (18) on or before the next general election or in any general or special election unless he or she is at least eighteen (18) years of age on or before the date of the general or special election.

500.5 An applicant for voter registration who is unable to sign or to make a mark on a voter registration application due to a disability may apply with the assistance of another person as long as the individual's voter registration application is accompanied by a signed affidavit from the person assisting the applicant which states the following:

(a) That he or she has provided assistance to the applicant;

(b) That the applicant is unable to sign the registration form or to make a mark in the space provided for his or her signature;

(c) That he or she has read or explained the information contained in the application and the voter declaration to the applicant, if the applicant cannot read the information; and

(d) That he or she has read or explained the penalties for providing false information on the registration application, if the applicant cannot read the information.

500.6 If the applicant is unable to sign his or her name, the applicant may place his or her mark in the space provided for his or her signature and have that mark witnessed by the person assisting by having the witness also sign the voter registration application.

500.7 If an applicant for voter registration fails to provide the information required for registration, the Registrar or his or her designee shall make reasonable attempts to notify the applicant of the failure. A reasonable attempt to notify the applicant may include a phone call, letter, or email. The Registrar shall choose the most efficient method of communication based upon the contact information provided by the applicant.

500.8 Unless otherwise specified in this chapter, a voter registration application, or a notice of change of name, address, or party affiliation status, is considered to be received by the Board upon acknowledgement of receipt by the Board's date-stamp.

500.9 Unless otherwise specified in this chapter, the effective date of registration, or updates thereto, shall be the date that the application was received.

500.10 The current and fixed residence address provided by a voter will be used to send any official communications required by law to the voter unless the voter provides an alternative mailing address.

500.11 The information that the voter provides to the Board, such as that voter's current and fixed residence, shall be sufficiently precise to enable the Board to assign the voter to the appropriate Ward, Precinct, and Advisory Neighborhood Commission Single-Member District ("ANC SMD").

500.12 Any applicant who provides on a voter registration application a registration address to which mail cannot be delivered by the U.S. Postal Service shall additionally provide to the Board a designated mailing address to facilitate any official communications required by law.

500.13 Any applicant utilizing these procedures to fraudulently attempt to register shall be subject to the same criminal sanctions pursuant to D.C. Official Code § 1-1001.14(a) (2014 Repl.).

500.14 The Board's official Voter Registration Application cannot be altered in any way for use by another individual or organization for the purpose of registering electors in the District of Columbia.

501 VOTER REGISTRATION INFORMATION

501.1 Upon written request, the Board shall provide to any person a list of the registered qualified electors of the District of Columbia or any ward, precinct or ANC SMD therein.

501.2 The Board may furnish selective lists according to party affiliation, date of registration, ward, precinct, or ANC SMD, voter history, or any other permissible category.

501.3 The Board shall make requested voter registration information available to the public on electronic or magnetic medium, or on any media in use by the Board at the time of the request.

501.4 The following items of information contained in voter registration records are confidential and shall not be considered public information subject to disclosure to the general public:

(a) Full or partial social security numbers;

(b) Dates of birth;

(c) Email addresses or phone numbers;

(d) The identity of the voter registration agency at which the voter registered; and

(e) The residence and mailing addresses of any registered qualified elector whose residence address has been made confidential pursuant to § 501.8.

501.5 Complete voter registration records, including date of birth and social security numbers, shall be released to the District of Columbia Superior Court upon request.

501.6 Cumulative data based on the items of information listed in § 501.4 may be publicly disclosed as long as information about any individual cannot be discerned from the disclosed data.

501.7 A voter's signature on registration records, either on a paper record or application or an electronically captured image, may be viewed by the public but may not be copied or traced except by Board officials for election administration purposes. Any such copy or tracing is not a public record.

501.8 A registered qualified elector's address shall be considered public information until the registered qualified elector or his or her representative presents a copy of a court order to the Registrar directing the confidentiality of the qualified elector's address. If the order is received more than forty-five (45) days before an election, the elector's address shall be immediately removed from all voter records available for public inspection. If the order is received within forty-five (45) days of the election, the address shall be removed as soon as practicable but in no instance later than seven (7) days following an election. Any address made confidential pursuant to this subsection shall remain confidential for as long as the court shall order.

502 QUALIFIED UNIFORMED SERVICES AND OVERSEAS VOTERS

502.1 A person shall qualify as a uniformed services or overseas voter to vote in elections conducted in the District of Columbia if he or she is:

(a) A uniformed services voter or an overseas voter who is registered to vote in the District;

(b) A uniformed services voter whose voting residence is in the District and who otherwise satisfies the District's voter eligibility requirements;

(c) An overseas voter who, before leaving the United States, was last eligible to vote in the District and, except for a District residence requirement, otherwise satisfies the District's voter eligibility requirements;

(d) An overseas voter who, before leaving the United States, would have been last eligible to vote in the District had the voter then been of voting age, and except for a District residency requirement, otherwise satisfies the District's voter eligibility requirements; or

(e) An overseas voter who is not described in paragraphs (c) or (d) and, except for a District residency requirement, otherwise satisfies the District's voter eligibility requirements, if:

(1) The District is the last place where a parent or legal guardian of the voter was or would have been eligible to vote before leaving the United States; and

(2) The voter has not previously registered to vote in any other state.

502.2 A uniformed services voter is an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard or state militia; or

(d) A spouse or dependent of an individual described in paragraphs (a) – (c).

502.3 An overseas voter is a United States citizen who is outside the United States.

502.4 Qualified uniformed services and overseas voters shall inform the Board of their status as such by:

(a) The use of a Federal Post Card Application (FPCA) or a Federal Write-In Ballot (FWAB);

(b) The use of an overseas address on an approved voter registration application or ballot application; or

(c) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a qualified uniformed services or overseas voter.

503 [REPEALED]

504 REGISTRATION THROUGH VOTER REGISTRATION AGENCIES (VRAs)

504.1 The designated voter registration agencies (VRAs) in the District of Columbia are:

(a) The Department of Motor Vehicles (DMV);

(b) The Department of Corrections;

(c) The Department of Youth Rehabilitation Services;

(d) The Office on Aging;

(e) The Department of Parks and Recreation;

(f) The Department of Human Services; and

(g) Department on Disability Services.

504.2 The Mayor of the District of Columbia may designate any other executive branch agency of the District of Columbia government as a VRA by filing written notice of the designation with the Board.

504.3 The Board must approve the voter registration application that each VRA provides.

504.4 Each voter registration application submitted to the Board through a VRA shall be considered an update of any previous voter registration by an applicant who is already listed as a registered voter or whose name appears on the inactive list of registered voters, unless the applicant indicates that a change of address is not for voter registration purposes.

505 VOTER REGISTRATION APPLICATION DISTRIBUTION AGENCIES

505.1 A qualified elector may obtain the Board's official Voter Registration Application from a voter registration application distribution agency, including the following:

(a) The District of Columbia Public Library;

(b) The DC Fire and Emergency Medical Services Department;

(c) The Metropolitan Police Department; and

(d) Any other executive agency the Mayor shall designate in writing.

505.2 The Board shall provide sufficient quantities of its official Voter Registration Application for distribution to the public.

505.3 Nothing in this section shall be deemed to require or permit employees of a voter registration application distribution agency to accept completed voter registration applications for delivery to the Board or to provide assistance in completing any voter registration applications.

506 [REPEALED]

507 [REPEALED]

508 REGISTRATION THROUGH THE DEPARTMENT OF MOTOR VEHICLES

508.1 The Department of Motor Vehicles (DMV) and the Board of Elections shall jointly develop a voter registration application that shall allow an applicant who wishes to register to vote to do so by the use of a single form that contains the necessary information required for the issuance, renewal, or correction of the applicant's driver's permit or non-driver's identification card in any motor vehicle services office.

508.2 Completion of the voter registration portion of the application form shall not be a requirement of an individual's application for a driver's permit or non-driver's identification card.

508.3 Each application form shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant fails to sign the voter registration portion of the form.

508.4 A voter registration application shall not be accepted by the Board unless it contains the signature of the applicant.

508.5 Each voter registration application shall be considered as updating any previous voter registration by an applicant who is already listed as a registered voter, or whose name appears on the inactive list of registered voters, unless a voter indicates that a change of address is not for voter registration purposes.

508.6 Upon the receipt of a voter registration application or a notice of change of address, the DMV shall in a consistent manner indicate the date of its receipt on the portion of the form used by the Board for voter registration and registration update purposes.

508.7 A voter registration application or to update information on an existing voter registration shall be considered received by the Board on the date that it was accepted by the DMV.

508.8 The DMV shall transmit each completed voter registration application or notice of change of a name, address, or party not later than ten (10) days after the date of acceptance by the DMV, except that if a voter registration application is accepted within five (5) days before the last day for registration-by-mail, the application shall be transmitted to the Board not later than five (5) days after the date of its acceptance.

508.9 The Director of the DMV shall do the following:

(a) Ensure that each agency site is supplied with an adequate number of combined Motor Vehicles/voter registration applications; and

(b) Submit in writing and answer any questions as the chief administrative officer of the Board of Elections or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993, the National Voter Registration Act Conforming Amendment Act of 1994, and the Help America Vote Act of 2002.

509 VOTER REGISTRATION APPLICATION PROCESSING: BY MAIL

509.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector, or a person who is qualified to register (pursuant to D.C. Official Code § 1-1001.07 (a-2) (2014 Repl.)), may register to vote, or change his or her name, address, or party affiliation status by mailing a complete voter registration application to the Board.

509.2 If the registration-by-mail deadline falls on a Saturday, Sunday, or holiday, the deadline shall be extended to the next business day.

509.3 The Board shall immediately process mailed voter registration applications and registration update notifications received postmarked by not later than the thirtieth (30th) day preceding any election.

509.4 Mailed voter registration applications and update notifications considered received during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

509.5 The Board shall immediately process timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the twenty-third (23rd) day preceding any election.

509.6 A voter registration application, or a notice of change of name, address, or party affiliation status, which is delivered by mail and postmarked by the United States Postal Service is considered received by the Board on the date of the postmark.

509.7 A voter registration application, or a notice of change of name, address, or party affiliation status, shall be considered to be received by the Board:

(a) Upon acknowledgement of receipt by an agency date-stamp if it is delivered without a postmark; or

(b) On the parcel's shipping date if it is delivered by common carrier.

509. 8 The Board will take reasonable steps to investigate the timely completion of non-postmarked voter registration applications, or notices of change of name, address, or party, by checking tracking numbers or any other information available.

509.9 Individuals who have not previously voted in a federal election in the District and who register to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government-issued photo identification, a copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the election at issue) utility bill, bank statement, government check, or paycheck, or other government-issued document that shows the name and address of the voter.

509.10 Subsection 509.9 shall not apply to:

(a) Individuals whose registration application includes either a DMV-issued identification number or at least the last four (4) digits of his or her social security number and with respect to whom the Board has been able to match the provided information with an existing identification record bearing the same number, name, and date of birth as provided in such registration application; and

(b) Individuals entitled to vote otherwise than in person under Federal law.

510 VOTER REGISTRATION APPLICATION PROCESSING: IN-PERSON AT THE BOARD OF ELECTIONS' OFFICE OR A VOTER REGISTRATION AGENCY (VRA)

510.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector (pursuant to § 500.2), or a person who is qualified to pre-register (pursuant to § 500.4), may appear in-person at the Board's office, and by extension, a voter registration agency (VRA), and do the following:

(a) Submit a voter registration application; or

(b) Submit a notice of a change of name, address, or party affiliation status.

510.2 On or after the thirtieth (30th) day preceding an election, a qualified elector may submit a voter registration application or a notice of change of name or address at the Board's office or a VRA. A qualified elector may change his or her party affiliation status up to the thirtieth (30^{th}) day preceding a primary election. Requests for change of party affiliation status received during the thirty (30) days that precede a primary election shall be held and processed after the election. A change in party affiliation status occurs when a voter:

(a) Changes his or her party registration from one political party to another;

(b) Changes his or her party registration from "no party (independent)" to a political party; or

(c) Changes his or her party registration from a political party to "no party (independent)."

510.3 A qualified elector may appear in person at the Board's office to complete and sign the Board's official Voter Registration Application between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday. The Executive Director, or his or her designee, may expand the weekly hours, and may specify other days on which the Board may accept voter registration applications, based on the level of registration activity. Public notice of the expansion of weekly hours shall be provided at least twenty-four (24) hours in advance.

510.4 A voter registration application or a notice of a change of name, address, or party affiliation status that is submitted in-person at the Board's office or a VRA shall be considered to be received by the Board on the date that it is submitted at the Board's office or the voter registration agency.

511 VOTER REGISTRATION APPLICATION PROCESSING: DIGITAL VOTER SERVICE SYSTEM

511.1 Prior to the thirtieth (30th) day preceding an election, a qualified elector (pursuant to § 500.2), or a person who is qualified to pre-register (pursuant to § 500.4), may use the Board's digital voter service system to:

(a) Submit a voter registration application; or

(b) Submit a notice of a change of name, address, or party affiliation status.

511.2 On or after the thirtieth (30th) day preceding an election, a qualified elector may submit a voter registration application or a notice of change of name or address through the Board's digital voter service system. A qualified elector may change

his or her party affiliation status up to the thirtieth (30th) day preceding a primary election. Requests for change of party affiliation status received during the thirty (30) days that precede a primary election shall be held and processed after the election. A change in party affiliation status occurs when a voter:

(a) Changes his or her party registration from one political party to another;

(b) Changes his or her party registration from "no party (independent)" to a political party; or

(c) Changes his or her party registration from a political party to "no party (independent)."

511.3 A voter registration application or a notice of a change of name, address, or party affiliation status that is submitted through the Board's digital voter service system shall be considered to be received by the Board on the date that it is submitted.

511.4 Each voter registration application and notice of a change of name, address, or party affiliation status that is submitted through the Board's digital voter service system shall be executed by an electronic signature provided directly to the Board by the applicant.

511.5 If an applicant submits a voter registration application or notice of a change of name, address, or party affiliation status through the Board's digital voter service system, but does not provide an electronic signature directly to the Board in accordance with § 511.4(a), the Board shall request, and the DMV shall furnish, an electronic copy of the applicant's signature for the purpose of executing the application submitted for acceptance and approval, provided the applicant:

(a) Provides his or her DMV-issued identification number; and

(b) Affirmatively consents to the use of that signature as the signature for the application submitted.

512 VOTER REGISTRATION APPLICATION PROCESSING FOR QUALIFIED UNIFORMED SERVICES AND OVERSEAS VOTERS

512.1 A qualified uniformed services or overseas voter may use any federally- or District-approved voter registration application, including their electronic equivalents, to register to vote or update his or her registration. For the purpose of this section, a "voter registration application" shall include the following:

(a) A Federal Post Card Application (FPCA);

(b) The declaration accompanying a Federal Write-In Absentee Ballot (FWAB declaration);

(c) The Board's Voter Registration Application; or

(d) Any other voter registration application.

512.2 The Board shall process voter registration applications that are received electronically or mailed prior to the thirtieth (30th) day preceding an election, provided that the Board shall also process timely completed non-postmarked voter registration applications mailed and received not later than the twenty-third (23rd) day preceding any election.

512.3 A voter registration application which is delivered by mail and postmarked by the United States Postal Service is considered received by the Board on the date of the postmark.

512.4 A voter registration application delivered by common carrier will be considered received by the Board on the parcel's shipping date.

512.5 A voter registration application delivered without a postmark is considered to be received by the Board upon acknowledgement of receipt by an agency date-stamp.

512.6 The Board will take reasonable steps to investigate the timely completion of non-postmarked voter registration applications by checking tracking numbers, or any other information available.

512.7 All voter registration applications considered received during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

513 VOTER REGISTRATION APPLICATION PROCESSING: AT THE POLLS, EARLY VOTING CENTERS, AND DURING IN-PERSON ABSENTEE VOTING

513.1 A qualified elector may register during the in-person absentee voting period specified in § 717 of this title, at an early voting center designated by the Board, or on Election Day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing the Board's official Voter Registration Application.

513.2 Valid proof of residence is any official document showing the voter's name and a District of Columbia home address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than 90 days before the election at issue) utility bill, bank statement, government check, paycheck;

(c) A government-issued document that shows the name and address of the voter; or

(d) Any other official document that shows the voter's name and District of Columbia residence address, including leases or residential rental agreements, occupancy statements from District homeless shelters, and tuition or housing bills from colleges or universities in the District.

513.3 Voters who fail to provide valid proof of residence during the in-person absentee voting period, at an early voting center, or on Election Day must provide such proof in order to complete registration.

513.4 Registered voters shall be permitted to submit notices of change of address or change of name during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day.

513.5 A registered voter shall not change his or her party affiliation status during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day during a primary election. Requests for change of party affiliation status received during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day during a primary election shall be held and processed after the election. A change in party affiliation status occurs when a voter:

(a) Changes his or her party registration from one political party to another;

(b) Changes his or her party registration from "no party (independent)" to a political party; or

(c) Changes his or her party registration from a political party to "no party (independent)."

513.6 A voter registration application, or a notice of change of name, address, or party affiliation status, received pursuant to this section is considered to be received by the Board upon acknowledgement of receipt by the Board's date-stamp.

514 NOTIFICATION OF ACCEPTANCE OF REGISTRATION OR CHANGE OF REGISTRATION

514.1 Within nineteen (19) calendar days after the receipt of a voter registration application, the Registrar shall mail a non-forwardable voter registration notification to the applicant advising him or her of the acceptance or rejection of the registration application. If the application is rejected, the notification shall include the reason or

reasons for the rejection and shall inform the voter of his or her right to either submit additional information as requested by the Board, or appeal the rejection pursuant to D.C. Official Code § 1-1001.07(f) (2014 Repl.).

514.2 In the event that the notification advising the applicant of acceptance of his or her voter registration is returned to the Board as undeliverable, the Registrar shall mail the notice provided in D.C. Official Code § 1-1001.07(j)(1)(B) (2014 Repl.).

514.3 As soon as practicable after the election, the Board shall mail each registered voter who filed a change of address at the polls on Election Day a non-forwardable address confirmation notice to the address provided in the written affirmation on the Special Ballot Envelope. If the United States Postal Service returns the address confirmation notification as "undeliverable" or indicating that the registrant does not live at the address provided in the written affirmation on the Special Ballot Envelope, the Board shall notify the Attorney General of the District of Columbia.

515 CHANGES IN REGISTRATION: NAME

515.1 A registered voter shall notify the Board in writing of a name change due to marriage, divorce, or by order of a court within thirty (30) days of the applicable event.

515.2 The Board shall process name changes received pursuant to the monthly report furnished by the Superior Court of the District of Columbia in accordance with D.C. Official Code § 1-1001.07(k)(3) (2014 Repl.).

515.3 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of name by:

(a) Completing a change of name on a voter registration application;

(b) Filing a change of name by signed letter or postal card which includes the following information;

(1) Former and current name;

(2) Address; and

(3) Date of birth;

(c) Filing a change of name through the DMV or a voter registration agency (VRA) pursuant to D.C. Official Code § 1-1001.07(d) (2014 Repl.); or

(d) Completing any other form prescribed for this purpose by the Board.

515.4 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her name in-person at the Board's office or a VRA. Requests for

change of name other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

516 CHANGES IN REGISTRATION: ADDRESS

516.1 A registered voter who moves from the address at which he or she is registered to vote shall notify the Board, in writing, of the current residence address.

516.2 Prior to the thirtieth (30th) day preceding an election, a registered voter may give notice of change of address by:

(a) Mailing to the Board or filing in-person at the Board's office a completed voter registration application;

(b) Mailing to the Board a signed letter or postal card which includes the following information:

(1) The voter's name;

(2) Former and current address; and

(3) Date of birth;

(c) Completing and filing a voter registration application through the DMV or a voter registration agency (VRA) pursuant to D.C. Official Code § 1-1001.07(d) (2014 Repl.); or

(d) Completing any other form prescribed for this purpose by the Board.

516.3 On or after the thirtieth (30th) day preceding an election, a registered voter may change his or her address in-person at the Board's office, a VRA, an early voting center, or on Election Day at the polling place serving the address listed on the Board's registration records pursuant to D.C. Official Code § 1-1001.07(i)(4)(A) (2014 Repl.). Requests for change of address other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

516.4 A voter who wishes to change his or her residence on Election Day at the polling place serving the address listed on the Board's registration records must present valid proof of his or her current residence. Valid proof of residence is any official document showing the voter's name and a District of Columbia home address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than 90 days before the election at issue) utility bill, bank statement, government check, paycheck;

(c) A government-issued document that shows the name and address of the voter; or

(d) Any other official document that shows the voter's name and District of Columbia residence address, including, but not limited to, leases or residential rental agreements, occupancy statements from District homeless shelters, and tuition or housing bills from colleges or universities in the District.

516.5 Requests for change of address other than those made in-person during the thirty (30) days that immediately precede and include the date of the election shall be held and processed after the election.

517 CHANGES IN REGISTRATION: POLITICAL PARTY

517.1 Prior to the thirtieth (30th) day preceding a primary election, a registered voter may give notice of change of party affiliation status by:

(a) Completing a change of party affiliation status on a Voter Registration Application;

(b) Filing a change of party affiliation status by signed letter or postal card which includes the following information:

(1) The voter's name;

(2) Former and new party affiliation status;

(3) Address; and

(4) Date of birth;

(c) Filing a change of party affiliation status through the DMV or a voter registration agency pursuant to D.C. Official Code § 1-1001.07(d) (2014 Repl.); or

(d) Completing any other form prescribed for this purpose by the Board.

517.2 Requests for changes to a political party affiliation status considered received during the thirty (30) days that immediately precede and include the date of the primary election shall be held and processed after the election. The effective date for changes made pursuant to such requests shall be the day after the primary election.

517.3 A change in party affiliation status occurs when a voter:

(a) Changes his or her party registration from one political party to another;

(b) Changes his or her party registration from "No Party (Independent)" to a political party;

(c) Changes his or her party registration from a political party to "No Party (Independent)."

518 SYSTEMATIC VOTER ROLL MAINTENANCE PROGRAM: BIENNIAL MAIL CANVASS

518.1 In January of each odd-numbered year, the Board shall confirm the residence address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class non-forwardable canvass postcard to the residence address listed on the Board's records.

518.2 If the Postal Service returns the postcard and provides a new address for the registrant that is within the District of Columbia, the Board shall change the address on its records accordingly and then mail to both old and new addresses a forwardable notice advising the registrant that their address in the voter records has been changed to reflect the Postal Service information.

518.3 If the Postal Service returns the postcard as undeliverable and provides a new address for the registrant outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address, informing the registrant how to register to vote in their new jurisdiction or correct the address information obtained from the Postal Service.

518.4 If the Postal Service returns the postcard to the Board as undeliverable and indicates that no new address is available, the Board shall mail to the registrant at his or her last known address the forwardable notice specified in § 518.3.

518.5 The forwardable notices issued to registrants whose initial non-forwardable mailings were returned by the Postal Service shall include a pre-addressed and postage- paid return notification postcard to enable the registrant to confirm or correct any address information obtained from the Postal Service.

518.6 Upon mailing of the forwardable notice to any registrant whose initial mailing the Postal Service returned as undeliverable, either with a new address outside the District or an indication that no new address was available, the Board shall designate the registrant's voter registration status as inactive on the voter roll, effective on the date of the mailing of the notice.

518.7 Where a registered voter who has been designated inactive on the voter roll fails to respond to the forwardable notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the second subsequent general election for federal office, the registrant's name shall be removed from the voter roll.

518.8 Where a registered voter who has been designated inactive on the voter roll provides the Board with a current residence address, or votes in any election, prior to the day following the second general election for federal office occurring thereafter, the inactive designation shall be removed from the registrant's record.

518.9 A registrant included in the group defined by § 518.1 who has requested a separate mailing address in their voter record shall be initially mailed a notification addressed to the mailing address, asking the registrant to confirm his or her residence address on the voter roll by not later than thirty (30) days of the date of the mailing of the notice.

518.10 Where a registrant who has been mailed the notification in § 518.9 fails to confirm or correct their residence address, in writing, within thirty (30) days of the mailing of the notice, the Board shall issue a non-forwardable canvass postcard to the residence address as provided in § 518.1 of this chapter.

518.11 In the event that the Biennial Mail Canvass is delayed, the Board shall conduct the canvass as soon as practicable thereafter.

518.12 Consistent with procedures of the Biennial Mail Canvass, the Board shall issue the forwardable notices defined in § 518.5 whenever official mail sent to a registrant in the normal course of business is returned to the Board by the Postal Service.

518.13 Consistent with procedures of the Biennial Mail Canvass, the Board shall update a registrant's address or designate a registrant's voter registration status as inactive based on the return to the Board by the Postal Service of official mail sent to a registrant in the normal course of business.

518.14 Where the Board learns, or has reason to believe, that a registrant does not reside at the address listed on the voter registration application, the Board may issue the notice defined in § 518.1 to confirm the registrant's address, and proceed accordingly.

519 VOTER ROLL MAINTENANCE PROGRAM

519.1 The Board may utilize information obtained from the United States Postal Service, the National Change of Address System (NCOA), and the DMV, which identifies registrants who have moved from the addresses listed on the Board's records.

519.2 As part of its systematic voter roll maintenance program, the Board may develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who

have moved from the District and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as a duly registered voter.

519.3 If the Board learns that a registered voter has changed his or her residence address and has failed to inform the Board, in writing, of his or her current residence address, the registrant shall be mailed a non-forwardable notice, to the address listed on the voter roll.

519.4 The Board may utilize information obtained from returned juror summons issued by mail by the District of Columbia Superior Court to identify registrants who no longer meet the qualifications as a duly registered voter.

519.5 In the event that a juror summons is returned to the District of Columbia Superior Court by the United States Postal Service as undeliverable, or which provides a new address within or outside the District of Columbia, the Board shall mail a non-forwardable notice to the address to the voter's registration, as provided in § 518 of this chapter.

519.6 The Board may use other information provided to the District of Columbia Superior Court by the registrant to identify registrants who no longer meet the qualifications as a registered voter.

519.7 The Board's Executive Director may enter into agreements with other Chief State Election Officials for the purpose of verifying information on its statewide voter registration list to ensure the accuracy of the District's voter registry.

520 CANCELLATION OF VOTER REGISTRATION: GENERAL GROUNDS AND PROCEDURES

520.1 The grounds for cancellation of registration by the Board shall be the following:

(a) Death of the voter;

(b) Change in residence from the District of Columbia;

(c) Signed authorization from a voter, or written notification from the voter that he or she is not a qualified elector;

(d) Incarceration following a felony conviction;

(e) Successful challenge to voter registration;

(f) Falsification of information on the voter registration application;

(g) Declaration of mental incompetence by a court of competent jurisdiction; and

(h) In the case of a registrant whose registration is deemed inactive, failure to provide the Board with a current residence address in the District, in writing, or failure to vote in any election in accordance with D.C. Official Code § 1-1001.07(i)(4)(B)(2014 Repl.) by not later than the day after the date of the second general election for federal office that occurs after the date of the notice described in this section.

520.2 Where the Board cancels or proposes to cancel a voter's name from the registration roll, under § 520.1, notification to the person, as applicable to the cause of cancellation, shall be made by first class (forwardable) mail, except where authorization for removal has been provided by signature of the voter, or where the voter's registration is being removed from the list of registrations deemed inactive.

520.3 In the event that the Board learns, through the regular course of business, that a voter is otherwise unqualified to be a registered elector in the District of Columbia, the Registrar shall notify the registrant of this fact.

520.4 The notice shall include the information on which the Registrar bases the decision and shall state that the registrant must respond within fourteen (14) days from the date of the mailing of the notice or be cancelled from the voter roll.

520.5 The Registrar shall make a determination with respect to the elector's eligibility within ten (10) days of receipt of a response from the registrant.

520.6 The determination shall be sent by first class mail to the registrant.

520.7 Within fourteen (14) days of mailing the notice, the registrant may appeal, in writing, the Registrar's determination to the Board.

520.8 The Board shall conduct a hearing and issue a decision within thirty (30) days of receipt of written notice of the appeal.

520.9 Requests for cancellation of voter registration received less than thirty (30) days preceding an election shall be held and processed after that election.

521 CANCELLATION OF VOTER REGISTRATION: CHALLENGE AND REQUEST FOR ADDITIONS TO REGISTRATION ROLL

521.1 Any duly registered voter may:

(a) "Challenge" the registration of any person whom the voter believes is fictitious, deceased, disqualified, or ineligible to vote on grounds other than a failure to give notice of a change of address; and

(b) "Request" the addition of any person whose name has been erroneously omitted or cancelled from the registration roll.

521.2 The Board shall not accept a voter registration challenge or application for correction of the voter roll after the forty-fifth (45th) day preceding an election.

521.3 During the period beginning on the ninetieth (90th) day before any election and ending on the forty-fifth (45th) day before any election, the Board shall expedite the process as further described in this section.

521.4 Requests for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and shall include any evidence in support of the challenge that the registrant is not a qualified elector.

521.5 The Board shall send notice to any person whose registration has been challenged, at the address listed on the Board's record, along with a copy of any evidence filed in support of the challenge.

521.6 The notice sent to a person whose registration has been challenged shall be sent to the address listed on the Board's records, and shall include a statement that the registrant must respond to the challenge not later than thirty (30) days from the date of the mailing of the notice, or ten (10) days if the challenge is received between ninety (90) and forty-five (45) days from the election, or be cancelled from the voter roll.

521.7 The Registrar shall make a determination with respect to the challenge, based on any evidence presented, within ten (10) days of receipt of the challenged registrant's response, or three (three) days if the challenge is received between ninety (90) and forty-five (45) days from the election.

521.8 After making a determination with respect to the challenge, the Registrar shall notify, by first class mail, both the challenged registrant and the person who filed the challenge.

521.9 Within fourteen (14) days of the date that the Registrar of Voters' notice is mailed, or five (5) days if the challenge is received between ninety (90) and forty-five (45) days from the election, any aggrieved party may appeal the Registrar's determination to the Board.

521.10 The Board shall conduct a hearing and issue a decision within thirty (30) days of receipt of the written appeal notice, or ten (10) days if the challenge is received between ninety (90) and forty-five (45) days from the election.

521.11 With respect to a request for the addition of a person to the voter roll, if the Board's records indicate that the omission or cancellation was proper, the Board shall send notice of its determination, by first-class (forwardable) mail, to both the individual

named in the request and the person who filed the request. The notice shall advise both parties that the person whose name was removed from the registration roll is required to submit a new voter registration application in order to become registered.

Section 602, AFFIRMATION OF WRITE-IN CANDIDACY OF AN APPARENT WINNER, of Chapter 6, ELIGIBILITY OF CANDIDATES, is amended in its entirety to read as follows:

602 AFFIRMATION OF WRITE-IN CANDIDACY

602.1 In the case of a primary election, a write-in nominee who wishes to perfect his or her candidacy shall file with the Board an Affirmation of Write-in Candidacy on a form provided by the Board not later than 4:45 p.m. on the day immediately following the election.

602.2 In the case of a general or special election, a write-in nominee who wishes to perfect his or her candidacy shall file with the Board an Affirmation of Write-in Candidacy on a form provided by the Board not later than 4:45 p.m. on the third (3rd) day immediately following the election.

602.3 Nothing in this section shall prohibit an individual seeking to declare write-in candidacy from filing an Affirmation of Write-in Candidacy prior to write-in nomination, provided that the determination of the write-in candidate's eligibility shall proceed in accordance with this chapter. Write-in nominees who fail to submit the documents required by this section within the prescribed times shall be deemed to be ineligible candidates.

602.4 The Affirmation of Write-in Candidacy form shall contain the same information required for the Declaration of Candidacy described in this chapter.

602.5 Each write-in candidate shall swear under oath or affirm before a District of Columbia notary or Board official that the information provided in the Affirmation of Write-in Candidacy is true to the best of his or her knowledge and belief.

602.6 If a write-in nominee is an apparent winner of an election contest, the Executive Director or his or her designee shall issue a preliminary determination as to the eligibility of the write-in nominee if such nominee has perfected his or her candidacy on or before the prescribed deadline. No eligibility determination shall be made for affirmants who are not apparent winners.

602.7 Notice of the determination shall be served immediately by mail upon any affirmant found to be ineligible.

602.8 The determination of eligibility shall be based solely upon information contained in the Affirmation of Write-In Candidacy and upon information contained in other public records and documents as may be maintained by the Board. The criteria used

for determining eligibility to be a candidate shall be limited to the appropriate statutory qualifications for the particular office sought.

602.9 The determination shall in no way be deemed to preclude further inquiry into or challenge to such individual's eligibility for candidacy or office made prior to the certification of election results by the Board and based upon information which is not known to the Board at the time of the preliminary determination, or upon evidence of changed circumstances.

602.10 If a write-in winner is declared ineligible after the election, no winner shall be declared.

Chapter 7 is amended in its entirety to read as follows:

CHAPTER 7 ELECTION PROCEDURES

700 [REPEALED]
701 [REPEALED]
702 [REPEALED]
703 EARLY VOTING CENTERS
704 OPENING AND CLOSING OF POLLS ON ELECTION DAY
705 POLLING PLACE OFFICIALS
706 POLL WATCHERS AND ELECTION OBSERVERS
707 [REPEALED]
708 CHALLENGE TO VOTER QUALIFICATIONS: AT THE POLLS OR EARLY VOTING CENTERS
709 CONTROL OF ACTIVITY AT EARLY VOTING CENTERS, POLLING PLACES, AND BALLOT COUNTING PLACES
710 ASSISTANCE TO VOTERS
711 VOTING BOOTH
712 SECRECY OF THE BALLOT
713 VOTE CASTING PROCEDURES: REGULAR BALLOT
714 VOTE CASTING PROCEDURES: SPECIAL BALLOT
715 SPECIAL BALLOT APPEAL RIGHTS
716 SPOILED BALLOTS
717 ABSENTEE BALLOTS
718 ABSENTEE BALLOTS FOR QUALIFIED UNIFORMED AND OVERSEAS VOTERS
719 EMERGENCY ABSENTEE BALLOTS
720 FEDERAL ELECTORS AND ABSENTEE FEDERAL BALLOT
721 CHALLENGE TO VOTER QUALIFICATIONS: ABSENTEE BALLOTS RECEIVED ELECTRONICALLY OR BY MAIL
722 PROHIBITION OF LABELS, STICKERS, AND AUTHORIZATION OF HAND STAMPS FOR CASTING WRITE-IN VOTES ON PAPER BALLOTS
723 CLOSING THE POLLS

724 COLLECTION AND TRANSFER OF BALLOTS AND OTHER POLLING PLACE MATERIALS
725 [RESERVED]

703 EARLY VOTING CENTERS

703.1 For each primary and general election, qualified electors may choose to cast a full ballot for their precinct at early voting centers according to procedures established by the Board.

703.2 The Board shall designate no fewer than eight (8) early voting centers, with at least one (1) early voting center located within each ward.

703.3 Satellite early voting centers shall be open from the second Sunday preceding Election Day to the Saturday prior to Election Day from the hours of 8:30 a.m. to 7 p.m. The Board's office shall serve as the early voting center for the in-person absentee voting period for the hours specified in this chapter.

703.4 All persons standing in line at an early voting center at the time the early voting center closes shall be permitted to vote, if otherwise qualified.

703.5 Election results from early voting shall not be released until the polls close on Election Day.

704 OPENING AND CLOSING OF POLLS ON ELECTION DAY

704.1 Polling places in which elections are to be held shall be opened at 7:00 a.m. on the date required by law for the election and shall remain open for voting until 8:00 p.m., except in instances when the time established for closing the polls is extended pursuant to a federal or District of Columbia court order or Board order.

704.2 All persons standing in line at a polling place at the close of polls shall be permitted to vote, if otherwise qualified.

704.3 At the close of polls, a polling place official shall take a position at the end of any existing line of prospective voters, and only persons standing in front of the official at that time shall be permitted to vote.

704.4 The Board may extend polling hours at a precinct in order to resolve unforeseen emergency situations on Election Day. If voting at a precinct is interrupted on Election Day by an emergency situation, the Board will convene an emergency meeting to consider whether the situation warrants the extension of polling place hours and, if applicable, how long polling place hours will be extended.

705 POLLING PLACE OFFICIALS

705.1 The operations of polling places and ballot counting places shall be conducted by officials designated by the Board.

705.2 The official in charge of each polling place shall be known as the Precinct Captain.

705.3 The duties of the Precinct Captain may be delegated by the Board or by the Precinct Captain to another official, who shall be known as the Alternate Precinct Captain.

705.4 Except as provided in § 705.5, all polling place officials shall be qualified registered electors in the District of Columbia.

705.5 The Board may appoint individuals who are not qualified registered electors to serve as polling place officials, if the individual:

(a) Is at least sixteen (16) years of age on the day that he or she will be a polling place official;

(b) Resides in the District of Columbia; and

(c) Is enrolled in or has graduated from a public or private secondary school or an institution of higher education.

705.6 All polling place officials shall:

(a) Complete at least four (4) hours of training;

(b) Receive certification by the Board; and

(c) Take and sign an oath of office to honestly, faithfully, and promptly perform the duties of office.

705.7 A polling place official's past performance shall be considered before appointing him or her as a polling place official in a subsequent election.

705.8 Unless otherwise provided, Board employees working at early voting centers shall have the same authority and duties as the Precinct Captain and other polling place officials.

706 POLL WATCHERS AND ELECTION OBSERVERS

706.1 Each candidate and each proponent or opponent of a proposed ballot measure may petition the Board for credentials authorizing poll watchers at any early voting centers, polling places and/or ballot counting places.

706.2 Persons who wish to witness the administration of elections, including nonpartisan or bipartisan, domestic or international organizations, who are not affiliated with a

candidate or ballot measure may petition the Board for credentials authorizing election observers at any early voting center, polling place, and/or ballot counting place.

706.3 Each petition shall be filed with the Board, not less than two (2) weeks before each election and shall be on a form furnished by the Board. The Board reserves the right to accept petitions filed less than two (2) weeks before each election.

706.4 At the time of filing, the poll watcher petition form shall contain the following information:

(a) The name, address, telephone number, and signature of the candidate or ballot measure proponent or opponent ("applicant");

(b) The office for which the applicant is a candidate or the short title of the measure which the applicant supports or opposes;

(c) The name, address, email address, and telephone number of the poll watcher supervisor, if one is designated by the candidate, proponent, or opponent;

(d) The locations where access credentials are sought;

(e) The names, addresses, email addresses, and telephone numbers of at least two (2) and not more than three (3) persons who are authorized to collect the poll watcher badges from the Board on behalf of the candidate or ballot measure proponent or opponent for distribution to the authorized poll watchers; and

(f) A certificate from the applicant that each poll watcher selected shall conform to the regulations of the Board with respect to poll watchers and the conduct of the election.

706.5 At the time of filing, the election observer petition form shall contain the following:

(a) The name, address, email address, and telephone number of the organization or individual seeking credentials;

(b) The name, address, email address, and telephone number of the election observer supervisor, if a person is designated by an organization;

(c) The names, addresses, email addresses, and telephone numbers of all observers who will be receiving badges;

(d) The locations where access credentials are sought;

(e) The names, addresses, email addresses, and telephone numbers of at least one (1) and not more than three (3) persons who are authorized to collect the election observer badges from the Board on behalf of the organization or individual seeking credentials for distribution to the authorized election observers; and

(f) A certificate from the applicant that each election observer selected shall conform to the regulations of the Board with respect to election observers and the conduct of the election.

706.6 The Board may limit the number of poll watchers or election observers to ensure that the conduct of the election will not be obstructed or disrupted, except that:

(a) Each qualified candidate shall be entitled to one (1) poll watcher in each of the precincts where his or her name appears on the ballot.

(b) Each proponent or opponent of a ballot measure who has timely filed a verified statement of contributions with the Office of Campaign Finance shall be entitled to one (1) poll watcher in each precinct where the ballot measure appears on the ballot.

706.7 Notwithstanding Subsection 706.6, the Board reserves the right to rotate credentialed poll watchers and election observers in and out of early voting centers, polling places, and/or ballot counting places on an equitable basis in the event of space constraints.

706.8 The Executive Director shall make a ruling on poll watcher and election observer petitions not less than ten (10) days prior to an election. The Board reserves the right to accept petitions filed less than ten (10) days prior to an election.

706.9 In making a determination of the number of watchers or observers allowed, the Executive Director shall consider the following:

(a) The number of candidates or requesting organizations;

(b) Whether the candidates are running as a slate;

(c) The number of proponents and opponents of measures and proposed Charter amendments;

(d) The physical limitations of the polling places and counting place; and

(e) Any other relevant factors.

706.10 Within twenty-four (24) hours of a denial, the Executive Director shall issue a public notice with respect to any denial of a petition for credentials.

706.11 If a place cannot accommodate all those seeking credentials, the Board may grant preference to poll watchers over election observers, and organizations over individuals.

706.12 The Board shall issue a badge for each authorized poll watcher or election observer, with space for the watcher's or observer's name and the name of the candidate or party represented by the watcher, or any organization being represented by the observer. Badges shall also be issued for each authorized watcher representing the proponents or opponents of ballot measures.

706.13 Badges shall be numbered consecutively, and consecutive numbers issued to each candidate, organization, proponent, or opponent.

706.14 All badges shall be worn by the authorized poll watcher or election observer in plain view at all times when on duty at the polling place or counting place.

706.15 An authorized alternate poll watcher or election observer may, in the discretion of the watcher or observer supervisor, be substituted for a watcher or observer at any time; provided, that notice is first given to the designated representative of the Board at the polling place or counting place.

706.16 A poll watcher shall be allowed to perform the following acts:

(a) Observe the count;

(b) Unofficially ascertain the identity of persons who have voted;

(c) Report alleged discrepancies to the Precinct Captain; and

(d) Challenge voters in accordance with the procedures specified in this chapter, if the watcher is a registered qualified elector.

706.17 An election observer shall be allowed to perform the following acts:

(a) Observe the count;

(b) Unofficially ascertain the identity of persons who have voted; and

(c) Report alleged discrepancies to the Precinct Captain.

706.18 No poll watcher or election observer shall, at any time, do any of the following:

(a) Touch any official record, ballot, voting equipment, or counting form;

(b) Interfere with the progress of the voting or counting;

(c) Assist a voter with the act of voting;

(d) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher or observer may request that a ballot be referred for ruling on its validity to a representative of the Board;

(e) In any way obstruct the election process; or

(f) Use any video or still cameras inside the polling place while the polls are open for voting, or use any video or still camera inside the counting center, if such use is disruptive or interferes with the administration of the counting process.

706.19 A candidate may not serve as a poll watcher in any early voting center or polling place.

706.20 If a poll watcher or election observer has any question, or claims any discrepancy or error in the voting or the counting of the vote, the watcher or observer shall direct the question or complaint to the election official in charge. In each polling place, the Precinct Captain shall be the representative of the Board to whom the poll watchers or election observers shall direct all questions and comments. In counting places, the Executive Director shall identify those representatives to whom poll watchers and election observers shall direct all questions and comments.

706.21 Any poll watcher or election observer who, in the judgment of the Board or its designated representative, has failed to comply with any of the rules contained in this section, or has engaged in some other prohibited activity or misconduct, may be requested to leave the polling place or the counting center.

706.22 If a poll watcher or election observer is requested to leave, that watcher's or observer's authorization to use credentials shall be cancelled, and he or she shall leave the polling place or counting place forthwith.

706.23 An authorized alternate poll watcher or election observer may be substituted for a watcher or observer who has been removed.

708 CHALLENGE TO VOTER QUALIFICATIONS: AT THE POLLS OR EARLY VOTING CENTERS

708.1 Challenges to voter qualifications where the voter is present at the time of the challenge shall be conducted according to the procedures of this section. Challenges to a voter's registration, as described in D.C. Official Code § 1-1001.07(e)(5), may occur only pursuant to § 521, and may not occur at the polls or early voting centers.

708.2 Any duly registered voter may challenge the qualifications of a prospective voter in a primary, special, or general election.

708.3 Any challenge to the qualifications of a prospective voter shall be in writing on a form provided by the Board, and shall indicate the name of the person challenged, the basis for the challenge, and the evidence provided to support the challenge.

708.4 The challenger shall also sign an affidavit declaring under penalty of perjury that the challenge is based upon substantial evidence which he or she believes in good faith shows that the person challenged is not a qualified elector of the District.

708.5 After receiving a challenge or making a challenge on his or her own initiative, the Precinct Captain shall give the challenged voter an opportunity to respond.

708.6 The Precinct Captain shall review the evidence presented and shall:

(a) Affirm the challenge upon a finding that it is based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, or;

(b) Deny the challenge upon a finding that it is not based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector.

708.7 The Precinct Captain shall record the decision and the rationale for the decision on a form provided by the Board.

708.8 If the Precinct Captain denies the challenge, he or she shall inform the challenger that the challenger may appeal the decision to the Board and shall give the challenger copies of the rules regarding challenges and appeals to the Board.

708.9 Any appeal of the Precinct Captain's decision to deny the challenge shall be made either before the challenged voter casts a ballot, or before either the challenger or the challenged voter leaves the polling place, whichever is earlier.

708.10 If the challenger does not appeal the Precinct Captain's decision to deny the challenge, the challenged voter shall cast a regular ballot.

708.11 If the challenger appeals the Precinct Captain's decision to deny the challenge, the Precinct Captain shall state, over the telephone, the facts of the case to a Board hearing officer authorized to rule on the appeal for the Board.

708.12 Either a Board member, the Board's Executive Director, or the Board's Registrar of Voters may serve as the Board's hearing officer for the appeal.

708.13 The hearing shall be recorded and transcribed, and the transcript shall serve as the official case record, along with the written documentation, as specified in § 708.7, of the Precinct Captain's initial decision to deny the challenge.

708.14 The hearing officer shall take testimony under oath from the challenger, the person challenged, the Precinct Captain, and any witnesses who wish to testify.

708.15 Each person who testifies before the hearing officer shall state for the record their name as recorded on the Board's voter registration list, their residence address, mailing address and telephone number, and their role in the challenge.

708.16 The hearing officer shall receive evidence and testimony and shall then close the hearing.

708.17 After reviewing all evidence pertaining to the challenge and making a decision based upon his or her determination of whether the challenger has presented substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, the hearing officer shall either:

(a) Affirm the Precinct Captain's decision to deny the challenge, in which case the challenged voter shall cast a regular ballot; or

(b) Overturn the Precinct Captain's decision to deny the challenge, in which case the challenged voter shall cast a "challenged" special ballot, pursuant to § 714.1(j).

708.18 If the Precinct Captain affirms the challenge, or if the Board's hearing officer overturns the decision of the Precinct Captain to deny a challenge, the Precinct Captain shall allow the challenged voter to cast a "challenged" special ballot, pursuant to § 714.1(j).

709 CONTROL OF ACTIVITY AT EARLY VOTING CENTERS, POLLING PLACES, AND BALLOT COUNTING PLACES

709.1 The Precinct Captain shall have full authority to maintain order, pursuant to the Election Act, the regulations contained in this section, and directives of the Executive Director, General Counsel and their designees, including full authority to request police officials to enforce lawful orders of the Precinct Captain.

709.2 The only persons who shall be permitted to be present in early voting centers, polling places, or ballot counting places are the following:

(a) Designated representatives of the Board;

(b) Police officers;

(c) Duly qualified poll watchers and election observers;

(d) Persons actually engaged in voting; and

(e) Other persons authorized by the Board.

709.3 The only activity which shall be permitted in the portion of any building used as an early voting center, polling place, or ballot counting place shall be the conduct of the election. No partisan or nonpartisan political activity, or any other activity which, in the judgment of the Precinct Captain, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within a reasonable distance outside the building used as an early voting center, polling place, or ballot counting place.

709.4 For the purposes of this section, the term "political activity" shall include, without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting.

709.5 The distance deemed "reasonable" shall be approximately fifty feet (50 ft.) from any door used to enter the building for voting. The exact distance shall be determined by the Precinct Captain, depending on the physical features of the building and surrounding area. Wherever possible, the limits shall be indicated by a chalk line, or by some other physical marker at the polling place.

709.6 A person shall be warned to cease and desist his or her conduct upon any instance of the following:

(a) Violation of the Election Act or regulations contained in this section;

(b) Failure to obey any reasonable order of the Board or its representative(s); or

(c) Acting in a disorderly manner in, or within a reasonable distance outside the building used as an early voting center, polling place, or ballot counting place.

709.7 If the person committing the violation(s) fails to cease and desist, a member of the Metropolitan Police Department of the District of Columbia shall be requested to evict the person or take other appropriate action.

710 ASSISTANCE TO VOTERS

710.1 Any voter who requires assistance in voting may be given assistance by a person of the voter’s choice, other than a poll watcher or election observer, the voter’s employer or agent of that employer, or officer or agent of the voter’s union.

710.2 The Board shall ensure that capable assistance shall be made available to any requesting voter.

710.3 The Board shall provide in each early voting center and precinct one (1) or more polling place officials specifically trained to assist voters upon their request.

710.4 Any person giving assistance shall assist only upon the request of the voter and in accordance with the wishes of the voter.

710.5 The Precinct Captain shall ensure that a record is made of the provision of such assistance to the voter and the nature of the voter's need for assistance.

710.6 Assistance provided to a voter may include, though not necessarily be limited to, the following:

(a) Marking the ballot in accordance with the voter's expressed wishes;

(b) Reading the ballot to a voter whose vision is impaired or who cannot read;

(c) Recording a write-in vote as designated by the voter; and

(d) Completing a form for the voter who cannot do so because of disability, advanced age, or illiteracy.

710.7 No person or official providing voter assistance shall in any way influence or attempt to influence a voter's choice in voting, nor shall the person or official disclose to anyone how the voter voted. Any person who violates this section may, upon conviction, be subject to a $10,000 fine or imprisonment up to five years, or both, pursuant to D.C. Official Code § 1-1001.14(a).

710.8 Written instructions on the operation of the voting process shall be available to all voters. A trained polling place official shall also be available to explain the voting process.

710.9 All voters shall have the opportunity, if desired, to mark a demonstration ballot prior to entering the voting booth.

711 VOTING BOOTH

711.1 Except as provided in this chapter, a voter shall enter a voting booth alone to mark his or her ballot.

711.2 A voter may take sample ballots and any other materials as he or she may desire into the voting booth.

711.3 No voter shall go into a booth that is already occupied, nor shall a voter, poll watcher, election observer, or polling place official communicate with or disturb the occupant of any booth.

711.4 Each voter shall mark the ballot promptly and shall leave the booth.

711.5 No person may occupy a voting booth except for the purpose of voting or for the purpose of rendering assistance to a voter, pursuant to the D.C. Election Act and the provisions of § 710.

711.6 Voting booths shall provide privacy for the voter while voting.

712 SECRECY OF THE BALLOT

712.1 Before any optical scan voting equipment ("OSVE") is used for deposit of voted ballots, the Precinct Captain shall:

(a) Inspect the interior of the OSVE to show any voters and/or watchers that all ballot receiving areas are empty;

(b) Secure and lock the ballot receiving areas of the OSVE;

(c) Produce a zero-printout and, after ascertaining that vote totals opposite all voting positions are set at zero (0000), sign said printout; and

(d) Inspect OSVE counter display to insure that it reads zero (0000).

712.2 From the time of the procedure specified in § 712.1 until the close of the polls, the polling official attending the OSVE shall ascertain that:

(a) Only official ballots are deposited in the OSVE;

(b) Nothing is removed from the OSVE; and

(c) The secrecy of each voter's ballot is preserved.

712.3 Each voter shall pass his or her voted paper ballot through the OSVE before leaving the early voting center or polling place.

712.4 Provision shall be made for maintaining the secrecy of the voted ballot while the voter carries it from voting booth to OSVE.

712.5 The OSVE's shall be attended by a polling place official at all times, from the opening of the polls until the ballots, memory cards, or other electronic media are returned to the counting center.

713 VOTE CASTING PROCEDURES: REGULAR BALLOT

713.1 A duly registered voter is a qualified elector under § 500.2, who resides at the residence address as that address appears on the Board's records, and either:

(a) Has registered to vote prior to the date that in-person absentee voting begins at the Board's office; or

(b) Registers after the date that in-person absentee voting begins at the Board's office and has had their residence confirmed by the Board.

713.2 Only duly registered voters shall be permitted to cast a regular ballot.

713.3 An elector shall be permitted to cast a regular ballot in the primary election of a political party if he or she:

(a) Is a duly registered voter whose voter registration application indicates an affiliation with the party holding the primary election; and

(b) Has not changed his or her party affiliation status during the thirty (30) days preceding a primary election. A change in party affiliation status occurs when a voter:

(1) Changes his or her party registration from one political party to another;

(2) Changes his or her party registration from "no party (independent)" to a political party; or

(3) Changes his or her party registration from a political party to "no Party (independent)."

713.4 On Election Day, each duly registered voter shall cast a regular ballot at the polling place serving the residence address of the registered voter, provided that a duly registered voter may cast a special ballot at a precinct that is not his or her precinct of residence.

713.5 During the hours of voting, the Board shall place in each early voting center and polling place an alphabetical list (poll book) of all persons registered in that precinct and eligible to vote in the election.

713.6 A listing of the registrants contained in the poll book shall be available for public inspection.

713.7 The information printed on the poll book in each polling place shall include the name, address, party affiliation (where applicable), and ANC Single-Member District (where applicable) of each duly registered voter residing in the precinct.

713.8 When a duly registered voter appears to vote, the voter shall state aloud his or her name and address. The designated election official shall then locate and verify the

voter's name, address, party affiliation, and ANC Single-Member District (where applicable) from the poll book.

713.9 The voter shall confirm the accuracy of the name, address, party affiliation, and ANC Single-Member District where applicable, before signing the poll book, or other record prescribed by the Board. Such signature shall be deemed confirmation that the voter's information is correct as shown on the Board's records.

713.10 After signing, the polling place official shall perform the following duties:

(a) Issue a Voter Card to the voter;

(b) Require that the voter's full name be printed on the Voter Card, and if applicable, party and ballot style; and

(c) Direct the voter to the appropriate polling place official to obtain a ballot.

713.11 The designated polling place official shall be responsible for the following:

(a) Receiving the Voter Card;

(b) Announcing clearly and publicly the name and party on the Voter Card in a primary election, and the name and ANC Single-Member District on the Voter Card in a general election;

(c) Ascertaining whether the voter will vote using the optical scan voting equipment (OSVE) or the direct recording electronic (DRE) voting equipment;

(d) Issuing to each voter the ballot(s) to which he or she is entitled; and

(e) Depositing the Voter Card in a container provided for that purpose.

713.12 The voter shall complete his or her ballot and submit such ballot according to instructions provided.

713.13 In the event that the OSVE becomes inoperable for any reason during the election process, voters shall place voted ballots into the auxiliary ballot box. All ballots deposited in this auxiliary box shall be tabulated after the polls close, either at the polling place if the machine regains operability or at a counting place.

713.14 In the event that the DRE voting equipment becomes inoperable for any reason during the election process, voters shall be directed to use the OSVE. The Board shall make reasonable accommodations to voters, who by reason of disability or preference, wish to vote using the DRE equipment.

713.15 Any repairs conducted on either the OSVE or DRE equipment will be performed in the presence and view of:

(a) An election official who shall note in writing all repair activity; and

(b) Designated poll watchers and election observers, if any in that precinct, who will be provided with any available information pertaining to system activity.

714 VOTE CASTING PROCEDURES: SPECIAL BALLOT

714.1 Uses for a Special Ballot (or Provisional Ballot) include instances where the voter:

(a) Votes in a precinct that does not serve the address listed on the Board's registration records;

(b) Is listed as an absentee voter on the alphabetical or supplemental lists of registered voters (poll book) in the precinct but claims that he or she has not voted by absentee ballot;

(c) Is listed on the poll book in the precinct but claims, in a primary election, that the party affiliation indicated on the listing is in error;

(d) Is listed on the poll book in the precinct but claims, in a general election, that the ANC Single-Member District indicated on the listing is in error;

(e) Alleges that his or her name has been erroneously omitted from the poll book, or alleges that his or her name or address is incorrectly printed on the poll book;

(f) Has moved from the address listed on the Board's registration records and presents himself or herself to vote at the precinct serving his or her current residence address;

(g) Has been challenged pursuant to this chapter, and that challenge is accepted;

(h) Votes in an election for federal office as a result of a federal or District of Columbia court order, or any other order, extending the statutory poll-closing time;

(i) Has not previously voted in a federal election in the District and who registers to vote by mail and fails to present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid government-issued photo identification, a copy of a current (the issue, bill, or statement date is no earlier than 90 days before

the attempt to register and/or vote, whichever is applicable) utility bill, bank statement, government check, or paycheck, or other government-issued document that shows his or her name and address; or

(j) Resides temporarily at a District of Columbia licensed nursing home or assisted living facility, or at a qualified retirement home and casts a ballot at such facility.

714.2 An individual whose eligibility to vote in the election cannot be determined during the in-person absentee voting period, at an early voting center, or at a polling place on Election Day because of one (1) or more of the reasons cited in § 714.1 shall vote by Special Ballot.

714.3 Notwithstanding § 714.1(a), a voter whose residence is served by a polling place that has been identified as inaccessible pursuant to sSection 8 of the Voting Accessibility for the Elderly and Handicapped Act may vote a regular ballot at another, accessible polling place if he or she:

(a) Is a senior citizen or a person with a disability; and

(b) Contacts the Board in writing by no later than the seventh (7^{th}) day prior to Election Day to request that a complete ballot for his or her precinct of residence be brought to the accessible polling place on Election Day.

714.4 A voter casting a Special Ballot shall complete, with the assistance of a designated polling place official, a Special Ballot Envelope which shall provide space for the following information:

(a) The name and current residence of the voter;

(b) The reason for voting the Special Ballot;

(c) The voter's DMV-issued identification number or last four (4) digits of the voter's social security number;

(d) The voter's date of birth;

(e) The precinct in which the voter is casting the ballot; and

(f) Any other information as may be necessary to determine if the person is qualified to vote.

714.5 The outside of the Special Ballot Envelope shall contain a statement warning the voter of the criminal penalties for making a false representation as to his or her qualifications for voting and an affirmation signed by the voter attesting to the following:

(a) That to the best of his or her knowledge and belief, he or she is a registered voter in the District of Columbia, or if he or she is not registered to vote, that he or she meets the qualifications for voter registration;

(b) That he or she resides at the residence provided; and

(c) That the information contained on the outside of the Special Ballot Envelope is truthful and complete.

714.6 Before being permitted to vote by Special Ballot, the voter shall sign the affirmation printed on the Special Ballot Envelope.

714.7 The designated polling place official shall witness the voter signing the affirmation printed on the Special Ballot Envelope.

714.8 Designated polling officials shall issue the following to each voter casting a special ballot:

(a) A voter card with the word "SPECIAL" placed thereupon;

(b) Ballot(s);

(c) An inner envelope to ensure the secrecy of the ballot; and

(d) Written notification of appeal rights if the voter's special ballot is rejected in whole or in part.

715 SPECIAL BALLOT APPEAL RIGHTS

715.1 A voter's act of signing a challenged or Special Ballot Envelope shall be deemed the filing of an appeal by the voter of the refusal by the Board's Registrar of Voters to permit the voter to vote by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or Special Ballot.

715.2 The Board shall provide the voter, at the time of voting or after a challenge to an absentee ballot has been upheld pursuant to § 721.18, with written notice that indicates the manner by which he or she may learn whether the Executive Director has decided to count or reject, in whole or in part, the voter's Special Ballot, and of the dates scheduled for hearings for voters whose Special Ballots are rejected to contest the Executive Director's preliminary determination if they petition to do so.

715.3 Not later than the day after each election, the Board shall enable any voter who has voted a Special Ballot to learn of the Executive Director's preliminary decision to count or reject his or her ballot along with the reason(s) for each decision by

accessing either a dedicated section of the Board's website or a telephone service which shall be maintained during regular business hours.

715.4 Not later than the second (2nd) day after the date of any election, the Board shall, upon petition of the voter, conduct a hearing for the voter to contest the Executive Director's preliminary determination to reject the voter's Special Ballot.

715.5 The Board shall review the information provided on the Special Ballot Envelope as well as all other available evidence pertaining to the eligibility of each voter casting a Special Ballot, and shall make a decision about whether to count or reject each special ballot.

715.6 At the hearing, the voter may appear and give testimony on the question of the Executive Director's preliminary decision to reject the Special Ballot.

715.7 The Board shall make a final determination to either count or reject the voter's Special Ballot no later than the day after the date of the hearing.

715.8 The voter may appeal an adverse decision of the Board to the Superior Court of the District of Columbia within one (1) business day after the date of the Board's decision. The decision of the court shall be final and not appealable.

716 SPOILED BALLOTS

716.1 If a voter makes a mistake in marking a ballot or erroneously defaces or tears a ballot, he or she may surrender the spoiled ballot to a polling place official, who shall furnish the voter with another ballot.

716.2 The polling place official shall request the voter place the spoiled ballots into the spoiled ballot envelope.

716.3 The voter shall seal the envelope and shall return it to the polling official before an additional ballot can be issued.

716.4 A polling place official shall not issue more than three (3) ballots (one (1) original, two (2) replacements) to any voter. Before the polling place official issues the second (2nd) ballot, the polling place official shall inform the voter that the voter may have only one (1) additional ballot after the first (1st) replacement ballot. Before the polling place official issues the third (3rd) ballot, the polling place official shall inform the voter that it will be the last ballot issued to the voter.

716.5 When a voter receives a replacement ballot, the voter shall have the option of receiving a paper or electronic ballot.

717 ABSENTEE BALLOTS

717.1 Except as provided in this chapter, a duly registered voter may make a written request for an absentee ballot electronically, by mail, or in person at the Board's office.

717.2 A duly registered voter may request absentee ballots for all elections in the current calendar year.

717.3 Except as provided in § 719, no person shall be permitted to obtain an absentee ballot or execute an application for an absentee ballot for another registered voter.

717.4 A mailed or electronically received request for an absentee ballot shall be received from the registered voter by no later than the seventh (7th) day preceding the date of the election.

717.5 A request for an absentee ballot shall include the following:

(a) The voter's name;

(b) Election(s) for which the absentee ballot is requested;

(c) Address from which the voter is registered to vote;

(d) Voter's current residence address, if different from the address listed on the Board's records;

(e) Address to which the absentee ballot shall be delivered, if applicable;

(f) Voter's DMV-issued identification number, the last four (4) digits of the voter's social security number, or the voter's unique voter identification number issued by the Board;

(g) Voter's date of birth; and

(h) Voter's original signature.

717.6 An absentee ballot request sent electronically will be considered to contain an original signature.

717.7 Each absentee ballot request that is submitted through the Board's digital voter service system shall be executed by an electronic signature provided directly to the Board by the applicant.

717.8 If an applicant submits an absentee ballot request through the Board's digital voter service system, but does not provide an electronic signature directly to the Board in accordance with § 717.7, the Board shall request, and the DMV shall furnish, an electronic copy of the applicant's signature for the purpose of executing the request submitted for acceptance and approval, provided the applicant:

(a) Provides his or her DMV-issued identification number; and

(b) Affirmatively consents to the use of that signature as the signature for the request submitted.

717.9 A duly registered elector may request an absentee ballot in person not earlier than fifteen (15) days preceding the election.

717.10 If a duly registered voter who requests an absentee ballot by mail provides a residence address that is different from the residence address listed on the Board's records, the application to vote absentee shall also be considered a request for a change of address.

717.11 Prior to returning the voted absentee ballot to the Board, a voter shall confirm the accuracy of his or her name, address, party affiliation, and ANC Single-Member District, where applicable, as it appears on the Board's records by signing either the absentee ballot envelope, or if voting an absentee ballot in person, the poll book or other record prescribed by the Board. Such signature shall be deemed an affirmation that the voter's information is correct as shown on the Board's records.

717.12 An absentee ballot may be returned to the Board by any of the following ways:

(a) Mail;

(b) Brought to any polling place for deposit in the special ballot box on Election Day; or

(c) Delivered to the Board's office at any time before the close of the polls on Election Day.

717.13 All mailed (postmarked and non-postmarked) absentee ballots shall be received no later than 8:00 p.m. on the day of the election.

717.14 During the period for in-person absentee voting, the Board shall be open from the third Monday preceding Election Day through the Saturday before Election Day (except legal holidays), from 8: 30 a.m. until 7:00 p.m.

717.15 A duly registered voter who was mailed an absentee ballot and attempts to vote on Election Day or at an early voting center shall vote by special ballot.

717.16 An absentee ballot shall be counted as being cast in the ward and precinct where the voter resides, provided that the voter signs the absentee ballot envelope to certify that the voter has voted the ballot and has not voted in any other jurisdiction or in any other manner in the election.

717.17 Pursuant to D.C. Official Code § 1-1001.09 (2014 Repl.), no employee of the Board shall reveal the name(s) of the candidate(s) for whom an individual has voted or whether an individual voted for or against any initiative, referendum, or recall measure, or Charter amendment. Any employee who violates this section may, upon conviction, be subject to a ten thousand dollar ($10,000) fine or imprisonment up to five (5) years, or both, pursuant to D.C. Official Code § 1-1001.14 (a) (2014 Repl.).

718 ABSENTEE BALLOTS FOR QUALIFIED UNIFORMED SERVICES AND OVERSEAS VOTERS

718.1 Qualified uniformed services and overseas voters may request an absentee ballot by using the Federal Post Card Application (FPCA), the declaration accompanying a Federal Write-In Absentee Ballot (FWAB declaration), or if already registered, by making a written request to the Board.

718.2 A qualified uniformed services or overseas voter's request for an absentee ballot may be delivered to the Board electronically or by mail.

718.3 All requests for absentee ballots shall be received by no later than the Saturday prior to Election Day.

718.4 An absentee ballot request from a uniformed services or overseas voter shall be treated as a valid, standing request for an absentee ballot for any and all elections that fall within the election cycle in which the request was received, unless the voter requests absentee ballots for a different time period.

718.5 A request for an absentee ballot from a qualified uniformed services or overseas voter shall include the following:

(a) The voter's name;

(b) Election(s) for which the absentee ballot is requested;

(c) Address from which the voter is registered to vote;

(d) Voter's current residence address, if different from the address listed on the Board's records;

(e) Preference of either mail, email or fax delivery of ballot;

(f) Mailing address, email address, or fax number to which the absentee ballot shall be delivered;

(g) Email address;

(h) Voter's DMV-issued identification number, the last four (4) digits of the voter's social security number, or the voter's unique voter identification number issued by the Board;

(i) Voter's date of birth; and

(j) Voter's original signature.

718.6 A qualified uniformed services or overseas voter may choose to have his or her absentee ballot electronically transmitted or delivered by mail. If no preference is given, the absentee ballot shall be delivered by mail.

718.7 The Board shall transmit blank absentee ballots by no later than forty-five (45) days before the election if the absentee ballot application is received at least forty-five (45) days before an election. If the request is received less than forty-five (45) days before an election for federal office, the Board shall transmit the absentee ballot to the voter within two business days of the receipt of the request, and in accordance with District law in a manner that expedites the transmission of the ballot.

718.8 Prior to returning the voted absentee ballot to the Board, a qualified uniformed services or overseas voter shall confirm the accuracy of his or her name, address, party affiliation, and ANC Single-Member District, where applicable, as it appears on the Board's records by signing either the absentee ballot envelope, or if the absentee ballot is returned electronically, a separate downloadable attestation form. Such signature shall be deemed an affirmation that the voter's information is correct as shown on the Board's records.

718.9 A qualified uniformed services or overseas voter who submits his or her ballot electronically shall provide and sign the following statement on a separate document: "I understand that by electronically submitting my voted ballot I am voluntarily waiving my right to a secret ballot."

718.10 If, at the time of completing an absentee ballot and accompanying materials, a duly registered qualified uniformed services or overseas voter has declared under penalty of perjury that the ballot was timely submitted, the voter's ballot shall not be rejected on the basis that it has either a late or unreadable postmark, or no postmark at all.

718.11 All absentee ballots shall be received not later than 8:00 p.m. on the day of the election.

718.12 The Board may take reasonable steps to investigate the timely completion of non-postmarked absentee ballots by checking tracking numbers or any other information available.

718.13 If the voter chooses to use the FWAB, the Board will accept the ballot for all contests in which the voter is eligible to cast votes.

719 EMERGENCY ABSENTEE BALLOTS

719.1 A duly registered voter may apply for an emergency absentee ballot, through a duly authorized agent, at the office of the Board from the sixth (6th) day prior to any election to the time the polls close on Election Day, under the following circumstances:

(a) The voter is physically unable to be present at the polls as the result of an illness or accident occurring after the deadline for requesting to vote absentee by mail;

(b) The voter, having expected to recover from an illness by election day and vote at the polls, finds that after the deadline for requesting an absentee ballot by mail has passed, he or she is physically unable to vote at the poll on election day; or

(c) The voter is serving on a sequestered jury on election day.

719.2 A duly registered voter shall apply to vote by emergency absentee ballot according to the following procedure:

(a) The registered voter shall, by signed affidavit on a form provided by the Board, set forth:

(1) The reason why he or she is unable to be present at the polls on the day of the election; and

(2) Except as provided in § 719.3, a designated voter registered in the District of Columbia to serve as agent for the purpose of delivering the absentee ballot to the voter.

(b) Upon receipt of the application, the Executive Director, or his or her designee, if satisfied that the person cannot, in fact, be present at the polling place on the day of the election shall issue to the voter, through the voter's duly authorized agent, an absentee ballot which shall be marked by the voter, placed in a sealed envelope and returned to the Board before the close of the polls on election day.

(c) The person designated as agent shall, by signed affidavit on a form prescribed by the Board, state the following:

(1) That the ballot will be delivered by the voter who submitted the application for the ballot; and

(2) That the ballot shall be marked by the voter and placed in a sealed envelope in the agent's presence, and returned, under seal to the Board by the agent.

719.3 An officer of the court in charge of a jury sequestered on election day may act as agent for any registered voter sequestered regardless of whether the officer is a registered voter in the District.

719.4 The Board shall advise all agents, in writing, that pursuant to D.C. Official Code §§ 1-1001.12 and 1-1001.14 (2014 Repl.), it is unlawful to do any of the following:

(a) Vote or attempt to vote more than once in any election; or

(b) Purloin or secret any of the votes cast in any election.

720 FEDERAL ELECTORS AND ABSENTEE FEDERAL BALLOT

720.1 A person who is absent from the District shall qualify to vote as a federal elector in federal elections conducted in the District of Columbia under the provisions of the Voting Rights Act of 1965.

720.2 A qualified federal elector is a citizen of the United States residing outside of the District of Columbia who meets the following requirements:

(a) Resided or was domiciled in the District of Columbia who has moved into another state or territory and does not meet the voter registration residency requirements of that state or territory;

(b) Is at least seventeen (17) years of age and will be eighteen (18) years of age on or before the next general election;

(c) Has not been adjudged legally incompetent to vote; and

(d) Is not incarcerated for conviction of a felony in the District.

720.3 Any qualified federal elector may make a written request to vote an absentee Federal Ballot. Such request may be made electronically, by mail, or in person at the Board's office, and shall include the following:

(a) The voter's name;

(b) A statement that the applicant requests a ballot for federal offices;

(c) Address from which the voter was previously registered to vote in the District;

(d) Address to which the absentee ballot shall be delivered, if applicable;

(e) The voter's DMV-issued identification number or the last four (4) digits of the voter's social security number;

(f) The voter's date of birth; and

(g) The voter's original signature.

720.4 An absentee Federal Ballot request sent electronically will be considered to contain an original signature.

720.5 A mailed or electronically submitted request for an absentee Federal Ballot shall be received from the registered voter by no later than the seventh (7th) day preceding the date of the election.

720.6 A qualified federal elector may request an absentee Federal Ballot in person not earlier than fifteen (15) days preceding the election, and not later than 7:00 p.m. on the Saturday preceding the election.

720.7 Prior to returning the voted absentee Federal Ballot to the Board, a voter shall confirm the accuracy of his or her name, address, party affiliation, and ANC Single-Member District, where applicable, as it appears on the Board's records by signing either the absentee ballot envelope, or if voting an absentee ballot in person, the Master Index or other record prescribed by the Board. Such signature shall be deemed an affirmation that the voter's information is correct as shown on the Board's records.

720.8 An absentee Federal Ballot may be returned to the Board by any of the following ways:

(a) Mail;

(b) Brought to any polling place for deposit in the special ballot box on Election Day; or

(c) Delivered to the Board's office at any time before the close of the polls on Election Day.

720.9 All mailed (postmarked and non-postmarked) absentee Federal Ballots shall be received not later than the close of polls) on the day of the election.

720.10 The Board may take reasonable steps to investigate the timely completion of non-postmarked absentee Federal Ballots by checking tracking numbers or any other information available.

721 CHALLENGE TO VOTER QUALIFICATIONS: ABSENTEE BALLOTS RECEIVED ELECTRONICALLY OR BY MAIL

721.1 The provisions of this section are inapplicable to absentee ballot requests submitted by covered voters, as that term is defined in D.C. Official Code § 1-1061.02(2).

721.2 Challenges to voter qualifications where the voter seeks to cast an absentee ballot by mail shall be conducted according to the procedures of this section. Challenges to the qualifications of an elector who seeks to cast an emergency absentee ballot, as provided under § 719, are specifically exempted. Challenges to a voter's registration, as described in D.C. Official Code § 1-1001.07(e)(5), may occur only pursuant to § 521.

721.3 The Board shall post in its office and on its website a list of all prospective voters who have submitted requests for absentee ballots electronically or by mail for three (3) days beginning on the seventh (7^{th}) day preceding an election.

721.4 During the three (3) day posting period, any duly registered voter may challenge the qualifications of any prospective voters who have submitted requests for absentee ballots electronically or by mail.

721.5 Any challenge to the qualifications of a prospective voter shall be in writing on a form provided by the Board, and shall indicate the name of the person challenged, the basis for the challenge, and the evidence provided to support the challenge. The challenge form shall be submitted in-person at the Board's Office.

721.6 The challenger shall also sign an affidavit declaring under penalty of perjury that the challenge is based upon substantial evidence which he or she believes in good faith shows that the person challenged is not a qualified elector of the District.

721.7 The voter's signature on the request for an absentee ballot shall serve as an affidavit from the voter that he or she is a qualified elector of the District.

721.8 On the same day that the challenge is submitted at the Board's Office, the absentee ballot official shall review the evidence presented and shall:

(a) Affirm the challenge upon a finding that it is based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, or;

(b) Deny the challenge upon a finding that it is not based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector.

721.9 The absentee ballot official shall record the decision and the rationale for the decision on a form provided by the Board.

721.10 If the absentee ballot official denies the challenge, The absentee ballot official shall inform the challenger that the challenger may appeal the decision to the Board and shall give the challenger copies of the rules regarding challenges and appeals to the Board. Any appeal from a decision to deny the challenge must be made immediately.

721.11 If the challenger does not appeal the absentee ballot official's decision to deny the challenge, the absentee ballot shall be counted as a regular ballot.

721.12 If the challenger appeals the absentee ballot official's decision to deny the challenge, the absentee ballot official shall state the facts of the case to a Board hearing officer authorized to rule on the appeal for the Board.

721.13 Either a Board member, the Board's Executive Director, or the Board's Registrar of Voters official may serve as the Board's hearing officer for the appeal.

721.14 The hearing shall be recorded and transcribed, and the transcript shall serve as the official case record, along with the written documentation of the absentee ballot official's initial decision to deny the challenge.

721.15 The hearing officer shall take testimony under oath from the challenger, the challenged voter (if available), the absentee ballot official, and any witnesses who wish to testify.

721.16 Each person who testifies before the hearing officer shall state for the record their name as recorded on the board's voter registration list, their residence address, mailing address and telephone number, and their role in the challenge.

721.17 The hearing officer shall receive evidence and testimony and shall then close the hearing.

721.18 After reviewing all evidence pertaining to the challenge and making a decision based upon his or her determination of whether the challenger has presented substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, the hearing officer shall either:

(a) Affirm the absentee ballot official's decision to deny the challenge, in which case the challenged voter's absentee ballot shall be counted as a regular ballot; or

(b) Overturn the absentee ballot official's decision to deny the challenge, in which case the challenged voter's absentee ballot and envelope shall be considered a special ballot and envelope.

721.19 If the absentee ballot official affirms the challenge, or if the Board's hearing officer overturns the decision of the absentee ballot official to deny a challenge, the voter's

absentee ballot and envelope shall be considered a special ballot and envelope, marked as such, and handled pursuant to §§ 714 and 715.

722 PROHIBITION OF LABELS, STICKERS, AND AUTHORIZATION OF HAND STAMPS FOR CASTING WRITE-IN VOTES ON PAPER BALLOTS

722.1 The use of stickers and adhesive labels as a way of exercising the write-in method of voting is prohibited. Any write-in vote cast in this manner shall be deemed invalid.

722.2 The use of a stamp by a voter to imprint the name of a write-in candidate in the appropriate space on the voter's ballot shall be permitted under the following circumstances:

(a) Where the stamp serves only to print the name of the write-in candidate on the voter's paper ballot; and

(b) Where the stamp does not affix any adhesive or other foreign material on the voter's ballot.

722.3 Any voter may bring into a polling place or early voting center in any election where paper ballots are being cast a stamp for the purpose of exercising the write-in vote option, consistent with § 722.2, for the voter's personal use, provided that the voter must carry the stamp out of the polling place or early voting center with him once he or she has voted. Any stamps left in the polling place or early voting center shall be discarded by election workers.

722.4 Any candidate, campaign organization, or individual may provide or distribute a stamp to voters for their use in exercising their write-in option in any election by any means including the distribution of a stamp outside of a polling place or early voting center where paper ballots are being cast, provided that the distribution shall occur outside the fifty foot (50ft.) line, within which no political activity is permitted.

722.5 No one may distribute any stamp device to any voter or any other person within the fifty foot (50 ft.) line from an early voting center or polling place entrance or inside any early voting center or polling place.

723 CLOSING THE POLLS

723.1 Immediately after the last voter has voted, the Precinct Captain or his or her designee(s) shall in the presence and view of designated poll watchers:

(a) Remove all voted ballots from the OSVE, and secure them in a transfer case for delivery to the Counting Center;

(b) Remove any ballots that have been deposited either in the emergency ballot entry slot in the OSVE or in an auxiliary ballot box, enter these

ballots into the automatic tabulating system, secure these ballots in the transfer case referred to in § 723.1(a) and seal the transfer case with a signed certificate;

(c) Request and confirm the close of polls and produce the total vote count tape for all contests on the ballot in that precinct;

(d) Enter the reading from the OSVE's public counter onto the total vote count tape;

(e) Remove and sign the total vote count tape, and seal it for delivery to the counting center; and

(f) Place the OSVE's memory card, or other electronic media, and the DRE's tabulation cartridge into a transfer case which shall be sealed with a signed certificate for delivery to the Counting Center.

723.2 The Precinct Captain shall then prepare a complete accounting of ballots issued to that polling place, in accordance with and on forms provided by the Board.

723.3 The accounting of ballots shall include the following numbers of ballots:

(a) Voted;

(b) Spoiled;

(c) Not used; and

(d) Received.

723.4 Upon completion of voting, a summary count of votes (for each contest) at each precinct shall be posted in a conspicuous place that can be seen from the outside of the polling place.

723.5 At each precinct, Precinct Captains shall prepare a report which indicates the numbers of:

(a) Votes cast;

(b) Persons who signed in;

(c) Voter-verifiable records that arrived at the polling place before the polls opened;

(d) Voter-verifiable records that were used; and

(e) Unused voter-verifiable records.

723.6 The Precinct Captain shall keep a record of the names and addresses of individuals who:

(a) Attempted to register on election day but could not provide proof of residence; and

(b) Successfully registered on election day and voted.

723.7 Precinct Captain reports and records shall be made available for public inspection at a reasonable date following an election.

723.8 In accordance with directives of the Board, the transfer cases containing the voted ballots, OSVE memory card or other electronic media, and DRE tabulation cartridges shall be returned to the Counting Center promptly following the closing of the polls.

723.9 Unvoted ballots and other election materials and paraphernalia shall be returned to the custody of the Board as directed.

724 COLLECTION AND TRANSFER OF BALLOTS AND OTHER POLLING PLACE MATERIALS

724.1 All ballots cast in any election, as well as the OSVE memory cards or other electronic media, and DRE tabulation cartridges, shall be collected and transferred from precincts to the Counting Center by designated transport teams.

724.2 The transport team shall issue a receipt to the Precinct Captain for all items.

724.3 The reception team at the Counting Center shall issue to the transport team a receipt for the transfer cases containing voted ballots, OSVE memory cards or other electronic media, and DRE tabulation cartridges.

724.4 Other polling place materials shall be transferred from precincts to a place designated by the Board.

724.5 Unused or spoiled ballots, the Master Index Lists, and all other materials relating to voting and which are required for the official canvass, shall be placed in secured storage.

724.6 The official designated to receive the other polling place materials shall issue a receipt for same to the transport team.

724.7 The seal of each transfer case shall be inspected and certified as to its condition.

724.8 Inspection and certification of the seal shall be performed twice by the following:

(a) The first time by the transport team upon receipt of transfer cases at the polling place; and

(b) The second time by the reception team upon receipt of transfer cases at the Counting Center.

724.9 The certification shall include the following:

(a) Precinct number;

(b) Ballot box number;

(c) Condition of seal; and

(d) Any defects observed.

724.10 The certification shall be signed by members of the team making the certification.

724.11 At the Counting Center, each transfer case shall be marked as inspected before being delivered to a ballot inspection team or sorting team.

724.12 If there is more than one (1) transfer case for a single polling place, all cases shall be delivered to one (1) inspection or sorting team.

725 [REPEALED]

Chapter 8 is amended in its entirety to read as follows:

CHAPTER 8 TABULATION AND CERTIFICATION OF ELECTION RESULTS

800 VOTING SYSTEM STANDARDS
801 PRE-ELECTION LOGIC AND ACCURACY TESTING
802 VALIDITY OF BALLOTS
803 VALIDITY OF VOTES
804 MARKING OF BALLOTS BY ELECTION OFFICIALS
805 SPECIAL BALLOT BOX INSPECTION
806 TABULATION PROCEDURES
807 SPECIAL BALLOT TABULATION
808 ABSENTEE BALLOT TABULATION
809 VOTE COUNTING BY HAND
810 DISCRETIONARY MANUAL TABULATION
811 BALLOT ACCOUNTING
812 POST-ELECTION MANUAL AUDIT
813 CERTICIATION OF ELECTION RESULTS
814 AUTOMATIC RECOUNT

800 VOTING SYSTEM STANDARDS

800.1 Each voting system used in an election in the District of Columbia shall:

(a) Meet or exceed the voting system standards set forth in the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S. C. § 15301 *et seq*.), and/or be federally certified;

(b) Create a voter-verifiable record of all votes cast;

(c) Be capable without further modification of creating, storing, and exporting an anonymous separate machine record of each voter-verifiable record, showing each choice made by the voter;

(d) Produce an input to or generate a final report of the election, and interim reports as necessary;

(e) Generate system status and error messages;

(f) Produce an audit log;

(g) Accommodate interactive visual and non-visual presentation of information to voters;

(h) Permit voting in absolute secrecy and be constructed so that no person can see or know for whom any other elector has voted or is voting, except when a voter requests assistance pursuant to § 710;

(i) Permit each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, whether or not the name of any such person appears pre-printed on a ballot;

(j) Preclude each elector from voting for any candidate or upon any question for whom or upon which the elector is not entitled to vote, from voting for more persons for any office than the elector is entitled to vote for, and from voting for any candidates for the same office upon any question more than once;

(k) Permit each elector to vote for as many persons for an office as the elector is entitled to vote for, and to vote for or against any question upon which the elector is entitled to vote;

(l) Permit each elector to change the elector's vote for any candidate or upon any ballot question, up until the time the elector casts and records the elector's vote;

(m) Be durably constructed of material of good quality, and in a form that shall be safely transportable;

(n) Be constructed that a voter can quickly and easily learn the method of operating it and cast a vote for all candidates of the voter's choice, and when operated properly shall register and record correctly and accurately every vote cast:

(o) Not provide to a voter any type of receipt or voter confirmation that the voter legally may retain after leaving the polling place; and

(p) Provide locks and seals by which, immediately after the polls are closed or the operation of the machine is completed, no further changes to the internal counters can be allowed.

800.2 The Executive Director, or his or her designee, shall complete acceptance testing of new voting equipment to ensure that each unit of voting equipment meets or exceeds the voting system standards described in this section and any other specifications required by procurement contract.

801 PRE-ELECTION LOGIC AND ACCURACY TESTING

801.1 In preparation for any election, Board employees shall conduct complete testing of the automatic tabulation system before the use of the system.

801.2 Before each election, every unit of voting equipment shall be subject to public testing referred to as logic and accuracy testing ("L&A testing").

801.3 Notice of the L&A testing period shall be provided to candidates, proponents and opponents of measures, party officials, the news media, and to any other public representatives the Board deems appropriate, at least seven (7) days before the L&A testing period begins.

801.4 Notice of the final public L&A test shall be provided to candidates, proponents and opponents of measures, party officials, the news media, and to any other public representatives the Board deems appropriate, at least forty-eight (48) hours before the final public L&A test shall occur.

801.5 An L&A test shall verify the conditions required of the voting equipment, and that each unit of voting equipment is correctly configured for the specifics of that election. Conditions required of the voting equipment are:

(a) Each unit of voting equipment contains correct ballot information, including the names or texts of all applicable candidates, contests, and ballot questions;

(b) Tabulation is accurate and consistent; and

(c) All required components of the voting equipment, including specifications mandated by the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101, *et seq*., are functional.

801.6 Each unit of voting equipment shall be tested by recording test votes from a predetermined script, verifying that it is possible to vote for each candidate or each answer to a question on the ballot, and that these votes are tabulated correctly.

801.7 The predetermined script shall include valid votes, overvotes, and blank votes for each candidate and each answer to a ballot question.

801.8 Equipment shall not be approved unless it produces the exact count of the predetermined script, rejects all improper votes, and meets all other test criteria. If a unit of voting equipment fails L&A testing, it shall not be used in the election and shall be subject to review.

801.9 The final public L&A test shall conclude by setting all vote totals to zero and emptying the physical or electronic ballot boxes, and then sealing the systems prior to their official use for the election.

801.10 After the final public L&A test has been successfully completed, all test votes, test results, and the computer programs tested shall be kept in sealed containers and shall not be removed from such containers except in the presence of two or more witnesses not affiliated with the Board, or two (2) or more credentialed election observers or poll watchers not of the same political party or organizational affiliation.

801.11 The voting equipment configuration tested during the L&A testing period shall be the same configuration used during the early voting period and on Election Day.

802 VALIDITY OF BALLOTS

802.1 The Executive Director, or his or her designee, shall make determinations on the validity of ballots.

802.2 Any election official who is uncertain whether a ballot is partially or totally invalid shall refer the ballot to the Executive Director, or his or her designee, for a determination.

802.3 Any poll watcher or election observer who is uncertain whether a ballot is partially or totally invalid may refer the ballot to the Executive Director, or his or her designee, for a determination.

802.4 Except as provided in this section, only official ballots shall be valid and counted. An official ballot is a sheet of paper, or electronic card, filmstrip or other device that has been approved by the Board for use during an election on which votes are recorded and stored for purposes of tabulation. For DRE machines, the official ballot shall be the electronic card which records and stores the elector's votes, except that the voter-verified paper audit trail (VVPAT) shall be the official ballot of record during all occurrences of manual tabulation, including audits and recounts

802.5 Pursuant to Chapter 7 of this title, if a qualified uniformed services or overseas voter chooses to use a Federal Write-In Absentee Ballot, or chooses to electronically submit his or her ballot, it shall be duplicated, and the duplicated ballot shall be treated as an official ballot and deemed valid.

802.6 If a precinct was authorized by the Board to use reproductions of official paper ballots because of an emergency, the reproductions shall be duplicated and the duplicated ballots shall be considered official ballots and deemed valid.

802.7 If a ballot marked "Challenged" or "Special" is placed in a ballot box and received at a counting place other than in a Special Ballot Envelope, it shall be deemed invalid.

803 VALIDITY OF VOTES

803.1 Overvotes or otherwise improper votes shall be deemed invalid and not counted. Improper votes shall include, but are not limited to, votes which the voter is not lawfully able to cast.

803.2 Any overvote or otherwise improper vote in one (1) or more contests shall not invalidate the entire ballot but only the votes cast in that contest. All correctly cast votes on such a ballot shall be counted. The number of votes rejected because of overvote or otherwise improper vote shall be reported.

803.3 An undervote shall not invalidate the entire ballot, except that a ballot cast without any marks shall not be tallied. If a voter fails to mark a choice for a contest or ballot question, only those contests and questions that were unmarked shall not be counted.

803.4 A write-in vote shall not be adjudged valid, and shall not be tallied and recorded, unless the voter has written, or used a stamp to imprint, the name of the write-in candidate on a blank line provided for write-in voting and has not marked the voting position on an equal number of votes allowed for that office. Any write-in vote cast using a sticker or adhesive label shall be invalid.

803.5 When a voter writes a person's name in the proper space for write-ins for an office, it is a vote for that person, notwithstanding:

(a) The appearance of that person's name in pre-printed form on the ballot as a candidate for the same office;

(b) The voter's failure to fill in the empty oval which appears to the left of the candidate's pre-printed name; or

(c) The voter's failure to fill in the empty oval which appears to the left of the space designated for write-in candidates.

803.6 In the case of a write-in vote, no ballot should be regarded as defective due to unclear writing, misspelling of a candidate's name, or by abbreviation, addition, omission or use of a wrong initial in the name, so long as voter intent can be determined.

803.7 If a voter circles a candidate's name, draws an arrow pointing to a candidate's name, circles the empty oval to the left of the candidate's name, uses a check, asterisk, or any other mark in a manner that clearly indicates his or her intended choice, the vote shall count as a vote for that candidate, provided, that the mark is not a distinguishing mark as defined in § 803.9.

803.8 A ballot properly marked by filling in the empty oval to the left of the candidate or ballot question is valid even though it contains an additional mark, provided that the additional mark is not a distinguishing mark as defined in § 803.9.

803.9 A distinguishing mark is a mark (whether a letter, figure, or character) that serves to separate and distinguish a particular ballot from other ballots cast at the election. The mark itself shall be to furnish evidence of an unlawful intention on the part of the voter to identify the ballot after the vote has been cast, such as the voter's initials, or a mark known to belong to the voter.

804 MARKING OF BALLOTS BY ELECTION OFFICIALS

804.1 No election official shall make a mark on any ballot, except for the following reasons:

(a) Upon the voter's request, to assist a voter with the act of voting;

(b) To note whether a ballot is partially or totally invalid;

(c) To indicate the ballot's status as a Special Ballot; or

(d) To facilitate vote counting procedures, when authorized by the Executive Director or his or her designee.

804.2 The notations of validity or invalidity shall be contained within administrative procedures.

805 SPECIAL BALLOT BOX INSPECTION

805.1 A special ballot box inspection team shall perform the following functions for the ballots of each precinct and early voting center:

(a) Open special ballot box containers and remove all ballot envelopes;

(b) Separate all ballot envelopes into three (3) groups:

(1) Special ballot envelopes;

(2) Curbside ballot envelopes; and

(3) Absentee ballot envelopes which were delivered to a polling place on Election Day;

(c) Record the number of each type of ballot envelope for each precinct or early voting center.

805.2 Members of the special ballot box inspection team shall not open any ballot envelopes, but shall deliver them unopened to a representative designated by the Executive Director.

805.3 Special ballot envelopes gathered pursuant to this section shall be processed in conformity with § 807.

805.4 Curbside ballot envelopes gathered pursuant to this section shall be processed in conformity with § 806.

805.5 Absentee ballot envelopes gathered pursuant to this section shall be processed in conformity with § 808.

806 TABULATION PROCEDURES

806.1 The tabulation of votes shall be started immediately on Election Day after the close of polls and shall be conducted under the direct supervision of the Executive Director or his or her designee.

806.2 Whenever votes are counted by machines, the Executive Director shall utilize personnel qualified to operate the system. Additional personnel may be employed to perform such tasks as may be deemed necessary by the Executive Director.

806.3 Only those persons authorized by the Board, including credentialed poll watchers and election observers, shall be admitted to the Counting Center while tabulation is in progress.

806.4 All valid ballots shall be counted by mechanical tabulation unless otherwise determined by the Executive Director.

806.5 Special Ballots, together with any damaged ballots received from the polling places, shall be tabulated separately at a time designated by the Executive Director.

806.6 The valid votes recorded on damaged ballots shall be reproduced on duplicate ballots, in the presence of watchers, with the original and the reproduced ballots marked for identification with corresponding serial numbers.

806.7 The reproduced duplicate ballots, which have converted the votes on the damaged ballots to a machine readable form, shall be tabulated by machine.

806.8 Federal write-in absentee ballots shall be reproduced and tabulated in the same manner as damaged ballots, in accordance with §§ 806.6 - 806.7.

806.9 A Special Ballot cast by a voter who votes in a precinct that does not serve the address listed on the Board's registration records shall not be counted.

806.10 A count of the number of ballots tallied for a precinct, ballots tallied by groups of precincts and city-wide, shall be accumulated.

806.11 The total of votes cast for each candidate whose name appears pre-printed on the ballot shall be calculated by precinct and city-wide.

806.12 The total number of write-in votes marked by voters shall be reported for each contest.

806.13 The total number of votes cast for each write-in nominee shall be calculated only in contests where there is no candidate printed on the ballot in order to determine a winner, or where the total number of write-in votes reported, under § 806.12, is sufficient to elect a write-in candidate.

806.14 Following tabulation of all ballots, a consolidated report shall be produced showing the total votes cast and counted for all offices and ballot questions. Unless otherwise mandated by the Board, the consolidated ballot report shall be made by precinct.

807 SPECIAL BALLOT TABULATION

807.1 The review and tabulation of Special Ballots shall:

(a) Be conducted separately from the review and tabulation of all other ballots;

(b) Be conducted publicly; and

(c) Otherwise be conducted in the same manner as regular ballots, insofar as those procedures do not conflict with the provisions of this section.

807.2 All Special Ballot Envelopes shall remain sealed until the voter's eligibility has been preliminarily determined by the Executive Director.

807.3 A Special Ballot shall be eligible to be tabulated when the Executive Director has determined that:

(a) If the voter registered to vote at the polls or an early voting center, the voter cast the Special Ballot at the precinct in which the voter maintains residence or at an early voting center designated by the Board;

(b) The voter is a qualified elector of the District of Columbia; and

(c) The voter did not otherwise vote in the same election.

807.4 Not later than the day after each election, the Executive Director shall issue preliminary determinations to count or reject each Special Ballot cast during an election.

807.5 The Executive Director or his or her designee shall record on the back of the Special Ballot Envelope whether the Special Ballot was accepted, either in full or in part, or rejected and, if rejected, the reason why the Special Ballot was rejected.

807.6 If the Executive Director rejects a Special Ballot, the Special Ballot Envelope shall remain sealed. All rejected Special Ballots, Special Ballot Envelopes, along with any voter eligibility information gathered shall be enclosed in containers marked with the words "Rejected Special Ballots and Envelopes" and the date of the election. Pursuant to § 715, the voter may appeal to the Board the Executive Director's preliminary determination to reject the voter's Special Ballot.

807.7 All Special Ballots cast by voters whose eligibility has been verified shall be tabulated on the day following an election, in accordance with the rules contained in this chapter.

808 ABSENTEE BALLOT TABULATION

808.1 The provisions of this section shall govern the tabulation of absentee ballots submitted to the Board electronically or by mail, or those delivered to an early voting center or polling place on Election Day.

808.2 The handling and tabulation of absentee ballots shall:

(a) Be conducted separately from the tabulation of all other ballots;

(b) Be conducted publicly; and

(c) Otherwise be conducted in the same manner as non-absentee regular ballots, insofar as those procedures do not conflict with the provisions of this section.

808.3 All absentee ballots received by the Board shall be tabulated on Election Day after polls have closed.

808.4 Prior to tabulation, the Executive Director's designee shall verify that the voter signed the absentee ballot envelope.

808.5 In preparation for tabulation, the Executive Director's designee shall open the outer mailing envelopes, and remove the inner secrecy envelope which contains the absentee ballot. Inner secrecy envelopes shall be sorted by ward and precinct.

808.6 Working precinct by precinct, the Executive Director's designee shall:

(a) Open the inner secrecy envelopes, being careful not to damage the ballot inside. If an absentee ballot is damaged in this process, the valid votes shall be reproduced on duplicate ballots, in accordance with the rules of this chapter; and

(b) Inspect the absentee ballots for machine tabulation acceptability. All absentee ballots that are identified as not being machine readable shall be removed and reproduced on duplicate ballots in accordance with the rules of this chapter.

808.7 The absentee ballot shall be tabulated and counted as being cast in the ward and precinct in which the voter resides.

809 VOTE COUNTING BY HAND

809.1 The rules of this section shall apply to all instances when manual vote tabulation may occur, including, but not limited to, manual tabulation required by law and this chapter, discretionary manual tabulation, tabulation of write-ins, audits, and recounts.

809.2 Validity of ballots and votes shall be determined pursuant to the rules of this chapter.

809.3 Whenever votes cast on DRE machines are counted by hand, the voter-verified paper audit trail (VVPAT) shall be the ballot of record. Whenever the VVPAT is damaged

or illegible, the cast ballot audit log shall become the ballot of record and be reproduced in accordance with vendor guidelines and public manner.

809.4 The counting shall be conducted by counting teams of two (2) or more officials. An election official known as the "Counting Team Captain" shall be designated as being in charge of one or more counting teams as determined by the Executive Director, or his or her designee. The counting shall proceed according to administrative proceed according to administrative procedures established by the Executive Director.

810 DISCRETIONARY MANUAL TABULATION

810.1 Notwithstanding instances when manual tabulation is required by law or this chapter, the Board may order that ballots be manually inspected and tabulated under the following circumstances:

(a) Upon the filing of a recount petition, when it appears that a disproportionate number of potential undervotes or overvotes have occurred in a particular precinct, or to determine whether write-in votes have been cast that affect vote totals for candidates whose names are pre-printed on the ballot;

(b) When there is evidence of a machine miscount or malfunction; or

(c) When it is determined by the Board that manual tabulation is necessary to ascertain correct vote totals.

810.2 When manual tabulation is ordered pursuant to this section:

(a) Validity of ballots and votes and tabulation procedures shall conform to the rules specified in this chapter;

(b) Only the ballots for those precincts and contests designated by the Board shall be manually tabulated; and

(c) The Board shall direct that the tabulation be conducted at a time that is practicable.

811 BALLOT ACCOUNTING

811.1 Following the tabulation of all votes, a full accounting of official ballots shall be made prior to certification of the official election results.

811.2 The accounting of official ballots shall include the following:

(a) For each precinct, and for each party in a primary election, the sum of the number of ballots issued to the voters, less the number of spoiled ballots, should equal the total number of ballots cast in the precinct;

(b) For each precinct, and for each party in a primary election, the sum of the number of cards issued to voters and exchanged for ballots, plus the number of special ballots, should equal the total number of voters;

(c) For each precinct, and for each party in a primary election, upon completion of the election day count and exclusive of special and absentee ballots, the sum of the number of polling place ballots counted plus the number of special ballots cast should equal the totals from §§ 811.2(a) and (b);

(d) For each entire election and for each type of ballot used in it, the sum of the number of absentee ballots issued to voters electronically, by mail, in person, by affidavit (emergency), spoiled absentee ballots, plus the number of absentee ballots remaining unused, should equal the total number of absentee ballots;

(e) For each entire election and for each type of ballot used in it, the sum of the number of absentee ballots cast, absentee ballots spoiled, and absentee ballots not returned, should equal the total number of absentee ballots issued to voters; and

(f) For each Single-Member District, the total number of Single-Member District ballots cast should equal the sum of the ballots cast in each precinct servicing that Single-Member District.

811.3 Following tabulation, the ballots and VVPATS for each precinct shall be transferred to a secure and locked storage location where they shall remain secured for twenty-two (22) months; thereafter, if no election contest or other proceeding is pending in which the ballots may be needed as evidence, the ballots may be destroyed.

811.4 The Board shall retain and store all data processing materials related to the vote counting from the time the canvass is completed until the expiration of the period for challenging elections in an secured area and conforming to data security practices outlined in EAC Election Management Guidelines - Security—Voting Equipment and Peripheral Devices.

812 POST-ELECTION MANUAL AUDIT

812.1 A manual audit conducted pursuant to this section shall conform to the rules of this chapter.

812.2 After each General and Special election, the Executive Director shall conduct a public manual audit of at least:

(a) All ballots cast, including absentee ballots, in one precinct per Ward or at least five percent of all precincts participating in an election, whichever number is greater;

(b) Five percent (5%) of Special Ballots cast and counted; and

(c) Five percent (5%) of ballots cast at early voting centers.

812.3 The manual audit shall entail counting of ballots cast on the machines selected for the audit and comparing the results of this count with the results shown by the results tape produced by the machine used to tabulate those ballots during the election.

812.4 The Executive Director shall take appropriate measures to ensure that spoiled or defective ballots are not tallied as valid ballots in the manual audit process, except that a damaged or illegible VVPAT may be recreated pursuant to § 808.3 and deemed valid.

812.5 The manual audit shall be:

(a) Announced no later than three (3) business days after the tabulation has been completed, but no fewer than twenty-four (24) hours in advance of the audit; and

(b) Conducted in public view such that members of the public are able to verify the tally, but are unable either to touch ballots and other official materials or to interfere in any way with the manual audit process.

812.6 At least one precinct from each ward shall be selected for participation in the audit. The precincts audited shall be selected randomly from each ward, such that each precinct in a ward shall have an equal chance of being selected for the manual audit.

812.7 The Executive Director may select additional precincts in his or her discretion.

812.8 The contests subject to the manual audit shall be publicly selected at random and shall include:

(a) At least one (1) District-wide contest (office or ballot question); and

(b) At least two (2) ward-wide contests.

812.9 If there is no District-wide contest in an election, the Executive Director shall select sufficient ward-wide contests to adequately verify machine results.

812.10 In addition to the randomly-selected contests described in § 812.8, the Executive Director shall select at least one additional contest for audit. Additional contest(s) audited may be selected due to allegations of voting equipment anomalies, requests from candidates, random sampling, or other factors at the discretion of the Executive Director. If additional contest audits are performed as a result of a candidate request, the Board shall determine whether such audit is material to the outcome of the election and may impose a fee paid by the requesting candidate to the Board. The amount of the fee imposed shall not be greater than the actual cost of conducting the audit for the additional contest. The Board's rejection of a request for an audit shall not preclude a candidate from petitioning for a recount pursuant to § 815.

812.11 Individuals performing the manual audit shall:

(a) Not be assigned to tally the results from a precinct in which that individual served as a poll worker on Election Day; and

(b) Not at any time before or during the manual audit be informed of the corresponding machine tally results.

812.12 Individuals performing the manual audit shall be assembled into teams of at least four individuals such that there will be one person to call the ballot result, at least two persons to tally the ballot result, and at least one person to witness the process.

812.13 Each audit team shall be provided with a set of ballots associated with a machine that has been selected for the audit and advised as to which contest they are responsible for auditing.

812.14 The audit team shall make a record of vote marking errors, including the nature of the marking error, and how the vote was interpreted, if voter intent could be determined pursuant to the rules specified in § 803.

(a) Votes which were not properly marked, but that the audit team was able to determine voter intent, pursuant to the rules specified in § 803, shall be counted.

(b) Votes which were not properly marked and the audit team could not determine voter intent, pursuant to the rules specified in § 803, shall not be counted.

812.15 If the initial manual audit reveals a discrepancy between the machine result and the manual audit tally result which yields an error rate greater than one quarter (0.25) of a percent of votes cast in the contest being audited, or twenty percent (20%) of the margin of victory (whichever is less), and such discrepancy is not attributed to marking errors, a second manual shall be conducted by the same team.

812.16 If the second manual audit confirms the discrepancy described in subsection 812.15, the Board shall randomly-select another precinct in each ward in which the contest appeared on the ballot and audit:

(a) All ballots cast, including absentee ballots, in one precinct per Ward or at least five percent of all precincts participating in an election, whichever number is greater;

(b) Five (5) per cent of Special Ballots cast and counted; and

(c) Five (5) per cent of ballots cast at early voting centers.

812.17 If the additional precinct manual audit confirms the discrepancy described in Subsection 812.15, the Board shall audit all ballots cast in the contest.

812.18 The results derived from the manual audits shall be considered the true and correct results of the election contests at issue.

812.19 All machines found to have an error rate greater than that referenced in Subsection 812.15 shall be examined and repaired before they may be used in future elections.

812.20 The Executive Director or his or her designee shall include a report, which shall be made public on its website, on the results of the manual audit before the certification of the official election results. Such report shall:

(a) Identify any discrepancies between the machine count and the manual tally;

(b) Describe how each of these discrepancies was resolved; and

(c) Describe further investigations or actions to be taken, if any.

813 CERTIFICATION OF ELECTION RESULTS

813.1 The Board shall certify the results of each election.

813.2 The Board shall publish the results of each election and the nominees or winners in the *D.C. Register* and on the Board's website.

814 AUTOMATIC RECOUNT

814.1 The Board shall conduct an automatic recount:

(a) If, in any election for President and Vice-President of the United States, Delegate to the House of Representatives, Mayor, Chairman of the Council, member of the Council, Attorney General, at-large member of

the Board of Education, or member of the Board of Education, the certified election results show a margin of victory for a candidate that is less than one percent (1%) of the total votes cast for that office. The cost of such recount shall not be charged to any candidate;

(b) If, in any contest involving an initiative, referendum, or recall measure, the difference between the number of votes for and against the measure is less than one percent (1%) of the total votes cast in that contest; or

(c) If so ordered by the D.C. Court of Appeals pursuant to a petition to review an election, whether or not a recount has been previously conducted or requested.

815 PETITIONS FOR RECOUNT, RECOUNT DEPOSITS, AND REFUNDS OF RECOUNT DEPOSITS

815.1 Any qualified candidate in any election may, within seven (7) days after the Board certifies the election results, petition the Board for a recount of the ballots cast in that election. Such petition shall be in writing and shall specify the precincts in which the recount shall be conducted.

815.2 Upon receipt of a recount petition, the Board shall prepare an estimate of:

(a) The costs to perform the recount; and

(b) The number of hours to complete the recount.

815.3 If the petitioner chooses to proceed, the petitioner shall deposit fifty dollars ($50.00) for each precinct included in the recount.

815.4 Deposits shall be paid by certified check or money order made payable to the order of the "D.C. Treasurer." No cash will be accepted.

815.5 The petitioner shall not be required to make a deposit for or pay the cost of any recount in any election where the difference between the number of votes received by the petitioner and the number of votes received by the person certified as having been elected to that office is:

(a) In the case of a ward-wide contest, less than one percent (1%) of the total valid ballots cast in the contest or less than fifty (50) votes, whichever is less; or

(b) In the case of an at-large contest, less than one percent (1%) of the total valid ballots cast in the contest or less than three hundred fifty (350) votes, whichever is less; and

(c) In the case of an Advisory Neighborhood Commission Single-Member District contest, less than ten (10) votes.

815.6 If the recount changes the result of the election, the entire amount deposited by the petitioner shall be refunded.

815.7 If the result of the election is not changed, the petitioner is liable for the actual cost of the recount, minus the deposit already made.

815.8 If the results of the election are not changed as a result of the recount, but the cost of the recount was less than fifty dollars ($50.00) per precinct, the difference shall be refunded to the petitioner.

815.9 A candidate may, at any time, request in writing that the recount be terminated and the Board shall refund the deposit remaining for any uncounted precincts.

816 RECOUNT PROCEDURES

816.1 The Executive Director shall conduct recount proceedings in accordance with provisions of this section.

816.2 The validity of ballots and votes recounted shall be determined pursuant to the provisions of this chapter.

816.3 Manual tabulation of votes in a recount proceeding shall be conducted in accordance with the provisions of this chapter.

816.4 Within two (2) days following the Board's determination to grant a recount petition or a court order directing the Board to conduct a recount, notice of recount proceedings shall be delivered by courier to all qualified candidates for the contest being recounted. Public notice of recount proceedings shall be posted on the Board's website at least twenty-four (24) hours in advance of the commencement of the recount.

816.5 Each candidate, or organizational group in support of or opposition to a ballot question, in a contest involved in a recount shall be permitted to have no more than two (2) poll watchers at all phases of the recount, regardless of whether the candidate properly applied for poll watcher credentials pursuant to § 706.

816.6 Apart from the election officials necessary to conduct the recount, priority of access to the place where the recount will occur will first be given to the candidate, or organizational groups in support of or opposition to a ballot question, in the contest being recounted. Space permitting, poll watchers and election observers credentialed pursuant to § 706, then members of the public, shall also be given access.

816.7 For paper ballots, recount officials shall rerun all official ballots through a tabulator and count only the votes for the office or ballot question at issue in the recount. All ballots which are not machine readable shall be tabulated manually, pursuant to the rules provided in this chapter.

816.8 For ballots cast on a DRE machine, the recount officials shall open the containers with the voter-verified paper audit trail ("VVPAT") printouts and manually count the results of the recounted contest from the printout. Whenever the VVPAT is damaged or illegible, the VVPAT shall be reproduced in accordance with vendor guidelines and in a public manner.

816.9 At the conclusion of the recount proceedings, a recount results report shall be presented to the Board and posted on the Board's website. The Board shall determine the number of votes received by each candidate as a result of the recount, but shall not make a new certification of the results of the election unless the outcome of the contest has changed as a result of the recount.

816.10 There shall be only one (1) recount per contest.

816.11 Results of the recount are final and not appealable.

817 POST GENERAL ELECTION SUMMARY REPORT

817.1 Within ninety (90) days following every general election, the Board shall publish on its website a report ("post general election summary report") containing the following information:

(a) The total number of ballots cast and counted, with subtotals for each type of ballot;

(b) The total number of spoiled and special ballots not counted;

(c) The total number of persons registered to vote more than thirty (30) days preceding the election, broken down by party, ward, and precinct;

(d) The number of persons who registered to vote between thirty (30) days preceding the election and the date of the election;

(e) The number of persons who registered to vote at an early voting center;

(f) The number of persons who registered to vote on Election Day;

(g) The number of polling place officials at each precinct, broken down by position title;

(h) Copies of any unofficial summary reports generated by the Board on election night;

(i) A summary of issues identified in Precinct Captain or Area Representative reports;

(j) Performance measurement data of polling place officials;

(k) A description of any irregularities experienced on Election Day;

(l) Recommendation for means by which the efficiency, accuracy, and speed of counting and reporting election results can be improved, including equipment or technology and an estimate of associated costs; and

(m) Any other relevant information.

Chapter 9 is amended in its entirety to read as follows:

CHAPTER 9 FILLING VACANCIES

900 FILLING VACANCIES

900.1 This chapter governs the procedures of the District of Columbia Board of Elections in the event a vacancy occurs in any of the following offices prior to the expiration of the term of office:

(a) The Mayor of the District of Columbia;

(b) The Chairman of the Council of the District of Columbia;

(c) At-large and ward Members of the Council of the District of Columbia;

(d) The Attorney General for the District of Columbia;

(e) At-large and ward members of the State Board of Education; and

(f) Delegate to the House of Representatives.

900.2 A vacancy shall exist in the offices specified in this section when any of the following occurs during the public official's term of office:

(a) Resignation;

(b) Death; or

(c) Declaration of vacancy by a court.

900.3 A vacancy shall also exist in the offices of Mayor, Member of the Council of the District of Columbia, Attorney General, or Member of the State Board of Education whenever a recall election is conducted and, as a result of that recall election, an elected officer is removed from office.

901 VACANCY IN THE OFFICE OF MAYOR

901.1 When the Mayor resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.

901.2 The Mayor shall forward one (1) duplicate original of the resignation to the Chairman of the Council and one (1) duplicate original to the Chairman of the D.C. Board of Elections (Board).

901.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue notification as provided in this chapter.

901.4 When the Mayor dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the Mayor, certify the seat vacant and issue the appropriate notification as provided in this chapter.

901.5 When a vacancy in the office of Mayor is declared by court order, the Board shall, as soon as practicable after a court declaration, notify the Chairman of the Council of the vacancy by registered mail.

901.6 When a vacancy in the office of Mayor occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

902 VACANCY IN THE OFFICE OF CHAIRMAN OF THE COUNCIL

902.1 When the Chairman resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.

902.2 The Chairman shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.

902.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue notification as provided in this chapter.

902.4 When the Chairman dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the Chairman, certify the seat vacant and issue the appropriate notification as provided in this chapter.

902.5 When a vacancy in the office of Chairman of the Council is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Mayor of the vacancy by registered mail.

902.6 When a vacancy in the office of Chairman of the Council occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

903 VACANCY IN THE OFFICE OF MEMBER OF THE COUNCIL

903.1 When a member of the Council resigns his or her office prior to the expiration of the term, the resignation shall be in writing and in duplicate.

903.2 The resigning member of the Council shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.

903.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.

903.4 When a member of the Council dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the member of the Council, certify the seat vacant and issue the appropriate notification as provided in this chapter.

903.5 When a vacancy in the office of Member of the Council is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Chairman

of the Council of the vacancy by registered mail and provide any other notice as required in this chapter.

903.6 When a vacancy occurs in the office of Member of the Council as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, certify the seat vacant and issue the appropriate notification as provided in this chapter.

904 VACANCY IN THE OFFICE OF ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

904.1 When the Attorney General resigns his or her office prior to expiration of the term, the resignation shall be in writing and in triplicate.

904.2 The resigning Attorney General shall forward one (1) triplicate original of the resignation to the Mayor, one (1) triplicate original to the Chief Deputy Attorney General, and one (1) triplicate original to the Chairperson of the D.C. Board of Elections.

904.3 Within five (5) working days of receipt of the resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.

904.4 When the Attorney General dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death, certify the seat vacant and issue the appropriate notification as provided in this chapter.

904.5 When a vacancy in the office of Attorney General is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Chief Deputy Attorney General of the vacancy by registered mail.

904.6 When a vacancy in the office of Attorney General occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, do the following:

(a) Certify the seat vacant;

(b) Notify the Chief Deputy Attorney General; and

(c) Issue the appropriate notification as provided in this chapter.

905 VACANCY IN THE OFFICE OF ELECTED MEMBER OF THE STATE BOARD OF EDUCATION

905.1 When a member of the State Board of Education resigns his or her office prior to expiration of the term, the resignation shall be in writing and in duplicate.

905.2 The resigning member of the State Board of Education shall forward one (1) duplicate original of the resignation to the Mayor and one (1) duplicate original to the Chairperson of the D.C. Board of Elections.

905.3 Within five (5) working days of receipt of the duplicate resignation, the Board shall certify the seat vacant, effective as provided by the resignation, and issue the appropriate notification as provided in this chapter.

905.4 When a member of the State Board of Education dies while still serving his or her term of office, the Board shall, within five (5) working days of notice of the death of the member of the State Board of Education, certify the seat vacant and issue the appropriate notification as provided in this chapter.

905.5 When a vacancy in the office of Member of the State Board of Education is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the President of the State Board of Education of the vacancy by registered mail.

905.6 When a vacancy in the office of Member of the State Board of Education occurs as a result of a recall election, the Board shall, as soon as practicable after certification of the election results, do the following:

(a) Certify the seat vacant;

(b) Notify the State Board of Education; and

(c) Issue the appropriate notification as provided in this chapter.

906 VACANCY IN THE OFFICE OF DELEGATE TO THE HOUSE OF REPRESENTATIVES

906.1 When the Delegate to the House of Representatives resigns his or her office prior to expiration of the term, the resignation shall be in writing and in triplicate.

906.2 The Delegate shall forward one (1) triplicate original of the resignation to the Mayor, one (1) triplicate original to the Speaker of the House of Representatives, and one (1) triplicate original to the Chairperson of the D.C. Board of Elections.

906.3 Within five (5) working days of receipt of the resignation, the Board shall certify the seat vacant effective as provided by the resignation and issue the appropriate notification as provided in this chapter.

906.4 When the Delegate to the House of Representatives dies while still serving his or her term of office, the Board shall within five (5) working days of notice of the death of

the Delegate to the House of Representatives, certify the seat vacant, and issue the appropriate notification as provided in this chapter.

906.5 When a vacancy in the office of Delegate to the House of Representatives is declared by court order, the Board shall, as soon as practicable after the court declaration, notify the Mayor of the vacancy by registered mail.

907 PUBLIC NOTICE OF VACANCY AFTER BOARD CERTIFICATION

907.1 As soon as practicable after a formal order by the D.C. Board of Elections or a court declaring any vacancy in the offices enumerated in § 900.1, the Board publish notice of the vacancy in the *D.C. Register* and on the Board's website.

907.2 If a formal order by the Board or a court is entered declaring a vacancy in a party-affiliated at-large seat on the Council, the Board shall inform the Chairperson of the party to which the Councilmember belongs of the vacancy by registered mail and of the rules directing the required action.

907.3 If a formal order by the Board or a court is entered declaring a vacancy in a non-party-affiliated at-large seat on the Council, the Board shall inform the Council of the District of Columbia of the vacancy and of the rules relating to the appropriate action.

908 APPOINTMENT PENDING SPECIAL ELECTION: PARTY-AFFILIATED AT-LARGE COUNCIL SEAT

908.1 Within a reasonable period after receiving notice from the D.C. Board of Elections of a vacancy in a party-affiliated at-large council seat, the central (state) committee of that party shall appoint a qualified elector registered with the same party to fill the office until the D.C. Board of Elections holds a special election and certifies the winner as provided by D.C. Official Code § 1-204.01(d)(2) (2012 Repl.).

908.2 The central (state) committee of the party appointing a registered qualified elector affiliated with its party shall be currently registered as a political committee with the D.C. Board of Elections and have on file with the Board a certified copy of the organization's current constitution and by-laws.

908.3 The elector appointed to the Council pursuant to the Charter and these rules shall, within thirty (30) days of the appointment, comply with the requirements of D.C. Official Code § 1-1106.02(a) and (b) (2012 Repl.).

909 APPOINTMENT PENDING SPECIAL ELECTION: NON-PARTY AFFILIATED AT-LARGE COUNCIL SEAT

909.1 Within a reasonable period of time after receiving notice from the D.C. Board of Elections of a vacancy in a non-party affiliated at-large seat, the Council of the

District of Columbia shall appoint a qualified elector who is not affiliated with any political party.

909.2 The elector appointed Councilmember at-large shall fill the office until the D.C. Board of Elections holds a special election and certifies the winner, as provided by D.C. Official Code § 1-204.01(d)(2) (2012 Repl.).

909.3 The elector appointed to the Council pursuant to the Charter and this chapter shall, within thirty (30) days of the appointment, comply with the requirements of D.C. Official Code § 1-1106.02(a) and (b) (2012 Repl.).

910 SPECIAL ELECTIONS

910.1 The D.C. Board of Elections shall conduct a special election in order to elect an individual to serve the unexpired portion of the term of office vacated, except that no special election shall be conducted when:

(a) A vacancy occurs in the office of Delegate on or after May 1st of the last year of the Delegate's term of office; or

(b) A vacancy occurs in the office of member of the Board of Education on or after February 1st of the last year of the term of the affected office.

910.2 At the time of the certification of a vacancy, the Board shall, if applicable, call a special election. A call for a special election shall include the following:

(a) The date upon which the special election is to be held;

(b) The date upon which nomination petition forms will be made available to candidates; and

(c) Other relevant election calendar information.

910.3 A special election held pursuant to this chapter shall be held on a Tuesday occurring at least seventy (70) days and not more than one hundred seventy-four (174) days after the date on which such vacancy occurs, which the Board determines, based on a totality of the circumstances, taking into account, *inter alia*, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.

910.4 Within seven (7) days after the certification of a vacancy, the Board shall make available nomination petition forms to candidates seeking nomination to fill the vacancy.

910.5 The qualifications for ballot access of candidates and the rules governing the access in any special election held to fill a vacancy shall be the same as those for direct

nomination to the office in any general election, as provided for in D.C. Official Code § 1- 1001.08(j) (2012 Repl.) and Chapter 16 of this title.

910.6 All elections provided in this section are special elections, even though the balloting may be at the same time as a previously scheduled primary or general election.

Section 1004, NON-RESIDENT CIRCULATORS, of Chapter 10, INITIATIVE AND REFERENDUM, is amended in its entirety to read as follows:

1004 NON-RESIDENT CIRCULATORS

1004.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of the measure in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1004.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than 90 days before the election at issue) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

Section 1104, NON-RESIDENT CIRCULATORS, of Chapter 11, RECALL OF ELECTED OFFICIALS, is amended in its entirety to read as follows:

1104 NON-RESIDENT CIRCULATORS

1104.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of the measure in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations; and

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1104.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

Section 1404 ,NON-RESIDENT CIRCULATORS, of Chapter 14, CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES, is amended in its entirety to read as follows:

1404 NON-RESIDENT CIRCULATORS

1404.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of (and office sought by) the candidate in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1404.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than 90 days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

Section 1504, NON-RESIDENT CIRCULATORS, of Chapter 15, CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, is amended in its entirety to read as follows:

1504 NON-RESIDENT CIRCULATORS

1504.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of (and office sought by) the candidate in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations;

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1504.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

Section 1600, GENERAL PROVISIONS, of Chapter 16, CANDIDATE NOMINATION: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF HE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBOORHOOD COMMISSIONER, is amended in its entirety to read as follows:

1600 GENERAL PROVISIONS

1600.1 This chapter governs the process by which candidates seek nomination to the offices of Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner.

1600.2 For purposes of this chapter, unless otherwise provided, the following terms shall be defined as follows:

(a) The term "authorized political party" means a political party that was organized prior to and continuously from the passage of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code §§ 1-1001.01 *et seq.*), or whose name has been approved by the Board pursuant to the rules of this chapter;

(b) The term "major party" means an authorized political party which is qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08(h)(2);

(c) The term "minor party" means an authorized political party which is not qualified to hold a party primary for partisan offices pursuant to D.C. Official Code § 1-1001.08(h)(2);

(d) The term "District partisan office" means the offices of Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, and U.S Representative;

(e) The term "direct nomination" ("nominated directly") means seeking nomination during an election other than a primary pursuant to D.C. Official Code § 1-1001.08(j)(1);

(f) The term "qualified petition circulator" means an individual who is:

(i) At least 18 years of age; and

(ii) Either a resident of the District of Columbia, or a resident of another jurisdiction who has registered as a petition circulator with the Board in accordance with this chapter.

(g) The term "independent" refers to an individual who is not affiliated with any authorized political party.

1600.3 Each candidate for District partisan office shall seek nomination as a candidate who is either:

(a) Registered with a major party;

(b) Registered with a minor party; or

(c) Registered as an independent.

1600.4 Any person who seeks nomination as a candidate for District partisan office and who is registered with a major party shall be required to seek nomination during such political party's primary election. No person who is registered with a major party shall be nominated directly as a candidate for District partisan office in any general election.

1600.5 No person shall be nominated directly for District partisan office in a general election if such person's name was printed upon a ballot of any immediately preceding primary election for that office.

1600.6 Notwithstanding Subsections 1600.4 and 1600.5, a major party may nominate an individual to fill a vacancy in the position of candidate and be placed on the ballot as that party's candidate for a District partisan office in a general election pursuant to D.C. Official Code §§ 1-1001.10(b)(1) and (d)(1). The individual the major party nominates may appear on the general election ballot provided that:

(a) He or she meets the qualifications for holding the office sought; and

(b) The party submits the individual's name to the Board on or before the fifty-fourth (54^{th}) day before the general election.

1600.7 Each candidate seeking nomination of any authorized political party shall be registered with such party.

1600.8 No person who is registered with any authorized political party shall be permitted to seek direct nomination as an independent candidate.

Section 1604, NON-RESIDENT CIRCULATORS, is amended in its entirety to read as follows:

1604 NON-RESIDENT CIRCULATORS

1604.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of (and office sought by) the candidate in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations; and

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1604.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than ninety (90) days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

Section 1704, NON-RESIDENT CIRCULATORS, of Chapter 17, CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS, is amended in its entirety to read as follows:

1704 NON-RESIDENT CIRCULATORS

1704.1 Each petition circulator who is not a resident of the District of Columbia shall, prior to circulating a petition, complete and file in-person at the Board's office a Non-Resident Petition Circulator Registration Form in which he or she:

(a) Provides the name of (and office sought by) the candidate in support of which he or she will circulate the petition;

(b) Provides his or her name, residential address, telephone number, and email address;

(c) Swears under oath or affirms that he or she is at least eighteen (18) years of age;

(d) Acknowledges that he or she has received from the Board information regarding the rules and regulations governing the applicable petition circulation process, and that he or she will adhere to such rules and regulations; and

(e) Consents to submit to the Board's subpoena power and to the jurisdiction of the Superior Court of the District of Columbia for the enforcement of Board subpoenas.

1704.2 Each non-resident petition circulator shall present proof of residence to the Board at the time he or she files the Non-Resident Petition Circulator Registration Form. Valid proof of residence is any official document showing the circulator's name and residence address. Acceptable forms of proof of residence include:

(a) A copy of a current and valid government-issued photo identification;

(b) A copy of a current (the issue, bill, or statement date is no earlier than 90 days before the beginning of the petition circulation period) utility bill, bank statement, government check, or paycheck;

(c) A copy of a government-issued document; or

(d) A copy of any other official document, including leases or residential rental agreements, occupancy statements from homeless shelters, or tuition or housing bills from colleges or universities.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

(Amendments to Section 3620 of 16 DCMR)

The Director of the Department of Health, pursuant to the authority set forth in Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 ("the Act"), effective October 5, 1985, (D.C. Law 6-42; D.C. Official Code § 2-1801.05 (2012 Repl.)), Sections 4902(a) and (b) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(5) and (b) (2012 Repl.)), and Mayor's Order 2004-46, dated March 22, 2004, hereby gives notice of her intent to amend § 3620 of Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules would delete duplicate provisions appearing in Section 3620 of the Notice of Final Rulemaking for Food and Food Operations Infractions published in the *D.C. Register* on December 5, 2014 at 61 DCR 012472, by retaining Subsection 3620.3 as written, deleting Subsection 3620.4 and replacing it with Subsection 3620.5, renumbering the remaining sections, and correcting minor errors. The proposed rules would also avoid confusion on the part of the public and the inspection staff.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS is amended to read as follows:

3620 FOOD AND FOOD OPERATIONS INFRACTIONS

3620.1 [RESERVED]

3620.2 Violation of the following Imminent Health Hazards of Title 25-A of the DCMR as determined by the Department of Health shall be a Class 2 infraction:

(a) Operating a food establishment without a valid Certificate of Occupancy in violation of § 4408.1(i) [P];

(b) Operating a food establishment without a license in violation of §§ 4300.1 [Pf] and 4408.1(k)(1) [P];

(c) Operating a food establishment with an expired license in violation of §§ 4300.2 [Pf] and 4408.1(k)(2) [P];

(d) Operating a food establishment with a suspended license in violation of §§ 4300.3 [Pf], 4718, and 4408.1(k)(3) [P];

(e) Operating a depot, commissary or service support facility that services a mobile food unit without a valid license to operate issued by the Mayor in violation of §§ 3700.7 [P], 4300.1 [Pf], and 4408.1(l)(7) [P];

(f) Operating a depot, commissary or service support facility that services a mobile food unit with a license that has been suspended for violations of this chapter and applicable provisions of this Code in violation of §§ 3700.8 [P], 4300.3 [Pf], 4718, and 4408.1(l)(8) [P];

(g) Operating a mobile food unit without a valid Health Inspection Certificate issued by the Department in violation of §§ 3700.5 [P], 3706.1(a) – (f) [P], and 4408.1(l)(5) [P];

(h) Operating as a food vendor without a license in violation of §§ 3700.1 [P], 4300.1 [Pf], and 4408.1(l)(1) ;

(i) Operating as a food vendor with an expired license in violation of §§ 3700.2 [Pf], and 4408.1(l)(2) [P];

(j) Operating as a food vendor with a suspended license in violation of §§ 3700.3 [Pf], 4718, and 4408.1(l)(3) [P];

(k) Operating a residential kitchen in a bed and breakfast without a license in violation of §§ 3800.1 [P] and 4300.1 [Pf];

(l) Operating a residential kitchen in a bed and breakfast with an expired license in violation of §§ 3800.1 [P] and 4300.1 [Pf];

(m) Operating a residential kitchen in a bed and breakfast with a suspended license in violation of §§ 3800.3 [P], 4300.3 [Pf] and 4718;

(n) Operating as a caterer without a license in violation of §§ 3900.1[P] and 4300.1 [Pf];

(o) Operating as a caterer with an expired license in violation of § 3900.2 [Pf];

(p) Operating as a caterer with a suspended license in violation of §§ 3900.3[P] and 4718;

(q) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department in violation of §§ 203.1[P] and 203.3 [P];

(r) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department and who is present at the food establishment during all hours of operation in violation of §§ 200.1[Pf], 200.2, 200.3, 203, 4408.1(k)(4)[P], or 4408.1(k)(5) [P];

(s) Operating a food establishment without a full-time person-in-charge who is a certified food protection manager recognized by the Department and who is able to demonstrate knowledge in violation of §§ 201 and 4408.1(k)(6) [P];

(t) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit without a Food Protection Manager Certificate and a DOH-Issued Certified Food Protection Manager Identification Card during all hours of operation in violation of §§ 203[P], 3700.4[P], 3800.2[P], 3900.4[P], and 4408.1(k)(4) [P];

(u) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with extensive fire damage that affects the establishment's ability to operate in compliance with this Code [P] in violation of § 4408.1(a) [P];

(v) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit with a flood or serious flood damage that affects the establishment's ability to operate in compliance with this Code [P] in violation of § 4408.1(b) [P];

(w) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with an extended interruption of electrical services that affects the establishment's ability to operate in compliance with this Code in violation of § 4408.1(c) [P];

(x) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with an interruption of water service resulting in insufficient capacity to meet water demands throughout the establishment that affects the establishment's ability to operate in compliance with this Code in violation of §§ 2305.1[P], and 4408.1(d) [P];

(y) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support

facility that services a mobile food unit, with a sewage backup that affects the establishment's ability to operate in compliance with this Code in violation of § 4408.1(e)[P];

(z) Misuse of poisonous or toxic materials in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of § 4408.1(f)[P];

(aa) Onset of an apparent foodborne illness outbreak in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of § 4408.1(g)[P];

(bb) Operating a food establishment in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with gross insanitary occurrence or condition or other circumstances that may endanger public health in violation of § 4408.1(h)[P];

(cc) Failing to minimize or eliminate the presence of insects, rodents, or other pests in a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit in violation of §§ 3210.1(a) through (d)[Pf], and 4408.1(j)[P];

(dd) Selling, exchanging or delivering, or having in his or her custody or possession with the intent to sell or exchange, or expose, or offer for sale or exchange, any article of food which is adulterated in violation of §§ 4408.1(k)(7)[P], 4408.1(l)(12)[P] or 4408.1(m)(14)[P], and D.C. Official Code § 48-101 (2012 Repl.);

(ee) Operating a food establishment without hot water in violation of §§ 1808.1[Pf], 1809.1(a) through (d)[Pf], 1810.1[P], 1811.1, 2002.1(a)-(b)[P], 2305.1[Pf], 2305.2[Pf], 2402.1[Pf], 4408.1(k)(8)[P], 4408.1(l)(13), or 4408.1(m)(15)[P];

(ff) Operating with incorrect hot or cold holding temperatures for potentially hazardous foods that do not comply with this Code and that cannot be corrected during the course of the inspection in violation of Chapter 10[P], and §§ 4408.1(k)(9)[P], 4408.1(l)(14)[P], or 4408.1(m)(16)[P];

(gg) Operating a food establishment, including but not limited to catered establishment, mobile food unit, depot, or commissary or service support facility that services a mobile food unit, with six (6) or more PRIORITY ITEMS or six (6) or more PRIORITY FOUNDATION ITEMS, or a

combination thereof, which cannot be corrected on site during the course of the inspection in violation of § 4408.1(k)(10)^{P};

(hh) Failing to hire a D.C. licensed Pesticide Operator/contractor in violation of §§ 3210.2^{Pf}, 4408.1(k)(11)^{P};

(ii) Failing to allow access to the Department's representatives during the food establishment's hours of operation and other reasonable times as determined by the Department in violation of §§ 4402.1, 4408.1(k)(12)^{P}, and 4408.1(m)(17)^{P};

(jj) Hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of §§ 4408.1(k)(13)^{P}, 4408.1(l)(15)^{P}, 4408.1(m)(18)^{P}, and D.C. Official Code § 48-108 (2012 Repl.);

(kk) Failing to designate a non-smoking area in a restaurant with a capacity of 50 or more in violation of § 4408.1(k)(14)^{P}, and D.C. Official Code §§ 7-1703.01(a) or (b) (2012 Repl.); or

(ll) Using a deep fryer or other cooking equipment that requires a hood suppression system, except with written approval from the District of Columbia Fire and Emergency Medical Services Department in violation of §§ 3703.1^{P} and 4408.1(l)(9)^{P}.

3620.3 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 3 (Food Employee/Applicant Health) shall be a Class 2 infraction:

(a) Failing to notify the Department when a food employee is jaundiced or diagnosed with an illness due to a pathogen specified in § 300.4 in violation of § 301.1^{Pf};

(b) Failing to prohibit a conditional employee who exhibits or reports a symptom or reports a diagnosed illness specified in §§ 300.3 through 300.5 from becoming a food employee until the conditional employee satisfies the requirements for reinstatement associated with specific symptoms or diagnosed illnesses as specified in § 307 in violation of § 302.1^{P};

(c) Failing to prohibit a conditional employee who will work as a food employee in a food establishment that serves a highly susceptible population when the conditional employee reports a history of exposure specified in §§ 300.6 and 300.7 from becoming a food employee until the conditional employee satisfies the requirements associated with

specific symptoms or diagnosed illnesses as specified in § 307.10 in violation of § 302.2 [P];

(d) Failing to exclude a food employee as specified in § 305, and § 306.1(a) and § 306.2(a), except as provided in § 307, when the food employee exhibits or reports a symptom or reports a diagnosed illness or a history of exposure as specified in §§ 300.3 through 300.7 in violation of § 303.1(a) [P];

(e) Failing to restrict a food employee as specified in § 306, except as provided in § 307, when the food employee exhibits or reports a symptom or reports a diagnosed illness or a history of exposure as specified in §§ 300.3 through 300.7 in violation of § 303.1(b)[P];

(f) Failing to exclude food employee from a food establishment when the food employee is symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or Enterohemorragic or Shiga Toxin Producing Escherichia *colia* in violation of § 305.1[P];

(g) Failing to exclude a food employee who is jaundiced from the food establishment when the onset of jaundice occurred within seven (7) calendar days in violation of § 305.2(a)[P];

(h) Failing to exclude a food employee who is diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days after the onset of any illness symptoms, or within seven (7) calendar days after the onset of jaundice in violation of § 305.2(b)[P];

(i) Failing to exclude a food employee who is diagnosed with an infection from hepatitis A virus without developing symptoms in violation of § 305.2(c)[P];

(j) Failing to exclude a food employee who is diagnosed with an infection from *Salmonella Typhi*, or reports a previous infection with *Salmonella Typhi* within the past three (3) months without having received antibiotic therapy in violation of § 305.3[P];

(k) Failing to exclude a food employee, who is diagnosed with an infection from Norovirus, *Shigella spp*., or Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli*, and is asymptomatic, from a food establishment that serves a highly susceptible population in violation of § 306.1(a) [P];

(l) Failing to restrict a food employee, who is diagnosed with an infection from Norovirus, *Shigella spp*., or Enterohemorrhagic or Shiga Toxin-Producing Escherichia *coli*, and is asymptomatic, from a food

establishment that does not serve a highly susceptible population in violation of § 306.1(b) [P];

(m) Failing to exclude a food employee who is ill with symptoms of acute onset of sore throat with fever from a food establishment that serves a highly susceptible population in violation of § 306.2(a) [P];

(n) Failing to restrict a food employee who is ill with symptoms of acute onset of sore throat with fever from a food establishment that does not serve a highly susceptible population in violation of § 306.2(b) [P];

(o) Failing to restrict a food employee who is infected with a skin lesion containing pus, such as a boil or infected wound that is open or draining and not properly covered as specifying in § 300.3(e)[P] in violation of § 306.3 [P]; or

(p) Failing to restrict a food employee who has been exposed to a foodborne pathogen as specified in §§ 300.6 and 300.7 from a food establishment that serves a highly susceptible population in violation of § 306.4 [P].

3620.4 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 5 (Hygienic Practices of Food Employees); Chapter 6 (Characteristics of Food); Chapter 7 (Sources, Specifications, and Original Containers and Records for Food); Chapter 8 (Protection of Foods from Contamination after Receiving); Chapter 9 (Destruction of Organisms of Public Health Concern); Chapter 10 (Limitation of Growth of Organisms of Public Health Concern); Chapter 11 (Food Identity, Presentation, and On-Premises Labeling); Chapter 12 (Contamination or Adulterated Food); and Chapter 13 (Special Requirements for Food for Highly Susceptible Populations) shall be a Class 3 infraction:

(a) Failing to prohibit an employee from eating, drinking, chewing gum or using any form of tobacco in areas where the contamination of exposed food, clean equipment, utensils, linens, unwrapped single-service and single-use articles, or other items needing protection can result, except as in designated areas, in violation of § 500.1;

(b) Failing to prohibit food employees who are experiencing persistent sneezing, coughing, or runny nose that causes discharges from the eyes, nose, or mouth from working with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles in violation of § 501.1;

(c) Failing to prohibit food employees from caring for, or handling animals that are allowed on the premises of a food establishment pursuant to

§§ 3214.2(b) through (e), except as specified in § 503.2, in violation of § 503.1;

(d) Using, offering or selling prohibited food from an unapproved source in violation of § 600, or §§ 700 through 706;

(e) Receiving potentially hazardous food that is not at the required temperature in violation of § 707.1[P] through § 707.5 [Pf];

(f) Receiving food that contains unapproved additives or additives that exceed amounts specified in 21 C.F.R. §§ 170 through 180; 21 C.F.R. §§ 181 through 186; and 9 C.F.R. Subpart C Section 424.21(b) in violation of § 708.1[P];

(g) Receiving shell eggs that are not clean and sound, and that exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in C.F.R. United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200, *et seq.*, administered by the Agricultural Marketing Service of the USDA in violation of § 709.1;

(h) Receiving egg and milk products that are not pasteurized as specified by the USDA or the C.F.R. in violation of §§ 710.1[P] through 710.4 [P];

(i) Receiving food packages that are not in good condition so that the food is exposed to adulteration or potential contaminants in violation of § 711.1[Pf];

(j) Receiving ice for use as a food or a cooling medium that is not made from drinking water in violation of § 712.1[P];

(k) Receiving shellstock in containers that do not bear legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the Food Code in violation of §§ 714.1[Pf] through 714.3 [Pf];

(l) Failing to ensure that shellstock tags remain attached to the container in which the shellstock was received until the container is empty, except as specified in § 717.4, in violation of § 717.1[Pf];

(m) Failing to retain shellstock tags or labels for ninety (90) calendar days from the date the container is emptied using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served as specified in § 717.2 in violation of §§ 717.3[Pf] and 717.4(a) [Pf];

(n) Failing to ensure shellstock removed from one (1) container are not commingled with shellstock from another container with certification

numbers, different harvest dates, or different growing areas as identified on the tag or label before being ordered by the consumer in violation of § 717.4(b) [Pf];

(o) Failing to prominently display easily understood pull dates on the containers of all pasteurized fluid milk, fresh meat, poultry, fish, bread products, eggs, butter, cheese, cold meat cuts, mildly processed pasteurized products, and potentially hazardous foods sold in food-retail establishments which are pre-wrapped foods and not intended for consumption on premises in violation of § 718.1;

(p) Failing to retain the original pull date on food that is rewrapped and prominently display the word "REWRAPPED" on the new package in violation of § 718.2;

(q) Failing to obtain pre-packaged juice from a processor with a HACCP system as specified in 21 C.F.R. Part 120 Hazard Analysis and Critical Control (HACCP) Systems in violation of § 719.1(a) [Pf];

(r) Failing to obtain pre-packaged juice that has been pasteurized or otherwise treated to attain a five (5)-log reduction of the most resistant microorganism of public health significance as specified in 21 C.F.R. Part 120.24 Process Controls in violation of § 719.1(b)[P];

(s) Failing to prevent food employees from contaminating ready-to-eat food with his or her bare hands in violation of §§ 800.1 through 800.4;

(t) Failing to prevent food employees from contaminating food by using a utensil more than once to taste food that is to be sold or served in violation of § 801.1[P];

(u) Failing to protect food from cross contamination, except as provided for by § 802.2, in violation of §§ 802.1(a) through (h);

(v) Failing to substitute pasteurized eggs or egg products for raw shell eggs in the preparation of foods as specified in violation of §§ 804.1(a) or (b)[P];

(w) Failing to protect food from contamination that may result from the addition of unsafe or unapproved food or color additives, or unsafe or unapproved levels of approved food and color additives as specified in § 708 in violation of §§ 805.1(a) and (b)[P];

(x) Applying sulfiting agents to fresh fruit and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B_1 in violation of § 805.2(a)[P];

(y) Serving or selling food specified in § 805.2(a) that is treated with sulfiting agents before receipt by the food establishment, except for grapes, which are not included in this subsection, in violation of § 805.2(b)[P];

(z) Failing to prevent contamination of food through contact with equipment and utensils that are not cleaned as specified in Chapter 19 and sanitized as specified in Chapter 20 of the Food Code, or are not single-serve and single-use articles in violation of §§ 809.1(a) or (b)[P];

(aa) Failing to protect food from contamination by consumers in violation of §§ 822.1 through 822.3 or §§ 823.1 through 823.2;

(bb) Failing to cook raw animal foods such as eggs, fish, meat, poultry, and foods containing raw animal foods at required temperatures and holding times in violation of §§ 900.1[P] through 900.4;

(cc) Failing to properly cook raw animal foods in a microwave as specified in violation of §§ 901.1(a) through (d);

(dd) Failing to freeze throughout raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish at required temperatures and time controls, except as specified in § 903.2, in violation of § 903.1 [P];

(ee) Failing to heat ready-to-eat foods or to reheat potentially hazardous foods for hot holding at required temperatures and time controls, except as provided, in violation of §§ 906.1[P] through 906.5;

(ff) Failing to comply with required temperatures and time controls for cooling methods for hot and cold holding and for food display in violation of §§ 1003 through 1006;

(gg) Failing to clearly date mark at the time of preparation ready-to-eat, potentially hazardous foods held refrigerated at required temperatures and time controls for more than twenty-four (24) hours in violation of §§ 1007.1[Pf] through 1007.6;

(hh) Failing to discard ready-to-eat, potentially hazardous foods, prepared and held refrigerated at required temperatures and time controls for more than twenty-four (24) hours, which was not consumed within the time specified in § 1007.1 in violation of § 1008.2[P];

(ii) Failing to comply with requirements when using time as a public health control in violation of § 1009;

(jj) Failing to obtain a variance before smoking food as a flavor enhancement, curing food, brewing alcoholic beverages, using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous in violation of § 1010.1;

(kk) Failing to obtain a variance before packaging food using a reduced oxygen method of packaging except as specified in section 1011 where a barrier to *Clostridium botulinum* in addition to refrigeration exists, before custom processing animals that are for personal use as food and not for sale or service in a food establishment, or before preparing food by another method that is determined by the Department to require a variance in violation of § 1010.1;

(ll) Failing to control the growth and toxin formation of *Clostridium botulinum* where a food establishment packages foods using a reduced oxygen method of packaging and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form in violation of § 1011.1^{P};

(mm) Failing to have a HACCP Plan and maintain specific information as required where a food establishment packages foods using a reduced oxygen packaging methods and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form in violation of §§ 1011.2^{Pf} and $4205.1(d)^{Pf}$;

(nn) Failing to provide written notification to consumers of the potential health risks associated with eating animal food that is raw, undercooked, or not otherwise processed to eliminate pathogens where the food establishment offers such foods in ready-to-eat form or as a raw ingredient in another ready-to-eat food, (except as specified in §§ 900.3, 900.4 and 1300.1), in violation of § 1105.1;

(nn) Failing to discard or recondition food that is unsafe, adulterated, or not honestly presented as specified in § 600 in violation of § 1200.1;

(oo) Failing to discard food that is not from an approved source as specified in §§ 700 through 706, in violation of § 1200.2;

(pp) Failing to discard ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified in § 301 in violation of § 1200.3;

(qq) Failing to discard food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily

discharges, such as nasal or oral discharges, or other means in violation of § 1200.4; or

(rr) Failing to comply with specialized requirements for serving, re-serving or offering for sale food to a highly susceptible population in violation of § 1300.

3620.5 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 14 (Materials Used for Construction and Repair of Equipment, Utensils and Linens); Chapter 15 (Design and Construction of Equipment, Utensils, and Linens); Chapter 18 (Maintenance and Operation of Equipment and Utensils); Chapter 19 (Cleaning of Equipment and Utensils); and Chapter 20 (Sanitization of Equipment and Utensils); shall be a Class 3 infraction:

(a) Failing to use utensils or food-contact surfaces of equipment that are constructed of materials in violation of §§ 1400.1(a) through (e) [P];

(b) Using ceramic, china and crystal utensils, and decorative utensils, such as hand painted ceramic or china that are in contact with food that are not lead-free or contain excessive levels of lead in violation of § 1402.1 [P];

(c) Using pewter alloys containing lead in excess of five hundredth of a percent (0.05%) as food contact surfaces in violation of § 1402.2 [P];

(d) Using copper and copper alloy such as brass in contact with acidic food that has a pH below six (6) such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator, except as specified in § 1403.2, in violation of § 1403.1 [P];

(e) Using galvanized metal for utensils or food-contact surfaces of equipment that are used in contact with acidic food that has a pH below six (6) such as vinegar, fruit juice or wine in violation of § 1404.1 [P];

(f) Using single-service and single-use articles made of materials in violation of § 1409.1 [P];

(g) Using food temperature measuring devices with sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used, in violation of § 1501.1 [P];

(h) Failing to use multi-use food-contact surfaces that are smooth; free of breaks, open seams, cracks, chips, pits, and similar imperfections; free of sharp internal angles, corners, and crevices; and that have smooth welds and joints in violation of § 1502.1 [Pf];

(i) Failing to use multi-use food-contact surfaces that are accessible for cleaning and inspection in violation of §§ 1502.2(a) through (c) [Pf];

(j) Using a machine that vends potentially hazardous food that is not equipped with an automatic control that prevents the machine from vending food if there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in Chapters 6 through 13, and until the machine is serviced and restocked with food that has been maintained at temperatures specified in Chapters 6 through 13 in violation of § 1523.1 [P];

(k) Failing to maintain hot water temperature at 77°C (171°F) or above when immersion of equipment in hot water is used for sanitizing equipment in a manual operation in violation of § 1810.1 [P];

(l) Failing to use a chemical sanitizer in a sanitizing solution for a manual or mechanical operation at contact times specified in § 2002.2 that meets criteria specified in § 3404 Sanitizer, Criteria in accordance with the EPA-registered label use instructions, in violation of § 1813.1[P];

(m) Failing to use a chlorine solution that has a minimum temperature based on the concentration and pH of the solutions in violation of § 1813.2 [P];

(n) Failing to use an iodine solution in violation of §§ 1813.3(a) through (c) [P];

(o) Failing to use a quaternary ammonium compound solution in violation of §§ 1813.4(a) through (c) [P];

(p) Failing to use a test kit or other device to accurately determine the concentration of a sanitizer solution in violation of § 1815.1[Pf];

(q) Failing to provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers in a food establishment that operates without facilities specified in Chapters 19 and 20 for cleaning and sanitizing kitchenware and tableware in violation of § 1817.1[P];

(r) Re-using single-service and single-use articles in violation of § 1818.1;

(s) Re-using serving containers for mollusk and crustacean shells in violation of § 1819.1;

(t) Failing to keep equipment food-contact surfaces and utensils clean to sight and touch in violation of § 1900.1[Pf];

(u) Failing to keep food-contact surfaces of cooking equipment and pans free of encrusted grease deposits and other soil accumulations in violation of § 1900.2;

(v) Failing to keep nonfood-contact surfaces of equipment free of an accumulation of dust, dirt, food residue, and other debris in violation of § 1900.3;

(w) Failing to clean equipment food-contact surfaces and utensils as specified in violation of §§ 1901.1 through 1901.5 [P];

(x) Failing to return empty containers to a regulated food processing plant for cleaning and refilling with food in violation of § 1910.1; or

(y) Failing to sanitize equipment, food-contact surfaces, and utensils before use after cleaning at the required temperature and hold time, frequency, and methods in violation of §§ 2001.1 through 2002[P].

3620.6 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 23 (Water); Chapter 24 (Plumbing System); Chapter 25 (Mobile Water Tank and Mobile Food Establishment Water Tank); Chapter 26 (Sewage, Other Liquid Waste, and Rainwater); Chapter 27 (Refuse, Recyclables, and Returnables); Chapter 29 (Design, Construction, and Installation of Physical Facilities); Chapter 30 (Numbers and Capacities of Physical Facilities); and Chapter 31 (Location and Placement of Physical Facilities) shall be a Class 3 infraction:

(a) Use drinking water from a system other than the District of Columbia public water system or other approved sources in violation of §§ 2300.1, 2302.1, or 2304.1 [P];

(b) Failing to flush and disinfect drinking water system before placing it in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system in violation of § 2301.1 [P];

(c) Failing to use nondrinking water for non-culinary purposes only in violation of § 2304.2 [P];

(d) Failing to use a water source and system that is of sufficient capacity to meet peak water demands of the food establishment in violation of § 2305.1 [Pf];

(e) Failing to use a hot water generation and distribution systems that are of sufficient capacity to meet peak hot water demands throughout the food establishment in violation of § 2305.2 [Pf];

(f) Failing to provide hot or cold water under pressure to all fixtures, equipment, and nonfood equipment that are required to use hot or cold water, (except as specified in § 2308), in violation of § 2306.1 [Pf];

(g) Receiving water from a source that is not from an approved public water main, or is not from a water source constructed, maintained, and operated according to 40 C.F.R. § 141 – National Primary Drinking Water Regulations and District of Columbia drinking water quality standards in violation of §§ 2307.1(a)- (b) [Pf];

(h) Failing to provide water meeting the requirements specified in §§ 2300 through 2306 to a mobile facility, temporary food establishment without a permanent water supply, or a food establishment with a temporary interruption of its water supply in violation of §§ 2308.1(a) through (e) [Pf];

(i) Conveying water through a plumbing system and hoses that are not constructed and repaired with approved materials according to the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of §§ 2400.1, or 2401.1 [P];

(j) Using a water filter that is not made of safe materials in violation of § 2400.2 [P];

(k) Failing to use an air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment that is at least twice the diameter of the water supply inlet and that is not less than twenty-five millimeters (25mm) or one inch (1 in.) in violation of § 2403.1 [P];

(l) Failing to install a backflow or backsiphonage prevention device on a water supply system that meets American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device in violation of § 2404.1[P];

(m) Failing to provide hand washing sinks for employees' use as specified in § 2411, in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2406.1 [Pf];

(n) Failing to provide toilets for employees' use and convenience in accordance with the D.C. Plumbing Code Supplement of 2013,

incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of §§ 2407.1[P] ;

(o) Failing to install a plumbing system that precludes backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the food establishment in violation of § 2409.1[P];

(p) Failing to locate a handwashing sink to allow convenient use by employees in food preparation, food dispensing, and warewashing areas and in, or immediately adjacent to, toilet rooms in violation of § 2411.1 [Pf];

(q) Failing to provide areas in which fresh meat is handled with its own handwashing sink located not more than twenty feet (20 ft.) or less from where the meat is handled in violation of § 2411.5 [P];

(r) Failing to maintain a handwashing sink so that it is accessible at all times for employees' use in violation of § 2414.1 [Pf];

(s) Using a handwashing sink for purposes other than for handwashing in violation of § 2414.2 [Pf];

(t) Failing to use an automatic handwashing facility in accordance with the manufacturer's instructions in violation of § 2414.3 [Pf];

(u) Operating with a prohibited cross-connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality in violation of § 2415.1 [P];

(v) Failing to durably identify piping of nondrinking water system so that it is distinguishable from piping that carries drinking water in violation of § 2415.2 [Pf];

(w) Failing to schedule inspection and service of water treatment device or backflow preventer in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and failing to maintain records demonstrating inspection and service by person in charge in violation of § 2416.1 [Pf];

(x) Failing to clean and maintain a reservoir that is used to supply water to a device such as a produce fogger in accordance with manufacturer's specifications or in accordance with the procedures specified in § 2712.2, whichever is more stringent in violation of §§ 2417.1 through 2417.2 [P];

(y) Failing to repair and maintain a plumbing system in good repair in accordance with the D.C. Plumbing Code Supplement of 2013,

incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2418.1;

(z) Failing to install a filter that does not pass oil or oil vapors in the air supply line between the compressor and drinking water system when compressed air is used to pressurize a water tank system in violation of § 2507.1 [P];

(aa) Failing to flush and sanitize a water tank, pump, and hoses before placing items in service after construction, repair, modification, and periods of nonuse in violation of § 2510.1 [P];

(bb) Using a water tank, pump, and hoses used for conveying drinking water for other purposes, except as provided in § 2513.2, in violation of § 2513.1 [P];

(cc) Using a direct connection between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed, except as specified in §§ 2602.2 through 2602.4, in violation of § 2602 [P];

(dd) Failing to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2604.1 [P];

(ee) Failing to remove sewage and other liquid waste, including grease collection, from an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created in violation of §§ 2605.1 or 2605.2 [Pf];

(ff) Failing to maintain copies of the food establishment's professional service contract in violation of § 2605.1 (a) through (c) [Pf];

(gg) Failing to dispose of sewage through an approved facility that is a public sewage treatment plant or an individual sewage disposal system that is sized, constructed, maintained, and operated in accordance with the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2607.1 [P];

(hh) Failing to have and use one (1) or more food waste grinders that are conveniently located near an activity or activities which generate food wastes in violation of § 2607.2 [P];

(ii) Operating commercial food waste grinders that are not connected to a drain that is a minimum of two inches (2 in.) fifty-one millimeters (51 mm) in diameter in violation of § 2607.3 [P];

(jj) Operating commercial food waste grinders that are not connected and trapped separately from any other fixture or sink compartments, and that is not provided with a supply of cold water in accordance the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR), in violation of § 2607.3 [P];

(kk) Failing to maintain copies of the food establishment's professional service contract in violation of §§ 2717.2(a) through (c) [Pf];

(ll) Operating a food establishment with toilet rooms that open directly into a room used for the preparation of food for service to the public in violation of § 2911.1 [Pf];

(mm) Operating a food establishment with toilet rooms that are not provided with tight-fitting and self-closing doors in accordance the D.C. Plumbing Code Supplement of 2013, incorporating the International Plumbing Code of 2012 as amended by the D.C. Plumbing Code Supplement of 2013 (Subtitle F of 12 DCMR) (excepted as specified in § 2911.2), in violation of § 2911.1 [Pf];

(nn) Failing to provide each handwashing sink or group of two (2) adjacent sinks with a supply of hand cleaning liquid, powder, or bar soap in violation of § 3001.1 [Pf];

(oo) Failing to provide each handwashing sink or group of adjacent sinks with required items in violation of §§ 3002.1(a) through (d) [Pf];

(pp) Failing to provide a supply of toilet tissue to each toilet in violation of § 3007.1 [Pf];

(qq) Failing to maintain restrooms consisting of a toilet room or toilet rooms, proper and sufficient water closets, and sinks that are conveniently located and readily accessible to all employees as specified in § 3101.3 in violation § 3101.1;

(rr) Failing to display gender-neutral signs on the door of all single-occupancy toilet rooms that read "Restroom," or that have a universally recognized

pictorial indicating that persons of any gender may use each restroom, in accordance with 4 DCMR § 802.2 in violation of § 3101.2; or

(ss) Failing to segregate and hold products held by the licensee for credit, redemption, or return to the distributor, including damaged, spoiled, or recalled products in designated areas that are separated from food, equipment, utensils, linen, and single-service and single-use articles in violation of § 3103.1 [Pf].

3620.7 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 32 (Maintenance and Operation of Physical Facilities), (Chapter 33 (Certifications, Labeling and Identification of Poisonous or Toxic Materials); Chapter 34 (Operational Supplies and Applications of Poisonous or Toxic Materials; and Chapter 35 (Stock and Retail Sale of Poisonous or Toxic Materials) shall be a Class 3 infraction:

(a) Using food preparation sinks, hand washing lavatories, and warewashing equipment to clean maintenance tools, to prepare or hold maintenance materials, or disposal of mop water and similar liquid wastes in violation of § 3204.1 [Pf];

(b) Failing to maintain copies of the food establishment's professional service contract and service schedule, which includes the documents specified in §§ 3210.1(a) through (c), in violation of § 3210.2 [Pf];

(c) Failing to maintain the premises free of insects, rodents, and pests and to minimize the presence of insects, rodents, and pests on the premises in violation of § 3210.1[Pf];

(d) Failing to maintain the premises of a food establishment free of unnecessary items and litter in violation of § 3213.1;

(e) Failing to prohibit live animals on the premises, except as specified in §§ 3214.2 and 3214.3, in violation of § 3214.1 [Pf];

(f) Failing to store live or dead fish bait so that contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot occur in violation of § 3214.3;

(g) Using a pest extermination service that does not possess a current certification as a District Licensed Pesticide Operator issued by the District's Department of the Environment, Toxic Substances Division, Pesticide Program in violation of § 3300.1 [Pf];

(h) Allowing the application of restricted-use pesticides by an individual who is not a licensed certified commercial applicator or a registered employee

working under the direct supervision of a licensed commercial or public applicator in violation of § 3300.2 [Pf];

(i) Using containers of poisonous or toxic materials and personal care items that do not bear a legible manufacturer's label in violation of § 3301.1 [Pf];

(j) Failing to clearly and individually identify working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies with the common name of the material in violation of § 3302.1 [Pf];

(k) Failing to properly store poisonous or toxic materials so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles in violation of §§ 3400.1(a) and (b) [P];

(l) Allowing poisonous or toxic materials that are not required for the operation and maintenance of the food establishment on the premises of a food establishment, except as specified in § 3401.2, in violation of § 3401.1 [Pf];

(m) Using poisonous or toxic materials in violation of D.C. pesticide laws in violation of §§ 3402.1 and 3402.2 [P];

(n) Using a container previously used to store poisonous or toxic materials to store, transport, or dispense food in violation of § 3403.1 [P];

(o) Applying chemical sanitizers and other chemical antimicrobials to food-contact surfaces that do not meet the requirements of 40 C.F.R. § 180.940 – Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), in violation of § 3404.1 [P];

(p) Using chemicals to wash peel raw, whole fruits and vegetables that do not meet the requirements of 21 C.F.R. § 173.315 – Chemicals used in washing or to assist in the peeling of fruits and vegetables, in violation of § 3405.1 [P];

(q) Using ozone that does not meet the requirements of 21 C.F.R. § 173.368 – Ozone, as an antimicrobial agent in a food establishment for the treatment, storage, and processing of fruits and vegetables that do not meet the requirements of 21 C.F.R. § 173.368 – Ozone, in violation of § 3405.2;

(r) Using chemicals as boiler water additives that do not meet the requirements of 21 C.F.R. § 173.310 – Boiler water additives, in violation of § 3406.1 [P];

(s) Using drying agents in conjunction with sanitization that contain components not approved in violation of §§ 3407.1(a) through (e), and § 3407.2 [P];

(t) Using lubricants that do not meet the requirements specified in 21 C.F.R. § 178.3570 – Lubricants with incident food contact, in violation of § 3408.1 [P];

(u) Using restricted- use pesticides that do not meet the requirements specified in 40 C.F.R. part 152 subpart I – Classification of Pesticides, in violation of § 3409.1 [P];

(v) Using rodent bait that is not contained in a covered, tamper-resistant bait station in violation of § 3410.1 [P];

(w) Using tracking powder pesticide in a food establishment, except as specified in § 3411.2, in violation of § 3411.1 [P];

(x) Allowing medicines not necessary for the health of the employees in a food establishment, except for medicines that are stored or displayed for retail sale, in violation of § 3412.1 [Pf];

(y) Failing to properly label, as specified in § 3301, and locate medicines that are for employees' use in a food establishment to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3412.2 [P];

(z) Failing to label, as specified in § 3301, first aid supplies that are for employees' use in a food establishment in violation of § 3414.1(a) [Pf];

(aa) Failing to store first aid supplies that are for employees' use in a food establishment in a kit or container that is located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3414.1(b) [P];

(bb) Failing to meet the requirements for medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator in violation of § 3413.1 [P];

(cc) Storing and displaying poisonous or toxic materials for retail sale without physically separating or partitioning by a wall or structure to prevent the contamination of food, equipment, utensils, and single-service and single-articles in violation § 3500.1(a) [P]; or

(dd) Locating poisonous or toxic materials above food, equipment, utensils, linens, and single-service and single-use articles in violation of § 3500.1(b) [P].

3620.8 Violation of the following Priority, Priority Foundation, or Core Public Health Items in Chapter 37 (Mobile Structures & Temporary Stands); Chapter 38 (Residential Kitchens in Bed And Breakfast Operations); Chapter 39 (Caterers); Chapter 40 (Catered Establishments); Chapter 41 (Code Applicability); and Chapter 42 (Plan Submission and Approval) shall be a Class 3 infraction:

(a) Possessing, preparing or vending any food requiring further processing from its original state aboard a mobile food unit without meeting the requirements of §§ 3700.4 and 3701 in violation of § 3700.6 [P];

(b) Possessing, preparing, selling, offering to sale, or giving away any food requiring further processing from its original state without the submission of a HACCP Plan, Parasite Destruction Letter, or Risk Control Plan depending on the food and/or process as requested by the Department in violation of § 3701.1 [P];

(c) Failing to submit to the Department an original and one (1) copy of a "Hazard Analysis Work Sheet" and a "HACCP Plan" on forms provided by the Department in accordance with chapter 42 in violation of §§ 3701.2, or 3701.3 [P];

(d) Failing to submit HACCP Plans for review every six (6) months in conjunction with the issuance of a vendor's Health Inspection Certificate in violation of § 3701.4 [P];

(e) Implementing changes to a HACCP Plan's operating procedures, menu, ingredients or other products without the Department's approval in violation of § 3701.5 [P];

(f) Using propane in violation of § 3702.1(a)-(d) [P];

(g) Operating a mobile food unit without a current motor vehicle registration that is conspicuously displayed on the mobile food unit in violation of §§ 3704.1 and 3713.1(h) [P];

(h) Failing to prepare and protect food in a depot, commissary, or service support facility in accordance with the Food Code Regulations in violation of § 3708.1 [P];

(i) Failing to obtain food from approved sources in sound condition and safe for human consumption in violation of § 3708.2 [P];

(j) Failing to maintain food temperature requirements in violation of §§ 3708.5(a)-(b), 3708.6 [P];

(k) Failing to comply with employee health and hygiene requirements in Chapter 3 and 4 in violation of § 3709.1 [P];

(l) Failing to construct and maintain food service preparation and storage areas to prevent the entry of pests and other vermin in accordance with §§ 3210, 3211, and 3213 in violation of § 3711.1 [P];

(m) Failing to comply with § 700 and all applicable provisions of the Food Code Regulations in violation of § 3712.1(a)-(x) [P];

(n) Failing to conspicuously display on the vending vehicle, vending cart or vending stand, all required documents in violation of §§ 3713.1(a)-(h) [P];

(o) Failing to comply with all applicable provisions of the Food Code Regulations in violation of §§ 3714.2(a)-(d) [P];

(p) Failing to operate residential kitchens in bed & breakfast operations in compliance with § 700 and all applicable provisions of the Food Code Regulations in violation of §§ 3806.1(a)-(x) [P];

(q) Failing to use a currently licensed and inspected food establishment, which complies with the Food Code Regulations, as the caterer's base of operations in violation of § 3901.1 [P];

(r) Failing to comply with § 700 and all applicable provisions of the Food Code Regulations in violation of § 3903.1 [P];

(s) Failing to maintain a catered establishment's contract with a licensed caterer or licensed food establishment and other required documents on the premises in violation of §§ 4000.2(a)-(e) and (f)(1)-(8) [P];

(t) Failing to provide an approved refrigerator for the storage of potentially hazardous food (time/ temperature control for safety food) in violation of § 4001.1 [P];

(u) Failing to remove potentially hazardous food (time/temperature control for safety food) from transport container and store in an approved refrigerator until served in violation of § 4001.1 [P];

(v) Maintaining potentially hazardous food (time/temperature control for safety food) temporarily in transport containers that do not maintain proper temperatures in accordance with Chapters 7 through 13 in violation of § 4001.1 [P];

(w) Failure of catered establishment to obtain a "Food Establishment License" in violation of § 4000.1(a) [P];

(x) Failure of catered establishment to maintain a current copy of its contract on the premises in violation of §§ 4000.2(a) through (f) [P];

(y) Failing to serve milk in original individual commercially filled containers received from the distributor, or from an approved bulk milk dispenser, or poured from a commercially filled container of not more than one gallon (1 gal.) capacity in violation of § 4001.2 [P];

(z) Failing to immediately refrigerate milk in violation of § 4001.2 [P];

(aa) Operating a catered establishment which receives food that is prepared elsewhere and transported hot or cold in individually portioned and protected servings without meeting the requirements set forth in §§ 4002.1(a)-(g) in violation of § 4002.1 [P];

(bb) Operating a catered establishment which receives and distributes hot or cold food that is prepared elsewhere and transported ready-to-serve in bulk containers without meeting the requirements set forth in §§ 4003.1(a)-(j) in violation of §§ 2305 and 4003.1 [P];

(cc) Operating a catered establishment which reheats food that is prepared elsewhere and transported in bulk containers without meeting the requirements set forth in §§ 4003.1(a)-(k) in violation of 4004.1 [P];

(dd) Failing to comply with a variance granted by the Department in violation of § 4104.2(a) [P]; or

(ee) Failing to maintain and provide to the Department upon request records in violation of §§ 4101, 4104.2(b), 4201.1, or 4202 [P].

3620.9 Violations of Title 25-A DCMR that are not cited elsewhere in Section 3620 shall be Class 4 infractions.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 547, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black at (202) 442-5977 or email Angli.Black@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

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 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. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 the adoption, on an emergency basis, of amendments to Section 1926, entitled "Occupational Therapy Services," of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency rules establish standards governing reimbursement for occupational therapy services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012. The corresponding amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014). The amendment must also be approved by CMS, which will affect the effective date of the emergency rules.

Occupational therapy services are designed to maximize independence, assist in gaining skills, prevent further disability, and maintain health. The Notice of Final Rulemaking for 29 DCMR § 1926 (Occupational Therapy Services) was published in the *D.C. Register* on February 14, 2014, at 61 DCR 001284. These rules amend the previously published final rules by (1) clarifying that recordkeeping as required by § 1909 is limited to what is applicable for this service; (2) describing the requirements for measureable and functional outcomes; (3) requiring and describing the role of the provider at the person's ISP and other support team meetings; (4) clarifying that documentation for adaptive equipment must be completed within the timeframes required by the person's insurance for this to be a reimbursable activity; (5) describing requirements for progress notes; (6) clarifying requirements for routine assessment of adaptive equipment; (7) requiring that the provider must be selected by the person, and/or his or substitute decision maker; (8) clarifying that the required assessment must be comprehensive; and (9) modifying rates to reflect increased costs to provide services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver participants who are in need of occupational therapy services. The new service authorization requirements for providers of occupational therapy services will promote more efficient service delivery management practices, enhance the quality of services, and attract new

providers to meet the demand. Therefore, in order to ensure that the person's health, safety, and welfare are not threatened by the lapse in access to occupational therapy services provided pursuant to the updated service authorization and delivery guidelines, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on August 4, 2015, but these rules shall become effective for services rendered on or after September 1, 2015, if the corresponding amendment to the ID/DD Waiver has been approved by CMS with an effective date of September 1, 2015, or on the effective date established by CMS in its approval of the corresponding ID/DD Waiver amendment, whichever is later. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until December 2, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. If approved, DHCF shall publish the effective date with the Notice of Final Rulemaking. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1926, OCCUPATIONAL THERAPY SERVICES, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER SERVICESFOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety and amended to read as follows:

1926 OCCUPATIONAL THERAPY SERVICES

1926.1 This section shall establish conditions of participation for Medicaid providers enumerated in § 1926.9 ("Medicaid Providers") and occupational therapy professionals enumerated in § 1926.8 ("professionals") to provide occupational therapy services to persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

1926.2 Occupational therapy services are services that are designed to maximize independence, prevent further disability, and maintain health.

1926.3 In order to be eligible for reimbursement, each Medicaid provider must obtain prior authorization from the Department on Disability Services (DDS) before providing, or allowing any professional to provide, occupational therapy services. In its request for prior authorization, the Medicaid provider shall document the following:

(a) The person's need for occupational therapy services as demonstrated by a physician's order; and

(b) The name of the professional who will provide the occupational therapy services.

1926.4 In order to be eligible for Medicaid reimbursement, each occupational therapy professional shall conduct a comprehensive assessment of occupational therapy needs within the first four (4) hours of service delivery, and develop a therapy plan to provide services.

1926.5 In order to be eligible for Medicaid reimbursement, the therapy plan shall include therapeutic techniques, training goals for the person's caregiver, and a schedule for ongoing services. The therapy plan shall include:

(a) The anticipated and measurable functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP;

(b) A schedule of approved occupational therapy services to be provided; and

(c) Shall be submitted by the Medicaid provider to DDS before services are delivered.

1926.6 In order to be eligible for Medicaid reimbursement, each Medicaid provider shall document the following in the person's Individual Support Plan (ISP) and Plan of Care:

(a) The date, amount, and duration of occupational therapy services provided;

(b) The scope of the occupational therapy services provided; and

(c) The name of the professional who provided the occupational therapy services.

1926.7 Medicaid reimbursable occupational therapy services shall consist of the following activities:

(a) Consulting with the person, their family, caregivers and support team to develop the therapy plan;

(b) Implementing therapies described under the therapy plan;

(c) Recording progress notes and quarterly reports during each visit. Progress notes shall contain the following:

(1) Progress in meeting each goal in the ISP;

(2) Any unusual health or behavioral events or changes in status;

(3) The start and end time of any services received by the person; and

(4) Any matter requiring follow-up on the part of the service provider or DDS;

(d) Routinely assessing (at least annually and more frequently as needed) the appropriateness, quality and functioning of adaptive equipment to ensure it addresses the person's needs;

(e) Completing documentation required to obtain or repair adaptive equipment in accordance with insurance guidelines and Medicare and Medicaid guidelines, including required timelines for submission;

(f) Participating in ISP and Support Team meetings to provide consultative services and recommendations specific to the expert content with a focus on how the person is doing in achieving the functional goals that are important to him or her; and

(g) Conducting periodic examinations and modified treatments for the person, as needed.

1926.8 Medicaid reimbursable occupational therapy services shall be provided by a licensed occupational therapist.

1926.9 Occupational therapy service providers, without regard to their employer of record, shall be selected by and be acceptable to the person receiving services, their guardian, or legal representative.

1926.10 In order to be eligible for Medicaid reimbursement, an occupational therapist shall be employed by the following providers:

(a) An ID/DD Waiver provider enrolled by DDS; and

(b) A Home Health Agency as defined in Section 1999 of Title 29 DCMR.

1926.11 Each Medicaid provider shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.

1926.12 Each Medicaid provider shall maintain the following documents for monitoring and audit reviews:

(a) The physician's order;

(b) A copy of the occupational therapy assessment and therapy plan in accordance with the requirements of Subsections 1926.4 and 1926.5; and

(c) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 or Title 29 DCMR, that are applicable to this service.

1926.13 If the person enrolled in the ID/DD Waiver is between the ages of eighteen (18) and twenty-one (21), the DDS Service Coordinator shall ensure that Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits under the Medicaid State Plan are fully utilized and the ID/DD Waiver service is neither replacing nor duplicating EPSDT services.

1926.14 Medicaid reimbursable occupational therapy services shall be limited to four (4) hours per day and one-hundred (100) hours per year. Requests for additional hours may be approved when accompanied by a physician's order documenting the need for additional occupational therapy services and approved by a DDS staff member designated to provide clinical oversight.

1926.15 The Medicaid reimbursement rate for occupational therapy services shall be one hundred dollars ($100.00) per hour. The billable unit of service shall be fifteen (15) minutes.

Comments on the emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900, Washington, D.C. 20001, by telephone on (202) 442-8742, by 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 emergency and proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

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 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. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 the adoption, on an emergency basis, of amendments to Section 1928, entitled "Physical Therapy Services," of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement for physical therapy services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012. The corresponding amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014). The amendment must also be approved by CMS, which will affect the effective date of the emergency rules.

Physical therapy services treat physical dysfunctions or reduce the degree of pain associated with movement to prevent disability, promote mobility, maintain health and maximize independence. The Notice of Final Rulemaking for 29 DCMR § 1928 (Physical Therapy Services) was published in the *D.C. Register* on February 7, 2014, at 61 DCR 000989. These rules amend the previously published rules by (1) including in the description of physical therapy services that they prevent regression of a person's functional abilities; (2) describing the requirements for measureable and functional outcomes; (3) requiring and describing the role of the provider at the person's ISP and other support team meetings; (4) clarifying that documentation for adaptive equipment must be completed within the timeframes required by the person's insurance for this to be a reimbursable activity; (5) describing requirements for progress notes; (6) clarifying requirements for routine assessment of adaptive equipment; (7) requiring that the provider must be selected by the person, and/ or his or substitute decision maker; (8) modifying rates to reflect increased costs of providing service; and (9) adding physical therapy assistants who work under the direct supervision of a licensed physical therapist to the list of providers for physical therapy services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver participants who are in need of physical therapy services. The new service

authorization requirements for providers of physical therapy services will promote more efficient service delivery management practices, enhance the quality of services, and attract new providers to meet the demand. Therefore, in order to ensure that the person's' health, safety, and welfare are not threatened by the lapse in access to physical therapy services provided pursuant to the updated service authorization and delivery guidelines, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on August 4, 2015, but these rules shall become effective for services rendered on or after September 1, 2015, if the corresponding amendment to the ID/DD Waiver has been approved by CMS with an effective date of September 1, 2015, or on the effective date established by CMS in its approval of the corresponding ID/DD Waiver amendment, whichever is later. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until December 2, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. If approved, DHCF shall publish the effective date with the Notice of Final Rulemaking. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1928, PHYSICAL THERAPY SERVICES, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety and amended to read as follows:

1928 PHYSICAL THERAPY SERVICES

1928.1 This section establishes the conditions for Medicaid providers enumerated in § 1928.10 ("Medicaid Providers") and physical therapy services professionals enumerated in § 1928.8 ("professionals") to provide physical therapy services to persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

1928.2 Physical therapy services are services that are designed to treat physical dysfunctions or reduce the degree of pain associated with movement, prevent disability and regression of functional abilities, promote mobility, maintain health and maximize independence. These services are delivered in the person's home or day service setting.

1928.3 In order to be eligible for reimbursement, each Medicaid provider must obtain prior authorization from the Department on Disability Services (DDS) before providing, or allowing any professional to provide physical therapy services. In its request for prior authorization, the Medicaid provider shall document the following:

(a) The ID/DD Waiver participant's need for physical therapy services as demonstrated by a physician's order; and

(b) The name of the professional who will provide the physical therapy services.

1928.4 In order to be eligible for Medicaid reimbursement, each physical therapy professional shall conduct an assessment of physical therapy needs within the first four (4) hours of service delivery, and develop a therapy plan to provide services.

1928.5 In order to be eligible for Medicaid reimbursement, the therapy plan shall include therapeutic techniques, training goals for the person's caregiver, and a schedule for ongoing services. The therapy plan shall include the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP and a schedule of approved physical therapy services to be provided, and shall be submitted by the Medicaid provider to DDS before services are delivered.

1928.6 In order to be eligible for Medicaid reimbursement, each Medicaid provider shall document the following in the person's Individual Support Plan (ISP) and Plan of Care:

(a) The date, amount, and duration of physical therapy services provided;

(b) The scope of the physical therapy services provided; and

(c) The name of the professional who provided the physical therapy services.

1928.7 Medicaid reimbursable physical therapy services shall consist of the following activities:

(a) Consulting with the person, their family, caregivers and support team to develop the therapy plan;

(b) Implementing therapies described under the therapy plan;

(c) Recording progress notes on each visit and submitting quarterly reports. Progress notes shall contain the following:

(1) Progress in meeting each goal in the ISP;

(2) Any unusual health or behavioral events or change in status;

(3) The start and end time of any services received by the person; and

(4) Any matter requiring follow-up on the part of the service provider or DDS.

(d) Routinely assess (at least annually and more frequently as needed) the appropriateness and quality of adaptive equipment to ensure it addresses the person's needs;

(e) Completing documentation required to obtain or repair adaptive equipment in accordance with insurance guidelines and Medicare and Medicaid guidelines, including required timelines for submission; and

(f) Conducting periodic examinations and modified treatments for the person, as needed.

1928.8 Medicaid reimbursable physical therapy services shall be provided by a licensed physical therapist or a Physical Therapy Assistant working under the direct supervision of a licensed physical therapist.

1928.9 Physical therapy service providers, without regard to their employer of record, shall be selected by and be acceptable to the person receiving services, their guardian, or legal representative.

1928.10 In order to be eligible for Medicaid reimbursement, a physical therapist shall be employed by the following providers:

(a) An ID/DD Waiver Provider enrolled by DDS; and

(b) A Home Health Agency as defined in Section 1999 of Title 29 DCMR.

1928.11 Each Medicaid provider shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.

1928.11 Each Medicaid provider shall maintain the following documents for monitoring and audit reviews:

(a) The physician's order;

(b) A copy of the physical therapy assessment and therapy plan in accordance with the requirements of Subsections 1928.4 and 1928.5; and

(c) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.

1928.12 Each Medicaid provider shall comply with the requirements described under Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.

1928.13 In order to be eligible for Medicaid reimbursement, each individual providing physical therapy services shall participate in ISP and Support Team meetings to provide consultative services and recommendations specific to the expert content with a focus on how the person is doing in achieving the functional goals that are important to him or her;

1928.14 If the person enrolled in the waiver is between the ages of eighteen (18) and twenty-one (21), the DDS Service Coordinator shall ensure that Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits under the Medicaid State Plan are fully utilized and the Waiver service is neither replacing nor duplicating EPSDT services.

1928.15 Medicaid reimbursable physical therapy services shall be limited to four (4) hours per day and one hundred (100) hours per year. Requests for additional hours may be approved when accompanied by a physician's order documenting the need for additional physical therapy services and approved by a DDS staff member designated to provide clinical oversight.

1928.16 The Medicaid reimbursement rate for physical therapy services shall be one hundred dollars ($100.00) per hour. The billable unit of service shall be fifteen (15) minutes.

Comments on the emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by 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 emergency and proposed rules may be obtained from the above address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c) (1),(2),(3), (4) (7), (10), (11), (14), (16), (18), (19) and (20), 14, 15, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 ("Vehicle-for-Hire Act"), effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code §§ 50-307(c)(1),(2),(3), (4) (7), (10), (11), (14), (16), (18), (19) and (20), 50-313, 50-314, and 50-329 (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 2 (Panel on Rates and Rules: Rules of Organization and Rules of Procedure for Ratemaking), Chapter 4 (Taxicab Payment Service Providers), Chapter 6 (Taxicab Parts and Equipment), Chapter 7 (Enforcement), Chapter 8 (Operation of Public Vehicles for Hire), Chapter 9 (Insurance Requirements), Chapter 10 (Public Vehicles For Hire), Chapter 11 (Public Vehicles For Hire Consumer Service Fund), Chapter 12 (Luxury Services - Owners, Operators, and Vehicles), Chapter 14 (Operation of Black Cars), Chapter 16 (Dispatch Services and District of Columbia Taxicab Industry Co-op) and Chapter 99 (Definitions) and add a new Chapter 19 (Private Vehicles-for-Hire), of Title 31 (Taxicabs and Public Vehicles-for-hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking would amend Chapters 2, 4, 6, 7, 8, 9, 10, 11, 12, 14, 16, and 99, and add a new Chapter 19, in order to conform Title 31 of the DCMR to the provisions of the Vehicle-for-Hire Act. The emergency rulemaking is required to: (1) prevent provisions of Title 31 from being rendered null and void due to a conflict with the provisions of the Vehicle-for-Hire Act; (2) create a consistent legal framework for the operation of the District's vehicle-for-hire industry; (3) maintain uniform treatment of stakeholders between classes of service, where relevant; (4) minimize legal exposure to the District; (5) create rules and procedures necessary for the Office of Taxicabs ("Office") to implement and comply with the Vehicle-for-Hire Act; and (6) create rules and procedures for District enforcement officials to enforce the Vehicle-for-Hire Act. No provision in the emergency and proposed rulemaking is intended to exceed or alter any person's legal obligations under the Establishment Act, as amended by the Vehicle-for-Hire Act.

This emergency rulemaking was adopted by the Commission on March 11, 2015 and took effect immediately. The emergency rules remained in effect for one hundred and twenty (120) days after the date of adoption and expired July 9, 2015.

The Commission gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 2, PANEL ON RATES AND RULES: RULES OF ORGANIZATION AND RULES OF PROCEDURE FOR RATEMAKING, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is repealed and reserved.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, is amended as follows:

Section 410, ENFORCEMENT, is amended as follows:

Subsection 410.1 is amended to read as follows:

410.1 The enforcement of this chapter shall be governed by Chapter 7.

Subsection 410.2 is repealed and reserved.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended to read as follows:

Subsection 600.4 is repealed and reserved.

Section 610, NOTICE OF PASSENGER RIGHTS, is amended as follows:

Subsection 610.1 is amended to read as follows:

610.1 There shall be displayed in a conspicuous location in each taxicab in clear view of the passenger a notice in a form created by Office which contains the following information:

(a) A statement that a taxicab must accept credit cards through the approved taximeter system;

(b) A statement that a taxicab shall not operate without a functioning taximeter system;

(c) A statement that failure to accept a credit card is in violation of the law and is punishable by a fine; and

(d) Information required for passengers to submit an alleged violation or complaint, including the Commission's telephone number and website address.

Subsection 610.2 is repealed.

Section 611 is amended to read as follows:

611 PENALTIES

611.1 Each violation of this chapter by a taxicab company, independent owner, or taxicab operator shall subject the violator to:

(a) The civil fines and penalties set forth in § 825 or in an applicable provision of this chapter, provided, however, that where a specific civil fine or penalty is not listed in § 825 or in this chapter, the fine shall be:

(1) One hundred dollars ($100);

(2) Two hundred fifty dollars ($250) where a fare is charged to any person based on information entered by the operator into any device other than as required for an authorized additional charge under § 801.7(b); and

(3) Double for the second violation of the same provision and triple for each violation of the same provision thereafter, in all instances where a civil fine may be imposed;

(b) Impoundment of a vehicle operating in violation of this chapter;

(c) Confiscation of an MTS unit or unapproved equipment used for taxi metering in violation of this chapter;

(d) Suspension, revocation, or non-renewal of such person's license or operating authority; or

(e) Any combination of the sanctions listed in (a)-(d) of this subsection.

611.2 A PSP that violates a provision of this chapter shall be subject to the penalties in Chapter 4.

Section 612, PENALTIES, is amended to read as follows:

612 ENFORCEMENT

612.1 The enforcement of this chapter shall be governed by Chapter 7.

Chapter 7, ENFORCEMENT, is amended to read as follows:

Section 700, APPLICATION AND SCOPE, is amended to read as follows:

700.1 This chapter is intended by the Commission to establish fair and consistent procedural rules for enforcement of and compliance with this title.

700.2 This chapter applies to all persons regulated by this title.

700.3 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended by Vehicle-for-Hire Act, and of the Impoundment Act.

700.4 No provision of this chapter requiring a delegation of authority from the Mayor shall apply in the absence of such authority.

700.5 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, including a penalty provision, the provision of this chapter shall control.

700.6 The provisions of this chapter shall apply to all matters and contested cases pending on the date of final publication of this chapter to the extent allowed by the Administrative Procedures Act and other applicable law.

Section 702, COMPLIANCE ORDERS, is amended to read as follows:

702 COMPLIANCE ORDERS

702.1 An authorized employee or official of the Office or a District enforcement official may issue a written or oral compliance order to any person licensed or regulated by this title or other applicable law. Oral compliance orders may be issued during traffic stops, as provided in § 702.7.

702.2 A compliance order may require the respondent to take any lawful action related to enforcement, compliance, or verification of compliance, with this title or other applicable law, to the extent authorized or required by this title and the Establishment Act or other applicable law, through an order to:

(a) Appear at the Office for a meeting or other purpose provided that the order clearly states that the appearance is mandatory;

(b) Make a payment to the District for an amount such person owes under a provision of this title or other applicable law;

(c) Allow an administrative inspection of a place of business;

(d) Surrender, or produce for inspection and copying, a document or item related to compliance with this title or other applicable law, such as an original licensing or insurance document, at:

(1) The location where document or item is maintained in the ordinary course of business;

(2) The Office; or

(3) Another appropriate location as determined by the Office or a District enforcement official in their sole discretion;

(e) Submit a vehicle or equipment in the vehicle for testing or inspection in connection with a traffic stop;

(f) Provide information to locate or identify a person, where there is reasonable suspicion of a violation of this title or other applicable law; or

(g) Take any lawful action to assist with or accomplish the enforcement of a provision of this title or other applicable law.

702.3 Each compliance order shall include the following information:

(a) The action the respondent must take to comply;

(b) Except for oral compliance orders, the deadline for compliance; and

(c) If the compliance order is in writing:

(1) A statement of the circumstances giving rise to the order;

(2) A citation to the relevant chapter of this title or other applicable law; and

(3) If the order requires a person to provide information to assist the Office or a District enforcement official in an enforcement action against a person with whom the respondent is believed to be or has been associated: the name of and contact information for such person to the extent available.

702.4 Where a compliance order is issued to a private sedan business to allow the Office to inspect and copy records under § 702.2 (d), the following limitations shall apply:

(a) The Office's inspection shall be limited to safety and consumer protection-related records to ensure compliance with the applicable provisions of Chapter 19, where the Office has a reasonable basis to suspect non-compliance; and

(b) Any records disclosed to the Office shall not be released by the Office to a third party, including through a FOIA request.

702.5 OAH may draw an adverse inference where any person who is required by this title or other applicable law to maintain documents or information fails to maintain such documents or information as required.

702.6 A written compliance order shall be served in the manner prescribed by § 712.

702.7 The civil penalties for failure to comply with a compliance order are established as follows:

(a) Each individual who fails to timely and fully comply with a compliance order shall be subject to a civil of five hundred dollars ($500), which shall double for the second violation, and triple for the third and subsequent violations.

(b) Each entity that fails to timely and fully comply with a compliance order shall be subject to a civil fine of one thousand dollars ($1,000), which shall double for the second violation, and triple for the third and subsequent violations.

702.8 Each traffic stop shall comply with the following requirements:

(a) It shall comply with all applicable provisions of this title and other applicable laws.

(b) No vehicle shall be stopped while transporting a passenger without reasonable suspicion of a violation of this title or other applicable laws.

(c) An oral compliance order may be issued in connection with a traffic stop for the purpose of:

(1) Determining compliance with this title and other applicable laws;

(2) Securing the presence and availability of the operator, the vehicle, and any other evidence at the scene;

(3) Preventing hindrance, disruption, or delay of the traffic stop;

(4) Ensuring the orderly and timely completion of the traffic stop;

(5) Requiring full and complete cooperation by the operator;

(6) Requiring the operator to provide access to a device for the purpose of demonstrating compliance with this title and other applicable law;

(7) Making inquiries regarding the operator and/or vehicle to government agencies for law enforcement and related regulatory purposes; and

(8) Protecting the safety of the vehicle inspection officer, the operator, or any other individual.

(d) Notwithstanding the requirements of § 702.8(c), a vehicle inspection officer shall not take possession of a device which may contain evidence relevant to the enforcement of this title or other applicable law, unless:

(1) The device is or appears to be a component of a taxicab's modern taximeter system (MTS);

(2) The operator denies ownership, possession, or custody of the device;

(3) The operator abandons the device or attempts to transfer its possession with intent to prevent access to the device for purposes of enforcement; or

(4) The operator is determined to be an unlawful operator in violation of D.C. Official Code § 47-2829.

(e) The term "possession" as used in paragraph (d) of this section shall not include handling, operation, or examination of a device for purposes of enforcement of this title or other applicable law.

(f) A private sedan operator's lack of registration with a private sedan business registered under Chapter 19 may be considered evidence of a violation of D.C. Official Code § 47-2829.

Section 703, ENFORCEMENT ACTIONS, is amended as follows:

Subsections 703.7 and 703.8 are amended to read as follows:

703.7 In addition to any other enforcement action authorized by this title or other applicable law, where a private sedan business certifies an intentionally false or misleading statement on a form required by this title or other applicable law, the Office may refer the matter for civil and/or criminal investigation by an appropriate agency of the District or federal government.

703.8 The circumstances giving rise to a respondent's suspension may be considered by the Office in any determination of whether to issue or renew a license to the respondent.

A new Subsection 703.9 is added to read as follows:

703.9 Each impoundment of a vehicle shall be conducted in compliance with the Impoundment Act.

Section 704, NOTICES OF INFRACTION, is amended as follows:

Subsection 704.1 is amended to read as follows:

704.1 The Office or a District enforcement official (including a vehicle inspection officer) may issue an NOI, imposing a civil fine or other civil penalty, whenever the Office or the District enforcement official has reasonable grounds to believe the respondent is in violation of a provision of this title or other applicable law.

Chapter 8, OPERATION OF TAXICABS, is amended as follows:

The title of Chapter 8 is amended to read as follows:

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE

Section 800, APPLICATION AND SCOPE, is amended to read as follows:

800.1 This chapter shall apply to every person that provides a public vehicle-for-hire service subject to licensing or regulation by the Commission.

800.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act.

Subsections 800.3 and 800.4 are repealed.

Section 819, CONSUMER SERVICE AND PASSENGER RELATIONS, is amended as follows:

A new Subsection 819.10 is added to read as follows:

819.10 Once a trip has been accepted by a public vehicle-for-hire operator through a digital dispatch service, the public vehicle-for-hire operator shall not fail to pick up the passenger or to complete the trip after the passenger has been picked up. A violation of this subsection shall be treated as a refusal to haul pursuant to § 818.2 or 819.5. In addition, a violation of § 818.2 may be reported to the D.C. Office of Human Rights.

Section 823, MANIFEST RECORD, is amended as follows:

A new Subsection 823.7 is added to read as follows:

823.7 A trip manifest maintained in an electronic format by an operator who connects with a passenger through digital dispatch may include a phrase "as directed" or similar phrase in lieu of including a passenger's trip destination; provided, that the destination is included upon completion of the trip.

Section 825, TABLE OF CIVIL FINES AND PENALTIES, is amended as follows:

Subsection 825.2 is amended as follows:

Conduct	
Unlawful activities as outlined in § 816	$500
Threatening, harassing, or abusive conduct or attempted threatening, harassing, or abusive conduct as outlined in § 817	$750
Violation of any affirmative obligation or prohibition outlined in Chapter 5 of this title	$500 Impoundment of the vehicle, license suspension, revocation, or non-renewal, or a combination of the sanctions listed in § 817
Passenger Safety and Service	
Loading or unloading in crosswalk	$50
Overloading	$50
Asking destination/violation of § 819.9	$50
Refusal to haul/discrimination/violation of § 818/819.4	$750
Illegal shared ride	$250

Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:

The title of Chapter 9, INSURANCE REQUIREMENTS, is amended to read as follows:

Chapter 9, INSURANCE REQUIREMENTS FOR PUBLIC VEHICLES FOR HIRE

The title of Section 900, APPLICATION AND SCOPE OF INSURANCE REQUIREMENTS, is amended to read as follows:

900 APPLICATION AND SCOPE

Chapter 10, PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1000, GENERAL REQUIREMENTS, is amended as follows:

Subsections 1000.1 and 1000.2 are amended to read as follows:

1000.1 No individual shall operate a public vehicle-for-hire in the District unless such individual has a valid DCTC operator's license (face card), the vehicle has a valid DCTC vehicle license, and the operator and vehicle are in compliance with all applicable provisions of this title and other applicable laws.

1000.2 Notwithstanding the provisions of § 1000.1, a valid DCTC operator's license (face card) and valid DCTC vehicle license shall not be required where the operator is in strict compliance with the applicable provisions of § 828 (reciprocity regulations).

Section 1001, ELIGIBILITY FOR HACKER'S LICENSE, is amended as follows:

Subsection 1001.9 is amended to read as follows:

1001.9 The Chairperson shall not issue nor renew a license under this chapter to a person who has not, immediately preceding the date of application for a license, been a bona fide resident for at least one (1) year of the Multi-State Area ("MSA"), and has not had at least one (1) year's driving experience as a licensed vehicle operator within the MSA during such one (1) year period.

Section 1003, HEALTH REQUIREMENTS, is amended as follows:

Subsection 1003.1 is amended to read as follows:

1003.1 Each application (including a renewal application) shall be accompanied by a certificate from a licensed physician who is a resident of the MSA, certifying that, in, the opinion of that physician, the applicant does not have a physical or mental disability or disease which might make him or her an unsafe driver of a public vehicle-for-hire.

Subsection 1003.7 is amended to read as follows:

1003.7 An operator's license shall not be issued or renewed under this chapter for an individual who has a mental disability or disease that would negatively impact his

or her ability to meet the requirements of this chapter with respect to the operation of a public vehicle-for-hire, unless he or she provides a certificate from a licensed physician who is a resident of the MSA certifying that, in the opinion of that physician, the person's mental disability or disease, as may be currently treated, does not negatively impact his or her ability to meet the requirements of this chapter with respect to the operation of a taxicab. If the person's mental disability or disease, or his or her treatment, substantially changes during the period of licensure, he or she shall provide a re-certification from a physician who is a resident of the MSA or shall immediately surrender his or her license to the Commission.

Section 1004, INVESTIGATION AND EXAMINATION OF APPLICANTS, is amended as follows:

Subsection 1004.3 is amended to read as follows:

1004.3 The examination shall test the following subject areas:

(a) General familiarity with the MSA, including history and geography;

(b) Monuments, landmarks, and other places of interest;

(c) Customer service for interaction with passengers and the general public;

(d) Business and accounting practices;

(e) Cultural sensitivity;

(f) Disability accommodation and non-discrimination requirements;

(g) Familiarity with applicable provisions of this title, Title 18 of the DCMR (Vehicles and Traffic), and other applicable laws; and

(h) Such other topics as the Office may identify in an administrative issuance.

Section 1005, ISSUANCE OF LICENSES, is amended as follows:

Subsection 1005.5 is amended to read as follows:

1005.5 A person to whom an operator's license has been issued shall continue to reside within the MSA during the term of the license and shall, no later than five (5) days after the termination of the residence within the MSA, surrender the license to the Office.

Section 1013, COMPLAINTS AGAINST OPERATORS OF PUBLIC VEHICLES FOR HIRE, is repealed and reserved.

Chapter 11, PUBLIC VEHICLES FOR HIRE CONSUMER SERVICE FUND, is amended as follows:

Section 1100, PURPOSE, is amended as follows:

Subsection 1100.1 is amended to read as follows:

1100.1 The purpose of this chapter is to establish procedural and substantive rules governing assessment and collection of all funds to be deposited into the Public Vehicle-for-hire Consumer Service Fund as authorized by Section 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-320 (2012 Repl. & 2014 Supp.), and the Vehicle-for-hire Act of 2014.

Subsection 1100.2 is amended to read as follows:

1100.2 Consumer Service Fund shall consist of:

(a) All funds collected from a passenger surcharge on taxicab trips;

(b) All funds collected by the Commission from the issuance and renewal of a public vehicle-for-hire license pursuant to D.C. Official Code § 47-2829 (2012 Repl. & 2014 Supp.), including such funds held in miscellaneous trust funds by the Commission and the Office of the People's Counsel prior to June 23, 1987, pursuant to D.C. Official Code § 34-912(a) (2012 Repl. & 2014 Supp.);

(c) All funds collected by the Commission from the Department of Motor Vehicles through the Out-Of-State Vehicle Registration Special Fund, pursuant to Section 3a of the District of Columbia Revenue Act of 1937, effective March 26, 2008 (D.C. Law 17-130; D.C. Official Code § 50-1501.03a (2012 Repl. & 2014 Supp.);

(d) All taxicab operator and passenger vehicle-for-hire operator assessment fund fees collected by the Commission pursuant to Subsections (c) and (d) of Section 20a of the Act; and

(e) All funds collected by the Office of the Chief Financial Officer from the quarterly payments of a digital dispatch service pursuant to § 1604.7.

Section 1103, PASSENGER SURCHARGE, is amended as follows:

Subsection 1103.1 is amended to read as follows:

1103.1 Each trip provided by taxicab licensed by the Office, shall be assessed a twenty-five cent ($0.25) per trip passenger surcharge.

Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES, is amended as follows:

The title of Chapter 12 is amended to read as follows:

Chapter 12, LUXURY CLASS SERVICES – OWNERS, OPERATORS, AND VEHICLES

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

Subsection 1201.3 is amended to read as follows:

1201.3 Operator requirements. An individual shall be authorized to provide luxury class services if he or she:

(a) Has a valid and current driver's license issued by the District of Columbia, the State of Maryland, or the Commonwealth of Virginia;

(b) Has a valid and current DCTC operator's license authorizing the person to provide luxury class service under § 1209; and

(c) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

Subsection 1201.5 is amended to read as follows:

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

(a) The operator is in compliance with § 1201.3;

(b) The vehicle is in compliance with § 1201.4;

(c) The owner is in compliance with § 1202.1;

(d) The operator is maintaining with the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which the operator drives;

(e) The operator informs the Office of any change in the information required

by paragraph (d) within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may establish in an Office issuance;

(f) The operator is maintaining in the vehicle a manifest that:

(1) Is either:

(A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or

(B) In electronic format, compiled automatically and in real time throughout each shift;

(2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;

(3) Reflects all trips made by the vehicle during the current shift;

(4) Includes:

(A) The date, the time of pick up;

(B) The address or location of the pickup;

(C) The final destination, which may be phrased "as directed" for electronic manifest maintained in accordance with Chapter 16; and

(D) The time of discharge; and

(5) For manifest maintained in a non-electronic format, does not include terms such as "as directed" in lieu of any information required by this paragraph in accordance with § 1201.8; and

(6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).

(g) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;

(h) Where black car service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 of this title;

(i) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator's behalf; and

(j) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

A new Subsection 1201.8 is added to read as follows:

1201.8 A trip manifest maintained in an electronic format by an operator who connects with a passenger through digital dispatch may include a phrase "as directed" or similar phrase in lieu of including a passenger's trip destination; provided, that the destination is included upon completion of the trip.

Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:

Subsection 1204.4 is amended to read as follows:

1204.4 The DMV or any District enforcement official may inspect the vehicle to determine whether it meets the definitions of "black car", "limousine", or both, as set forth in § 9901.1, consistent with the applicant's stated intentions for the use of vehicle.

Section 1212, ENFORCEMENT OF THIS CHAPTER, is amended as follows:

Subsections 1212.2 through 1212.10 are repealed.

Chapter 14, OPERATION OF BLACK CARS, is amended as follows:

Section 1400, APPLICATION AND SCOPE, is amended to read as follows:

1400.1 This chapter establishes regulations for the businesses, operators, and vehicles which participate in providing black car service.

1400.2 Additional provisions applicable to the operators and vehicles which participate in providing black car service appear in Chapter 12.

1400.3 Additional provisions applicable to the digital dispatch services which participate in providing black car service appear in Chapter 16.

1400.4 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended by Vehicle-for-Hire Act, and by the Impoundment Act.

1400.5 No provision of this chapter requiring a delegation of authority from the Mayor shall apply in the absence of such authority.

1400.6 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control**.**

Section 1402, OPERATING REQUIREMENTS, is amended as follows:

Subsection 1402.6 is amended to read as follows:

1402.6 The fare for black car service, if any, shall:

(a) Be based on time and distance rates as set by the DDS except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;

(b) Be consistent with the DDS' statement of its fare calculation method posted on its website pursuant to Chapter 16;

(c) Be disclosed to the passenger in a statement of the DDS' fare calculation method in accordance with Chapter 16;

(d) Be used to calculate an estimated fare, if any, and disclosed to the passenger prior to the acceptance of service;

(e) State whether demand pricing applies and, if so, the effect of such pricing on the estimate; and

(f) Not include a gratuity that does not meet the definition of a "gratuity" as defined in this title.

Section 1404, PENALTIES, is amended as follows:

Subsections 1404.2(f) and (g) are amended to read as follows:

(f) For a violation of § 1403.3 by soliciting or accepting a street hail: a civil fine of seven hundred fifty dollars ($750);

(g) For a violation of § 1403.3 by engaging in false dispatch: a civil fine of one thousand dollars ($1,000);

Chapter 16, DISPATCH SERVICES AND DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP, is amended as follows:

Section 1600, APPLICATION AND SCOPE, is amended to read as follows:

1600.1 This chapter establishes regulations for the businesses, operators, and vehicles which participate in providing dispatch services, and establishes the District of Columbia Taxicab Industry Co-op.

1600.2 Additional provisions applicable to the businesses, owners, operators, and vehicles which participate in providing taxicab service appear in Chapters 4-11.

1600.3 Additional provisions applicable to the businesses, owners, operators, and vehicles which participate in providing black car service appear in Chapters 12 and 14.

1600.4 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended by Vehicle-for-Hire Act, and by the Impoundment Act.

1600.5 The definitions in Chapter 99 shall apply to all terms used in this chapter.

1600.6 The phrase "company that uses digital dispatch for public vehicle-for-hire service", as used in the Establishment Act, as amended by the Vehicle-for-Hire Act, shall include only a digital dispatch service, as defined in Chapter 99, and shall not include any other person regulated by this title in connection with the provision of a public vehicle-for-hire service, such as a taxicab company.

1600.7 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control**.**

Section 1601, GENERAL REQUIREMENTS, is amended as follows:

Subsections 1601.3 and 1601.4 are amended to read as follows:

1601.3 No person regulated by this title shall be associated with, integrate with, or conduct a transaction in cooperation with, a dispatch service that is not in compliance with this chapter.

1601.4 No telephone dispatch service shall participate in providing a vehicle for hire service in the District unless it is operated by a taxicab company with current operating authority under Chapter 5.

Section 1602, RELATED SERVICES, is amended as follows:

Subsection 1602.2 is repealed.

Section 1603, OPERATING REQUIREMENTS FOR ALL DISPATCH SERVICES is amended to read as follows:

1603 TELEPHONE DISPATCH SERVICES – OPERATING REQUIREMENTS

1603.1 Each telephone dispatch service shall operate in compliance with this title and other applicable laws.

1603.2 Each telephone dispatch service shall be licensed to do business in the District of Columbia.

1603.3 Each gratuity charged by a telephone dispatch service shall comply with the definition of "gratuity".

1603.4 Each telephone dispatch service shall comply with the requirements for passenger rates and charges set forth in § 801.

1603.5 Each telephone dispatch service shall provide a passenger seeking wheelchair service with such service, when available, and if not available through the telephone dispatch service, shall make reasonable efforts to assist the passenger in locating available wheelchair service through another source within the District.

1603.6 Where a telephone dispatch service shares a request for wheelchair service with another person, the passenger's destination shall not be provided.

1603.7 Each telephone dispatch service shall maintain a customer service telephone number for passengers with a "202" prefix or a toll-free area code, posted on its website, which is answered or replied to promptly during normal business hours.

1603.8 Each telephone dispatch service shall maintain a website with current information that includes:

(a) The name of the telephone dispatch service;

(b) Contact information for its bona fide administrative office or registered agent authorized to accept service of process;

(c) Its customer service telephone number or email address, and;

(d) The following statement prominently displayed:

Vehicle-for-hire services in Washington, DC are
regulated by the DC Taxicab Commission
2235 Shannon Place, S.E., Suite 3001
Washington, D.C. 20020-7024
www.dctaxi.dc.gov
dctc3@dc.gov 1-855-484-4966 TTY: 711

and;

(e) A link to § 801 allowing passengers to view applicable rates and charges.

1603.9 Each telephone dispatch service shall comply with §§ 508 through 513, to the same extent as if it were a taxicab company.

1603.10 Each telephone dispatch service shall provide its service throughout the District.

1603.11 Each telephone dispatch service shall perform the service agreed to with a passenger in a dispatch, including picking up the passenger at the agreed time and location, except for a bona fide reason not prohibited by § 819.5 or other applicable provision of this title.

1603.12 Protection of certain information relating to passenger privacy and safety.

(a) A telephone dispatch service shall not:

(1) Release information to any person that would result in a violation of the personal privacy of a passenger or that would threaten the safety of a passenger or an operator; or

(2) Permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized by the telephone dispatch service to receive such information. Where a telephone dispatch service shares a request for wheelchair service with another person pursuant to § 1603.5, the passenger's destination shall not be provided.

(b) This subsection shall not limit access to information by the Office or a District enforcement official.

1603.13 A telephone dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until the trip has been booked. Where a telephone dispatch service shares a request for wheelchair service with another person pursuant to § 1603.5, the passenger's destination shall not be provided.

1603.14 Each telephone dispatch service shall store its business records in compliance with industry best practices and all applicable laws, make its business records related to compliance with its legal obligations under this title available for inspection and copying as directed by the Office, and retain its business records for five (5) years.

1603.15 Each telephone dispatch service shall comply with all applicable provisions of this title and other laws regulating origins and destinations of trips, including all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.

1603.16 A telephone dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until the trip has been booked.

1603.17 Each telephone dispatch service shall store its business records in compliance with industry best practices and all applicable laws, make its business records related to compliance with its legal obligations under this title available for inspection and copying as directed by the Office, and retain its business records for five (5) years.

1603.18 Each telephone dispatch service shall comply with all applicable provisions of this title and other laws regulating origins and destinations of trips, including all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.

Section 1604, REGISTRATION, is amended to read as follows:

1604 DIGITAL DISPATCH SERVICES – OPERATING REQUIREMENTS

1604.1 Each digital dispatch service shall operate in compliance with this title and other applicable laws.

1604.2 Each digital dispatch service shall calculate fares and, where applicable, provide receipts to passengers, as provided in: Chapter 8 for taxicabs, Chapter 14 for black cars, and Chapter 19 for private sedans.

1604.3 Each digital dispatch service shall submit proof that the company maintains a website containing information on its:

(a) Method of fare calculation

(b) Rates and fees charged, and

(c) Customer service telephone number or email address

1604.4 If a digital dispatch service charges a fare other than a metered taxicab rate, the company shall, prior to booking, disclose to the passenger:

(a) The fare calculation method;

(b) The applicable rates being charged; and

(c) The option to receive an estimated fare.

1604.5 Each digital dispatch service shall review any complaint involving a fare that exceeds the estimated fare by twenty percent (20%) or twenty-five dollars ($25), whichever is less.

1604.6 Each digital dispatch service shall provide its service throughout the District.

1604.7 Every three (3) months, each digital dispatch service shall separately transmit to the Office of the Chief Financial Officer (OCFO), for deposit into the Consumer Service Fund in accordance with Chapter 11 of this title, each of the following amounts:

(a) For trips by taxicab: the per trip taxicab passenger surcharge; and

(b) For trips by black cars and private sedans: one (1) percent of all gross receipts.

1604.8 An authorized representative of each digital dispatch service shall certify in writing under oath, using a form provided by the Office, that each amount transmitted to OCFO pursuant to § 1604.7 meets the requirements of § 1604.7, accompanied by documentation of the digital dispatch service's choosing which reasonably supports the amount of the deposit. Each certification and supporting documentation shall be provided to OCFO.

1604.9 Not later than January 1, 2016, each digital dispatch service shall ensure that its website and mobile applications are accessible to the blind and visually impaired, and the deaf and hard of hearing.

1604.10 Each digital dispatch service shall train its associated operators in the proper and safe handling of mobility devices and equipment, and how to treat individuals with disabilities in a respectful and courteous manner. Completion of training acceptable to qualify an individual for an AVID operator's license issued by the Office shall satisfy this training requirement.

1604.11 Each digital dispatch service shall:

(a) Use technology that meets or exceeds current industry standards for the security and privacy of all payment and other information provided by a

passenger, or made available to the digital dispatch service as a result of the passenger's use of the digital dispatch service;

(b) Promptly inform the Office of a security breach requiring a report under the Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237, D.C. Official Code §§ 28-3851, *et seq.*), or other applicable law;

(c) Not release information to any person that would result in a violation of the personal privacy of a passenger or that would threaten the safety of a passenger or an operator; and

(d) Not permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized to receive such information. Where a digital dispatch service shares a request for service with another person for the purpose of providing wheelchair service to a passenger, the passenger's destination shall not be provided.

1604.12 Subsection 1604.11 shall not limit access to information by the Office.

1604.13 During a state of emergency declared by the Mayor, a digital dispatch service which engages in surge pricing shall limit the multiplier by which its base fare is multiplied to the next highest multiple below the three highest multiples set on different days in the sixty (60) days preceding the declaration of a state of emergency for the same type of service in the Washington Metropolitan Area.

1604.14 Each digital dispatch service shall comply with § 828.

Section 1605, PROHIBITIONS, is repealed.

A new Section 1605, DIGITAL DISPATCH SERVICES – REGISTRATION, is added to read as follows.

1605 DIGITAL DISPATCH SERVICES - REGISTRATION

1605.1 No digital dispatch service shall operate in the District unless it is registered with the Office as provided in this section.

1605.2 Each digital dispatch service operating in the District on the effective date of the Vehicle-for-Hire Act of 2014 shall register with the Office within five (5) business days of the effective date of this chapter, and all other digital dispatch services shall register with the Office prior to commencing operations in the District.

1605.3 Where a digital dispatch service provides digital dispatch for an associated or affiliated private sedan business, the digital dispatch service and its associated or affiliated private sedan business shall contemporaneously apply for registration under this chapter and Chapter 19, respectively.

1605.4 Each digital dispatch service shall register by completing an application form made available by the Office, which shall include information and documentation:

(a) Demonstrating that the digital dispatch service is licensed to do business in the District;

(b) Demonstrating that the digital dispatch service maintains a registered agent in the District;

(c) Demonstrating that the digital dispatch service maintains a website that complies with § 1604.3;

(d) Describing in writing the digital dispatch service's app, with accompanying screenshots, to allow District enforcement officers to understand the functionality of the app, and to verify during a traffic stop:

(1) If the vehicle is a public vehicle-for-hire: that the operator and the vehicle are associated with the digital dispatch service;

(2) If the vehicle is a private sedan: that the operator and the vehicle are registered with the digital dispatch service's associated or affiliated private sedan business and not under suspension; and

(3) The time and location of the most recent request for service.

(e) A certification that the digital dispatch service is in compliance with the operating requirements of § 1604.

1605.5 Each registration application form filed under § 1605.3 shall be executed under oath by an individual with authority to complete the filing and shall be accompanied by a filing fee of five hundred dollars ($500).

1605.6 The Office shall complete its review of a registration application form within fifteen (15) business days of filing. Each applicant shall cooperate with the Office to supplement or correct any information needed to complete the review. The Office may deny registration where it appears the private sedan business will not be operating in compliance with this title and other applicable laws.

1605.7 Each registration under this section shall be effective for twenty four (24) months.

1605.8 Each registered digital dispatch service shall renew its registration at least fourteen (14) days prior to its expiration as provided in § 1605.6.

1605.9 Each registered digital dispatch service shall promptly inform the Office of any of the following occurrences in connection with its most recent registration:

(a) A change in the operation of its app which affects how a District enforcement official uses the app during a traffic stop to determine that the operator and vehicle are in compliance with this title and other applicable laws;

(b) A change in contact information; and

(c) A materially incorrect, incomplete, or misleading statement.

Section 1606, ENFORCEMENT, is repealed.

A new Section 1606, PROHIBITIONS, is added to read as follows.

1606 PROHIBITIONS

1606.1 No person shall violate an applicable provision of this chapter.

1606.2 No dispatch service shall provide dispatch for a person subject to regulation under this title which the dispatch service knows or has been informed by the Office is not in compliance with this title and other applicable laws.

1606.3 No dispatch service shall attempt through any means to contradict or evade the requirements of this title or other applicable laws.

1606.4 No dispatch service shall impose additional or special charges for an individual with a disability for providing services to accommodate the individual or require the individual to be accompanied by an attendant.

1606.5 No fee charged by a dispatch service in addition to a taximeter fare shall be processed by a payment service provider (PSP), or displayed on or paid using any component of an MTS unit, except for a telephone dispatch fee under § 801, or where a digital dispatch service and the PSP have integrated pursuant to Chapter 4.

1606.6 Each digital dispatch service shall ensure that a private sedan operator cannot log in to the digital dispatch service's app while the operator is suspended or after the operator has been terminated by the private sedan business.

Section 1607, PENALTIES, is repealed.

A new Section 1607, ENFORCEMENT, is added to read as follows:

1607 ENFORCEMENT

1607.1 The provisions of this chapter shall be enforced pursuant to Chapter 7.

A new Section 1608, PENALTIES, is added to read as follows:

1608 PENALTIES

1608.1 A dispatch service that violates this chapter shall be subject to:

(a) A civil fine established by a provision of this chapter;

(c) Enforcement action other than a civil fine, as provided in Chapter 7; or

(d) A combination of the sanctions enumerated in parts (a) and (b).

1608.2 Except where otherwise specified in this title, the following civil fines are established for violations of this chapter by a dispatch service, which shall double for the second violation of the same provision, and triple for the third and subsequent violations of the same provision thereafter:

(a) A civil fine of one thousand dollars ($1,000) where no civil fine is enumerated;

(b) A civil fine not to exceed twenty five thousand dollars ($25,000) per day or portion thereof, based on the circumstances, for a violation of § 1604.7 by a digital dispatch service for failure to timely transmit to OCFO any amount required to be transmitted under that subsection, provided however, that a penalty shall not be assessed under both this section and § 1907.4(x) where a digital dispatch service and a private sedan business are not separate legal entities;

(c) A civil fine of two thousand five hundred dollars ($2,500) per day or portion thereof for a violation of § 1604.8 by a digital dispatch service for failure to timely provide a required certification for an amount required to be transmitted to OCFO; and

(d) A civil fine of two thousand five hundred dollars ($2,500) for a violation of § 1604.8 by a digital dispatch service for failure to ensure that a private sedan operator suspended or terminated by a private sedan business is unable to log in to the digital dispatch service’s app.

A new Chapter 19, PRIVATE VEHICLES-FOR-HIRE, is added Title 31 DCMR to read as follows:

1900 APPLICATION AND SCOPE

1900.1 This chapter establishes regulations for the businesses, operators, and vehicles which participate in providing private vehicle-for-hire service.

1900.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended by Vehicle-for-Hire Act, and of the Impoundment Act.

1900.3 The definitions in Chapter 99 shall apply to all terms used in this chapter. The phrase "company that uses digital dispatch for public vehicle-for-hire service", as used in the Establishment Act, as amended by the Vehicle-for-Hire Act, shall include only a digital dispatch service, as defined in Chapter 99, and shall not include any other person regulated by this title in connection with the provision of a public vehicle-for-hire service, such as a taxicab company or association.

1900.4 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control**.**

1901 GENERAL PROVISIONS

1901.1 Each private sedan business shall be registered under this chapter.

1901.2 Each digital dispatch service associated or affiliated with a private sedan business shall be registered with the Office under Chapter 16.

1901.3 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District and any other person.

1901.4 The District shall have no liability for the negligent, reckless, illegal, or otherwise wrongful conduct of any individual or entity which provides private sedan service.

1902 PRIVATE SEDAN BUSINESSES - REGISTRATION

1902.1 Each private sedan business operating in the District shall be registered with the Office as provided in this section.

1902.2 Each private sedan business operating in the District on the effective date of the Vehicle-for-Hire Act of 2014 shall register with the Office within five (5) business days of the effective date of this chapter, and all other private sedan

businesses shall register with the Office prior to commencing operations in the District.

1902.3 Each private sedan business and its associated or affiliated digital dispatch service shall contemporaneously apply for registration under this chapter and Chapter 16.

1902.4 Each private sedan business shall apply for registration by providing a certification on a form made available by the Office, which shall include the following information and documentation:

(a) Proof that the private sedan business is licensed to do business in the District;

(b) Proof that the private sedan business maintains a registered agent in the District;

(c) Proof that the private sedan business maintains a website that includes the information required by § 1903.3;

(d) Proof that the private sedan business has established a trade dress required by § 1903.8, including an illustration or photograph of the trade dress;

(e) Identification of the private sedan business's associated or affiliated digital dispatch service;

(f) Proof that the private sedan business or its associated private sedan operators are in compliance with the insurance requirements of § 1905, including a complete copy of the policy(ies), the accord form(s), all endorsements, the declarations page(s), and all terms and conditions; and

(g) Contact information for one or more designated individuals with whom the Office shall be able to communicate <u>at all times</u> for purposes of enforcement and compliance under this title and other applicable laws, including cellphone number(s) and an email address which shall be dedicated exclusively to the purposes of this paragraph.

1902.5 Each certification filed under § 1902.4 shall be executed under oath by an individual with authority to complete the filing and shall be accompanied by a filing fee of twenty five thousand dollars ($25,000) for each initial certification, and one thousand dollars ($1,000) for each renewal certification.

1902.6 The Office shall complete its review of a certification within fifteen (15) business days of filing. All proof of insurance shall be subject to a review by DISB. Each applicant shall cooperate with the Office to supplement or correct any information needed to complete the review. The Office may deny registration where it appears

the private sedan business will not be operating in compliance with this title and other applicable laws.

1902.7 Each registration under this section shall be effective for twenty four (24) months.

1902.8 Each registered private sedan business shall renew its registration by filing a certification at least fourteen (14) days prior to its expiration as provided in § 1902.7.

1902.9 Each registered private sedan business shall promptly inform the Office of either of the following occurrences in connection with its most recent registration:

(b) A change in contact information; or

(c) A materially incorrect, incomplete, or misleading statement.

1902.10 No document submitted with an application for registration under § 1904.4 shall contain any redaction or omission of original text except for insurance premium amounts or text redacted or omitted with the written permission of the Office.

1902.11 Proof of insurance consistent with § 1902.4 (f) shall be filed with the Office for each insurance policy obtained by a private sedan business to replace an existing, lapsing, terminated, or cancelled policy. The Office shall review the proof within ten (10) business days of filing. The private sedan business shall cooperate with the Office to supplement or correct any information needed to complete the review. The Office may suspend or revoke the private sedan business's registration where it appears the private sedan business will not be operating in compliance with the insurance requirements of this title or other applicable laws.

1903 PRIVATE SEDAN BUSINESSES – OPERATING REQUIREMENTS

1903.1 Each private sedan business shall create an application process for an individual to apply to the private sedan business to register as a private sedan operator.

1903.2 Each private sedan business shall maintain a current and accurate registry of the operators and vehicles associated with the business.

1903.3 Each private sedan business shall display the following information on its website:

(a) The private sedan business's customer service telephone number or electronic mail address;

(b) The private sedan business's zero tolerance policies established pursuant to §§ 1903.9 and 1903.11 of this section;

(c) The private sedan business's procedure for reporting a complaint about an operator who a passenger reasonably suspects violated the zero tolerance policy §§ 1903.9 and 1903.11 of this chapter; and

(d) A telephone number or electronic mail address for the Office.

1903.4 Each private sedan business shall verify that an initial safety inspection of a motor vehicle used as a private sedan was conducted within ninety (90) days of when the vehicle enters service and that the vehicle passed the inspection and was determined to be safe by a licensed mechanic in the District, pursuant to D.C. Official Code § 47-2851.03(a)(9) or an inspection station authorized by the State of Maryland or the Commonwealth of Virginia to perform vehicle safety inspections, provided however, that an initial safety inspection need not be conducted if the vehicle is compliant with an annual state-required safety inspection.

1903.5 Each safety inspection conducted pursuant to § 1903.4 shall check the following motor vehicle equipment to ensure that such equipment is safe and in proper operating condition:

(a) Brakes and parking brake;

(b) All exterior lights, including headlights, parking lights, brake lights and license plate illumination lights;

(c) Turn signal devices;

(d) Steering and suspension;

(e) Tires, wheels, and rims;

(f) Mirrors;

(g) Horn;

(h) Windshield and other glass, including wipers and windshield defroster;

(i) Exhaust system;

(j) Hood and area under the hood, including engine fluid level and belts;

(k) Interior of vehicle, including driver's seat, seat belts, and air bags;

(l) Doors;

(m) Fuel system; and

(n) Floor pan.

1903.6 Each private sedan business shall verify the safety inspection status of a vehicle as described in § 1903.5 on an annual basis after the initial safety inspection is conducted.

1903.7 Each private sedan business shall perform the background checks required by § 1903.16 on each applicant before such individual is allowed to provide private sedan service and update such background checks every three (3) years thereafter.

1903.8 Each private sedan business shall establish and maintain a trade dress policy as follows:

(a) A trade dress:

(1) Utilizing a consistent and distinctive logo, insignia, or emblem;

(2) Which is sufficiently large and color contrasted so as to be readable during daylight hours at a distance of at least fifty (50) feet;

(3) Which is reflective, illuminated, or otherwise patently visible in darkness; and

(b) A policy requiring the trade dress to be displayed in a specific manner in a designated location on the vehicle at all times when the operator is logged into the private sedan business's associated or affiliated DDS, in a manner consistent with all DMV regulations and other applicable laws, and removed at all other times.

1903.9 Each private sedan business shall establish and maintain a policy of zero tolerance for the use of alcohol or illegal drugs or being impaired by the use of alcohol or drugs while a private sedan operator is logged into the private sedan business's associated or affiliated DDS.

1903.10 Each private sedan business shall:

(a) Conduct an investigation when a passenger alleges that a private sedan operator violated the zero tolerance policy established by § 1903.9; and

(b) Immediately suspend for the duration of the investigation required by subparagraph (b) of this subsection, a private sedan operator upon

receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy established by § 1903.9.

1903.11 Each private sedan business shall establish a policy of zero tolerance for discrimination and discriminatory conduct on the basis of a protected characteristic under D.C. Official Code § 2-1402.31, while a private sedan operator is logged into a private sedan business's associated or affiliated DDS.

1903.12 Discriminatory conduct under § 1903.11 may include but shall not be limited to:

(a) Refusal of service on the basis of a protected characteristic, including refusal of service to an individual with a service animal unless the operator has a documented serious medical allergy to animals on file with the private sedan business;

(b) Using derogatory or harassing language on the basis of a protected characteristic of the passenger;

(c) Refusal of service based on the pickup or drop-off location of the passenger;

(d) Refusal of service based solely on an individual's disability which leads to an appearance or to involuntary behavior which may offend, annoy, or inconvenience the operator or another individual; and

(e) Rating a passenger on the basis of a protected characteristic.

1903.13 It shall not constitute discrimination under § 1903.11 for a private sedan operator to refuse to provide service or to cease providing service to an individual who engages in violent, seriously disruptive, or illegal conduct.

1903.14 Each private sedan business shall:

(a) Conduct an investigation when a passenger makes a reasonable allegation that an operator violated the zero tolerance policy established by § 1903.11; and

(b) Immediately suspend, for the duration of the investigation conducted pursuant to subparagraph (a) of this subsection a private sedan operator upon receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy established by § 1903.11.

1903.15 Each private sedan business shall maintain records relevant to the requirements of this section for the purposes of enforcement.

1903.16 Each private sedan business shall register private sedan operators in accordance with the following requirements:

(a) Each individual applying to register with a private sedan business ("applicant") shall be at least twenty one (21) years of age.

(b) A third party accredited by the National Association of Professional Background Screeners or a successor accreditation entity shall conduct the following examinations:

(1) A local and national criminal background check;

(2) The national sex offender database background check; and

(3) A full driving record check.

(c) A private sedan business shall reject an application and permanently disqualify an applicant who:

(1) As shown in the local or national criminal background check conducted in accordance with subparagraph (b) of this subsection, has been convicted within the past seven (7) years of:

(A) An offense defined as a crime of violence under D.C. Official Code § 23-1331(4);

(B) An offense under Title II of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law l0-257; D.C. Official Code §§ 22-3002 *et seq*.);

(C) An offense under section 3 of the District of Columbia Protection Against Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102);

(D) Burglary, robbery, or an attempt to commit robbery under An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code §§ 22-801, 22-2801 and 22-2802);

(E) Theft in the first degree under Section 112 of the District of Columbia Theft and White Collar Crimes Act of 1982,

effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3212);

(F) Felony fraud or identity theft under Sections 112, 121, or 127b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §§ 22-3212, 22-3221, and 22-3227.02); or

(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraphs (A), (B), (C), (D), (E), and (F) of this paragraph if committed in the District;

(2) Is a match in the national sex offender registry database;

(3) As shown in the national background check or driving record check conducted in accordance with subparagraphs (b)(l) and (b)(3) of this section, has been convicted within the past seven (7) years of:

(A) Aggravated reckless driving under Section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04 (b-1));

(B) Fleeing from a law enforcement officer in a motor vehicle under Section l0b of the District of Columbia Traffic Act, 1925, effective March 16, 2005 (D.C. Law 15-239; D.C. Official Code § 50-2201.05b);

(C) Leaving after colliding under Section 10c of the District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2201.05c);

(D) Negligent homicide under Section 802(a) of An Act To amend an Act of Congress entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, by adding three new sections to be numbered 802(a), 802(b), and 802(c), respectively, approved June 17, 1935 (49 Stat. 385; D.C. Official Code § 50-2203.01);

(E) Driving under the influence of alcohol or a drug, driving a commercial vehicle under the influence of alcohol or a drug, or operating a vehicle while impaired under Sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code §§ 50-2206.11, 50-2206.12, and 50-2206.14);

(F) Unauthorized use of a motor vehicle under Section 115 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3215); and

(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparts (A), (B), (C), (D), (E), or (F) of this part if committed in the District; or

(4) Has been convicted within the past three (3) years of driving with a suspended or revoked license under Section 13(e) of the District of Columbia Traffic Act,1925, approved March 3,1925 (43 Stat. 1123; D.C. Official Code § 50-1403.01(e)), according to the driving record check conducted in accordance with § 1902.16 (b).

1903.17 Each private sedan business shall allow its operators to use only vehicles which:

(1) Have a manufacturer's rated seating capacity of eight (8) persons or fewer, including the operator;

(2) Have at least four (4) doors and meet applicable federal motor vehicle safety standards for vehicles of its size, type, and proposed use; and

(3) Are not more than ten (10) model years of age at entry into service and not more than twelve (12) model years of age while in service.

1903.18 A private sedan business may offer service at no charge, suggest a donation, or charge a fare, provided however, that if a fare is charged the private sedan business shall comply with the provisions of § 1604.4.

1903.19 Each private sedan business shall possess the insurance required by § 1905 and be registered with the Office as required by § 1905.4.

1903.20 Each private sedan business shall notify the Office immediately upon the suspension or termination of an operator, by providing the operator’s name,

address, driver's license information, and the vehicle's make, model, year, color, and tag information.

1903.21 Each private sedan business shall designate and maintain one or more individuals with whom the Office shall be able to communicate at all times for purposes of enforcement and compliance under this title and other applicable laws, whom the private sedan business shall identify in its registration under § 1902.4, and shall maintain an email address dedicated exclusively to the purposes of this paragraph.

1903.22 Each private sedan business shall ensure a private sedan operator cannot log in to the app of the private sedan business's associated or affiliated DDS app while the operator is suspended or after the operator is terminated by the private sedan business.

1904 PRIVATE SEDAN OPERATORS – REQUIREMENTS

1904.1 Each private sedan operator shall comply with the following requirements for providing private sedan service in the District of Columbia.

(a) The operator shall provide service only when registered with and not under suspension by a private sedan business which is registered under this chapter. The provision of private sedan service while under suspension shall be deemed a failure to be registered with any private sedan business.

(b) The operator shall accept trips only through the use of, and when logged into, an app provided by a digital dispatch service, registered under Chapter 16, and associated or affiliated with the private sedan business with which the operator is registered.

(c) The operator shall not solicit or accept a street hail, engage in false dispatch, or use a taxicab or limousine stand.

(d) The operator shall not be logged in to the app of a private sedan business's associated or affiliated digital dispatch service without displaying the trade dress of such private sedan business in the manner required by its trade dress policy as established pursuant to § 1903.8.

(e) The operator shall keep the following documents present in the vehicle, readily accessible for inspection by a vehicle inspection officer, police officer, and other District enforcement official:

(1) A current and valid personal driver's license issued by a jurisdiction within the MSA;

(2) A current and valid motor vehicle registration issued by a jurisdiction within the MSA;

(3) Written proof of the personal motor vehicle insurance coverage required by D.C. Official Code § 31-2403; and

(4) If the private sedan business with which the operator is registered does not provide the insurance coverage required by § 1905: proof that the operator is maintaining the insurance coverage required by § 1905.

(f) The operator shall fully and timely cooperate with vehicle inspection officers, police officers, and other District enforcement officials, during traffic stops, and during all other enforcement and compliance actions under this title and other applicable laws. A violation of this paragraph shall be treated as a violation of a compliance order under § 702.2(g)The operator shall, in the event of an accident arising from or related to the operation of a private sedan originating in or occurring in the District:

(1) Notify the private sedan business with which the operator is associated if required by the private sedan business; and

(2) Notify the Office within three (3) business days if the accident is accompanied by the loss of human life, by serious personal injury without the loss of human life, or by property damage of ten thousand dollars ($10,000) or more. The notice shall include a copy of each report filed with MPD or other police agency, a copy of each insurance claim made by the private sedan operator, and such other information and documentation as required by the Office.

(h) The operator shall be chargeable with knowledge of the applicable provisions of this title and other applicable laws, applicable notices published in the *D.C. Register*, and applicable administrative issuances, instructions and guidance posted on the Commission's website.

1905 PRIVATE SEDAN BUSINESSES AND OPERATORS - INSURANCE REQUIREMENTS

1905.1 Each private sedan business or private sedan operator shall maintain a primary automobile liability insurance policy that provides coverage for the vehicle and the operator when the operator is engaged in a prearranged ride of at least one million dollars ($1,000,000) per occurrence for accidents involving a private sedan operator, for all private sedan trips originating in or occurring in the

District, under which the District is a certificate holder and a named additional insured.

1905.2 Each private sedan business or private sedan operator shall maintain a primary automobile liability insurance policy that provides coverage for the vehicle and the operator, for all private sedan trips originating in or occurring in the District, under which the District is a certificate holder and a named additional insured, for the time period when the operator is logged in to a private sedan business's DDS, showing that the operator is available to pick up passengers but is not engaged in a prearranged ride.

1905.3 The coverage amounts under § 1905.2 shall be minimum coverage of at least fifty thousand dollars ($50,000) per person per accident, with up to one hundred thousand dollars ($100,000) available to all persons per accident, and twenty-five thousand dollars ($25,000) for property damage per accident and either:

(a) Offers full-time coverage similar to the coverage required under § 15 of the Act;

(b) Offers an insurance rider to, or endorsement of, the operator's personal automobile liability insurance policy as required by § 7 of the Compulsory/No Fault Motor Vehicle Insurance Act; or

(c) Offers a liability insurance policy purchased by the private sedan business that provides primary coverage for the time period in which the operator is logged into the private sedan business's DDS showing that the operator is available to pick up passengers.

1905.4 Each private sedan business that purchases an insurance policy under this chapter shall provide proof to the Office, at the time of registration, that the private sedan business has secured the policy, and shall provide proof of its compliance with § 1905.11 within five (5) business days of such compliance.

1905.5 A private sedan business shall not allow a private sedan operator who has purchased his or her own policy to fulfill the requirements of this chapter to accept a trip request through the DDS used by the private sedan business until the private sedan business verifies that the operator maintains insurance as required under this chapter. If the insurance maintained by a private sedan operator to fulfill the insurance requirements of this chapter has lapsed or ceased to exist, the private sedan business shall provide the coverage required by this chapter beginning with the first dollar of a claim.

1905.6 If more than one insurance policy purchased by a private sedan business provides valid and collectable coverage for a loss arising out of an occurrence involving a motor vehicle operated by a private sedan operator, the responsibility for the

claim shall be divided on an equal basis among all of the applicable polices; provided, that a claim may be divided in a different manner by written agreement of all of the insurers of the applicable policies and the policy owners.

1905.7 In a claims coverage investigation, a private sedan business shall cooperate with any insurer that insures the private sedan operator's motor vehicle, including providing relevant dates and times during which an accident occurred that involved the operator to determine whether the operator was logged into a private sedan business's DDS showing that the operator is available to pick up passengers.

1904.8 The insurance requirements set forth in this chapter shall be disclosed on each private sedan business's website, and the business's terms of service shall not contradict or be used to evade the insurance requirements of this chapter.

1905.9 Within ninety (90) days of the effective date of the Vehicle-for-Hire Act, a private sedan business that purchases insurance on an operator's behalf under this chapter shall disclose in writing to the operator, as part of its agreement with the operator:

(a) The insurance coverage and limits of liability that the private sedan business provides while the operator is logged into the business's DDS showing that the operator is available to pick up passengers; and

(b) That the operator's personal automobile insurance policy may not provide coverage, including collision physical damage coverage, comprehensive physical damage coverage, uninsured and underinsured motorist coverage, or medical payments coverage because the operator uses a vehicle in connection with a private sedan business.

1905.10 An insurance policy required by this chapter may be obtained from an insurance company authorized to do business in the District or with a surplus lines insurance company with an AM Best rating of at least A-.

1905.11 Each private sedan business and operator shall have one hundred twenty (120) days from the effective date of the Vehicle-for-Hire Act to procure primary insurance coverage that complies with the requirements of § 1905.2; provided however, that until such time, each private sedan business shall maintain a contingent liability policy meeting at least the minimum limits of § 1905.2 that will cover a claim in the event that the private sedan operator's personal insurance policy denies a claim.

1905.12 Each insurance policy required by this chapter shall provide that the Office receive all notices of policy cancellations and changes in coverage.

1905.13 Each private sedan business shall ensure that the Office receives all notices of policy lapses.

1905.14 Each private sedan business shall file proof of insurance as required by § 1902.11 whenever an insurance policy is obtained to replace an existing, lapsing, terminated, or cancelled policy, including where a private sedan business changes from allowing its associated operators to provide the coverage required by the chapter to providing the coverage itself.

1906 PROHIBITIONS

1906.1 No person shall violate any applicable provision of this chapter.

1906.2 No private sedan operator shall threaten, harass, or engage in abusive conduct, or attempt to use or use physical force against any District enforcement official.

1906.3 No private sedan operator shall provide service if such operator is not registered with a private sedan business registered under this chapter.

1906.4 No private sedan operator shall log in to the app of the DDS associated or affiliated with the private sedan business with which the operator is registered during any period when the operator has been suspended by the private sedan business. An operator suspended by a private sedan business shall be deemed not registered with such private sedan business.

1906.5 No private sedan operator shall provide service while under the influence of illegal intoxicants, or under the influence of legal intoxicants that have been prescribed with a warning against use while driving or operating equipment.

1906.6 No private sedan operator shall solicit or accept a street hail, engage in false dispatch, or use a taxicab or limousine stand.

1906.7 No private sedan operator shall access or attempt to access a passenger's payment information after the payment has been processed.

1906.8 No private sedan operator or private sedan business shall engage in conduct which hinders or prevents the District from receiving an amount which the private sedan business's associated or affiliated digital dispatch service must transmit to OCFO pursuant to § 1604.7.

1906.9 No private sedan business shall commence operating in the District after March 11, 2015 unless it has been granted a registration by the Office pursuant to § 1902.6.

1906.10 No insurance policy which provides the coverage required by this chapter shall contain language that does not conform with this title or the Act.

1906.11 No private sedan business or private sedan operator shall attempt through any means to contradict or evade the requirements of this title or other applicable laws.

1907 PENALTIES

1907.1 Each violation of this chapter by a private sedan operator shall subject the operator to:

(a) A civil fine established by a provision of this chapter;

(b) Impoundment pursuant to the Impoundment Act, where a vehicle is operated without a document required by § 1904.1(e);

(c) Enforcement action other than a civil fine, as provided in Chapter 7; or

(d) A combination of the sanctions enumerated in parts (a) through (c).

1907.2 Each violation of this chapter by a private sedan business shall subject the business to:

(a) A civil fine established by a provision of this chapter;

(b) Enforcement action other than a civil fine, as provided in Chapter 7; or

(c) A combination of the sanctions enumerated in parts (a) and (b).

1907.3 The following civil fines are established for violations of this chapter by a private sedan business or private sedan operator, which shall double for the second violation of the same provision, and triple for the third and subsequent violations of the same provision thereafter:

(a) For a violation of a provision of this chapter, where no civil fine is enumerated:

(1) By a private sedan operator: a civil fine of one hundred fifty dollars ($150); and

(2) By a private sedan business: a civil fine of one thousand dollars ($1,000).

(b) A civil fine of two hundred fifty dollars ($250) for a violation of § 1904.1 (d)(1) or (2) by a private sedan operator of the trade dress rules;

(c) A civil fine of five hundred dollars ($500) for a violation of § 1904.1(d) (3) by a private sedan operator by logging in to the app or displaying trade dress if the operator knows the private sedan business is under suspension;

(d) A civil fine of two hundred fifty dollars ($250) for a violation of § 1904.1 (e)(4) by a private sedan operator for failure to maintain in the vehicle proof of insurance required by § 1905;

(e) A civil fine of two hundred fifty dollars ($250) for a violation of § 1904.1 (g)(2) by a private sedan operator for failure to notify the Office within three (3) business days where there has been an accident accompanied by the loss of human life, by serious personal injury without the loss of human life, or by property damage of ten thousand dollars ($10,000) or more;

(f) A civil fine of one thousand dollars ($1,000) for a violation of § 1905 by a private sedan operator for failure to maintain the insurance required by § 1905;

(g) A civil fine of seven hundred fifty dollars ($750) for a violation of § 1906.2 by a private sedan operator for threatening, harassing, or engaging in abusive conduct toward a District enforcement official;

(h) A civil fine of two thousand five hundred dollars ($2,500) for a violation of § 1906.2 by a private sedan operator for attempting to use or for using physical force against any District enforcement official;

(i) A civil fine of two thousand five hundred dollars ($2,500) for a violation of § 1906.5 by a private sedan operator for providing service while under the influence of an illegal or legal intoxicants;

(j) A civil fine of five hundred dollars ($500) for a violation of § 1906.6 by a private sedan operator for using a taxicab or limousine stand;

(k) A civil fine of seven hundred fifty dollars ($750) for a violation of § 1906.6 by a private sedan operator for soliciting or accepting a street hail;

(l) A civil fine of one thousand dollars ($1,000) for a violation of § 1906.6 by engaging in false dispatch;

(m) A civil fine of three thousand dollars ($3,000) for a violation of § 1903.2 by a private sedan business for failure to maintain a current and accurate registry of the operators and vehicles associated with the business;

(n) A civil fine of one thousand five hundred dollars ($1,500) for a violation of §§ 1903.4-1903.7 by a private sedan business for failure to conduct an appropriate motor vehicle safety inspection or failure to verify that such an inspection has been completed;

(o) A civil fine of three thousand dollars ($3,000) for a violation of §§ 1903.9-1903.14 by a private sedan business for failure to maintain a required zero tolerance policy, failing to investigate a violation, or failure to suspend an operator;

(p) A civil fine of two thousand five hundred dollars ($2,500) for a violation of § 1903.20 by a private sedan business for failure to immediately notify the Office upon the suspension or termination of an operator;

(q) A civil fine of four thousand dollars ($4,000) for a violation of § 1903.21 by a private sedan business for failure to maintain 24/7/365 communication for enforcement and compliance purposes;

(r) A civil fine of two thousand five hundred dollars ($2,500) for a violation of § 1903.22 by a private sedan business for failure to prevent a private sedan operator from logging in to the app of the private sedan business's associated or affiliated digital dispatch service while the operator is suspended or after the operator has been terminated;

(s) A civil fine of three thousand dollars ($3,000) for a violation of § 1903.15 by a private sedan business for failure to maintain business records;

(t) A civil fine of five thousand dollars ($5,000) for a violation of § 1903.16 (b) by a private sedan business for failure to conduct a required check of an operator's criminal background, presence on the national sex offender registry database, or driving record;

(u) A civil fine of seven thousand dollars ($7,500) for a violation of § 1903.16 (b) by a private sedan business for allowing the registration of an operator where the private sedan business knew or should have known the operator was ineligible for registration;

(v) A civil fine not to exceed twenty five thousand dollars ($25,000) per day based on the circumstances, for a violation of § 1905 by a private sedan business, for each day or portion thereof where a private sedan business

fails to maintain in force and effect insurance coverage it has notified the Office it will provide;

(w) A civil fine of five thousand dollars ($5,000) for a violation of § 1905 by a private sedan business other than for a failure to maintain in force and effect insurance coverage it has notified the Office it will provide; and

(x) A civil fine of twenty five thousand dollars ($25,000) per day or portion thereof for a violation of § 1906.8 for engaging in conduct which hinders or prevents the District from receiving an amount which the private sedan business's associated or affiliated digital dispatch service must transmit to OCFO pursuant to § 1604.7, provided however, that a penalty shall not be assessed under both this section and § 1608.2(b) where a digital dispatch service and a private sedan business are not separate legal entities.

1907.4 An operator charged with a violation of § 1906.7 for false dispatch may be adjudicated liable for the lesser-included violation of solicitation or acceptance of a street hail, in the discretion of the trier of fact based on the evidence presented, but shall not be held liable for both violations.

1907.5 In addition to any other penalty or action authorized by a provision of this title, the Office may report violations to another government agency for appropriate action which may include the denial, revocation or suspension of any license that may be issued by the other agency.

Chapter 99, DEFINITIONS, is amended to read as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1, is amended as follows:

"App" - a piece of software designed to fulfill a particular purpose, which is downloadable by a user to a mobile device, such as a tablet or smartphone. For purposes of this title, unless otherwise stated, an app's purpose shall be assumed to be the digital dispatch of, or the digital dispatch and digital payment of, trips by vehicles-for-hire.

"Black car" – a luxury class vehicle which operates exclusively through advance reservation made by a digital dispatch service, which may not solicit or accept street hails, and for which the fare is calculated by time and distance.

"Compulsory/No Fault Motor Vehicle Insurance Act" - the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406) (2012 Repl. & 2014 Supp.).

"Consumer Service Fund" – the Public Vehicle-for-Hire Consumer Service Fund as authorized by the Establishment Act, as defined in this chapter, as amended by the Vehicle-for-Hire Act, as defined in this chapter.

"Digital dispatch" – hardware and software applications and networks, including mobile phone applications, used for the provision of vehicle-for-hire services.

"Digital dispatch service" – a dispatch service that provides digital dispatch for vehicles-for-hire. The phrase "company that uses digital dispatch for public vehicle-for-hire service", as used in the Establishment Act, as amended by the Vehicle-for-Hire Act, shall include only a digital dispatch service, and shall not include any other person regulated by this title in connection with the provision of a public vehicle-for-hire service, such as a taxicab company.

"DISB" – the Department of Insurance, Securities and Banking.

"Dispatch" – a means of booking a vehicle-for-hire through advance reservation.

"Dispatch service" – an organization, including a corporation, partnership, or sole proprietorship, operating in the District that provides telephone or digital dispatch, as defined in this chapter, for vehicles-for-hire.

"District enforcement official" - a vehicle inspection officer or other authorized official, employee, general counsel or assistant general counsel of the Office, or any law enforcement officer authorized to enforce a provision of this title or other applicable law.

"Establishment Act" - the District of Columbia Taxicab Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301 *et seq*. (2012 Repl. & 2014 Supp.).

"Hack Inspector" – a vehicle inspection officer as defined in this chapter.

"Limousine" – a luxury class vehicle which operates exclusively though advance reservation by the owner or operator, which may not solicit or accept street hails, and for which the fare is calculated by time.

"Luxury class vehicle" – a public vehicle-for-hire that:

(a) Has a manufacturer's rated seated capacity of fewer than 10 person;

(b) Is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis; and

(c) Is no more than ten (10) model years of age at entry into service and no

more than twelve (12) model years of age while in service.

"MSA" – the Multi-State Area as defined in this chapter.

"Multi-State Area" – the area comprised of the District of Columbia, the State of Maryland and the Commonwealth of Virginia.

"Pre-arranged ride" - A period of time that begins when a private sedan operator accepts a requested ride through digital dispatch (an app), continues while the operator transports the passenger in the operator's private sedan, and ends when the passenger departs from the private sedan.

"Private sedan" – a private motor vehicle that shall:

(a) Have a manufacturer's rated seating capacity of eight (8) or fewer, including the private vehicle-for-hire operator;

(b) Have at least four (4) doors and meet applicable federal motor vehicle safety standards for vehicles of its size, type, and propose use; and

(c) Be no more than ten (10) model years of age at entry into service and no more than twelve (12) model years of age while in service.

The term "private sedan" in this title is synonymous with the term "private vehicle-for-hire" as defined in the Establishment Act, as amended by the Vehicle-for-Hire Act.

"**Private sedan business" –** an organization, including a corporation, partnership, or sole proprietorship, operating in the District that uses digital dispatch to connect passengers to a network of operators of private sedans, as defined in this chapter.

"Private sedan operator" – an individual who operates a personal motor vehicle to provide private sedan service, as defined in this chapter, in association with a private sedan business, as defined in this chapter.

"Private sedan service" - a class of transportation service by which a network of private sedan operators, as defined in this chapter, registered with a private sedan business, as defined in this chapter, provides vehicle-for-hire service through a digital dispatch service, as defined in this chapter.

"Public vehicle-for-hire" – classes of for-hire transportation which exclusively use operators and vehicles licensed by the Office pursuant to D.C. Official Code § 47-2829.

"Sedan" – a black car as defined in this chapter. The terms "sedan" and "black car" are synonymous in this title.

"Taxicab" – a class of public vehicle-for-hire which may be hired by dispatch or hailed on the street, and for which the fare complies with the provisions of § 801.

"Telephone dispatch" – a traditional means for dispatching a vehicle-for-hire, originating with a telephone call by the passenger. The term "telephone dispatch" in this title is synonymous with the term "dispatch" as defined in the Establishment Act, as amended by the Vehicle-for-Hire Act.

"Trade Dress" – a logo, insignia, or emblem established by a private sedan business for display on its associated vehicles while providing service**.**

"Vehicle-for-hire" – a public vehicle-for-hire or a private sedan, as defined in this chapter.

"Vehicle-for-Hire Act" – the Vehicle-for-Hire Innovation Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-0197; D.C. Official Code §§ 50-301 *et seq*.).

"Vehicle-for-hire industry" – all persons directly involved in providing public vehicle-for-hire and private sedan services, including companies, associations, owners, operators, and any individual who, by virtue of employment or office, is directly involved in providing such services.

"Vehicle inspection officer" – an Office employee trained in the laws, rules, and regulations governing vehicle-for-hire service to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of vehicles-for-hire, pursuant to Establishment Act, as amended by the Vehicle-for-Hire Act, and other applicable provisions of this title and other applicable laws.

Subsection 9901.1, is amended to remove the following definitions:

"Public vehicle inspection officer" – a Commission employee trained in the laws, rules, and regulations governing public vehicle-for-hire services to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol established by the Commission

"Vehicle" – a public vehicle-for-hire subject to licensing and regulation by the Commission.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-191
July 23, 2015

SUBJECT: Re-designation of the District Department of the Environment as the "Department of Energy and Environment"

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422, 422(2), and 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, 1-204.22(2) and 1-204.22(11) (2014 Repl.), it is hereby **ORDERED** that:

1. The District Department of the Environment, established under section 103 of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006, D.C. Law 16-51, D.C. Official Code § 8-151.03 (2012 Repl.), is re-designated as the "Department of Energy and Environment."

2. Tommy Wells, appointed as Director of the District Department of the Environment pursuant to Mayor's Order 2015-103, dated March 26, 2015, is re-designated as Director of the Department of Energy and Environment.

3. All references in statutes, regulations, rules, and orders to the "District Department of the Environment" shall henceforth refer to the "Department of Energy and the Environment."

4. **EFFECTIVE DATE:** This Order shall become effective immediately and shall supersede all prior orders to the extent of any inconsistency.

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 2015-192
July 30, 2015

SUBJECT: Appointments — Sustainable Energy Utility Advisory Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 203(b)(1) of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008, D.C. Law 17-250, D.C. Official Code § 8-1774.03(b)(1), (2012 Supp.), it is hereby **ORDERED** that:

1. **RANDALL SPECK** is appointed as the Mayor's Designee, and Chairperson of the Sustainable Energy Utility Advisory Board, replacing Keith Anderson, and, shall serve in that capacity at the pleasure of the Mayor.

2. **NICOLE STEELE** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Allison Archambault, representing the renewable energy industry, and shall serve for a term to end July 13, 2018.

3. **BERNICE CORMAN** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Lawrence Martin, representing an environmental group, and shall serve for a term to end July 13, 2018.

4. **JARED LANG** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Jermaine Brown, representing the low-income community, and shall serve for a term to end July 13, 2018.

5. **NIGEL PARKINSON** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Christopher Vanarsdale, representing the building construction industry, and shall serve for a term to end July 13, 2018.

6. **ANNA PAVLOVA** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Nicole Snarski, representing the building management industry, and shall serve for a term to end July 13, 2018.

7. **LENI BERLINER** is appointed as a member of the Sustainable Energy Utility Advisory Board, replacing Joseph Andronaco, representing the economic

development community with particular expertise in the generation of green-collar jobs, and shall serve for a term to end July 13, 2018.

8. This Order supersedes Mayor's Order 2013-113, dated June 26, 2013.

9. **EFFECTIVE DATE:** This Order shall be effective immediately.

MURIEL BOWSER
MAYOR

ATTEST:
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ACHIEVEMENT PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

PUBLIC NOTIFICATION

National School Lunch Program 2015-16

Achievement Preparatory Academy participates in the National School Lunch Program (NSLP), and as part of the renewal process, the school is required to inform the community about the program. Achievement Prep follows the laws and regulations to participate in the NSLP.

"In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer."

Also, the District of Columbia Human Rights Act, approved December 13, 1977 (DC Law 2-38; DC Official Code §2-1402.11(2006), as amended) States the following:

Pertinent section of DC Code § 2-1402.11:
It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual. To file a complaint alleging discrimination on one of these bases, please contact the District of Columbia's Office of Human Rights at (202) 727-3545.

CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Interactive Boards (Smart Boards, Promethean, etc.)

Cedar Tree Academy Public Charter School invites proposals for Interactive Boards such as Smart boards, Promethean, etc. Bid specifications may be obtained on our website at www.Cedartree-dc.org. Any questions regarding this bid must be submitted in writing to Lhenderson@Cedartree-dc.org before the RFP deadline. Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS 701 Howard Road SE Washington DC 20020.

Cedar Tree Academy will receive bids until Friday, August 21, 2015, no later than 2:00PM.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2016 Farm Field Trip Grant

Please note: this is a re-release of a grant that was open from May 22, 2015 – July 1, 2015.

Announcement Date: **August 14, 2015**

Request for Application Release Date: **August 28, 2015**

Pre-Application Question Period Ends: **October 12, 2015**

Application Submission Deadline: **October 29, 2015**

The Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services is soliciting grant applications for the District of Columbia Farm Field Trip grant. **The purpose of this grant is to increase the capacity of D.C. schools to participate in farm field trips as part of an integrated farm to school program.**

Eligibility: OSSE will accept applications from Washington D.C. public schools and public charter schools participating in the Healthy Schools Act (2010) and community-based organizations applying on behalf of a teacher or school.

Length of Award: The grant award period is one year.

Available Funding for Award: The total funding available for this award period is $40,000. Eligible schools and organizations may apply for an award amount up to $1,500 per school.

Anticipated Number of Awards: OSSE has funding available for at least twenty (20) awards.

For additional information regarding this grant competition, please contact:

Erica Walther
Farm to School Specialist
Wellness and Nutrition Services
Office of the State Superintendent of Education
Government of the District of Columbia
810 1st Street NE, 4th Floor
Washington, DC 20002
Phone: 202.442.8940
Email: erica.walther@dc.gov

The RFA and applications will be available through the Enterprise Grants Management System (grants.osse.dc.gov) and a copy of the RFA will be posted here: http://osse.dc.gov/service/farm-school-program

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B10

Petition Circulation Period: **Monday, August 17, 2015 thru Monday, September 8, 2015**
Petition Challenge Period: **Friday, Sept. 11, 2015 thru Thursday, Sept. 17, 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 OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections "Board" from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Lakisha Brown
Single-Member District 1B04

BOARD OF ELECTIONS

NOTICE OF PUBLICATION

The Board of Elections, at a Regular Board Meeting on Wednesday, August 5, 2015, formulated the short title, summary statement, and legislative text of the "District of Columbia Minimum Wage Act of 2016." Pursuant to D.C. Code § 1-1001.16 (2001 ed.), the Board hereby publishes the aforementioned formulations as follows:

INITIATIVE MEASURE

NO. 76

SHORT TITLE

"District of Columbia Minimum Wage Act of 2016"

SUMMARY STATEMENT

If enacted, this Initiative will:

- gradually increase the minimum wage in the District of Columbia to $15.00 hourly by 2020;
- gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2025;
- beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the Consumer Price Index.

The minimum wage increases under the initiative will not apply to D.C. government employees or employees of D.C. government contractors.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this measure may cited as the "District of Columbia Minimum Wage Act of 2016"

--D.C. Code §32-1003--

Section 1. Section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003), as amended by the Minimum Wage Amendment Act of 2013 (D.C. Law 20-459) is further amended as follows:

(a) Paragraph (6) of subsection (a) is amended to read as follows:

"(6) Except as provided in subsections (h) and (i) of this section, as of July 1, 2017, the minimum wage required to be paid to any employee by any employer in the District of

Columbia shall be not less than $12.50 an hour."

(b) Subsection (a) is further amended by adding new paragraphs (7), (8), (9) and (10) to read as follows:

"(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2018, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than $13.25 an hour.

"(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2019, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than $14.00 an hour.

"(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2020, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be not less than $15.00 an hour.

"(10)(A) Except as provided in subsections (h) and (i) of this section, beginning on July 1, 2021 and no later than July 1 of each successive year, the minimum wage provided in this subsection shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of $.05.

(B) The Mayor shall publish in the District of Columbia Register and make available to employers a bulletin announcing the adjusted minimum wage rate as provided in this paragraph. The bulletin shall be published at least 30 days before the annual minimum wage rate adjustment."

(c) Subsection (f) is amended by redesignating subsection (f) thereof as subsection (f)(1) and adding to subsection (f) the following new paragraphs (2), (3), (4), (5), (6), (7), (8), (9) and (10) to read as follows:

"(2) Except as provided in subsections (h) and (i) of this section, as of July 1, 2017, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $4.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(3) Except as provided in subsections (h) and (i) of this section, as of July 1, 2018, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $6.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference

between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(4) Except as provided in subsections (h) and (i) of this section, as of July 1, 2019, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $7.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(5) Except as provided in subsections (h) and (i) of this section, as of July 1, 2020, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $9.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(6) Except as provided in subsections (h) and (i) of this section, as of July 1, 2021, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $10.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2022, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $12.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2023, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $13.50 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2024, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than $15.00 an hour, provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(10) Except as provided in subsections (h) and (i) of this section, as of July 1, 2025, the

minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be not less than the minimum wage as set by subsection (a) of this section."

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

"(i) The provisions of paragraphs (6), (7), (8), (9) and (10) of subsection (a) of this section, and the provisions of paragraphs (2), (3), (4), (5), (6), (7), (8), (9) and (10) of subsection (f) of this section shall not apply to employees of the District of Columbia, or to employees employed to perform services provided under contracts with the District of Columbia. Such employees shall continue to be subject to the minimum wage requirements of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code §§ 32-1003, et. seq.), as amended by the Enhanced Professional Security Amendment Act of 2008, effective March 20, 2008 (D.C. Law 17-114), as amended by the Minimum Wage Amendment Act of 2013 (D.C. Law 20-459), as they existed prior to the effective date of the Fair Minimum Wage Act of 2016, and to the requirements of all other applicable laws, regulations or policies relating to wages or benefits, including but not limited to, the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.1, et seq.)."

Section 3. Nothing in this act shall be construed as preventing the Council of the District of Columbia from increasing minimum wages or benefits to levels in excess of those provided for in this Act for any category of employees, including but not limited to those employees described in D.C. Official Code section 32-1003(i) as added by this Act.

Section 4. If any section of this act or its application to any persons or circumstances is held invalid, the remainder of this measure, or the application of its provisions to other persons or circumstances, shall not be affected. To this end, the provisions of this act are severable.

Section 5. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

DEPARTMENT OF ENERGY AND ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR GALLAUDET UNIVERSITY

Notice is hereby given that Gallaudet University has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate three (3) large (greater than 5 million BTU per hour) dual fuel boilers (burning primarily natural gas and using No. 2 fuel oil as a backup fuel), nineteen (19) emergency generators, one (1) cold-cleaning machine (also known as a degreaser or parts washer), and several miscellaneous insignificant emission units at its facility located at 800 Florida Avenue NE, Washington, DC 20002-3695. The contact person for the facility is Amon Brown, Director of Maintenance and Operations, at (202) 651-5007.

Gallaudet University has the potential to emit (PTE) approximately 108.2 tons per year (TPY) of oxides of nitrogen (NO_x), 40.8 TPY of volatile organic compounds (VOC), 1.1 TPY of oxides of sulfur (SO_x), 14.5 TPY of total particulate matter (PM Total), and 45.1 TPY of carbon monoxide (CO). The values for NO_x and VOC exceed the major source thresholds in the District of Columbia of 25 TPY of NO_x or VOC. Therefore, the facility is classified as a major source of air pollution and is subject to 20 DCMR Chapter 3 and must obtain an operating permit under that regulation.

Description and Emission Information for Unit being Permitted for the First Time:

Cold Cleaning Machine (Parts Washer): One (1) remote reservoir cold cleaning machine (parts washer) located at the transportation shop

The proposed emission limit for the Cold Cleaning Machine (Parts Washer) is as follows:

> 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]

Cold Cleaning Machine Estimated Emissions
The estimated maximum potential emissions from the cold cleaning machine are 0.032 tons per year of VOCs.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all

applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit #009-R2 has been prepared.
The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at http://ddoe.dc.gov.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be directed to Stephen S. Ours, DDOE Air Quality Division, 1200 First Street NE, 5th Floor, Washington DC 20002. Questions about this permitting action should be directed to Abraham T. Hagos at (202) 535-1354 or abraham. hagos@dc.gov. Comments or hearing requests will not be accepted after September 14, 2015.

DEPARTMENT OF ENERGY AND ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Proposed Air Quality Source Category Permit to Construct and Operate Stationary Natural Gas-Fired Emergency Engines Subject to NSPS Subpart JJJJ

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §§200 and 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a source category permit to construct and operate certain natural gas-fired emergency engines subject to the federal New Source Performance Standard (NSPS) for spark ignition internal combustion engines (40 CFR 60, Subpart JJJJ) in the District of Columbia. This source category permit will be designated Permit No. 7043-SC.

This source category permit will cover only a subset of stationary natural gas-fired emergency engines that trigger NSPS Subpart JJJJ applicability based on one of the following triggers:

1. The maximum engine power is less than or equal to 25 horsepower (HP) [19 mechanical kilowatts (kWm)] and it was manufactured on or after July 1, 2008;
2. The manufacturer participates in the voluntary manufacturer certification program described in 40 CFR 60, Subpart JJJJ and the date of manufacture of the emergency engine is after January 1, 2009; or
3. The emergency engine was ordered after June 12, 2006, was manufactured on or after January 1, 2009, and has a maximum engine power greater than 25 HP (19 kWm).

The proposed emission limits to be included in the permit are as follows:

a. Emissions the engine shall not exceed those specified in 40 CFR 60.4233 for the appropriate engine type. Any engine subject to a Family Emission Limit (FEL) shall comply with any such limits as specified on an EPA Certificate of Conformity. If the engine is certified as a non-emergency engine, the engine shall comply with the standards to which it has been certified. [40 CFR 60.4233 and 20 DCMR 201]

b. Visible emissions shall not be emitted into the outdoor atmosphere from the engine, 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]

Emission Estimate:
Emissions will vary widely, depending upon the size and age of the equipment to be covered. As such there is no set maximum emissions level except that no unit will be approved under this permit that has a potential to emit greater than 25 tons per year of oxides of nitrogen, the trigger threshold for further regulatory requirements under 20 DCMR §205 (non-attainment New Source Review). However, based on past permitting activity implemented by AQD, very few natural gas-fired emergency engines in the District of Columbia exceed 2,000 horsepower (hp) in mechanical output. Based on a limitation in the permit of 500 hours per year of total operations, conservative emission factors for spark ignition engines, and a 2,000 hp engine size, the following represents an estimate of the maximum emissions expected from any emergency engine covered by this source category permit:

Pollutant	**Estimated Maximum Annual Emissions (tons/yr)**
Total Particulate Matter (PM Total)	0.27
Carbon Monoxide (CO)	20.46
Oxides of Nitrogen (NO_x)	22.44
Volatile Organic Compounds (VOC)	0.66
Sulfur Dioxide (SO_2)	0.003

The draft permit and supporting documentation are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after September 14, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF
A VOLUNTARY CLEANUP ACTION PLAN

100 Potomac Avenue SW
Buzzard Point

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the "Act")), the Voluntary Cleanup Program in the Department of Energy and Environment (the Department), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform remediation action for real property currently designated as 100 Potomac Avenue SW, in an area known as Buzzard Point, consisting of Squares/Lots: 661N/0800; 0603S/0800; 0605/0007; 0605/0802, 0607/0013; 0661/0804, 0805; and 0665/0024. The applicant is the District of Columbia Government, John A. Wilson Building, 1350 Pennsylvania Avenue NW, Suite 317, Washington, DC 20004. The application identified the presence of metals, petroleum compounds (TPH-DRO and TPH-GRO) and Volatile Organic Compounds in soil and groundwater. The applicant intends to re-develop the property into a stadium for the DC United Major League Soccer team.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6D) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the VCAP for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289.

Written comments on the proposed approval of the VCAP must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. The Department is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP 2015-031 in any correspondence related to this application.

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL

NOTICE OF PUBLIC MEETING

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting on Wednesday, August 19, at 3:00 PM. The meeting will be held at the DC Department of Insurance, Securities and Banking, 810 First St, NE, 7th Floor Conference Room, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at http://disb.dc.gov. Please RSVP to Idriys J. Abdullah, idriys.abdullah@dc.gov for additional information, please call (202) 442-7832 or e-mail idriys.abdullah@dc.gov

DRAFT AGENDA

I. Call to Order

II. Welcoming Remarks

III. Minutes of the Previous Meeting

IV. Unfinished Business

V. New Business

VI. Executive Session

VII. Adjournment

LAYC YOUTHBUILD PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Finance and Accounting Services

The LAYC YouthBuild Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals to provide finance and accounting services.

E-mail Jeff Cooper, Finance and Operations Lead, at jeff@thetensquaregroup.com to request a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Wednesday, August 19, 2015.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Jeff Cooper
jeff@thetensquaregroup.com

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMENDATIONS FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after September 15, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 14, 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 **Effective: September 15, 2015**
Recommendations for appointment as DC Notaries Public **Page 2**

Alston, Jr.	Gregory L.	Stinson Leonard Street 1775 Pennsylvania Avenue, NW, Suite 800	20006
Artis	Chandra M.	Self 147 57th Place, SE	20019
Bailey	Susan L.	Curtin Law Roberson Dunigan & Salans, PC 1900 M Street, NW, Suite 600	20036
Barron	Bonita	American Educational Research Association 1430 K Street, NW, Suite 1200	20005
Bassett	Christina Marie	Allen & Overy, LLP 1101 New York Avenue, NW	20005
Best	Charlene	US House of Representatives B-227 Longworth HOB	20515
Booker	Lori G.	Self 1370-B Monroe Street, NW	20010
Broxton	Angela G.	Boys Town 4801 Sargent Road, NE	20017
Burgos	Zenaida	Milbank, Tweed, Hadley & McCoy LLP 1850 K Street, NW, Suite 1100	20006
Caldwell	Tiffany	DLA Piper LLP (US) 500 8th Street, NW	20004
Camey	Bersaida Y.	Communications Workers of America 501 3rd Street, NW	20001
Capone	Gina M.	Opes Campitor Corporation 1150 4th Street, SW, Room 718	20024
Cazeault	Taylor Rose	Arnold & Porter 555 12th Street, NW	20004
Coates	Kimberly	Self (Dual) 819 8th Street, NE	20005
Cseplo	Daniel	UIP Asset Management, Inc 140 O Street, NW, Suite 140B	20002

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Recommendations for appointment as DC Notaries Public **Page 3**

Cvitko	Diane B.	Dorsey & Whitney LLP 1801 K Street, NW, Suite 750	20006
Davis	Keitra L.	The Cochran Firm 1100 New York Avenue, NW, Suite 340	20005
De Silva	Amali D.	Agriculture Federal Credit Union 1000 Jefferson Drive, SW	20560
Delaney III	Benjamin G.	Self 2915 K Street, SE	20019
Dodson	Margaret L.	Self 5215 Ames Street, NE	20019
Espinoza	Sonia	Wells Fargo Bank, N.A. 1800 K Street, NW, 1st Floor	20006
Essa	Joan V.	Biotechnology Industry Organization 1201 Maryland Avenue, SW, Suite 900	20024
Fagan	Margaret Ann	Zero to Three 1255 23rd Street, NW	20037
Fauntleroy	Shenita V.	Squire Patton Boggs LLP 2550 M Street, NW	20037
Fields	Geneva-Veronica	Self (Dual) 224 Nicholson Street, NE	20011
Forbes	Christina C.	Law Office of Christina Forbes 1629 K Street, NW, Suite 323	20006
Fowlkes Jr.	Earl D.	Self (Dual) 905 6th Street, SW, Apartment 412B	20224
Geoghegan	Cassidy	Difede Ramsdell Bender PLLC 900 7th Street, NW, Suite 810	20001
George	Teresa V.	U.S. Chamber of Commerce 1615 H Street, NW	20062
Gerald	Carol M.	Wells Fargo Bank 801 Pennsylvania Avenue, NW	20004

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Recommendations for appointment as DC Notaries Public **Page 4**

Gonzalez	Teresa S.	The Capital Group Companies 3000 K Street, NW, Suite 230	20007
Goodwin	Ernestine J.	Foley and Lardner 3000 K Street, NW	20007
Gunderson	Kyle N.	Business Resource and Security Services USA, Inc. 517 Rhode Island Avenue, NW	20001
Hambrook	Alexandra	Inter-American Investment Corporation 1350 New York Avenue, NW	20577
Hance	John C.	Wells Fargo Bank 11 Connecticut Avenue, NW	20036
Hanes	Lynnette A.	Morgan Stanley 1747 Pennsylvania Avenue, NW, Suite 900	20006
Hill	Edward	Self 1423 Trinidad Avenue, NE	20002
Hunter	Katherine L.	Houses4U Management Services, Inc. 1519 Pennsylvania Avenue, SE	20003
Jakulla	Aaron Reynold Wilson	Suntrust Bank 3402 Wisconsin Avenue, NW	20016
Jennings	Joei R.	We Clean Inc. 142 Yuma Street, SE	20032
Johnson	Lizelle	Bank Fund Staff Federal Credit Union 1818 H Street, NW	20433
Jones	Daanish	Fannie Mae 3900 Wisconsin Avenue, NW	20011
Jones	Susan	The George Washington University Law School Legal Clinics 2000 G Street, NW	20052
Keenan	Mark	V.N.N.C., INC. 3001 Veazey Terrace, NW	20008

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Recommendations for appointment as DC Notaries Public **Page 5**

LaRose	Leslie	Oceana Inc. 1350 Connecticut Avenue, NW, Fifth Floor	20036
Liopiros	Alexandra	National Gallery of Art 6th & Constitution Avenue, NW	20565
Livieri	Gris	International Union of Operating Engineers 1125 17th Street, NW	20036
Mackey	Theresa	Stinson Leonard Street 1775 Pennsylvania Avenue, NW, Suite 800	20006
Matthews	Ebony T. Copes	The Aspen Institute One Dupont Circle, NW, Suite 700	20036
McCune	Kenya	Hunton & Williams LLP 2200 Pennsylvania Avenue, NW	20037
McEleveen	Shronda	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Miller	Earsline R.	George Washington University Law School 2000 H Street, NW, E200	20025
Montes	Amaris	Latin American Youth Center 1419 Columbia Road, NW	20009
Muller	Matthew	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Narkis	Yigal	Self 1708 Newton Street, NW, 203	20010
Nibley	Deborah	IRS Office of Chief Counsel, Financial Institutions & Products 1111 Constitution Avenue, NW, Room 3547	20224
Raffel	Benjamin D.	Sage Title Group, LLC 4201 Connecticut Avenue, NW, Suite 406	20008
Roberts	Karen	FHI 360 1825 Connecticut Avenue, NW	20009

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Roche	Courtney	Alston & Bird, LLP 950 F Street, NW	20004
Rowan	Andrew	Self (Dual) 3121 Military Road, NW	20015
Russell	Coreen A.	Department of Transportation/ Federal Railroad Administration 1200 New Jersey Avenue, SE	20590
Santos-Reyes	Gladis	Metro Renewal Center 1647 Benning Road, NE, Suite 202/203	20002
Shymansky	Ellen Elisabeth	Hunt Companies, Inc/ Hunt Development Group 1020 19th Street, NW, Suite 420	20036
Snyder	Charlotte	McGuireWoods LLP 2001 K Street, NW, Suite 400	20006
Stone	Tyler	Capital Research Center 1513 16th Street, NW	20036
Sumpter	Anna L.	Houses 4U Management Services, Inc 1519 Pennsylvania Avenue, SE, Lower Level	20003
Tagle	Gaby C.	The George Washington University 2121 I Street, NW, Room 101	20052
Tamonte	Emma	Gordon & Rees LLP 1300 I Street, NW, Suite 825	20005
VanAntwerp	Kit Sze	Bank of America 1501 Pennsylvania Avenue, NW	20005
Vogt	Mary E.	Grossberg, Yochelson, Fox & Beyda LLP 1200 New Hampshire Avenue, NW, Suite 555	20036
Walker	Toya	Blumenthal & Cordone, PLLC 7325 Georgia Avenue, NW	20012
Williams	Charolotte	Steppingstones Management Sevices, LLC 1706 Gales Street, NE	20002

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Williams	Jeri	Struttmatter Metro LLC 5630 Connecticut Avenue, NW	20015

THE CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Educational Materials

The Children's Guild DC Public Charter School (CG DC PCS) intends to enter into a sole source contract with the following vendors for the purchase of educational materials. These vendors offer goods and services that exactly meet out specific requirements/needs.

1. Heinemann
2. Pearson Education
3. SchoolOutfitters
4. Buck Institute
5. Curriculum Associates
6. Houghton Mifflin Harcourt
7. Scholastic Classroom and Community
8. Hand2Mind
9. MathSolutions
10. Music and Arts

For further information on the notice please email willist@childrensguild.com.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, August 25, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairman
2.	Monthly Updates	Chief Financial Officer
3.	Committee Work plan	Chief Financial Officer
4.	Other Business	Chief Financial Officer
5.	Adjournment	Chief Financial Officer

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18911 of Potomac Electric Power Company, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception from the utilities requirements under § 608.1 and area variances from the public space requirements of § 633 and the off-street parking requirements of § 2101.1, to construct a new electric substation in the CG/CR District at premises 100 block of Q Street, S.W. (Square 603, Lots 19 and 809).[1]

HEARING DATES: February 3, 2015 and March 10, 2015
DECISION DATE: March 10, 2015

DECISION AND ORDER

SELF-CERTIFIED

Potomac Electric Power Company ("PEPCO" or the "Applicant") submitted a self-certified application on October 24, 2014, for the property located at Square 603, Lots 19 and 809 (the "Site"). The Applicant requested special exception relief for utility use in the CR District pursuant to § 608.1, and area variances from the public space at ground level requirements of § 633 and the off-street parking requirements of § 2101.1, to construct a new PEPCO distribution substation in the CG/CR District at the Site. Following a public hearing on March 10, 2015, the Board of Zoning Adjustment ("Board" or "BZA") voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 31, 2014, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning ("OP"), the District Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Site is located, Single Member District 6D06, and the Councilmember for Ward 6. (Exhibits 14-18.) A public hearing was scheduled for February 3, 2015. Pursuant to 11 DCMR § 3113.13, the Office of Zoning published notice of the hearing on the application in the *D.C. Register,* and on November 12, 2014, sent such notice to the Applicant, ANC 6D, and all owners of property within 200 feet of the Site. (Exhibits 19-21.)

On December 22, 2014, the Applicant submitted a letter to the Board requesting a postponement of the scheduled public hearing date to March 10, 2015. At the Board's February 3, 2015 public hearing, the Board's secretary announced that the case was postponed and rescheduled to the Board's March 10, 2015 hearing.

Applicant's Case. Christine Shiker of Holland & Knight LLP represented the Applicant. The Applicant presented six witnesses in support of its application at the public hearing: Robert

[1] By subdivision dated March 2, 2015, Lots 19 and 809 were subdivided into new Record Lot 20.

Andrukaitis, Manager for Special Projects, PEPCO; Christopher Taylor, Public Affairs Manager, PEPCO; Basil Allison, II, Chief Engineer, PEPCO; Dale Stewart, project architect, CORE; Harry Ross, project architect, CORE; and William Bailey, Principal Scientist, Exponent.

Government Reports. OP filed a report with the Board on March 3, 2015. (Exhibit 33.) The OP report set forth the special exception standards of §§ 608.1 and 3104.1 and found that each was met. The OP report also set forth the variance standards of § 3103.2 and concluded that the Applicant met those requirements as they apply to the public space at ground level requirements (§ 633) and the off-street parking requirements (§ 2101.1). DDOT also filed a report with the Board on March 3, 2015, stating that it had no objection to the requested parking variance. (Exhibit 34.)

ANC Report. ANC 6D submitted a letter to the Board dated March 1, 2015 (Exhibit 32), requesting that the Board postpone its hearing until after the completion of the Public Service Commission ("PSC") investigation into the reasonableness, health, and safety of the proposed substation in Formal Case # 1123. The ANC did not submit a report in support of or in opposition to the application, and the ANC did not participate at the hearing. On March 5, 2015, the Applicant submitted a response to ANC 6D's request for postponement, stating that (i) there is no requirement for a PSC determination in order for the Board to consider an application for zoning relief; (ii) delaying the BZA hearing would be detrimental to PEPCO, the proposed project, and the neighborhood surrounding the Site; and (iii) the Applicant already requested that the BZA postpone the hearing once, giving additional time to the ANC. (Exhibit 35.)

Persons and Organizations in Support. The Board received two letters in support of the application. D.C. United submitted a letter in support (Exhibit 36), stating that its new soccer stadium is planned to be located directly across R Street from the Site, and that the stadium is anticipated to spur further development in the area, which will result in significantly increased demand for electrical power. D.C. United described its participation in design charrettes hosted by PEPCO, and stated that the final proposed design incorporates an active façade and public space that will significantly improve the block on which the substation and stadium will be located. The Capitol Riverfront Business Improvement District ("BID") also submitted a letter in support of the application (Exhibit 40), stating that the substation is necessary to handle increased electric demand and future capacity issues in the Capitol Riverfront area and that the design for the substation reflects collaborative input from numerous stakeholders.

Persons and Organizations in Opposition. The Board did not receive any letters or testimony in opposition to the application.

Procedural Matters. As a preliminary matter to the hearing, the Board considered the ANC's letter requesting a postponement and the Applicant's response. The Board decided to move forward with the hearing based on the findings that (i) there is no requirement for a PSC determination in order for the Board to consider an application for zoning relief, (ii) the project will need approval by both the Board and the PSC before the Applicant can receive a building permit to construct the substation, (iii) the BZA and PSC approval processes are separate with

different standards of review, (iv) the BZA already postponed the hearing once which gave additional time to the ANC, (v) the construction time frame for the substation is on a critical path and any delay will cause detriment to the Applicant and surrounding community, and (vi) the Applicant attended six public meetings with the ANC and hosted numerous other community meetings, such that the ANC had ample time to vote on and submit a letter in support of or in opposition to the project. The ANC did not attend or participate in the public hearing.

FINDINGS OF FACT

The Site and the Surrounding Neighborhood

1. The Site consists of Lots 19 and 809 in Square 603. Square 603 is located in the southwest quadrant of the District and is bounded by Q Street to the north, 1st Street to the east, R Street to the south, and 2nd Street to the west. The entire square is zoned CR and is located within the Capitol Gateway ("CG") Overlay District.

2. The Site contains a land area of approximately 123,050 square feet and comprises almost the entire land area of Square 603. Lot 19 was most recently used as a towing yard with a vacant one-story building in the center of the lot and a two-story building on the west side of the lot that was used as an office for the towing company. Lot 809 is improved with a large two-story building that previously housed a flooring warehouse, a souvenir warehouse, and a bakery. The Applicant proposes to raze the existing buildings on the Site in connection with this application. The only other remaining lot in Square 603 is Lot 807, which is also owned by PEPCO and is improved with a historic landmark known as the James Dent house.

3. The Site is located in the Buzzard Point area of the District and within the Capitol Riverfront BID. The area immediately surrounding the Site also includes a variety of other uses, including industrial, residential, and commercial uses. The new D.C. United soccer stadium is proposed to be constructed directly south of and across R Street from the Site.

Need for the Project

4. The Applicant proposes to develop the Site with a new PEPCO distribution substation. The substation is necessary to support existing customers and future development in the surrounding area, which has experienced steady growth in residential and commercial electric demand over the past several years, with growth expected to continue.

5. The proposed substation is also necessary to replace aging PEPCO infrastructure. The nearest electrical distribution facility in the immediate vicinity of the Site is at PEPCO's Buzzard Point Substation ("Buzzard Point Substation"), located between 1st and Half Streets, S.E. and south of S Street, S.E. PEPCO predicts that the East LVAC Distribution Network Group originating from the Buzzard Point Substation will exceed its capacity by three percent in 2017. Expansion of the Buzzard Point Substation is impractical because it would require temporarily transferring load and rebuilding antiquated equipment that cannot be upgraded

with necessary new distribution feeders. Moreover, the Buzzard Point Substation load area is isolated and has minimal outside emergency ties to other substations or feeders or to alternate supply. This lack of adequate distribution facilities in southwest DC creates substantial risk of long-term outages and failed equipment, generating the need for a new substation in this area.

Project Description

6. The project is a two-story plus cellar substation building with approximately 57,304 square feet of gross floor area and approximately 33,022 square feet of cellar floor area. The building will have a maximum height of 58 feet and a density of approximately 0.47 floor area ratio ("FAR"). The substation's footprint will occupy approximately 80% of the Site; however, because much of the substation is not under roof, the lot occupancy is only approximately 33% of the Site.

7. Façade materials will include brick veneer and traditional brick detailing, masonry walls, precast panels, metal panels, and large opaque windows. Through variation in massing, materials, and articulation, the façades will respond to a variety of streetscapes and offer opportunities for public art and active and passive enjoyment of public space. Roof heights are exaggerated to reinforce the changes in massing and impart a complete expression of the substation as a series of separate facades knitted together to make one building.

8. The south façade has a tan brick warehouse motif with educational or artistic components at the ground level and large opaque windows above. At the corner of 1st and R Streets, the massing shifts to a taller, red brick structure with a granite base. This portion of the building is set back from the property line to provide a public space that fronts the future D.C. United stadium and responds to a future planned plaza across R Street.

9. The east façade incorporates the red brick warehouse motif at the corner of 1st and R Streets and a mix of tan and red brick, metal panels, and opaque windows at the corner of 1st and Q Streets. The northern portion of the façade is set back from the property line, creating a break in massing and establishing a second open space that includes a mix of pervious paving and plantings.

10. Along the north façade, the streetscape transitions to a more residential character with a continuous planting strip on both sides of the sidewalk and an active façade that incorporates the tan and red brick and metal panels at various heights and setbacks. Opaque windows are located in inset bays and an open court is located in the center of the north elevation where the façade breaks to allow access to a maintenance yard. A side yard is provided along the entire north façade, enclosed with an approximately six-foot high fence.

11. The west elevation has brick veneer and opaque windows, with a maintenance yard and adjacent green space at the ground level. The maintenance yard is inaccessible to the public

due to the operational needs of the substation, but the fence runs on the east side of the green space to provide a third, visually open space on the Site. Halfway along the west façade, the building's massing breaks and transitions back to a traditional warehouse façade design.

12. Five surface parking spaces are located on the west side of the Site, accessed from 2nd Street. Loading is provided from Q Street and will be used by passenger vehicles or light/medium trucks during substation maintenance and for trash collection, each of which will occur approximately once per month. The loading area will also serve as a maintenance corridor used for heavy equipment installation and removal, which will occur approximately every five to 10 years.

The Special Exception Relief

13. The substation will provide necessary electrical supply to serve the expanding neighborhood. The Buzzard Point Substation that currently serves this area is operating near capacity and cannot be renovated to satisfy future electric demand. New large development projects are planned or are in construction in the area and will generate significant additional demand in the near future. The proposed new substation will be able to fill this gap, provide reliable electrical services, and reduce the likelihood of future outages.

14. The substation design was developed with significant input from the community. The Applicant engaged in a detailed design charrette process with OP and stakeholders to ensure that the design of the substation fits within the context of the area, and that setbacks, screening, and other safeguards are incorporated for protection of the neighborhood and its residents. The building's architectural features and public space were designed to improve the physical aesthetic of the block such that there will be no appreciable impacts on the neighborhood.

The Variance Relief

15. The Applicant seeks area variances from the public space requirements of § 633 and the parking requirements of § 2101.1. Pursuant to § 633, the Applicant is required to devote approximately 12,305 square feet of land area (ten percent of the Site) to public space. Pursuant to § 2101.1, the Applicant is required to provide 151 on-site parking spaces. In this case, the Applicant is providing approximately 9,811 square feet of public space (approximately eight percent of the Site) and five on-site parking spaces.

Exceptional and Extraordinary Conditions

16. The Site is very large, containing a 123,050 square feet of land area.

17. The Site has street frontage on all four sides and is surrounded by other industrial uses, residential row dwellings, and the site of the proposed D.C. United soccer stadium.

18. The substation use requires a large amount of space to house, operate, and maintain the electrical equipment.

19. Properties surrounding the Site in the Capitol Riverfront and Southwest communities currently receive electric supply from the East LVAC Distribution Network Group originating from the Buzzard Point Substation, which is predicted to exceed its capacity by three percent in 2017 due to the electrical needs of current and future development in the area.

Practical Difficulties – Public Space Requirements (§ 633)

20. The substation facility requires a significant amount of physical space to house the necessary equipment, maintain and operate the equipment, and still meet building and safety codes. As a result, the Applicant cannot enlarge or create additional public spaces on the Site.

21. Operational and safety considerations require the substation to be closed to the public.

22. A significant amount of exterior space must be reserved for the staging of equipment in case of an emergency.

23. There is no traditional "entrance" to the building, given its use as a substation and the restricted public access.

Practical Difficulties – On-Site Parking Space Requirements (§ 2101.1)

24. Given the proposed substation use of the Site, there is no space to provide the required 151 parking spaces, which would take up a significant amount of surface area or would require construction of a parking structure.

25. Providing either facility would result in a major loss of space for the substation use, which directly conflicts with the purpose of redevelopment of the Site.

26. The Applicant also cannot locate the parking spaces within the substation building or below grade, since the entire structure, including below-grade areas, will be fully occupied with substation equipment.

No Harm to Public Good or Zone Plan

27. The Applicant is providing the most amount of public space possible given the Site's constraints and the need to dedicate a substantial amount of the Site to housing, operating, and maintaining substation equipment.

28. Permitting the public to enter the Site creates safety and security risks associated with the electrical equipment and transmission/distribution lines.

29. The Applicant provided public open space in three locations: (i) 3,839.15 square feet along 1st Street; (ii) 1,829.71 square feet at the corner of 1st and R Streets, and (iii) 4,141.92 square feet along 2nd Street. These spaces allow the building to be set back from the property line and provide a transition between the pedestrian right-of-way and the building's façade.

30. On the Site's north side, PEPCO provided an additional recessed area of 1,846.2 square feet that will be paved with hardscape and provide entry into the maintenance yard. If this space was included in the calculation of public space, the project would provide a total of approximately 11,657 square feet of open public space (95% of the required amount).

31. Overall, the location of the proposed public spaces relate to the Site's context and provide usable space that is consistent with the purposes of § 633. The building's aesthetics and architectural features integrate with the neighborhood context and were designed with input from the community, OP, and other stakeholders.

32. The substation includes well-designed and appropriately located public spaces, particularly as they relate to the proposed D.C. United soccer stadium to the south and to the residential neighborhood to the northeast. The building also incorporates setbacks, screening, and other safeguards to protect public safety.

33. The Applicant proposes to provide five parking spaces on the west side of the Site.

34. Five parking spaces are sufficient to meet the parking needs of PEPCO employees working at the Site.

35. The substation will be an unmanned facility with no on-site operational crew needed on a daily basis.

36. Maintenance of the substation will be accomplished by two employees working on-site once a month.

37. The 2nd Street access area will provide parking, if needed, during emergency situations. It will also provide spillover capacity for any other types of maintenance that may be necessary.

CONCLUSIONS OF LAW

Special Exception Relief

Pursuant to § 3104, the Board is authorized to grant special exceptions where, in its judgment, the relief 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 use of neighboring property. Additionally, certain special exceptions must meet the conditions enumerated in the particular sections

pertaining to them. In this case, along with the general requirements of § 3104, the Applicant also had to meet the requirement of § 608.1 that use as an electrical substation is permitted in a CR District if the Board determines that the use is appropriate in furthering the objectives of the CR District.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the Board ordinarily must grant the application." *First Washington Baptist Church v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Pursuant to § 608.1, use as an electrical substation is permitted in a CR District when authorized by the Board under § 3104.1 if the Board determines that the use is appropriate in furthering the objectives of the CR District. The purpose of the CR District is to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. (11 DCMR § 600.1.) The CR District is also intended to help create major new residential and mixed use areas in planned locations at appropriate densities, heights, and mixtures of uses (11 DCMR § 600.3(a)); encourage flexibility in architectural design and building bulk; provided, that the designs and building bulk shall be compatible and harmonious with adjoining development over the CR District as a whole (11 DCMR § 600.3(d)); and create environments conducive to a higher quality of life and environment for residents, businesses, employees, and institutions in the District of Columbia as specified in District plans and policies (11 DCMR § 600.3(f)). In addition, the CG Overlay District includes the purpose of allowing for the continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment. (11 DCMR § 1600.2.)

Based on the case record, the Board concludes that substation use at the Site will further the purposes and objectives of the CR District to encourage a diversity of compatible land uses, including residential, office, retail, recreational, light industrial, and other miscellaneous uses (11 DCMR § 600.1). The substation structure will have a design and bulk that is compatible and harmonious with adjoining development (11 DCMR § 600.3(d)), and by providing essential electricity throughout the area, the substation will create an environment conducive to a high quality of life and environment for residents, businesses, employees, and institutions in the District. (11 DCMR § 600.3(f).) Demand for energy is growing in the Southwest and Capitol Riverfront neighborhoods, and the substation use will allow the District's preferred uses to develop and flourish.

The Board also finds that the Applicant designed the substation with the community in mind and with significant input from OP, neighborhood residents, and other stakeholders. Through a detailed design charrette process, the Applicant ensured that the architecture fits within the

existing neighborhood context and that setbacks, screening, and other safeguards are incorporated into the design for the protection of the community. No additional setbacks, screening or other safeguards are necessary for the protection of the neighborhood. Granting the special exception 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.

Based on the above findings of fact and having given great weight to OP, the Board concludes that the Applicant meets the standards of §§ 608.1 and 3104.1.

Variance Relief

Standard of Review

The Applicant seeks area variances from §§ 633 and 2101.1. Under § 8 of the Zoning Act (D.C. Code § 6-641.07(g)(3) (2012 Repl.)), the Board is authorized to grant an area variance where it finds that three conditions exist: "(1) the property is unique because, *inter alia*, of its size, shape or topography; (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan." *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), *quoting Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See, also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment,* 534 A.2d 939 (D.C. 1987). Applicants for an area variance need to demonstrate that they will encounter "practical difficulties" in the development of the property if the variance is not granted. *See Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A.2d 535, 540-41 (D.C. 1972)(noting that "area variances have been allowed on proof of practical difficulties only while use variances require proof of hardship, a somewhat greater burden"). An applicant experiences practical difficulties when compliance with the Zoning Regulations would be "unnecessarily burdensome." *See Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990).

As discussed below, the Board concludes that the Applicant has met its burden of proof for area variances from §§ 633 and 2101.1.

Exceptional and Extraordinary Conditions

The Board concludes that the Site is affected by a confluence of several exceptional and extraordinary conditions. The Site is very large at 123,050 square feet. The Site has street frontage on all four sides and is surrounded by other industrial uses, residential row dwellings, and the site of the proposed D.C. United soccer stadium. Moreover, the substation use requires a large amount of space to house, operate, and maintain the electrical equipment. Properties surrounding the Site currently receive electric supply from the East LVAC Distribution Network Group originating from the Buzzard Point Substation, which will exceed its capacity by three

percent in 2017 due to the electrical needs of current and future development in the area. Based on the foregoing, the Board concludes that this "confluence of factors" creates exceptional and extraordinary conditions affecting the Site.

Practical Difficulties

The Board further concludes that the exceptional and extraordinary conditions create practical difficulties for the Applicant in complying with §§ 633 and 2101.1. The substation use requires a significant amount of interior space to house, operate, and maintain the equipment. The use also requires large exterior spaces to provide staging areas for equipment in the case of an emergency.

The public space required by § 633 is intended to be a transitional area between the sidewalk and the entrance to the building (§ 633.2); however, there is no traditional “entrance” to the building, given its use as a substation and the restricted public access. Due to the restricted public access, there is no traditional building “entrance” to provide a transitional area between the sidewalk and the building, as required by § 633.2. Therefore, the Board finds that it is practically difficult to comply with the strict requirements of § 633.

The Board also concludes that providing the required 151 parking spaces would result in a practical difficulty to the Applicant. Given the proposed substation use, there is no space to provide 151 parking spaces, which would take up a significant amount of surface area or would require construction of a parking structure. Providing either facility would result in a major loss of space for the substation use, which directly conflicts with the purpose of redevelopment of the Site. It is also practically difficult to locate parking spaces within the substation building or below grade, since the entire structure, including below-grade areas, will be fully occupied with substation equipment.

No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan

The Board concludes that the requested 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. Permitting the public to enter the Site creates safety and security risks associated with the electrical equipment and transmission/distribution lines. However, the Applicant is providing the most amount of public space possible given the Site’s constraints. The Site will incorporate well-designed open spaces that will be available to the general public in appropriate locations and will meet 80% of the public space requirement. The building’s aesthetics and architectural features were designed with input from OP, neighborhood residents, and stakeholders, and include safeguards to protect the community and reduce impact. Overall, the project will integrate well within its context, particularly as it relates to the D.C. United stadium to the south and the residential neighborhood to the northeast.

The Board also concludes that five parking spaces are sufficient to meet the parking needs of PEPCO employees working at the Site. The substation will be unmanned on a daily basis, with maintenance accomplished by two employees working on-site once a month. The 2nd Street access area will provide parking, if needed, during emergency situations, and will offer spillover capacity for any other types of maintenance that may be necessary. Given the proposed use of the Site with few employees and no permitted public access, the project as proposed will not have an adverse impact on the transportation network or on parking availability in the neighborhood surrounding the Site.

Great Weight to ANC and OP

Section 13(b)(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Code § 1-309.10(d)(A)), requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. In this case, ANC 6D did not submit a report in support of or in opposition to the application, and did not participate in the public hearing. At the public hearing, the Board gave great weight to the ANC's request to postpone the hearing, but decided to move forward with the hearing based on the findings that (i) there is no requirement for a PSC determination in order for the Board to consider an application for zoning relief, (ii) the project will need approval by the Board and the PSC before the Applicant can receive a building permit to construct the substation, (iii) the BZA and PSC approval processes are separate with different standards of review, (iv) the BZA already postponed the hearing once which gave additional time to the ANC, (v) the construction time frame for the substation is on a critical path and any delay will cause detriment to the Applicant and surrounding community, and (vi) the Applicant attended six public meetings with the ANC and hosted numerous other community meetings, such that the ANC had ample time to vote on and submit a letter in support of or in opposition to the project.

The Board 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. In this case, the Board concurs with OP's recommendation that the zoning relief should be granted.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 608.1, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for area variances from §§ 633 and 2101.1. that there exists an exceptional or extraordinary situation or condition related to the Site that creates a practical difficulty for the

owner in complying with the Zoning Regulations, and that the requested 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.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO APPROVED PLANS AT EXHIBITS 31C1 – 31C3.**

VOTE: **3-0-2** (Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve; Lloyd J. Jordan abstaining; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 4, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

BZA APPLICATION NO. 18911
PAGE NO. 13

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. 19019 of Better Living Development, LLC, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the non-conforming structure requirements under § 2001.3, to construct a third story addition to an existing two-story flat in the R-4 District at premises 1551 3rd Street N.W. (Square 552, Lot 60).

HEARING DATES: June 23, 2015 and July 28, 2015[1]
DECISION DATE: July 28, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

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") 5E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. ANC 5E submitted a report stating that at a properly noticed meeting on June 16, 2015, the ANC voted 9-0 in support of the application. (Exhibit 38.) The Office of Planning ("OP") submitted a timely report and testified at the hearing in support of the application. (Exhibit 27.) The D.C. Department of Transportation submitted a report stating that it has no objection to the approval of the requested special exception. (Exhibit 28.)

A letter from an adjacent neighbor in support of the application was filed in the record. (Exhibits 31 and 35 (duplicate).) Also, a letter of support was submitted from the President of the Bates Area Civic Association which stated that the Association voted to support of the application. (Exhibits 36 and 37 (signed version of Exhibit 36).)

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, 403.2, and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

[1] The Board scheduled a limited continued hearing on July 28, 2015, and requested that the ANC submit a written report and that the Applicant submit either a revised or more detailed design plan and address the impact of the proposal on the character of the neighborhood. (Hearing Transcript of June 23, 2015, p. 40-41.) The Applicant and its architect submitted the requested information. (Exhibits 32-34.)

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, 403.2, 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 § 3101.5, 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. It is therefore **ORDERED** that this application is hereby **GRANTED**, **SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6, AS SUPPLEMENTED BY EXHIBIT 34.**

VOTE: **3-0-2** (Michael G. Turnbull, Marnique Y. Heath, and Lloyd J. Jordan to Approve; Jeffrey L. Hinkle and Frederick L. Hill not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 4, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE

BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT 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. 19024 of 1012 Harvard Street LLC, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the expansion and conversion of an existing four-unit apartment building into a ten-unit apartment building in the C-2-A District at premises 1012 Harvard Street N.W. (Square 2857, Lot 814).

HEARING DATES: June 23 and July 28, 2015
DECISION DATE: July 28, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board") 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") 1B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC submitted a report dated June 12, 2015, indicating that at its regularly scheduled and properly noticed public meeting on June 4, 2015, at which a quorum was in attendance, ANC 1B voted 11-0-0 to support the application. (Exhibit 25.)

The Office of Planning ("OP") submitted a timely report on June 16, 2015, recommending approval of the application (Exhibit 23) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on June 16, 2015, indicating that it had no objection to the Applicant's request for variance relief, provided that the Applicant install a minimum of four long-term bicycle spaces. (Exhibit 24.) The Applicant accepted this condition, and accordingly, the Board adopted this recommendation as Condition No. 3 of its order.

At the public hearing, one resident, David Bryant, testified in opposition, raising concerns about the difficulty of finding street parking in the neighborhood. The Board acknowledged these concerns and requested that the Applicant provide a parking assessment to explore the potential impacts of the requested parking relief. The Applicant submitted a parking assessment and also proposed several Transportation Demand Management ("TDM") measures. (Exhibit 30.) The

proffered TDM measures were modified by the Board at the July 28, 2015 public hearing[1] and adopted as conditions of this order.

Variance Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from the off-street parking requirements under § 2101.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR § 2101.1, the Applicant has met the burden of proving under § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7, AS MODIFIED BY THE LANDSCAPE PLAN AT EXHIBIT 28, AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide, as a one-time incentive, each initial purchaser a bicycle helmet, equaling a total of ten (10) helmets.

2. The Applicant shall issue a one-time one-year bikeshare and/or car share membership as part of a move-in package for the first lessee or initial owner of each residential unit.

3. The Applicant shall provide one (1) bicycle parking or storage space per three (3) units for a total of four (4) bicycle spaces.

4. The Applicant shall offer a preloaded $100 SmarTrip card for each unit at the initial sale of units in the building.

5. The Applicant shall post all TDM commitments online for a one-year period. The source shall also include links to CommuterConnections.com, goDCgo.com, WMATA Metrobus routes, DC Bicycle maps and other useful information in support of car-free urban living.

[1] The Applicant's proposed TDM measured included an offer to provide a preloaded $10 SmarTrip for each unit at the initial sale; however, the Board modified this condition to require that each SmarTrip be preloaded with $100 instead. All other conditions were adopted as proposed by the Applicant in Exhibit 30.

BZA APPLICATION NO. 19024
PAGE NO. 3

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle and Frederick L. Hill not present, not 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: August 5, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 19024
PAGE NO. 4

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. 19032 of Tony Goodman and Norah Rabiah, as amended[1], pursuant to 11 DCMR §§ 3103.2, for variances from the lot area requirements under § 401.3, the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to construct a third-story addition and deck to an existing one-family dwelling in the R-4 District at premises 1152 4th Street N.E. (Square 773, Lot 61).

HEARING DATE: July 7, 2015
DECISION DATE: July 7, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 28 (revised).)

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") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report, dated June 15, 2015, indicating that at a duly noticed and regularly scheduled public meeting on June 10, 2015, at which a quorum was in attendance, the ANC voted 3-1-1 in support of the application.[2] (Exhibit 22.)

The Office of Planning ("OP") submitted a timely report dated June 30, 2015, recommending approval of the application (Exhibit 26) and testified in support of the application at the hearing. In its report OP recommended that each area of zoning relief should be evaluated as a variance. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 25.)

[1] The application was amended at the public hearing from the advertised relief for variances and special exceptions to request only variances from the lot area requirements under § 401.3, the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, and the nonconforming structure requirements under § 2001.3. The Board accepted the oral amendment but requested a revised application and accompanying self-certification form be submitted to the record. (Exhibit 28.) The caption has been revised accordingly.

[2] The Applicant is also the single member district ANC member; consequently, he recused himself from the vote at the ANC. (Exhibit 22.)

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 lot area requirements under § 401.3, the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to construct a third-story addition and deck to an existing one-family dwelling in the R-4 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 ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR §§ 401.3, 403.2, 404.1, and 2001.3, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11.**

VOTE: **4-0-1** (Lloyd L. Jordan, Marcie I. Cohen, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 30, 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 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. 19035 of 1325 D Street, LLC, pursuant to 11 DCMR §§ 3103.2 and 3104.1 for variances from the lot occupancy requirements under § 403.2, the lot area requirements under § 2604.3, and the limitation on the number of principal buildings allowed on a single record lot under § 3202.3, and a special exception from the lot width requirements under § 2604.3, to construct 22 one-family attached and semi-detached dwellings and six flats in the R-4 District at premises 1325 D Street S.E. (Square 1042, Lots 827).[1]

HEARING DATE: July 21, 2015
DECISION DATE: July 21, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 6.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. ANC 6B submitted a letter dated June 9, 2015, in support of the application. (Exhibit 26.) The ANC's letter noted that, at a properly noticed meeting held on June 9, 2015, with a quorum present, the ANC voted 9-0 in support of the application.

The Office of Planning ("OP") submitted a timely report on July 14, 2015, recommending approval of the application. (Exhibit 34.) OP also testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on July 14, 2015, indicating that it had no objection to the requested variances and special exception. (Exhibit 35.)

[1] By letter dated July 9, 2015 (Exhibits 32 and 33), the Applicant submitted a revised site plan and clarified the extent of the relief requested, which was reduced from that originally set forth in the application dated April 28, 2015. (Exhibits 1-14.) The letter also clarified that the requested variances from the lot occupancy requirements under § 403.2 and the lot area requirements under § 2604.3 apply to Lot 9 and that the requested variance from the limitation on the number of principal buildings allowed on a single record lot under § 3202.3 and a special exception from the lot width requirements under § 2604.3 apply to Lots 10-20 of the proposed project.

BZA APPLICATION NO. 19035
PAGE NO. 2

The adjacent neighbors of the property submitted a letter in support. (Exhibit 25.) The Capitol Hill Restoration Society ("CHRS") submitted a letter, indicating that it voted to oppose the variance for lot area, but voted in support of the special exception and other variances. (Exhibit 28.) CHRS submitted a second letter to note that the plan revisions did not impact their decision to oppose the lot area variance. (Exhibit 37.)

At the Board's public hearing on July 21, 2015, Mary Case, a nearby resident, testified in opposition, citing concerns about the removal of a willow oak on the property.

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 pursuant to 11 DCMR § 3104.1, for a special exception from 11 DCMR § 2604.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report and ANC letter filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 2604.3, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Variance Relief

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 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, the lot area requirements under § 2604.3, and the limitation on the number of principal buildings allowed on a single record lot under § 3202.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report and ANC letter filed in this case, the Board concludes that in seeking variances from 11 DCMR §§ 403.2, 2604.3, and 3202.3, 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 causing 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.

BZA APPLICATION NO. 19035
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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.

It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 31D1, 31D2, and 31D3, AND AS CLARIFIED IN EXHIBITS 32 and 33.**

VOTE: 4-0-1 (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Robert E. Miller to APPROVE; Frederick L. Hill not present, not participating.)

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 30, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

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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. 19045 of Wayne Lin and Christina Balch, as amended[1]**,** pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements under § 404.1, and the non-conforming rear yard structure requirements under § 2001.3, to renovate and construct a first-floor addition to an existing one-family dwelling in the R-1-B District at premises 6812 Laurel Street, N.W. (Square 3360, Lot 6).

HEARING DATE: Applicant waived right to a public hearing
DECISION DATE: July 28, 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 24 (revised).)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment ("Board") expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public meeting or hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on June 22, 2015, at which a quorum was in attendance, ANC 4B voted 7-0-0 in support of the application for special exception. (Exhibit 29.) Seven neighbors submitted letters in support of the application. (Exhibits 12-15, 17, and 28.)

[1] The Applicant originally filed an application and Self-Certification form for an area variance relief from the rear yard requirements under § 404.1 (Exhibits 1 and 6) and also requested Expedited Review pursuant to § 3118. (Exhibit 2.) Subsequently, based on a recommendation from the Office of Planning, the Applicant amended the application to seek a special exception under § 223 for an addition not meeting the rear yard requirements under § 404.1 and the non-conforming structure requirements under § 2001.3 (Exhibit 26) and submitted a revised Self-Certification form reflecting that amended application. (Exhibit 24.) The caption has been changed accordingly.

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 32.) The District Department of 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 §§ 3118.6 and 3118.7. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 404.1, and 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, 404.1, 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 8.**

VOTE: **3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle 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 30, 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.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL 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. 19046 of Kamyar Khodabandeh, as amended,[1] pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the side yard requirements under § 405.1, and the non-conforming structure requirements under § 2001.3, to retain a previously-constructed second story addition to an existing detached one-family dwelling in the R-4 District at premises 1511 28th Street S.E. (Square 5581, Lot 27).

HEARING DATE: July 21, 2015
DECISION DATE: July 21, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.)

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") 7B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7B, which is automatically a party to this application. ANC 7B did not participate in this application. The Office of Planning ("OP") submitted a timely report and testified at the hearing in support of the amended application. (Exhibit 27.) The D.C. Department of Transportation submitted a report stating that it has no objection to the requested special exception. (Exhibit 24.)

Seven letters from neighbors in support of the application were filed in the record. (Exhibits 25, 29, 30, and 32.)

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, 405.1, and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§

[1] In the original application, the Applicant referenced § 405.9 which applied to the property's north side yard. At the hearing, in accordance with the recommendation by the Office of Planning, the Applicant amended the application to also apply the side yard relief to the south side yard under the general side yard provisions of § 405.1. Therefore, the caption has been amended to reference § 405.1 in lieu of § 405.9.

3104.1, 223, 405.1, 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 § 3101.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED**, **SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8, AS SUPPLEMENTED BY PLANS AT EXHIBIT 31.**

VOTE: **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Robert E. Miller to Approve; Frederick L. Hill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 3, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE

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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. 19054 of Barbara Chambers Children's Center, as amended[1], pursuant to 11 DCMR § 3104.1, for a special exception to expand the existing use of child development center under § 205, to allow for the preparation of food and the transportation of food to the child development center's second location, in the R-5-B District at premises 1470 Irving Street N.W. (Square 2672, Lot 881).

HEARING DATE: July 28, 2015
DECISION DATE: July 28, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated April 29, 2015, from the Zoning Administrator, which stated that Board of Zoning Adjustment ("Board" or "BZA") approval was required for a special exception under DCMR Title 11, § 351.1, to use the subject premises as a "Child development center with an accessory catering operation". (Exhibit 6.)

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") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report dated June 11, 2015, in support of the application. The ANC report indicated that at a duly noticed and scheduled meeting on June 10, 2015, at which a quorum was present, the ANC voted 9-0-0 in support. (Exhibit 19.)

The Office of Planning ("OP") submitted a timely report in support of the application and testified in support of the application at the hearing. (Exhibit 26.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 26.)

[1] The application was accompanied by a referral from the Zoning Administrator which stated that approval from the Board would be required for a special exception to use the premises as a "Child development center with an accessory catering operation" under § 351.1. At the hearing the Board found that what the Applicant wanted to use the premises for was only to prepare and transport food for the child development center ("CDC") use and not to cater outside of that use. Thus, the Board ordered that the caption and relief be amended to reflect that this is an application for a special exception to expand the existing use of a child development center under § 205, to allow for the preparation of food and the transportation of food to the CDC's second location, in the R-5-B District. The Board determined that the Order should reflect the property's existing use of a CDC, most recently granted in BZA Order No. 18383. The caption has been revised accordingly.

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 to expand the existing use of child development center under § 205, to allow for the preparation of food and the transportation of food to the child development center's second location, in the R-5-B 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 ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 205, 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 PLANS AT EXHIBIT 9.**

VOTE: **3-0-2** (Lloyd L. Jordan, Michael G. Turnbull, and Marnique Y. Heath to APPROVE; Jeffrey L. Hinkle 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: August 5, 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 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. 19058 of Starbucks Corporation, on behalf of Cathedral Commons Partners LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the prepared food shop requirements under § 721.3(t), to expand an existing prepared food shop from 18 to 28 seats in the C-2-A District at premises 3416 Wisconsin Avenue N.W. (Square 1920N, Lot 800).

HEARING DATE: July 28, 2015
DECISION DATE: July 28, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

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") 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C submitted a memorandum noting that at a publicly noticed regular meeting on July 20, 2015, the ANC considered the application and voted not to object to the application. (Exhibit 33.) However, the report did not meet all of the requirements of 11 DCMR § 3115 and was therefore not entitled to receive great weight by the Board. The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 31.) The D.C. Department of Transportation submitted a report stating that it has no objection to the requested special exception. (Exhibit 32.)

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 § 721.3(t). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 721.3(t), 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 § 3101.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED**, **SUBJECT TO THE APPROVED PLANS AT EXHIBITS 8 AND 30B.**

VOTE: **3-0-2** (Lloyd J. Jordan, Michael G. Turnbull, and Marnique Y. Heath to Approve; Jeffrey L. Hinkle and Frederick L. Hill not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 6, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

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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. 19060 of Baco Juice & Taco Bar, pursuant to 11 DCMR § 3104.1, for a special exception from the fast food establishments requirements under § 733, to allow the operation of a new fast food establishment in the C-2-A District at premises 1614 Wisconsin Avenue N.W. (Square 1279, Lot 806).

HEARING DATE: July 28, 2015
DECISION DATE: July 28, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 16.)

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") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a report, dated July 8, 2015, indicating that at a duly noticed and regularly scheduled public meeting on June 29, 2015, at which a quorum was in attendance, the ANC voted 7-0 in support of the application with conditions. (Exhibit 29.)[1]

The Office of Planning ("OP") submitted a timely report recommending approval of the application with conditions (Exhibit 31) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application with conditions. (Exhibit 32.)

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 the fast food establishments requirements under § 733, to allow the operation of a new fast food establishment in the C-2-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.

[1] The Board noted that many of the ANC's proposed conditions were absorbed in the conditions recommended by the Office of Planning and made part of this order. However, the rest of the ANC's conditions were not found zoning related and thus were not adopted.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 733, 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 PLANS AT EXHIBITS 8 and 17 AND WITH THE FOLLOWING CONDITIONS:**

1. There shall be no deep fryer.

2. Adequate refrigeration shall be provided.

3. Meats shall be grilled only, with vent hoods that exhaust through the roof only.

4. Food shall be prepared primarily for on-site consumption. Take-out orders shall be secondary.

5. Pest control shall be done monthly, or more often if necessary.

6. Refuse containers shall not be stored on the sidewalk or within public view.

7. The Applicant shall develop a Loading Management Plan ("LMP") with the following elements:

    a. All deliveries shall be scheduled in advance;

    b. The size of trucks serving the site shall not exceed 30 feet in length;

    c. Major loading and off-loading activities shall be scheduled during off-peak parking periods on weekdays and weekends;

    d. The Applicant shall closely monitor curb-side refuse and recycling collection to reduce the potential negative impacts on neighboring parcels and the general public using the sidewalk; and

e. Distribute the LMP to regular vendors and the trash and recycling contractor.

VOTE: **3-0-2** (Lloyd L. Jordan, Marnique Y. Heath, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle and Fredrick L. Hill, not present or voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: August 5, 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 WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE

REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT
441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001

PUBLIC NOTICE OF CLOSED MEETINGS FOR SEPT 2015

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on June 30, 2015, the Board of Zoning Adjustment voted 3-0-2 to hold closed meetings telephonically on Monday, September 14th, 21st, and 28th, beginning at 4:00 p.m. for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's agendas for September 15th, 22st and 29th, 2015.

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

Lloyd J. Jordan, Chairman, Marnique Y. Heath, Vice Chairperson,
Frederick L. Hill, Jeffrey L. Hinkle, and a Member of the Zoning Commission.
Clifford W. Moy, Secretary of the Board of Zoning Adjustment,
Sara A. Bardin, Director, Office of Zoning.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-02(1)
Z.C. Case No. 14-02
A&R Development Corporation, et al.
(First-Stage PUD and Related Map Amendment @ Various Lots in Squares 5862, 5865, 5866, and 5867)
June 29, 2015

By Z.C. Order No. 14-02, the Zoning Commission for the District of Columbia ("Commission") granted the application of the District of Columbia ("District"), the District of Columbia Housing Authority ("DCHA"), A&R Development Corporation ("A&R"), and the Preservation of Affordable Housing, Inc. ("POAH") (collectively, the "Applicant") for approval of a first-stage planned unit development ("PUD") and a PUD-related Zoning Map amendment to rezone Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, and 831-835; and Square 5867, Lots 143, 172-174, 890- 891, and 898 (collectively the "PUD Site") from the R-5-A Zone District to the R-5-B and C-2-A Zone Districts.

The parties to Z.C. Case No. 14-02 were the Applicant, Advisory Neighborhood Commission ("ANC") 8C, and the Barry Farm Tenants and Allies Association ("BFTAA").

On May 19, 2015, the Office of Zoning served the parties with copies of Z.C. Order No. 14-02 approving the PUD and related map amendment. Z.C. Order No. 14-02 was published in the *D.C. Register* on May 29, 2015, and became final and effective upon publication.

Pursuant to 11 DCMR § 3029.5, on June 8, 2015, BFTAA filed a Motion for Reconsideration ("Motion for Reconsideration") alleging that the Commission inaccurately made the following Findings of Fact in Z.C. Order No, 14-02: (Exhibit ["Ex."] 109.)

> "155… the Commission notes that the Applicant indicated that it plans to pursue the HUD Choice Neighborhood program for funding and development of the project. Under the HUD Choice Neighborhood program, all current Barry Farm residents who are lease compliant and remain compliant while residing in their temporary housing will be able to return to the redeveloped PUD Site.
>
> 159. The regulations do not require proof of financing as a prerequisite to approval. Indeed, many PUDs come before the Commission without financing fully in place. Nevertheless, the Commission notes that the Applicant indicated that it intends to pursue the HUD Choice Neighborhood program as a funding source for the development of the PUD Site.
>
> 163. The Commission also finds that the Applicant is providing significant relocation and return support to existing residents to help ameliorate any potential social impacts as a result of redevelopment."

The Motion for Reconsideration also alleged that the following facts had arisen since the record was closed in Z.C. Case No. 14-02, which undermine the Commission's rationales in Findings of

Fact Nos. 155, 159, and 163: (i) HUD's Choice Neighborhood funding program is no longer being pursued by DCHA; (ii) the re-entry criterion under the Choice Neighborhood program is no longer available; and (iii) the relocation and return support offered by DCHA and the District's New Communities Initiative ("NCI") cannot ameliorate issues arising from displacement. BFTAA attached to the Motion for Reconsideration a report prepared by Quadel Consulting Training, LLC ("Quadel Report") in support of its argument.

By letter dated June 15, 2015, the Applicant requested that the Commission deny the Motion for Reconsideration as being without merit ("Request for Denial") and requested that the Commission strike the Quadel Report from the record ("Motion to Strike"). (Ex. 111.) The Applicant's letter asserted that the Motion for Reconsideration failed to meet the requirements of 11 DCMR § 3029.6 because BFTAA did not submit any information indicating that the Commission's findings in Z.C. Order No. 14-02 were erroneous, nor did BFTAA submit any new evidence that could not have been presented at the public hearings in this case.

On June 17, 2015, BFTAA submitted a Motion in Opposition to the Motion to Strike ("Motion in Opposition"), requesting that the Commission reconsider the case and permit the Quadel Report to be submitted as evidence to the record. (Ex. 112.)

On June 29, 2015, at its regularly scheduled public meeting, the Commission considered the Motion for Reconsideration, the Request for Denial, the Motion to Strike, and the Motion in Opposition. For the reasons discussed below, the Commission denied the Motion for Reconsideration and the Motion to Strike. Given that the Commission denied the Motion to Strike, the Motion in Opposition was moot and thus not discussed during the Commission's deliberations.

Requirements of 11 DCMR § 3029.6

Subsection 3029.6 provides the following:

> A motion for reconsideration, rehearing, or re-argument shall state specifically the respects in which the final order is claimed to be erroneous, the grounds of the motion, and the relief sought. No request for rehearing shall be considered by the Commission unless new evidence is submitted that could not reasonably have been presented at the original hearing. If a rehearing is granted, notice shall be given as in the case of an original hearing.

The Commission finds that the Motion for Reconsideration did not present any information indicating that the Commission's findings in Z.C. Order No. 14-02 were erroneous. The Commission properly stated in Finding of Fact No. 159 that "[t]he regulations do not require proof of financing as a prerequisite to approval. Indeed, many PUDs come before the Commission without financing fully in place." The Motion for Reconsideration asserted that the Commission's decision should be reconsidered and reversed because "[c]hoice [f]unding is now

no longer being pursued by DCHA" (*see* Motion for Reconsideration, p. 2). However, because whether this project is funded or not has no bearing on the merits of this or any PUD application, the absence of such funding, even if true, would not be grounds for the Commission to reconsider its grant of this PUD.

Moreover, the Commission finds that the Motion for Reconsideration did not provide any new evidence that could not reasonably have been presented at the original hearing and therefore no basis exists for a rehearing. The Quadel Report is dated August 2014, and thus BFTAA could have submitted the report at any of the public hearings or with any of its filings after August 2014. The record includes ample testimony and documents submitted by BFTAA and other opponents prior to and after August 2014 regarding the merits of NCI.[1] The Quadel Report is merely a restatement of arguments already in the case record, which the Commission previously reviewed.

CONCLUSIONS OF LAW

Pursuant to 11 DCMR § 3029.5, a party may file a motion for reconsideration, rehearing, or re-argument of a final order in a contested case proceeding within 10 days of the order having become final. The Motion for Reconsideration was timely filed.

Upon consideration of the record in this application, the Motion for Reconsideration, and the response thereto, the Commission concludes that BFTAA did not submit any information indicating that the Commission's findings in Z.C. Order No. 14-02 were erroneous, nor did BFTAA submit any new evidence that could not have been presented at the public hearings in this case, and that therefore the Motion for Reconsideration does not meet the clear requirements of 11 DCMR § 3029.6 and should be denied. The Commission finds that (i) proof of financing is not relevant because the regulations do not require proof of financing as a prerequisite to approval; (ii) to the extent that BFTAA raised the issue of relocation during the hearings for this case, Z.C. Order No. 14-02 includes ample findings demonstrating that the Applicant will provide significant relocation and return support to Barry Farm residents; and (iii) at the time of its first second-stage PUD application, the Applicant will be required to submit a relocation plan that lists specific timetables and plans for the relocation and return of Barry Farm residents (*see* Z.C. Order No. 14-02, Decision No. B.2). The Commission concludes that its findings in Z.C. Order No. 14-02 are supported by testimony and information in the record and that the Motion for Reconsideration did not include any new evidence or information that undermines the

[1] *See* Exhibit 62, p. 3 (Testimony of Will Merrifield on behalf of BFTAA); Exhibit 75 (BFTAA Submission July 21, 2014), pp. 3, 5, 9, 11, 12; Exhibit 87 (ANC 8C Resolution), p. 1-2; Exhibit 88 (Testimony of BFTAA), pp. 2-5, 12, 15, 29; Exhibit 89 (Testimony of Leonard Watson for BFTAA), p. 2; Exhibit 92 (ANC 8C's Resolution), pp. 1-2; Exhibit 98 (BFTAA's Proposed Findings of Fact and Conclusions of Law), p. 6-8, 10, 12; and Exhibit 100 (Motion for Recusal), p. 2; *see also* June 19, 2014 Transcript, pp. 131, 132-139, 156-160, 333, and September 18, 2014 Transcript, pp. 114, 122, 127, 191-194.

Commission's rationales. Therefore, the Commission concludes that the Motion for Reconsideration does not meet the clear requirements of 11 DCMR § 3029.6.

Having reached the merits and denying the Motion for Reconsideration, the Commission finds that there is no need to strike the Quadel Report, since the substance of the report does not provide any new information that meets the standard of 11 DCMR § 3029.6 or rise to the level of requiring a new hearing.

For the reasons stated above, the Motion for Reconsideration is hereby **DENIED**, and the Motion to Strike is also **DENIED**.

On June 29, 2015, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **DENIED** the motions 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 deny).

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 August 14, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 15-18
(Initio LP – Consolidated PUD & Related Map Amendment @ Square 1194)
August 4, 2015

THIS CASE IS OF INTEREST TO ANC 2E

On July 31, 2015, the Office of Zoning received an application from Initio LP (the "Applicant") for approval of a consolidated planned unit development ("PUD") and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 811 in Square 1194 in northwest Washington, D.C. (Ward 2), which is located at 2715 Pennsylvania Avenue, N.W. The property is partly zoned C-2-A and partly unzoned. The Applicant is requesting approval of a PUD-related map amendment to rezone the property, for the purposes of this project, to W-2.

The Applicant proposes to redevelop the property into a five-story, mixed-use apartment house with commercial use (a restaurant) on the ground floor and eight residential units above. The total area of the property is 7,413 square feet and it is currently improved with a small gas station with a service bay. The proposed development would have a maximum building height of 60 feet and a maximum density of 3.5 floor area ratio ("FAR")

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.