

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 21-20, Healthy Hearts of Babies Act of 2015
- D.C. Council schedules a public hearing on Bills 21-351, Body-Worn Camera Program Regulations Amendment Act of 2015
- Office of the City Administrator proposes operating standards for the Body-Worn Camera Program
- Department of Energy and Environment announces availability of Grants for the Watershed Protection Incentives and Ambassador Program
- Department of Insurance, Securities, and Banking establishes guidelines for reporting enterprise risks and disclosing company management agreements
- Department of Health Care Finance announces intent to increase primary care rates for specified services
- Department of Health announces funding availability for the 2016 Transgender Drop In Center and Needle Exchange Services
- Department of Housing and Community Development schedules a public hearing on the 2016-2020 Five Year Consolidated Plan for the District of Columbia

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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MAYOR

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ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L21-20 Healthy Hearts of Babies Act of 2015 012926

L21-21 Access to Contraceptives Amendment Act of 2015 012927

L21-22 Medical Marijuana Cultivation Center Exception
Temporary Amendment Act of 2015 012928

L21-23 Youth Employment and Work Readiness Training
Temporary Amendment Act of 2015 012929

L21-24 Fiscal Year 2015 Second Revised Budget Request
Temporary Adjustment Act of 2015 012930

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bills B21-356 through B21-367, B21-369 through
B21-388, B21-397, B21-399 through B21-403, and
Proposed Resolutions PR21-327 through PR21-332,
PR21-335, PR21-336, PR21-342, PR21-345
through PR21-350 012931 - 012938

Notice of Public Hearings -

B21-168 LGBTQ Cultural Competency Continuing Education
Amendment Act of 2015 012939

B21-196 Nightlife Regulation Amendment
Act of 2015 (Revised) 012940 - 012941

B21-253 Alcoholic Beverage Enforcement Amendment
Act of 2015 (Revised) 012940 - 012941

B21-401 Omnibus Alcoholic Beverage Regulation Amendment
Act of 2015 (Revised) 012940 - 012941

PR21-304 Reimbursable Details Subsidy Program
Resolution of 2015 (Revised) 012940 - 012941

PR21-309 ABRA Procedural Amendment Approval
Resolution of 2015 (Revised) 012940 - 012941

B21-313 Transportation Reorganization Amendment
Act of 2015 (Revised) 012942

B21-316 Safe at Home Act of 2015 (Joint) 012943 - 012944

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Hearings -

B21-332	Council Financial Disclosure Amendment Act of 2015	012945
B21-351	Body-Worn Camera Program Regulations Amendment Act of 2015	012946 - 012947
B21-356	Public Access to Body-Worn Camera Video Amendment Act of 2015	012946 - 012947
PR21-327	Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015.....	012946 - 012947
B21-360	Neighborhood Engagement Achieves Results Act of 2015 (Joint).....	012948 - 012950
B21-357	Public Safety and Criminal Code Revisions Amendment Act of 2015 (Joint).....	012948 - 012950
B21-382	Bail Reform Amendment Act of 2015 (Joint)	012948 - 012950
B21-384	District of Columbia Good Time Credits Amendment Act of 2015 (Joint)	012948 - 012950
B21-189	Police and Criminal Discovery Reform Amendment Act of 2015 (Joint)	012948 - 012950
PR21-307	McMillan Townhomes Parcel, Commercial Parcel, and Multifamily Parcels Disposition Extension Approval Resolution of 2015.....	012951 - 012952
B21-336	Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W. in Square 3128, S.O. 13-09432, Act of 2015.....	012951 - 012952
B21-338	Plaza West Disposition Restatement Emergency Act of 2015	012951 - 012952

Notice of Public Roundtable -

PR21-276	Director of the Office of Veteran's Affairs Tammi Lambert Confirmation Resolution of 2015.....	012953
PR21-318	Alcoholic Beverage Control Board Donovan W. Anderson, Esq. Confirmation Resolution of 2015.....	012954 - 012955
PR21-319	Alcoholic Beverage Control Board Montez Jacques Anderson Confirmation Resolution of 2015	012954 - 012955
PR21-320	Commissioner of the Department of Insurance, Securities, and Banking Stephen Taylor Confirmation Resolution of 2015	012954 - 012955
PR21-321	Chief Risk Officer of the Office of the Risk Management Jed Ross Confirmation Resolution of 2015	012954 - 012955
PR21-322	Director of the Department of Human Resources Ventris Gibson Confirmation Resolution of 2015	012956

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B21-344 Fiscal Year 2015 and Fiscal Year 2016 Revised Budget
Request Temporary Adjustment Act of 2015012957

B21-349 Higher Education Licensure Commission Temporary
Amendment Act of 2015012957

B21-355 Sexual Assault Victim Rights Task Force Report
Extension Temporary Amendment Act of 2015.....012957

B21-390 Rent Control Hardship Petition Limitation Temporary
Amendment Act of 2015012957

B21-392 ABLE Program Trust Establishment Temporary
Amendment Act of 2015012957

B21-396 Fiscal Year 2016 Budget Support Clarification
Temporary Amendment Act of 2015.....012957

Notice of Intent to Consider Legislation (Abbreviated) -

PR21-343 Hi-Tech Solutions, Inc. Contract Approval
Resolution of 2015.....012958

Notice of Reprogramming Requests -

21-104 Request to reprogram \$2,500,000 of Fiscal Year 2015
Local funds budget authority within the Department
of Behavioral Health (DBH).....012959

21-105 Request to reprogram \$1,628,400 of Fiscal Year 2015
Local funds budget authority within the Office of the
Chief Financial Officer (OCFO).....012959

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Alta Strada - ANC 6E - New012960

Bar Pilar - ANC 1B - Summer Garden012961

Chateau - ANC 7D - Class Change012962

Kenny's Smokehouse - ANC 6C - Change of Hours - RESCIND.....012963

Red, White and Basil - ANC 1C - New - CORRECTION012964

Red, White and Basil - ANC 1C - New - RESCIND012965

Sushi Ogawa - ANC 2D - New012966

Table DC - ANC 2F - Class Change012967

Tasty Burger - ANC 1B - New012968

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Alcoholic Beverage Regulation Administration – cont'd

The Greenbee Café - ANC 2B - Transfer to New Location	012969
To Be Determined (MMA BY TMI, LLC) - ANC 5C - New	012970
Wardman Wines - ANC 5E - New	012971
XO - ANC 6C - New	012972

Housing and Community Development, Department of -

Notice of Community Engagement Events - 2016-2020	
Five Year Consolidated Plan for the District of Columbia	012973 - 012974

Zoning Adjustment, Board of - November 17, 2015 Hearings (Revised) -

18843A	Christopher Pashby - ANC-3G	012975 - 012977
18929A	Saint John's College High School - ANC-3G	012975 - 012977
19099	RP 3701 NW LLC - ANC-4C	012975 - 012977
19100	525 Longfellow St LLC - ANC-4D.....	012975 - 012977
19106	Richard Alan Seutter, Jr., Susan T. Seutter, and Katelijn van den Berg (Appeal) - ANC 5E.....	012975 - 012977
19107	Calvin Smith - ANC-5C	012975 - 012977
19111	Victory Village Development Corporation - ANC-6E	012975 - 012977

Zoning Adjustment, Board of - December 15, 2015 Hearings -

17772A	Bishop George F. Haskins, Jr. and Dianne M. Haskins - ANC-7C.....	012978 - 012980
19123	The Department of General Services of DC - ANC-3F.....	012978 - 012980
19128	The Department of General Services of DC - ANC-8B.....	012978 - 012980
19129	The Department of General Services of DC - ANC-5C.....	012978 - 012980
19133	St. Thomas' Episcopal Parish - ANC-2B	012978 - 012980
19137	Rishi Chakrabarty and Livia Kent - ANC-4C	012978 - 012980
19140	Southwest Social Scene, Inc. - ANC-5A	012978 - 012980
19143	Kelly Callahan and Steven Bradley (Appeal) - ANC-1D	012978 - 012980

Zoning Commission - Case -

04-33G	Amendments to Chapter 26, Inclusionary Zoning.....	012981 - 012996
--------	--	-----------------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

Education, Office of the State Superintendent of -
Amend 5 DCMR (Education), Subtitle E (Original
Title 5), to change the title to Ch. 30 (Special
Education), and update Sections 3000, 3001, 3004,
3005, 3009, and 3011, to implement the provisions
of the Enhanced Special Education Services
Amendment Act of 2014, the Special Education
Student Rights Act of 2014, and the Special Education
Quality Improvement Amendment Act of 2014.....012997 - 013003

Insurance, Securities, and Banking, Department of -
Amend 26 DCMR (Insurance, Securities, and Banking),
Subtitle A (Insurance), Ch. 16 (Insurance Holding
Company System Regulations), Sections 1602, 1603,
1604, 1606, 1609, 1611, 1615, 1618, and 1699, to
establish guidelines for reporting enterprise risks and
disclosing company management agreements013004 - 013016

Lottery and Charitable Games Control Board, D.C. -
Amend 30 DCMR (Lottery and Charitable Games),
Ch. 9 (Description of On-Line Games), to update
Sections 906, 908, and 9900, and rename
Sections 907, 909, 910, 913, and 914, to implement
changes to the nationwide POWERBALL® game013017 - 013026

Lottery and Charitable Games Control Board, D.C. -
Amend 30 DCMR (Lottery and Charitable Games),
Ch. 12 (Bingo, Raffle, Monte Carlo Night Party and
Supplier’s Licenses), Sec. 1205 (Bonding), to ensure
compliance of bonding events with the D.C. Official
Code § 3-1325, and Ch. 15 (Raffles), Sec. 1509
(50/50 Raffles Conducted by Charitable Foundations
Affiliated with Collegiate or Professional Sports Teams),
to increase the number of 50/50 raffle licensed events
and reduce the fees013027 - 013028

PROPOSED RULEMAKING

Alcoholic Beverage Regulation Administration -
Amend 23 DCMR (Alcoholic Beverages),
Ch. 1 (Provisions of General Applicability),
Sec. 199 (Definitions), and Ch. 8 (Enforcement,
Infractions, and Penalties), to add Sec. 808
(Violation History Computation), to establish a
methodology for computing prior violations under the
graduated penalty scheme013029 - 013032

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

City Administrator, Office of the - Amend 24 DCMR (Public Space and Safety), to add Ch. 39 (Metropolitan Police Department Body-Worn Cameras), Sections 3900 through 3903, and 3999, to provide operating standards for the Body-Worn Camera program013033 - 013037

Human Services, Department of - Amend 29 DCMR (Public Welfare), Ch. 58 (Temporary Assistance for Needy Families), Sec. 5812 (Sanctions), to clarify the District’s TANF sanction policy013038 - 013039

Taxicab Commission, D.C. - Amend 31 DCMR (Taxicabs and Public Vehicles For Hire), Ch. 4 (Taxicab Payment Service Providers), Sec. 408 (Operating Requirements Applicable to PSPs and DDSs), to require the D.C. Taxicab Industry Co-op and each new payment service provider to bear its own integration expenses with the D.C. Universal Taxicab App 013040

Taxicab Commission, D.C. - Amend 31 DCMR (Taxicabs and Public Vehicles For Hire), Ch. 6 (Taxicab Parts and Equipment), Sec. 609 (Taxicab Vehicle Retirement), to expedite the retirement of older vehicles013041 - 013044

EMERGENCY AND PROPOSED RULEMAKING

Education, Office of the State Superintendent of - Amend 5 DCMR (Education), Subtitle A (Office of the State Superintendent of Education), to add Ch. 35 (Pre-K Enhancement and Expansion Funding), to enhance and expand high quality Pre-K programs across the District 013045 - 013058

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 9 (Medicaid Program), to add Sec. 988 (Medicaid Fee Schedule) and amend Sec. 999 (Definitions), to update rules governing adjustments to the fee schedule for reimbursing Medicaid service providers; Second Emergency and Proposed Rulemaking to include review comments from the first rulemaking published on May 22, 2015 at 62 DCR 6692..... 013059 - 013061

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), Sec. 1916 (In-Home Supports Services) and Sec. 1999 (Definitions), to establish reimbursement guidelines for in-home supports service providers.....013062 - 013069

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), to change the title for Sec. 1918 from (Art Therapies) to (Creative Arts Therapies) and establish reimbursement guidelines for creative arts therapy service providers013070 - 013075

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), Sec. 1922 (Employment Readiness Services) and Sec. 1999 (Definitions), to establish reimbursement guidelines for employment readiness service providers.....013076 - 013084

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), to add Sec. 1939 (Companion Services), to establish reimbursement guidelines for companion service providers.....013085 - 013090

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

2015-222 Appointment – Board of Physical Therapy (Dr. Timothy Vidale)..... 013091

2015-223 Delegation – Authority to the Director of the District Department of Transportation – Kids Ride Free Metrorail Benefit Amendment Act of 2015..... 013092

2015-224 Procedures to Review the Potential Impacts of Transfers of Real Property Interests and Use Agreements on Tax-Exempt Bond Issuances013093 - 013099

2015-225 Establishment – Committee on Design Guidelines for Emergency Housing for Families Experiencing Homelessness.....013100 - 013101

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Administrative Hearings, Office of -

Commission on Selection and Tenure of Administrative
Law Judges - Seeking Comments Regarding Reappointment
of Administrative Law Judges:

Calonette M. McDonald 013102 - 013103
Robert E. Sharkey013104 - 013105

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar - October 7, 2015013106 - 013107
ABC Board's Investigative Agenda - October 7, 2015013108 - 013109
ABC Board's Investigative Supplemental Report
Agenda - September 30, 2015 013110
ABC Board's Legal Agenda - October 7, 2015013111
ABC Board's Licensing Agenda - October 7, 2015013112 - 013113

Center City Public Charter Schools, Inc. - Request for Proposals -

Main Office Build Out..... 013114

Consumer and Regulatory Affairs, Department of - Meetings -

Board of Accountancy - October 2, 2015..... 013115
Board of Architecture and Interior Design, DC - October 23, 2015 013116
Board of Funeral Directors - October 1, 2015..... 013117
Board of Industrial Trades, DC - October 20, 2015 013118
Boards and Commissions - October 2015 Meeting Schedule 013119
Boxing and Wrestling Commission, DC - October 20, 2015 013120
Professional Engineers, DC - October 22, 2015 013121
Real Estate Appraisers, DC - October 21, 2015 013122
Real Estate Commission - October 13, 2015 013123

DC Bilingual Public Charter School - Request for Proposals -

HR Services 013124

Elections, Board of -

Certification of ANC/SMD Vacancies - 4C04..... 013125
Certification of Filling ANC/SMD Vacancy –
1B10 (Amanda Bonam) 013126

Energy and Environment, Department of -

Funding Availability - Grants for the Watershed Protection
Incentives and Ambassador Program013127 - 013128

Friendship Public Charter School -

Notice of Intent to Enter Sole Source Contracts -
Teach for America 013129

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

General Counsel to the Mayor, Office of -
 Certification - Exemption of Dr. Thomas Kakovitch from Post-
 Employment Restrictions.....013130 - 013131

Health Care Finance, Department of -
 Medicaid Primary Care Provider Rate Permanent
 Extension for Qualified Physicians and Advanced Practice
 Registered Nurses..... 013132

Health, Department of / HAHSTA - Funding Availability -
 2016 Transgender Drop In Center and Needle
 Exchange Services (RFA# _DROP10.16.15)..... 013133

Burial Assistance for District of Columbia Residents
 who Succumb to AIDS (RFA # HAHSTA_BUA10.16.15)..... 013134

Health, Department of -
 Health Regulation and Licensing Administration -
 Agency Temporary Closing - October 8, 2015 013135

Housing and Community Development, Department of -
 Home Purchase Assistance Program (HPAP) - First Time
 Homebuyer Table - Effective on Friday, September 25, 2015..... 013136

Public Service Commission -
 GT97-3, In The Matter of the Application of Washington
 Gas Light Company for Authority to Amend Its Rate
 Schedule No. 6 (Washington Gas Light Company’s 2015
 Annual Surcharge Filing).....013137 - 013138

GT06-1, In The Matter of the Application of Washington
 Gas Light Company for Authority to Amend General
 Service Provision No. 23 (Washington Gas Light Company’s 2015
 Annual Surcharge Filing).....013137 - 013138

Formal Case No. 1027, In The Matter of the Emergency
 Petition of the Office of the People’s Counsel for an
 Expedited Investigation of the Distribution System
 of Washington Gas Light Company (Washington Gas
 Light Company’s 2015 Annual Surcharge Filing)013137 - 013138

Public Service Commission - Notice of Proposed Tariff -
 Gas Tariff 2014-03, In The Matter of Washington
 Gas Light Company’s Application to Amend
 Rate Schedule No. 5.....013139 - 013141

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Small and Local Business Development, Department of -
 Revised Funding Availability - DC Main Streets
 (Congress Heights Target Areas) 013142

Taxicab Commission, DC -
 General Commission Meeting - October 14, 2015..... 013143

Washington Global Public Charter School - Request for Proposals -
 Legal Services, Facility and Janitorial Services 013144

Water and Sewer Authority, DC -
 Audit Committee Meeting - October 22, 2015 013145
 Environmental Quality and Sewerage Services Committee
 Meeting - October 15, 2015..... 013146

Water and Sewer Authority, DC - cont'd
 Finance and Budget Committee Meeting - October 22, 2015 013147

Water Quality and Water Services Committee Meeting -
 October 15, 2015 013148

Zoning Adjustment, Board of - Cases -
 18905 Jemal's 9th Street Gang of 3, LLC - ANC 2F - Order.....013149 - 013164

18999 Advisory Neighborhood Commission 1C - ANC 1C - Order013165 - 013167

19064 Andrew Hollinger - ANC 6A - Order.....013168 - 013170

19065 Jeremy & Rachel Robinson - ANC 3B - Order.....013171 - 013173

Zoning Commission -
 Notice of Closed Meeting - October 22, 2015..... 013174

COUNCIL OF THE DISTRICT OF COLUMBIA

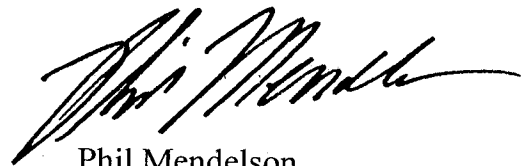
NOTICE

D.C. LAW 21-20

"Healthy Hearts of Babies 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 21-6 on first and second readings May 5, 2015, and June 2, 2015, respectively. Following the signature of the Mayor on June 17, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-90 and was published in the June 26, 2015 edition of the D.C. Register (Vol. 62, page 8845). Act 21-90 was transmitted to Congress on July 6, 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 21-90 is now D.C. Law 21-20, effective September 17, 2015.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
August	3, 4, 5, 6
September	8, 9, 10, 11, 14, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-21

"Access to Contraceptives 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 21-20 on first and second readings May 5, 2015, and June 2, 2015, respectively. Following the signature of the Mayor on June 17, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-91 and was published in the June 26, 2015 edition of the D.C. Register (Vol. 62, page 8848). Act 21-91 was transmitted to Congress on July 6, 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 21-91 is now D.C. Law 21-21, effective September 17, 2015.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
August	3, 4, 5, 6
September	8, 9, 10, 11, 14, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

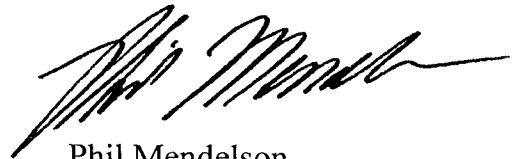
NOTICE

D.C. LAW 21-22

**"Medical Marijuana Cultivation Center Exception
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 21-184 on first and second readings May 5, 2015, and June 2, 2015, respectively. Following the signature of the Mayor on June 17, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-92 and was published in the June 26, 2015 edition of the D.C. Register (Vol. 62, page 8850). Act 21-92 was transmitted to Congress on July 6, 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 21-92 is now D.C. Law 21-22, effective September 17, 2015.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
August	3, 4, 5, 6
September	8, 9, 10, 11, 14, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

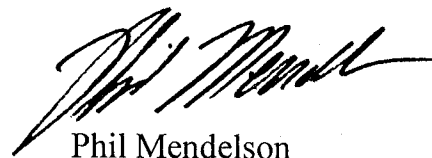
NOTICE

D.C. LAW 21-23

**"Youth Employment and Work Readiness Training
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 21-186 on first and second readings May 5, 2015, and June 2, 2015, respectively. Following the signature of the Mayor on June 17, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-93 and was published in the June 26, 2015 edition of the D.C. Register (Vol. 62, page 8852). Act 21-93 was transmitted to Congress on July 6, 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 21-93 is now D.C. Law 21-23, effective September 17, 2015.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
August	3, 4, 5, 6
September	8, 9, 10, 11, 14, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

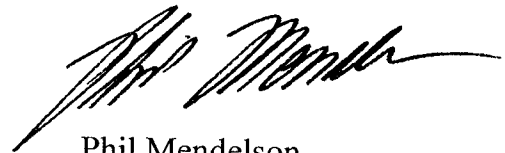
NOTICE

D.C. LAW 21-24

**"Fiscal Year 2015 Second Revised Budget Request
Temporary Adjustment 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 21-165 on first and second readings May 27, 2015, and June 10, 2015, respectively. Following the signature of the Mayor on June 25, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-94 and was published in the July 3, 2015 edition of the D.C. Register (Vol. 62, page 9221). Act 21-94 was transmitted to Congress on July 6, 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 21-94 is now D.C. Law 21-24, effective September 17, 2015.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31
August	3, 4, 5, 6
September	8, 9, 10, 11, 14, 15, 16

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

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

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

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

- | | |
|---------|--|
| B21-356 | Public Access to Body-Worn Camera Video Amendments Act of 2015

Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary |
| <hr/> | |
| B21-357 | Public Safety and Criminal Code Revisions Amendment Act of 2015

Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Judiciary and Committee of the Whole |
| <hr/> | |
| B21-358 | Revision of Guardianship of Minors and Creation of Supplemental Needs Trusts Act of 2015

Intro. 9-18-15 by Councilmember Evans and referred to the Committee on Judiciary |
| <hr/> | |
| B21-359 | Ballpark Fee Overpayment Act of 2015

Intro. 9-18-15 by Councilmember Evans and referred to the Committee on Finance and Revenue |
-

- B21-360 Neighborhood Engagement Achieves Results Act of 2015
Intro. 9-22-15 by Councilmembers McDuffie, Allen, Cheh, Silverman, Nadeau, Grosso, Bonds, May, Evans, and Orange, and Chairman Mendelson and referred sequentially as follows: title 2; to the Committee on Health and Human Services for 60 days then the entire bill to the Committee on Judiciary
-
- B21-361 Youth Suicide Prevention and School Climate Survey Act of 2015
Intro. 9-22-15 by Councilmembers Grosso, Allen, McDuffie, Bonds, Cheh, Nadeau, May, Todd, and Silverman, and Chairman Mendelson and referred to the Committee on Education
-
- B21-362 Metropolitan Police Department Minimum Staffing Act of 2015
Intro. 9-22-15 by Councilmember Evans and referred to the Committee on Judiciary
-
- B21-363 Omnibus Health Regulation Rationalization Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Evans and Grosso and referred to the Committee on Health and Human Services
-
- B21-364 Jobs for D.C. Residents Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Evans, Orange, Bonds, and Alexander and referred to the Committee of the Whole with comments from the Committee on Education and the Committee on Judiciary
-
- B21-365 Record Sealing for Victims of Sex Trafficking Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Cheh, Allen, Bonds, Nadeau, Grosso, and Alexander and referred to the Committee on Judiciary
-
- B21-366 Firehouse Parking Exception Regulation Amendment Act of 2015
Intro. 9-22-15 by Councilmember Cheh and Chairman Mendelson and referred to the Committee on Transportation and the Environment with comments from the Committee on Judiciary
-

- B21-367 Women in Need Program Amendment Act of 2015
Intro. 9-22-15 by Councilmember Orange and referred sequentially to the Committee on Health and Human Services and Committee of the Whole with comments from the Committee on Judiciary
-
- B21-369 Commission on Climate Change and Resiliency Establishment Act of 2015
Intro. 9-22-15 by Councilmembers Allen and Cheh and referred to the Committee on Transportation and the Environment
-
- B21-370 Unemployment Benefits Modernization Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Silverman, Bonds, May, Todd, McDuffie, Allen, Cheh, and Nadeau, and Chairman Mendelson and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- B21-371 Unused Prescription Drug Donation Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Alexander, Cheh, and Grosso and referred to the Committee on Health and Human Services
-
- B21-372 Safe Sleep for Infants Act of 2015
Intro. 9-22-15 by Councilmembers Alexander, Nadeau, Todd, May, Bonds, Orange, and Cheh, and Chairman Mendelson and referred to the Committee on Health and Human Services
-
- B21-373 Justice for Ex-Spouses Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Todd, Silverman, May, Orange, Grosso, Bonds, Nadeau, and Evans and referred to the Committee on Judiciary
-
- B21-374 Emery Heights Community Center Designation Act of 2015
Intro. 9-22-15 by Councilmember Todd and referred to the Committee of the Whole
-

- B21-375 Language Access Compliance Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Nadeau, Orange, Silverman, and Allen and referred to the Committee on Judiciary
-
- B21-376 Advisory Neighborhood Commission Absenteeism Accountability Amendment Act of 2015
Intro. 9-22-15 by Councilmembers Nadeau, Silverman, and Bonds and referred to the Committee on Housing and Community Development
-
- B21-377 Repeal of Outdated and Unnecessary Audit Mandates Amendment Act of 2015
Intro. 9-22-15 by Chairman Mendelson and referred to the Committee of the Whole
-
- B21-378 Mobile Hygiene Pilot Program Amendment Act of 2015
Intro. 9-22-15 by Councilmember Orange and referred sequentially to the Committee on Health and Human Services and Committee of the Whole
-
- B21-379 Citizen Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Amendment Act of 2015
Intro. 9-18-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- B21-380 Deferred Compensation Program Enrollment Amendment Act of 2015
Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- B21-381 Expanding Access to Juvenile Records Act of 2015
Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- B21-382 Bail Reform Amendment Act of 2015
Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-

- B21-383 Vision Zero Act of 2015
- Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment with comments from the Committee on Judiciary
-
- B21-384 District of Columbia Good Time Credits Amendment Act of 2015
- Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- B21-385 Citizens with Intellectual Disabilities Civil Rights Restoration Act of 2015
- Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Health and Human Services and the Committee on Judiciary
-
- B21-386 Fisheries and Wildlife Omnibus Amendment Act of 2015
- Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Transportation and the Environment and the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Judiciary and the Committee of the Whole
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- B21-387 Health Care Benefits Lien Reduction Act of 2015
- Intro. 9-21-15 by Councilmember Orange and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Health and Human Services
-
- B21-388 Workers' Compensation Benefits Lien Reduction Amendment Act of 2015
- Intro. 9-21-15 by Councilmember Orange and referred to the Committee on Business, Consumer, and Regulatory Affairs
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- B21-397 Procurement Practices Reform Amendment Act of 2015
- Intro. 9-22-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-

- B21-399 Marion S. Barry Summer Youth Employment Expansion Amendment Act of 2015
Intro. 9-22-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- B21-400 Closing of a portion of a public alley in Square 5197, S.O. 11-4822, Act of 2015
Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- B21-401 Omnibus Alcoholic Beverage Regulation Amendment Act of 2015
Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs
-
- B21-402 Ingleside Presbyterian Retirement Community, Inc. Real Property Tax Exemption and Real Property Tax Relief Act of 2015
Intro. 9-25-15 by Councilmember Todd and referred to the Committee on Finance and Revenue
-
- B21-403 Department of Motor Vehicles Reform Amendment Act of 2015
Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-

PROPOSED RESOLUTIONS

- PR21-327 Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015
Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- PR21-328 Local Rent Supplement Program Contract No. 2014-LRSP-04 Approval Resolution of 2015
Intro. 9-17-15 by Chairman Mendelson at the request of the District of Columbia Housing Authority, and Retained by the Council with comments from the Committee on Housing and Community Development
-

PR21-329 District of Columbia Water and Sewer Authority Board of Directors Ana Recio
Harvey Confirmation Resolution of 2015

Intro. 9-18-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR21-330 District of Columbia Water and Sewer Authority Board of Directors Matthew
T. Brown Confirmation Resolution of 2015

Intro. 9-18-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR21-331 District of Columbia Water and Sewer Authority Board of Directors Joshua
Lopez Confirmation Resolution of 2015

Intro. 9-18-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR21-332 Sense of the Council Regarding Quick Payment Compliance Resolution of
2015

Intro. 9-22-15 by Councilmembers Nadeau, Orange, Silverman, and Grosso
and Retained by the Council

PR21-335 Grimke School, N.W. Surplus Declaration and Approval Resolution of 2015

Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR21-336 Grimke School, N.W., Disposition Approval Resolution of 2015

Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole

PR21-342 Alcoholic Beverage Control Board Nicholas S. Alberti Confirmation
Resolution of 2015

Intro. 9-21-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business, Consumer, and Regulatory Affairs

PR21-345 Alcoholic Beverage Control Board Mike Silverstein Confirmation Resolution of 2015

Intro. 9-24-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR21-346 Temporary Assistance for Needy Families Sanction Policy Amendment Approval Resolution of 2015

Intro. 9-24-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

PR21-347 Fire and Emergency Medical Services Department Medical Director Juliette Saussy Confirmation Resolution of 2015

Intro. 9-24-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-348 Police Compliance Board Patrick Burke Confirmation Resolution of 2015

Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-349 Police Compliance Board Bobbi Strang Confirmation Resolution of 2015

Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-350 Pre-k Enhancement and Expansion Funding Approval Resolution of 2015

Intro. 9-25-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH AND HUMAN SERVICES**

ANNOUNCES A PUBLIC HEARING ON

**BILL 21-168, THE "LGBTQ CULTURAL COMPETENCY CONTINUING
EDUCATION AMENDMENT ACT OF 2015"**

**WEDNESDAY, OCTOBER 28, 2015
11:00 A.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-168, the "LGBTQ Cultural Competency Continuing Education Amendment Act of 2015." The hearing will take place at 11:00 a.m. on Wednesday, October 28, 2015 in Room 412 of the John A. Wilson Building.

The purpose of this bill is to make changes to the continuing education requirements for health professionals seeking the maintenance of their professional license, registration, or certification. It specifies that two (2) credits of instruction pertinent to cultural competency or specialized clinical training that focuses on LGBTQ patients must be included as part of the continuing education requirements for any license, registration, or certification.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at mcameron@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Monday, October 26, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to mcameron@dccouncil.us or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Wednesday, November 11, 2015.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs,
Notice of a Public Hearing**

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

Revised

**Councilmember Vincent B. Orange, Sr., Chair
Committee on Business, Consumer, and Regulatory Affairs**

Announces a Public Hearing

on

- **B21-196, the “Nightlife Regulation Amendment Act of 2015”**
 - **B21-253, the “Alcoholic Beverage Enforcement Amendment Act of 2015”**
- **B21-401, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2015”**
 - **PR21-304, the “Reimbursable Details Subsidy Program Resolution of 2015”**
 - **PR21-309, the “ABRA Procedural Amendment Approval Resolution of 2015”**

**Monday, October 26, 2015, 10:00 A.M.
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr., announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs, on B21-196, the “Nightlife Regulation Amendment Act of 2015”. The public hearing is scheduled for Monday, October 26, 2015 at 10:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004. *This notice is being revised to include the following measures: “B21-253, the “Alcoholic Beverage Enforcement Amendment Act of 2015”, B21-401, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2015”, PR21-304, the “Reimbursable Details Subsidy Program Resolution of 2015”, and PR21-309, the “ABRA Procedural Amendment Approval Resolution of 2015”.*

B21-196, the “Nightlife Regulation Amendment Act of 2015”, as introduced, would require establishments holding C/R, C/N, C/T and D/R, D/N, D/T liquor licenses to measure the noise levels coming from their establishments with a decibel meter approved by the Alcoholic Beverage Regulation Administration (“ABRA”) every day they are open from the hours of 9 p.m. to 4 a.m. in order to ensure that these establishments are conforming to the District’s noise restrictions. The bill will require establishments to report their actual noise readings to ABRA on a weekly basis. The Committee previously had a hearing on this measure on July 9, 2015.

After receiving feedback from residents and establishments alike, the Committee worked with ABRA and substantially revised B21-196. The purpose of this hearing is to get testimony on the revised version of B21-196. The modified version of B21-196, would establish a new plainly

audible noise standard with specific measurement requirements for on-premises licensed retailers. An ABRA investigator would be able to verify a noise violation without entering a residence. The bill would provide noise protections for commercial areas; in addition, to preserving noise protections for residential areas. This revised bill would prohibit entertainment or the playing of recorded music on an unenclosed outdoor summer garden or sidewalk café after midnight during any day of the week.

B21-253, the “Alcoholic Beverage Enforcement Amendment Act of 2015”, would require taverns with an entertainment endorsement to have a security plan, clarify the process for licensee's failure to renew their licenses, to strengthen the law regarding licensees who exceed their Board approved capacity, permit pub crawl organizers to participate in the reimbursable detail program, create a primary tier violation for tampering with alcoholic beverage containers, and prohibit the possession, use and sale of powdered alcohol products.

B21-401, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2015”, would create a Farmer’s Market license, clarify penalties for restaurants and hotels regarding the maintenance of their books and records, and strengthen penalties regarding ABC managers who sell alcoholic beverages to minors. The bill would allow manufacturers to obtain an entertainment endorsement, and a sidewalk café or summer garden endorsement. In addition, manufacturers will be able to expand the legal hours for their on-site sales permit and for their tasting permits.

PR21-304, the “Reimbursable Details Subsidy Program Resolution of 2015”, would approve rules to modify the current terms of the MPD Reimbursable Detail Subsidy Program. The percentage of distribution of subsidies paid by ABRA to MPD would increase from fifty percent to seventy percent when covering the costs incurred by ABC licensees for MPD officers working reimbursable details.

PR21-309, the “ABRA Procedural Amendment Approval Resolution of 2015”, would reorganize Chapter 16 of Title 23 of the DCMR to provide more clarity to the public hearing protest process.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Friday, October 23, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Monday, November 9, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

REVISED

NOTICE OF PUBLIC HEARING ON

B21-0313, the Transportation Reorganization Amendment Act of 2015

Friday, December 4, 2015
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, December 4, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0313, the Transportation Reorganization Amendment Act of 2015. B21-0313 would reorganize and establish several offices and divisions with the District Department of Transportation (DDOT), provide DDOT the authority to manage parking policy, operations, and enforcement, and to regulate and oversee the for-hire vehicle industry, and establish certain reporting and administrative duties for the Department of Motor Vehicles, among other things. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Friday, December 18, 2015.

This notice has been revised to reflect that the date of the hearing has changed from October 2 to December 4.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

and

**COUNCILMEMBER JACK EVANS, CHAIRPERSON
COMMITTEE ON FINANCE AND REVENUE**

**ANNOUNCES A JOINT PUBLIC HEARING OF THE COMMITTEES ON
B21-0316, the “Safe at Home Act of 2015”**

on

Tuesday, October 27, 2015, at 10:00 AM
John A. Wilson Building, Room 120
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, and Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue, will hold a joint public hearing on B21-0316, the “Safe at Home Act of 2015”. The public hearing will be held on Tuesday, October 27, 2015, at 10:00 AM in Room 120 of the John A. Wilson Building.

The purpose of B21-0173, the “Safe at Home Act of 2015”, is to establish a small-dollar home modification grant program – up to \$10,000 – with a simple application process; help low-income residents finance modestly-priced but essential accessibility modifications such as ramps, grab bars, and barrier-free doors and door handles; and allow income eligible residents – both homeowners and tenants with landlord permissions – to make accessibility modifications quickly, with an application turnaround time of 60 days. This bill also includes a Safe at Home tax credit for homeowners who pay outright to make accessibility modifications to their homes, allowing those residents to receive a tax credit of 50% of the modification cost or \$5,000, whichever is less.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 26, 2015. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, November 10, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**Bill 21-332, Council Financial Disclosure
Amendment Act of 2015**

on

**Wednesday, October 21, 2015
9:30 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 21-332, the “Council Financial Disclosure Amendment Act of 2015.” The hearing will be held at 9:30 a.m. on Wednesday, October 21, 2015 in Hearing Room 123 of the John A. Wilson Building.

The stated purpose of Bill 21-332 is to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Act to clarify and improve financial disclosure requirements for the Council of the District of Columbia.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or email Alana Intrieri, Special Counsel to the Chairman, at aintrieri@dccouncil.us, and to provide your name, address, telephone number, and organizational affiliation and title (if any) by close of business Monday, October 19, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 19, 2015 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 21-332 can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, November 4, 2015.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC HEARING ON

B21-0351, THE “BODY-WORN CAMERA PROGRAM REGULATIONS AMENDMENT ACT OF 2015”

**B21-0356, THE “PUBLIC ACCESS TO BODY-WORN CAMERA VIDEO AMENDMENT ACT OF
2015”**

AND

**PR21-0327, THE “METROPOLITAN POLICE DEPARTMENT BODY-WORN CAMERAS APPROVAL
RESOLUTION OF 2015”**

**Wednesday, October 21, 2015, 10 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, October 21, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Bill 21-0351, the “Body-Worn Camera Program Regulations Amendment Act of 2015”, Bill 21-0356, the “Public Access to Body-Worn Camera Video Amendment Act of 2015”, and Proposed Resolution 21-0327, the “Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015”. The hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10 a.m.

The stated purpose of Bill 21-0351, the “Body-Worn Camera Program Regulations Amendment Act of 2015”, is to adopt regulations governing the Metropolitan Police Department’s (MPD) Body-Worn Camera (BWC) Program. In the Fiscal Year 2016 Budget Support Act, the Council required the Mayor to submit proposed regulations establishing guidelines for the program to the Council by October 1, 2015. This bill allows the Council to modify the proposed regulations introduced on September 21, 2015, in PR21-0327, the “Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015”.

The stated purpose of Bill 21-0356, the “Public Access to Body-Worn Camera Video Amendment Act of 2015”, is to amend the Freedom of Information Act to allow public access to certain BWC footage.

The stated purpose of Proposed Resolution 21-0327, the “Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015”, is to approve rules regulating the release of video recorded as a result of police interaction. The rulemaking provides standards for public access to BWC recordings; procedures for auditing the program; and policies for protecting the security and integrity of BWC data.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, October 19, 2015**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 30, 2015.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY AND COMMITTEE ON
HEALTH & HUMAN SERVICES
NOTICE OF JOINT PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

AND

**COUNCILMEMBER YVETTE ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH & HUMAN SERVICES**

ANNOUNCE A JOINT PUBLIC HEARING ON

B21-0360, THE “NEIGHBORHOOD ENGAGEMENT ACHIEVES RESULTS ACT OF 2015”

B21-0357, THE “PUBLIC SAFETY AND CRIMINAL CODE REVISIONS AMENDMENT ACT OF 2015”

B21-0382, THE “BAIL REFORM AMENDMENT ACT OF 2015”

B21-0384, THE “DISTRICT OF COLUMBIA GOOD TIME CREDITS AMENDMENT ACT OF 2015”

AND

B21-0189, THE “POLICE AND CRIMINAL DISCOVERY REFORM AMENDMENT ACT OF 2015”

**Wednesday, October 21, 2015, 1 p.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, October 21, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, and Councilmember Yvette Alexander, Chairperson of the Committee on Health & Human Services, will hold a public hearing on Bill 21-0360, the “Neighborhood Engagement Achieves Results Act of 2015”; Bill 21-0357, the “Public Safety and Criminal Code Revisions Amendment Act of 2015”; Bill 21-0382, the “Bail Reform Amendment Act of 2015”; Bill 21-0384, the “District of Columbia Good Time Credits Amendment Act of 2015”; and Bill 21-0189, the “Police and Criminal Discovery Reform Amendment Act of 2015”. The hearing will take place in Room 412 of the John A. Wilson

Building, 1350 Pennsylvania Avenue, N.W., at 1 p.m., or immediately following the Judiciary Committee's hearing on body-worn cameras earlier that morning, whichever is later.

The stated purpose of Bill 21-0360, the "Neighborhood Engagement Achieves Results Act of 2015", is to establish a new Office of Neighborhood Engagement and Safety to engage individuals determined to be at high risk of participating in, or being a victim of, violent criminal activity and to encourage participation in a program, incorporating evidence-based cognitive behavioral therapy, designed to discourage violent criminal activity; to establish a new Office of Violence Prevention within the Department of Health (DOH) to prepare and implement a strategy for a public health approach to violence, to conduct a public information campaign, and to embed social workers in hospital emergency rooms; to create grant-making authority for the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) to issue grants for neighborhood violence intervention and prevention program initiatives; to require data collection and analysis by the DMPSJ on felony crimes; to create a Community Crime Prevention Team Program to embed social workers in the Metropolitan Police Department (MPD); to require MPD to include training on preventing biased-based policing, limitations on the use of chokeholds and neck restraints, community policing, and the use of force in their mandatory continuing education training; to require MPD to collect stop and frisk and use of force data; to increase the period of time in which citizens have to file complaints; and to require the Office of Police Complaints (OPC) to monitor and report on the number, type, and disposition of citizen complaints, use of force incidents, and in-custody deaths.

The stated purpose of Bill 21-0357, the "Public Safety and Criminal Code Revisions Amendment Act of 2015", is to provide for the consent, as a condition of their release, by individuals who committed a violent or dangerous crime and are on probation, parole, or supervised release of searches by supervision officers of the individual's residence or the individual's person while in their residence; provide that a person arrested for committing a violent or dangerous crime and who violates a condition of pretrial release requiring compliance with a stay away order or tampering with a detection device may be ordered to temporary placement in custody for a minimum of 72 hours; allow for an enhanced penalty at sentencing for violent offenses committed against a public transit passenger or committed at a Department of Parks and Recreation facility; modify the rebuttable presumption on pretrial release of a defendant to a violent crime when the defendant has a previous conviction for a violent crime; require supervisory agencies to provide detection device information to MPD upon request; require supervisory agencies to test persons under their supervision for synthetic drug use; create an incentive program for property and business owners to install security camera systems that are enrolled with MPD; allow the

rehiring of retired MPD officers by the Department of Forensic Sciences; create incentives for the retention and recruitment of MPD officers; make it unlawful to possess or receive a firearm with an obliterated or altered serial number, to receive, possess, sell or dispose of any stolen firearm or stolen ammunition, to possess a large capacity ammunition feeding device, to possess a firearm with the intent to sell it, for a person convicted of a felony to possess ammunition, and to establish penalties for each of these violations; eliminate the rebuttable presumption created by the failure of the operator of a motor vehicle to present proof of insurance upon demand; modernize the offenses of assault on a law enforcement officer and resisting arrest; and clarify

the prohibition against operating a vehicle with objects that obstruct a significant portion of the driver's view.

The stated purpose of Bill 21-0382, the “Bail Reform Amendment Act of 2015”, is to remove the prohibition of allowing pretrial inmates ordered by the court to work release from doing so from the Central Detention Facility or Correctional Treatment Facility.

The stated purpose of Bill 21-0384, the “District of Columbia Good Time Credits Amendment Act of 2015”, is to increase the number of credits a misdemeanor inmate can earn from eight to ten per calendar month.

The stated purpose of Bill 21-0189, the “Police and Criminal Discovery Reform Amendment Act of 2015”, is to outline what information must be disclosed between the government and defendant in a criminal prosecution during the discovery process, including certain relevant written and recorded statements, electronically stored information, reports of examinations and tests, and a copy of the defendant's prior criminal record; provide what information must be disclosed regarding proposed expert witnesses and exculpatory evidence; provide deposition rights of the defendant; establish misdemeanors for those guilty of certain crimes against law enforcement officers; require OPC to monitor information related to citizen complaints and conduct periodic reviews of MPD compliance; and create and mandate eyewitness identification procedures.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact Kate Mitchell, Judiciary Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, telephone number, organizational affiliation, title (if any), and the number of the bill about which they would like to testify **by close of business, October 19, 2015**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Judiciary Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on October 30, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE**

ANNOUNCES A PUBLIC HEARING

on

**PR 21-307, the “McMillan Townhomes Parcel, Commercial Parcel,
and Multifamily Parcels Disposition Extension Approval Resolution of 2015”**

**Bill 21-336, the “Closing of Franklin Street, N.W., Evarts Street, N.W.,
and Douglas Street, N.W. in Square 3128, S.O. 13-09432, Act of 2015”**

and

Bill 21-338, the “Plaza West Disposition Restatement Emergency Act of 2015”

on

**Monday, October 26, 2015
9:30 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole regarding Bill 21-336, the “Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W. in Square 3128, S.O. 13-09432, Act of 2015,” PR 21-307, the “McMillan Townhomes Parcel, Commercial Parcel, and Multifamily Parcels Disposition Extension Approval Resolution of 2015,” and Bill 21-338, the “Plaza West Disposition Restatement Emergency Act of 2015.” The hearing will be held at 9:30 a.m. on Monday, October 26, 2015 in Hearing Room 120 of the John A. Wilson Building.

The stated purpose of **PR 21-307** is to approve and authorize the extension of the time limit for the disposition of certain District-owned real properties located at 2501 First Street, N.W., formerly the McMillan Sand Filtration Site. The resolution will extend the deadline for the Mayor to dispose of the McMillan Site from December 2, 2016 to December 2, 2021. The extension is necessary to ensure that the Mayor will have the necessary legal authority to convey the property after all obligations for pre-development by the city are completed.

The stated purpose of **Bill 21-336** is to order the closing of public streets in Square 3128, which is bounded by 1st Street, N.W., to the west, Michigan Avenue, N.W., to the north, North Capitol Street, N.W., to the east, and Channing Street, N.W., to the south in Ward 5. The applicant is the District of Columbia Office of the Deputy Mayor for Planning and Economic Development, and the closing is necessary as part of the city’s redevelopment of the former McMillan Reservoir Sand Filtration site.

The stated purpose of **Bill 21-338** is to approve, on an emergency basis, an amended project for the property designated as Lot 25 in Square 526, which was previously conveyed to Golden Rule Plaza, Inc. In 2005, the District conveyed Plaza West in fee simple to Golden Rule Plaza, Inc. (“Developer”), a non-profit developer. The initial development plan consisted of an affordable senior citizen apartment building and an intergeneration center. The Developer has completed the senior housing; however, in response to the changing needs of the neighborhood, the Developer proposes to alter the development plan to develop 223 units of affordable housing and one level of underground parking, with on-site social services for grandparents raising grandchildren without a parent in the home. Bill 21-338 would eliminate the intergenerational center and instead approve this change to the development plan.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or email Cynthia LeFevre, Legislative Counsel, at clefevre@dccouncil.us, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, October 22, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 22, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record for PR 21-307 and Bill 21-338 will close at 5:00 p.m. on November 2, 2015. The record for Bill 21-336 will close at 5:00 p.m. on November 9, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON

**PR21-0276, the “Director of the Office of Veteran's Affairs Tammi Lambert Confirmation
Resolution of 2015”**

on

Wednesday, October 21, 2015, at 2:00 PM
John A. Wilson Building, Room 123
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a public roundtable on PR21-0276, the “Director of the Office of Veteran's Affairs Tammi Lambert Confirmation Resolution of 2015”. The public roundtable will be held on Wednesday, October 21, 2015, at 2:00 PM in Room 123 of the John A. Wilson Building.

The stated purpose of PR21-0276 is to confirm the appointment of Tammi Lambert as Director of the Office of Veterans Affairs of the District of Columbia to serve in this capacity at the pleasure of the Mayor. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of this nominee for this position.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 20, 2015. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, November 4, 2015.

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

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

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

- **PR21-318, the “Alcoholic Beverage Control Board Donovan W. Anderson, Esq. Confirmation Resolution of 2015”**
- **PR21-319, the “Alcoholic Beverage Control Board Montez Jacques Anderson Confirmation Resolution of 2015”**
- **PR21-320, the “Commissioner of the Department of Insurance, Securities, and Banking Stephen Taylor Confirmation Resolution of 2015”**
- **PR21-321, the “Chief Risk Officer of the Office of the Risk Management Jed Ross Confirmation Resolution of 2015”**

**Wednesday, October 7, 2015, 10:00 A.M.
JOHN A. WILSON BUILDING, ROOM 120
1350 PENNSYLVANIA AVENUE, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public roundtable by the Committee on Business, Consumer, and Regulatory Affairs on PR21-318, the “Alcoholic Beverage Control Board Donovan W. Anderson, Esq. Confirmation Resolution of 2015”, PR21-319, the “Alcoholic Beverage Control Board Montez Jacques Anderson Confirmation Resolution of 2015”, PR21-320, the “Commissioner of the Department of Insurance, Securities, and Banking Stephen Taylor Confirmation Resolution of 2015”, and PR21-321, the “Chief Risk Officer of the Office of the Risk Management Jed Ross Confirmation Resolution of 2015”. The public roundtable is scheduled for Wednesday, October 7, 2015 at 10:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

Individuals and representatives of organizations who wish to testify at the public roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish

their name, address, telephone number, e-mail address and organizational affiliation, if any, by the close of business Monday, October 5, 2015. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, October 21, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE**

on

**PR 21-322, Director of the Department of Human Resources Ventris Gibson Confirmation
Resolution of 2015**

on

**Wednesday, October 7, 2015
10:30 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable of the Committee of the Whole on PR 21-322, "Director of the Department of Human Resources Ventris Gibson Confirmation Resolution of 2015." The roundtable will be held at 10:30 a.m., or immediately following the preceding hearing, on Wednesday, October 7, 2015 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PR 21-322 is to confirm the appointment of Ventris Gibson as Director of the District's Department of Human Resources (DCHR). The purpose of this roundtable is to receive testimony from public witnesses as to the fitness of this nominee for the position of Director of DCHR.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or to email Christina Setlow, Deputy Committee Director, at csetlow@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, October 5, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 5, 2015 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 21-322 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, October 19, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B21-344, Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Temporary Adjustment Act of 2015, **B21-349**, Higher Education Licensure Commission Temporary Amendment Act of 2015, **B21-355**, Sexual Assault Victim Rights Task Force Report Extension Temporary Amendment Act of 2015, **B21-390**, Rent Control Hardship Petition Limitation Temporary Amendment Act of 2015, **B21-392**, ABLE Program Trust Establishment Temporary Amendment Act of 2015, and **B21-396**, Fiscal Year 2016 Budget Support Clarification Temporary Amendment Act of 2015 were adopted on first reading on September 22, 2015. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 6, 2015.

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on PR 21-343, the “Hi-Tech Solutions, Inc. Contract Approval Resolution of 2015” in order to consider the proposed resolution at the October 6, 2015 Legislative Meeting.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-104: Request to reprogram \$2,500,000 of Fiscal Year 2015 Local funds budget authority within the Department of Behavioral Health (DBH) was filed in the Office of the Secretary on September 29, 2015. This reprogramming ensures that DBH will be able to support the needs of Health Homes and the Local Match for Adult Substance Abuse Recovery Services grants.

RECEIVED: 14 day review begins September 30, 2015

Reprog. 21-105: Request to reprogram \$1,628,400 of Fiscal Year 2015 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on September 29, 2015. This reprogramming supports the acquisition of data storage equipment to comply with certain litigation requirements for the Office of the Attorney General.

RECEIVED: 14 day review begins September 30, 2015

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

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015
Protest Date: January 27, 2016

License No.: ABRA-100140
Licensee: Alta Strada-City Vista, LLC
Trade Name: Alta Strada
License Class: Retailer's Class "C" Restaurant
Address: 465 K Street, NW
Contact: Andrew Kline 202-686-7600

WARD 6

ANC 6E

SMD 6E05

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 27, 2016 at 1:30 pm.

NATURE OF OPERATION

Restaurant serving Italian food with a seating capacity of 150. Total occupancy load of 199. Requesting a sidewalk cafe with a seating capacity of 50 and entertainment endorsement.

HOURS OF OPERATION

Sunday through Thursday 7 am – 2 am, Friday through Saturday 7 am - 3 am.

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE

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

HOURS OF OPERATION FOR SIDEWALK CAFE

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

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

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

HOURS OF ENTERTAINMENT

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

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

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015

License No.: ABRA-072472
Licensee: Pilar Hospitality Group, LLC
Trade Name: Bar Pilar
License Class: Retailer's Class "C" Tavern
Address: 1833 14th Street, N.W.
Contact: Erin Sharkey: 202-686-7600

WARD 1

ANC 1B

SMD 1B12

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

NATURE OF SUBSTANTIAL CHANGE

Request to add a Summer Garden. Total seat count is approximately 53.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES,
SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SIDEWALK CAFE**

Sunday through Thursday 11:00am to 2:00am, Friday and Saturday 11:00am to 3:00am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:00pm to 2:00am, Friday through Saturday 6:00pm to 3:00am

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES,
SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN**

Sunday through Thursday 11:00am to 2:00am, Friday and Saturday 11:00am to 3:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015

License No.: ABRA-010574
Licensee: Chateau, Inc.
Trade Name: Chateau
License Class: Retailer's Class "C" Restaurant
Address: 3439 Benning Road, N.E.
Contact: Kevin Mack: (202) 399-0106

WARD 7

ANC 7D

SMD 7D04

Notice is hereby given that this licensee has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 1:30pm, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant has requested to Class Change from "CR" to "CT".

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

Sunday through Thursday 9 am - 2 am, Friday & Saturday 9 am - 3 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 4 pm - 2 am, Friday & Saturday 4 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: September 18, 2015
Petition Date: November 2, 2015
Hearing Date: November 16, 2015

License No.: ABRA-099385
Licensee: J Shoo & Sun A Inc.
Trade Name: Kenny's Smokehouse
License Class: Retailer's Class "C" Restaurant
Address: 732 Maryland Avenue, N.E.
Contact: Kevin Lee: (703) 941-3133

WARD 6

ANC 6C

SMD 6C03

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

NATURE OF SUBSTANTIAL CHANGE

Request is for Change of Hours to the premises and sidewalk café.

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

Monday through Thursday 11 am – 9:30 pm, Friday and Saturday 11 am – 10:30 pm, Closed Sunday

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

Sunday through Saturday 11 am - 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: October 2, 2015
 Petition Date: November 16, 2015
 Hearing Date: November 30, 2015
 Protest Hearing Date: January 27, 2016

License No.: ABRA- 100236
 Licensee: A Little Mouthful, LLC
 Trade Name: Red, White and Basil
 License Class: Retailer’s Class “D” Restaurant
 Address: 1781 Florida Avenue, N.W.
 Contact: Christopher Lynch 917-620-9330

WARD 1 ANC 1C SMD 1C07

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 27, 2016 at 1:30 pm.

NATURE OF OPERATION

A restaurant serving freshly-made pasta as well as beer and wine. Entertainment may include background music and occasional DJ. Total number of seats: 17. Total Occupancy Load: 18. Total number of Sidewalk Cafe seats: 20.

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

Sunday through Saturday 11 am – 12 am

HOURS OF ENTERTAINMENT

Sunday through Saturday 6 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

**Posting Date: September 18, 2015
 **Petition Date: November 2, 2015
 **Hearing Date: November 16, 2015
 **Protest Hearing Date: January 13, 2016

License No.: ABRA- 100236
 Licensee: A Little Mouthful, LLC
 Trade Name: Red, White and Basil
 License Class: Retailer’s Class “D” Restaurant
 Address: 1781 Florida Avenue, N.W.
 Contact: Christopher Lynch 917-620-9330

WARD 1 ANC 1C SMD 1C07

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 13, 2016 at 1:30 pm.

NATURE OF OPERATION

A restaurant serving freshly-made pasta as well as beer and wine. Entertainment may include background music and occasional DJ. Total number of seats: 17. Total Occupancy Load: 18. Total number of Sidewalk Cafe seats: 20.

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

Sunday through Saturday 11 am – 12 am

HOURS OF ENTERTAINMENT

Sunday through Saturday 6 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015
Protest Date: January 27, 2016

License No.: ABRA-100490
Licensee: Dreamogawa, Inc.
Trade Name: Sushi Ogawa
License Class: Retailer’s Class “C” Restaurant
Address: 2100 Connecticut Avenue, N.W.
Contact: Yumiko Stegner: 202-505-5122

WARD 2

ANC 2D

SMD 2D01

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 27, 2016 at 4:30 pm.

NATURE OF OPERATION

Traditional Japanese Sushi and Washoku Sushi in addition to fish and vegetable. Seating capacity of 56 and Total Occupancy Load of 75.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Wednesday 10 am – 11 pm and Thursday through Saturday 10 am – 12 am

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

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015

License No.: ABRA-089395
Licensee: Table DC, LLC
Trade Name: Table DC
License Class: Retailer's Class "D" Restaurant
Address: 903 N Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2F

SMD 2F06

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

NATURE OF SUBSTANTIAL CHANGE

Requests a license Class Change from a Retailer's Class "D" Restaurant to Retailer's Class "C" Restaurant.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Thursday 8:00am to 2:00am, Friday and Saturday 8:00am to 3:00am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 10:00am to 2:00am Monday through Thursday 8:00am to 2:00am, Friday and Saturday 8:00am to 3:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015
Protest Hearing Date: January 27, 2016

License No.: ABRA-100284
Licensee: Tasty Burger DC1 LLC
Trade Name: Tasty Burger
License Class: Retailer's Class "C" Restaurant
Address: 2108 8th Street, N.W.
Contact: A. Kline: 202-686-7600

WARD 1 ANC 1B SMD 1B11

Notice is hereby given that this licensee 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 1:30pm on January 27, 2016.

NATURE OF OPERATION

New restaurant specializing in burgers, fries, and shakes. Total Occupancy Load of 99 and seating for 56. Entertainment Endorsement to offer occasional acoustical music and similar live entertainment. Summer Garden with seating for 29.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN

Sunday through Thursday: 7am - 2am, Friday & Saturday: 7am - 3am

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

Sunday through Thursday: 8am - 2am, Friday & Saturday: 8am - 3am

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015

License No.: ABRA- 100280
Licensee: DC Born & Bread LLC
Trade Name: The Greenbee Café
License Class: Retailer's Class "C" Restaurant
Address: 1129 20th Street, N.W.
Contact: Teri Van Goethem: 301-404-8298

WARD 2

ANC 2B

SMD 2B06

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

NATURE OF SUBSTANTIAL CHANGES

Transfer from 1247 20th Street, N.W. to a new location at 1129 20th Street, N.W. Green Century Café serving local foods. Total Occupancy Load of 86. Entertainment Endorsement to include trivia and guest speakers. Sidewalk Café with seating for 16.

PROPOSED HOURS OF OPERATION FOR PREMISES

Sunday: 9am-10pm, Monday- Thursday: 7am-2am, Friday: 7am-3am, Saturday: 9am-3am

PROPOSED HOURS OPERATION FOR SIDEWALK CAFÉ

Sunday: 9am-10pm, Monday-Friday: 7am-2am, Saturday: 9am-2am

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

Sunday: 10am-9pm, Monday –Saturday: 10am-2am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday: 11am-8pm, Monday – Saturday: 11am-12am

APPROVED HOURS OF OPERATION FOR PREMISES

Sunday – Wednesday: 8am-1am, Thursday: 8am-2am, Friday & Saturday: 8am-3am

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

Sunday – Wednesday: 11am-1am, Thursday: 11am-2am, Friday: 11am-3am, Saturday: 9am-3am

APPROVED HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday: 9am-10pm, Monday-Thursday: 9am-11pm, Friday & Saturday: 9am-12am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday: 10am-10pm, Monday-Thursday: 11am-11pm, Friday: 11am-12am, Saturday: 9am-12am

APPROVED HOURS OF LIVE ENTERTAINMENT

Sunday-Thursday: 6pm-12am, Friday & Saturday: 6pm-1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015
Protest Hearing: January 27, 2016

License No.: ABRA-100283
Licensee: MMA BY TMI, LLC
Trade Name: To Be Determined
License Class: Retailer's Class "C" Tavern
Address: 2066 Rhode Island Avenue, N.E.
Contact: Andrew Kline: (202) 686-7600

WARD 5 ANC 5C SMD 5C07

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 January 27, 2016 at 4:30 pm.

NATURE OF OPERATION

New Tavern serving Caribbean food. Entertainment to include live bands, dancing, cover charge and DJ's. Total Occupancy Load is 350. Sidewalk Café with 35 seats.

HOURS OF OPERATON FOR PREMISES AND SUMMER GARDEN

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

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

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

HOURS OF ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
 Petition Date: November 16, 2015
 Hearing Date: November 30, 2015
 Protest Hearing Date: January 27, 2016

License No.: ABRA-100341
 Licensee: Wardman Wines, LLC
 Trade Name: Wardman Wines
 License Class: Retailer’s Class “A” Liquor Store
 Address: 625 Monroe Street, N.E. Suite A7
 Contact: Stephen O’Brien: (202)-625-7700

WARD 5 ANC 5E SMD 5E01

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 27, 2016 at 1:30 pm.

NATURE OF OPERATION

Class A Retailer with a Tasting Endorsement.

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

Sunday through Saturday 9 am – 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 2, 2015
Petition Date: November 16, 2015
Hearing Date: November 30, 2015
Protest Date: January 27, 2016

License No.: ABRA-100316
Licensee: DC Live, LLC
Trade Name: XO
License Class: Retailer's Class "C" Tavern
Address: 15 K St NE
Contact: Jeff Jackson 202251-1566

WARD 6

ANC 6C

SMD 6C06

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 27, 2016 at 1:30 pm.

NATURE OF OPERATION

A Tavern serving American cuisine with a seating capacity of 320 and total occupancy load of 320. Requesting an entertainment endorsement to include dancing and cover charge and summer garden with 60 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INDOORS AND OUTDOORS SUMMER GARDEN

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

HOURS OF ENTERTAINMENT INDOORS AND OUTDOORS

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

NOTICE OF COMMUNITY ENGAGEMENT EVENTS

INFORMAL FORUM: Wednesday, October 28, 2015 at 6:30 pm

PUBLIC HEARING: Wednesday, November 4, 2015 at 6:30 pm

“2016-2020 FIVE YEAR CONSOLIDATED PLAN FOR THE DISTRICT OF COLUMBIA”

The DC Department of Housing and Community Development (DHCD) is charged with developing a Consolidated Plan (“Plan”), a document that lays out a vision for how the Agency intends to spend four federal resources. The document is updated every five years and submitted to the U.S. Department of Housing and Urban Development. This is an exciting time for DHCD as we are currently undergoing this process for Fiscal Years 2016-2020.

For DHCD, this Plan will serve as map for our work ahead, promoting the administration’s comprehensive vision of an affordable, livable, and growing DC. Community engagement is a vital component in this process and will serve as the basis for our policy goals and decision-making. These two community engagement events, along with two public hearings held in August, will help paint a picture about the affordable housing and community development needs in DC.

The four federal resources included in the Plan are:

- the **Community Development Block Grant (CDBG) program**, which funds local activities that revitalize neighborhoods, promote economic development, and improve community facilities, infrastructure and services in low-moderate income communities. CDBG funds are the District’s most flexible federal resource, and can be used for both housing projects and non-housing community development activities;
- the **HOME Investment Partnerships (HOME) program**, which supports building, buying, and/or rehabilitating affordable housing for rent, homeownership, or providing direct rental assistance to low-income residents;
- the **Emergency Solutions Grant (ESG) program**, which provides funding for programs and services supporting homeless individuals and families; and
- the **Housing Opportunities for Persons with AIDS (HOPWA) program**, which makes grants to the District and nonprofit organizations for projects that benefit low-income persons living with HIV/AIDS and their families.

The previous *Five Year Consolidated Plan: October 1, 2010 to September 30, 2015* document is available for review on the Department’s website www.dhcd.dc.gov, and in at the Department’s office at 1800 Martin Luther King, Jr. Avenue, Southeast, Washington, DC 20020 in the Housing Resource Center, First Floor. Additionally, copies will be available the following community-based organizations:

AARP Legal Counsel
for the Elderly
601 E Street, NW
(202) 434-2120

Central American Resource Center
1460 Columbia Rd, NW,
#C1
(202) 328-9799

Greater Washington
Urban League, Inc.
2901 14th Street, NW
(202) 265-8200

Housing Counseling
Services, Inc.
2410 17th Street, NW,
Suite 100
(202) 667-7006

~Over~

Latino Economic
Development Center
641 S Street Northwest
(202) 588-5102

Lydia's House
4101 Martin Luther King, Jr.
Avenue, Southwest
(202) 373-1050

Manna, Inc.
828 Evarts Street, NE
(202) 832-1845

Marshall Heights
Community Development
Organization
3939 Benning Road, NE
(202) 396-1200

MiCasa
6230 3rd Street, Northwest
(202) 722-7423

University Legal Services
220 I Street, Northeast
Suite 130
(202) 547-4747

University Legal
Services
3939 Benning Road, NE
(202) 650-5631

University Legal Services
1800 MLK Jr. Ave., SE
(202) 889-2196

The Department has scheduled two community engagement events:

- (1) **An informal forum** to learn about existing programs and express affordable housing and community development needs about specific program areas. This event is held will be held on Wednesday, October 28, 2015 at 6:30 p.m., at the Greater Washington Urban League at 2901 14th Street, NW.
- (2) **A public hearing** to formally testify about affordable housing and community development needs. This event will be held on Wednesday, November 4th at 6:30 pm, in the large meeting room at Shaw Library at 1630 7th St, NW.

Residents who would like to present oral testimony at the public hearing are encouraged to register in advance either by e-mail at dhcd.events@dc.gov or by calling (202) 442-7203. Please provide your name, address, telephone number, and organization affiliation, if any.

If you wish to provide written comment for the record, please do so by mail or email by close of business Wednesday, November 18, 2015. Written statements should be mailed to: Polly Donaldson, Director, DHCD, Attention: Five Year Consolidated Plan Comments, 1800 Martin Luther King, Jr. Avenue, Southeast, Washington, DC 20020. Emailed comments should be submitted to dhcd.events@dc.gov with a subject line, "Five Year Consolidated Plan comments."

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling (202) 442-7251 five days prior to the event date. Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Interpretation services will be provided to pre-registered persons only. Deadline for requesting services of an interpreter is five days prior to the event date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

If you need additional information, contact Booker Roary, Jr. at booker.roary@dc.gov or by phone at (202) 442-7203.

Muriel Bowser, Mayor

Brian Kenner, Deputy Mayor for Planning and Economic Development

Polly Donaldson, Director of the Department of Housing and Community Development

~Over~

012974

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, NOVEMBER 17, 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

19099
ANC-4C **Application of RP 3701 NW LLC**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 772.1, and the off-street parking requirements under § 2101.1, to allow the construction of a new mixed-use building with 21 residential units and ground floor retail in the GA/C-3-A District at premises 3701 New Hampshire Avenue N.W. (Square 3030, Lot 805).

WARD FOUR

19100
ANC-4D **Application of 525 Longfellow St LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the lot area and width requirements under § 401.3, to allow the construction of three flats on three new record lots in the R-4 District at premises 525 Longfellow Street N.W. (Square 3206, Lot 3).

WARD FIVE

19106
ANC-5E **Appeal of Richard Alan Seutter, Jr., Susan T. Seutter, and Katelijn van den Berg**, pursuant to 11 DCMR §§ 3100 and 3101, from a May 14, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit Nos. B1505056 and B1510351, to convert an existing two-family flat into a three-story apartment house with three dwelling units in the R-4 District at premises 67 V Street N.W. (Square 3118, Lot 76).

WARD THREE

18929A
ANC-3G **Application of Saint John's College High School**, pursuant to 11 DCMR §§ 3104.1, for a special exception from the private school use requirements pursuant to § 206, to renovate and expand the gymnasium area in an academic building in the R-1-A District at premises 2607 Military Road N.W. (Square 2308, Lots 804-807).

BZA PUBLIC HEARING NOTICE

NOVEMBER 17, 2015

PAGE NO. 2

WARD FIVE

19107 **Application of Calvin Smith**, pursuant to 11 DCMR § 3104.1, for a special
ANC-5C exception from the child development center requirements pursuant to § 205.1, to
allow a child development center for 38 children and eight staff in the R-1-B
District at premises 3101 Adams Street N.E. (Square 4364, Lot 5).

WARD SIX

19111 **Application of Victory Village Development Corporation**, pursuant to 11
ANC-6E DCMR § 3104.1, for a special exception from the community service center
requirements pursuant to § 334, to permit a community service center in the R-4
District at premises 1533 9th Street N.W. (Square 397, Lot 31).

WARD THREE

18843A **Application of Christopher Pashby**, pursuant to 11 DCMR § 3104.1, for a
ANC-3G special exception under § 223, not meeting the lot occupancy requirements under
§ 403.2, and the nonconforming structure requirements under § 2001.3, to allow a
rear addition an existing one-family detached dwelling in the R-2 District at
premises 5526 39th Street N.W. (Square 1747, Lot 37).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE
NOVEMBER 17, 2015
PAGE NO. 3

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.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, DECEMBER 15, 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 THREE

19123
ANC-3F **Application of The Department of General Services of DC**, pursuant to 11 DCMR § 3104.1, for a special exception from the new rooftop mechanical equipment requirements under § 411.11 (as per § 411.6), to allow the installation of new rooftop mechanical equipment to an existing school building in the R-1-B District at premises 3950 37th Street N.W. (Square 1905, Lot 8).

WARD EIGHT

19128
ANC-8B **Application of The Department of General Services of DC**, pursuant to 11 DCMR § 3104.1, for a special exception from the new rooftop mechanical equipment requirements under § 411.11 (as per § 411.6), to allow the installation of new rooftop mechanical equipment to an existing school building in the C-3-A/R-5-A District at premises 2701 Naylor Road S.E. (PAR 214, Lot 198).

WARD FIVE

19129
ANC-5C **Application of The Department of General Services of DC**, pursuant to 11 DCMR § 3104.1, for a special exception from the new rooftop mechanical equipment requirements under § 411.11 (as per § 411.6), to allow the installation of new rooftop mechanical equipment to an existing school building in the R-1-B District at premises 1900 Evarts Street N.E. (Square 4212, Lot 803).

WARD TWO

19133
ANC-2B **Application of St. Thomas' Episcopal Parish**, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under § 532.1, to allow the construction of an addition for a church and a residential building in the DC/SP-1 District at premises 1772 Church Street N.W. (Square 156, Lot 369).

BZA PUBLIC HEARING NOTICE

DECEMBER 15, 2015

PAGE NO. 2

WARD FOUR

19137
ANC-4C **Application of Rishi Chakrabarty and Livia Kent**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, and the non-conforming structure requirements under § 2001.3, to allow the construction of a back deck to an existing one-family dwelling in the R-4 District at premises 1357 Taylor Street N.W. (Square 2822, Lot 28).

WARD FIVE

19140
ANC-5A **Application of Southwest Social Scene, Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception from the off-street parking requirements under § 2100, to permit a members-only private club in the C-M-2 District at premises 412 V Street N.E. (Square 3621, Lot 44).

WARD ONE

19143
ANC-1D **Appeal of Kelly Callahan and Steven Bradley**, pursuant to 11 DCMR §§ 3100 and 3101, from a July 30, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1500981, to construct a flat in the R-4 District at premises 1865 Park Road N.W. (Square 2614, Lot 850).

WARD SEVEN

17772A
ANC-7C **Application of Bishop George F. Haskins, Jr. and Dianne M. Haskins**, pursuant to 11 DCMR § 3104.1, for a special exception from the child development center requirements under § 205, to continue the operation of a child development center and increase the number of children served from 15 to 39 in the R-2 District at premises 4605 Kane Place N.E. (Square 5154, Lot 901).

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.

BZA PUBLIC HEARING NOTICE

DECEMBER 15, 2015

PAGE NO. 3

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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 19, 2015, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 04-33G (Amendments to Chapter 26, Inclusionary Zoning)

THIS CASE IS OF INTEREST TO ALL ANCS

On February 2, 2015, a petition was submitted to the Zoning Commission (Commission), filed by the Coalition for Smarter Growth, et. al., to amend Chapter 26, Inclusionary Zoning (IZ) (Exhibit 2, Z.C. Case No. 04-33G). The Office of Planning (OP) submitted its report in support of setting the petition down for a public hearing on July 6, 2015, noting that they had several major concerns with the text as proposed in the petition. OP also recommended that the Commission set down alternate text to be considered as part of the same case. On July 13, 2015, the Commission set down the petition and alternate OP text amendments for a public hearing.

Coalition for Smarter Growth, et. al. Petition

The proposed substantive amendments of the petition filed by the Coalition for Smarter Growth, et. al., are summarized in the following table:

Section	Summary Amendment
2602 Applicability	Apply the IZ regulations to developments in both the Downtown Development (DD) and Southeast Federal Center (SEFC) Overlay Districts after December 31, 2017.
2603 Set-Aside Requirements	<ul style="list-style-type: none"> • Increase the required minimum percentage of residential gross floor area set aside for targeted households from the current 8% to 10% to a single 12%; and • Require the set-aside be the greater of 12% of the gross floor area (GFA) or 75% of bonus density; • In rental projects, target households at or below 50% of the Medium Family Income (MFI)¹; • In for-sale projects, target households at or below 70% of MFI; • Specify that the Mayor or the DC Housing Authority shall have the right to purchase units for the purpose of leasing units, but only to low and very low income households; and

¹ US Department of Housing and Urban Development (HUD) uses the term Median Family Income (MFI) and not Area Median Income (AMI); any text amendments will reflect the change in terminology from AMI to MFI.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 2

	<ul style="list-style-type: none"> • Increase the set aside requirement in the Saint Elizabeth’s Districts from 8% to 10% of GFA.
2604 Bonus Density	<ul style="list-style-type: none"> • Increase the permitted bonus density from 20% to 22%; • Remove all lot occupancy restrictions for all IZ projects in in all zones specified in § 2604.2 (R-5-E, CR,C-2-A/B/C, C-3-A, W-1/2/3 and SP-1/2); • Permit an additional 10 feet of height as a matter of right for projects that include IZ units in all zones specified in § 2604.2, for a total of 20 feet beyond matter-of-right heights without IZ; and • Further reduce the permitted lot widths as a special exception in the R-2 through R-4 zones.

Proposed new text is shown in **bold** type and text to be deleted is shown in ~~strikethrough~~.

1. Amendments proposed by the petitioner pertaining to Chapter 26.

Amend the following sections of Chapter 26 as follows:

2601 DEFINITIONS

Moderate-income household – a household of one (1) or more individuals with a total annual income adjusted for household size equal to between fifty-one percent (51%) and ~~eighty percent (80%)~~ **seventy percent (70%)** of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.

2602 APPLICABILITY

2602.3 This chapter shall not apply to:

(e) Properties located in any of the following areas:

- (1) The Downtown Development or Southeast Federal Center Overlay Districts **until December 31, 2017, after which this chapter shall apply;**

2603 SET-ASIDE REQUIREMENTS

2603.1 Except as provided in § 2603.8, an inclusionary development ~~for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0 or W-1 District~~ shall devote the greater of ~~ten per cent (10%)~~ **twelve percent (12%)** of the gross floor area being devoted to residential use or seventy-five percent (75%) of the bonus density being utilized for inclusionary units.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33G
PAGE 3

- 2603.2 ~~An inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density utilized for inclusionary units.~~
- 2603.3 ~~Except as provided in § 2603.9, Inclusionary Developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1 Zone Districts offering **dwelling units for rent** shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.~~
- 2603.4 ~~Developments **offering for-sale dwelling units** located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.~~
- 2603.5 The Mayor or the District of Columbia Housing Authority shall have the right to purchase up to twenty-five percent (25%) of inclusionary units in a for-sale inclusionary development **for the purpose of leasing these units to low households** in accordance with such procedures as are set forth in the Act.
- ...
- 2603.7 ~~An inclusionary development of steel and concrete frame construction located in a StE District shall devote no less than eight percent (8%) **ten percent (10%)** of the gross floor area being devoted to residential use in a StE District for inclusionary units.~~

2604 BONUS DENSITY

- 2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE District, may construct up to ~~twenty percent (20%)~~ **twenty-two percent (22%)** more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910
- 2604.2 Inclusionary developments in zoning districts listed in the chart below may use the following modifications to height and **no restrictions on lot occupancy for zones with greater density than R-4 zones** in order to achieve the bonus density.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 4

Base	Matter-of-Right Zoning Constraints			Petitioners' Proposed IZ Modification	
	Lot Occupancy	Zoning Height (feet)	Zoning FAR	Lot Occupancy	Height (feet)
R-5-E	75%	90	6.00	90%	90 100
CR	75%	90	6.00	80%	100 110
C-2-A	60%	50	2.50	75%	50 60
C-2-B	80%	65	3.50	80%	70 80
C-2-C	80%	90	6.00	90%	90 100
C-3-A	75%	65	4.00	80%	65 75
W-1	80%	40	2.50	80%	50 60
W-2	75%	60	4.00	75%	80 90
W-3	75%	90	6.00	80%	100 110
SP-1	80%	65	4.00	80%	70 80
SP-2	80%	90	6.00	90%	90 100

2604.3 Inclusionary developments in R-2 through R-4 zoning districts may use the minimum lot dimensions as set forth in the following table, **and additional lot width modifications in order to achieve the bonus density:**

Base Zone	IZ Zoning Modifications		
	IZ Min. Lot Area (square feet)	Min. Lot Width (feet)	Min. Lot Width (feet) Special Exception
R-2 Detached	3,200	40	32 30
R-2 Semi-Detached	2,500	30	25 23
R-3	1,600	20	16 15
R-4	1,500	18	16 15

2608 **APPLICABILITY DATE**

2608.2 The provisions revised on XXXXX of this chapter **amended by Z.C. Order No. 04-33G** shall not apply to any building approved by the Zoning Commission pursuant to Chapter 24 if the approved application was set down for hearing prior to ~~March 14, XXXX 2008~~ **[THE EFFECTIVE DATE OF THIS AMENDMENT]**.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 5

Office of Planning Alternative Text

OP proposed alternative text to that proposed by the Petitioner. Within the alternative text proposed by OP, OP also included a limited second alternative relative to set-aside requirements and targeted households (Alternative 2 (OP)). The Alternative 2 (OP) addresses the targeted household income based on whether the IZ units are rental or for-sale units. The proposed substantive amendments of the OP alternate text are summarized in the following table:

Section	Summary Amendment
2601 Definitions	<ul style="list-style-type: none"> • Add a new definition of Bedroom, Maximum Resale Price; • Add a new definition of Median Family Income as part of Option 2; and • Amend definition of Eligible Household (Option 2).
2602 Applicability 2602.1(d)	Provide for voluntary participation in the IZ program where it would not otherwise be required
2603 Set-Aside Requirements; 2603.3 2603.4 2603.5	<ul style="list-style-type: none"> • Move the C-2-B, C-3-A, SP-1 and W-2 zone districts to the group of zone districts that must target half of the IZ units to households at 50% of the MFI; or • Permit flexibility in occupancy by allowing units that have remained unoccupied for an extended period of time; or when increases in fees make units either unaffordable to target household or have a significant negative impacts on the Maximum Resale Price; and • Allow the Mayor to purchase a minimum of one unit and up to any amount agreed upon with the developer.
Alternative 2 (OP); 2603.3	<ul style="list-style-type: none"> • Alternative 2 (OP) would establish a targeted MFI by tenure type; for rental households: consolidate the MFI from 50% and 80% to a single target of 60% of the MFI, and for-sale IZ units to 80 % of the MFI.
2607	<ul style="list-style-type: none"> • Offer an administratively handled matter of right off-site provision within 2,640 feet (one-half mile) of the on-site requirement provided it results in 20% more square feet set-aside for IZ units.
New Section	<ul style="list-style-type: none"> • Provide flexibility for a developer to do fewer for-sale units at 60% MFI instead of more units at 80% MFI.
Technical corrections, clarifications and updates (various sections)	<ul style="list-style-type: none"> • Change the terminology from “Area Median Income” (AMI) to “Median Family Income” (MFI); • Provide greater clarity on requirement calculations, bedrooms and pricing; • Improve administration, monitoring and enforcement; and • Fixes minor errors and omissions.

Public Comment is requested on the following amendments to the Zoning Regulations and the alternative 2 (OP). Proposed new text is shown in **bold** type and text to be deleted is shown in ~~strikethrough~~.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33G
PAGE 6

2. Amendments pertaining to Chapter 26 as proposed by OP in the alternative.

Amend the following sections of Chapter 26 as follows:

2600 GENERAL PROVISIONS

2600.2 It is the intent of the Zoning Commission to promulgate only such regulations as are necessary to establish the minimum obligations of property owners applying for building permits or certificates of occupancy under an Inclusionary Zoning Program. All other aspects of the program, including the setting of maximum purchase prices and rents, the minimum sizes of the units, the selection and obligations of eligible households, **administrative flexibility to ensure occupancy** and the establishment of enforcement mechanisms such as covenants and certifications shall be as determined by the Council and Mayor of the District of Columbia.

2601 DEFINITIONS

2601.1 When used in the chapter, the following terms and phrases shall have the meanings ascribed:

...

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

Maximum Resale Price (MRP) – As defined by the formula found in Title 14 Chapter 22.

....

Inclusionary unit – a unit set aside for sale or rental to an eligible low- and moderate-income household as required by this chapter, by a Zoning Commission order granting a planned unit development in which the applicant has proffered to provide more inclusionary units than required under this chapter, or by order of the Board of Zoning Adjustment pursuant to § 2607.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 7

2602 APPLICABILITY

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, **HE**, and W-~~40~~ through W-3 Zone Districts, unless exempted pursuant to § 2602.3; **and**
- (b) **Are new construction or additions of gross floor area that would result in Have-ten (10) or more dwelling units constructed concurrently or in phases on a lot or; on contiguous lots, including those divided by an alley, if the lots were under common ownership, control, or affiliation within one (1) year prior to the application for the first building permit; (including off-site inclusionary units); and**
- (c) **Were in existence prior to August 14, 2009, have ten (10) or more dwelling units on a lot; or on contiguous lots, including those divided by an alley and there is an increase of fifty percent (50%) or more of its gross floor area; or Are**

~~either:~~

- ~~(1) New multiple dwellings;~~
- ~~(2) New one-family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction; or~~
- ~~(3) An existing development described in subparagraph (i) or (ii) for which a new addition will increase the gross floor area of the entire development by fifty percent (50%) or more.~~
- (d) **Is a semi-attached, attached or multi-family residential development not described in §§ 2602.1(b) or (c) or that is located in one of the areas exempted by § 2602.3(e) and the owner agrees to abide by the set-aside and other requirements of this chapter provided, the square footage required to be set aside by § 2603 achieves a minimum of one (1) inclusionary unit. Properties located in the areas identified by § 2602.3(e)(3) through (6) may not use the modifications to height, lot occupancy, or minimum lot area or width permitted by §§ 2604.2 and 2604.3.**

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 8

- 2602.2 A development with less than ten (10) dwelling units shall become subject to this Chapter upon the filing of an application for a building permit to add one or more dwelling units to the development within a ~~two~~**three (3)**-year period after the issuance of the ~~last certificate of occupancy~~ first **building permit**, if the construction for which application has been filed would result in the development having ten (10) or more dwelling units. ...
- 2602.7 A development exempted under § 2602.3(f) shall be subject to the following provisions:
- (a) The development shall set aside ~~for low or moderate income households~~ affordable dwelling units **for households earning no greater than eighty percent (80%) of the MFI** (“Exempt Affordable Units”) equal to at least the gross square footage that would have been required pursuant to §§ 2603.1 and 2603.2. ~~The terms “low income household” and “moderate income household” shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as “Targeted Households”;~~
 - (b) The Exempt Affordable Units shall be sold or rented in accordance with the pricing structure established by the federal or District funding source, or financing or subsidizing entity, for so long as the project exists;
 - (c) The requirements set forth in § 2602.7(a) and (b) shall be stated as declarations within a covenant approved by the District; and
 - (d) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include one-family dwellings, the covenant shall be recorded before the first purchase agreement or lease is executed.

2603 SET-ASIDE REQUIREMENTS

- 2603.1 Except as provided in § 2603.8, an inclusionary development ~~for which the primary method of construction~~ **that** does not employ **Type I construction as defined by 12 DCMR A § 602.2²** ~~steel and concrete frame structure to construct the majority of dwelling units~~ located in an R-2 through an R-5-B District or in

² That provision states:

602.2 Type 1 ... construction are those types of construction in which the building elements listed in table 601 are of noncombustible materials, except as permitted by Section 603 and elsewhere in this Code.

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 9

a C-1, C-2-A, W-0, or W-1 district shall devote the greater of ten percent (10%) of the gross floor area being devoted to residential use or seventy-five (75%) of the bonus density ~~being utilized~~ for inclusionary units.

- 2603.2 An inclusionary development **that employs Type I construction as defined by 12 DCMR A § 602.2** ~~of steel and concrete frame construction to construct the majority of dwelling units~~ located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density ~~utilized~~ for inclusionary units.
- 2603.3 Except as provided in § 2603.9, inclusionary developments located in R-~~23~~ through R-5-~~DE~~, C-1, C-2-A, **C-2-B, C-3-A, SP-1**, StE, W-0 ~~and through W-24~~ Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.
- 2603.4 Developments located in CR, C-2-C, ~~through C-3-C~~, USN, ~~W-2 through W-3~~, and **SP-2** Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.
- 2603.5 The Mayor or the District of Columbia Housing Authority shall have the right to purchase ~~up to~~ **the greater of one (1) inclusionary for-sale unit or twenty-five percent (25%) of for-sale inclusionary units, or any number or percentage agreed to by the owner of the Inclusionary Development** ~~in a for-sale inclusionary development in accordance with such procedures as are set forth in the Act.~~
- ...
- 2603.7 An inclusionary development **located in a StE District that employs Type I construction as defined by 12 DCMR A § 602.2** ~~of steel and concrete frame construction to construct the majority of dwelling units~~ located in a StE District shall devote no less than eight percent (8%) of the gross floor area being devoted to residential use in a ~~StE District~~ **for inclusionary units. An inclusionary development located in a StE District that does not employ Type I construction as defined by 12 DCMR A § 602.2 to construct the majority of dwelling units shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use in a for inclusionary units.**³

³ This second sentence was once § 2603.6 but was inadvertently repealed

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 10

2603.10 When dwelling units are located in cellar space or enclosed building projections extending into public space, then the entire development’s residential floor area within those spaces shall be included for purposes of calculating the minimum set-aside requirements of §§ 2603.1, 2603.2, and 2603.7.

2603.11 In a for sale inclusionary development, the gross floor areas required set aside for sale to eligible moderate-income households may be reduced by twenty percent (20%) provided all the units are set aside to households earning sixty percent (60%) of the MFI.

2604 BONUS DENSITY

2604.2 Inclusionary developments in zoning districts listed in the chart below may use the following modifications to height and lot occupancy in order to achieve the bonus density:

Base Zone	Matter-of-Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Height (feet)	FAR	Lot Occupancy	Height (feet)
R-5-E	75%	90	6.00	90%	90
CR	75%	90	6.00	80%	100
C-2-A	60%	50	2.50	75%	50
C-2-B	80%	65	3.50	80%	70
C-2-C	80%	90	6.00	90%	90 100
C-3-A	75%	65	4.00	80%	65
C-3-C	n/a	90	6.5	n/a	90 100
W-1	80%	40	2.50	80%	50
W-2	75%	60	4.00	75%	80
W-3	75%	90	6.00	80%	100
SP-1	80%	65	4.00	80%	70
SP-2	80%	90	6.00	90%	90

2604.3 Inclusionary developments in R-2 through R-4 zoning districts may use the minimum lot dimensions as set forth in the following table:

Base Zone	IZ Zoning Modifications		
	IZ Min. Lot Area (square feet)	Min. Lot Width (feet)	Min Lot Width (feet) Special Exception
R-2 Detached	3,200	40	32
R-2 Semi-Detached	2,500	30	25
R-3	1,600	20	16
R-4	1,500	18	16

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33G
PAGE 11

2604.4 Increases in FAR obtained as a result of variances granted by the Board of Zoning Adjustment shall be treated as bonus density for the purposes of calculating the applicable maximum set aside requirement under § 2603..

2605 DEVELOPMENT STANDARDS

2605.4 The interior amenities of inclusionary units (such as finishes and appliances) shall be comparable to the market-rate units, but may be comprised of less expensive materials and equipment **so long as the interior amenities are durable, of good quality, and consistent with contemporary standards for new housing.**

...

2605.6 Inclusionary units shall not be overly concentrated on any floor, **tenure or dwelling type including multiple-dwellings, one (1)-family dwellings, or flats of an Inclusionary Development** project.

...

2605.7 In an Inclusionary Development subject to 2602.1 (c) or 2602.2, Inclusionary Units may be located solely in the new addition provided all the existing units were occupied at the application for the addition’s building permit and all other requirements of this chapter are met.

2606 EXEMPTION FROM COMPLIANCE

2606.1 The Board of Zoning Adjustment is authorized to grant partial or complete relief from the requirement of § 2603 upon a showing that compliance (whether on site, offsite or a combination thereof) would deny ~~the applicant~~ **an IZ Development owner** economically viable use of its land.

2606.2 No application **from an owner of an Inclusionary Development** for a variance from the requirements of § 2603.2 may be granted until the Board of Zoning Adjustment has voted to deny an application for relief pursuant to this section or § 2607.

2606.3 Notwithstanding § 2602.5, an owner/occupant of an inclusionary unit may sell the unit at a price greater than that established by the Mayor pursuant to § 103 of the Act if permitted by the Zoning Commission pursuant to the calendar provisions of § 3030 if the owner/occupant demonstrates:

- (a) **Condominium or Homeowner association fees have increased to make the unit unaffordable to other Eligible Households as defined § 2602;**

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 12

- (b) The application for relief includes written confirmation of § 2606.3(a) from the Director of the Department of Housing and Community Development; and
- (c) The inclusionary zoning covenant required by § 105 of the Act remains in effect and the unit is sold at the Maximum Resale Price (MRP) if the income of the Eligible Household purchasing the unit does not exceed one hundred percent (100%) of the MFI; or
- (d) If the inclusionary zoning covenant is terminated and the unit is sold above the MRP, a fee equal to any net proceeds from the sale that are above the MRP is deposited into the District's Housing Trust Fund as defined by § 2499.

2607 OFF-SITE COMPLIANCE

2607.1 Some or all of the set-aside requirements of § 2603 may be constructed off-site to another location within two thousand six hundred forty feet (2,640 ft.) of the inclusionary development provided:

- (a) The square footage of the set-aside requirement constructed off-site is twenty percent (20%) greater than what would have been required for the inclusionary development; and
- (b) All other provisions of this section have been met.

2607.12 The Board of Zoning Adjustment is authorized to permit some or all of the set-aside requirements of § 2603 to be constructed off-site **anywhere within the District of Columbia** upon proof, based upon a specific economic analysis, that compliance on-site would impose an economic hardship. Among the factors that may be considered by the BZA in determining the existence of economic hardship are:

2607.23 **Both a building permit applications for an inclusionary development made pursuant to § 2607.1 and Board of Zoning Adjustment applications made pursuant to § 2607.2** ~~An applicant who has demonstrated the existence of economic hardship shall further demonstrate that the off-site development:~~

- ~~(a) Is located within the same census tract as the inclusionary development;~~
- ~~(b)~~(a) Consists of new construction for which no certificate of occupancy has been issued;

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 13

- ~~(e)~~(b) Is at a location suitable for residential development;
- ~~(d)~~(c) Has complied with or will comply with all on-site requirements of this chapter as are applicable to it;
- ~~(e)~~(d) Has not received any development subsidies from federal or District government programs established to provide affordable housing;
- ~~(f)~~(e) Will provide inclusionary units comparable in type to the market-rate units being created in their place, with gross floor areas of not less than ninety-five percent (95%) of the gross floor area of such market-rate units, and of a number no fewer than the number of units that would otherwise have been required on-site;
- ~~(g)~~(f) Will not have more than thirty percent (30%) of its gross floor area occupied by inclusionary units that satisfy the set-aside requirement of other properties, including the property that is the subject of the Board of Zoning Adjustment application; and
- ~~(h)~~(g) Has not utilized bonus density beyond that provided by § 2604.1.

2607.3 **All dwelling units as are required to be reserved in the off-site development shall be deemed inclusionary units for the purposes of this chapter and the Act.**

2607.5 ~~No order granting~~ **The off-site compliance shall become effective not relieve an inclusionary development of its entire set-aside requirement** until a covenant, found legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia between the owner of the off-site development and the Mayor. A draft covenant, executed by the owner of the offsite property, shall be attached to an application for relief under this section.

2607.7 Upon the recordation of the covenant, the set-aside requirements permitted to be accounted off-site shall be deemed to be the legal obligation of the current and future owners of the off-site development. ~~All dwelling units as are required to be reserved in the off-site development in accordance with the BZA order shall be deemed inclusionary units for the purposes of this Chapter and the Act.~~

Z.C. NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 04-33G
 PAGE 14

3. Amendments proposed by OP pertaining to Filing Fees.

Amend § 3040 as follows:

3040 FILING FEES

3040.7 No fee shall be charged for applications pursuant to § 2606.3.

Alternative 2 (OP)

The Commission and OP are also interested in hearing testimony on the issue in Alternative 2 (OP) which focuses on targeted households and MFI based on whether the IZ units are rental or for-sale. In addition to the OP proposed text amendments, Alternative 2 (OP) would require the following alternate text amendments to Chapter 26.

4. Amendments proposed by OP pertaining to Alternative 2 (OP): § 2601 Definitions and §2603 Set-Aside Requirements).

2603 SET-ASIDE REQUIREMENTS

2601.1 When used in the chapter, the following terms and phrases shall have the meanings ascribed:

Eligible household - one (1) or more persons certified by the Mayor as **not exceeding the applicable maximum income levels of § 2603.3.** ~~being a low- or moderate-income household pursuant to the Act.~~

~~**Low income household**—a household of one or more individuals with a total annual income adjusted for household size equal to less than fifty percent (60%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.~~

Median Family Income (MFI) - the Median Family Income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers

~~**Moderate-income household**—a household of one or more individuals with a total annual income adjusted for household size equal to between fifty one percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act~~

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33G
PAGE 15

2603 SET-ASIDE REQUIREMENTS

2603.3 Except as provided in § 2603.9, inclusionary units resulting from set asides required by §§ 2603.1 and 2603.2 shall be rented or sold as follows:

- (a) **Rental units shall be rented only to eligible household earning sixty percent (60%) percent of the MFI; and**
- (b) **For-sale units shall be sold only to eligible household earning eighty percent (80%) percent of the MFI.**

~~2603.3 Inclusionary developments located in R-2 through R-5-D, C-1, C-2-A, StE, W-0 and W-1 Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd-number unit shall be set aside for low-income households.~~

~~2603.4 Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.~~

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 04-33G
PAGE 16

mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education (“Superintendent”), pursuant to the authority set forth in Sections 3(b)(7), (8), (11), and (15) 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)(7), (8), (11) and (15) (2012 Repl. & 2014 Supp.)); the Special Education Quality Improvement Act of 2014, effective March 10, 2015 (D.C. Law 20-196; 61 DCR 12425 (December 5, 2014)); Section 101(b) of the Enhanced Special Education Services Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-195; 61 DCR 12419 (December 5, 2014)); and the Special Education Student Rights Act of 2014, effective March 10, 2015 (D.C. Law 20-194; 61 DCR 12411 (December 5, 2014)), hereby gives notice of the adoption of a final rule amending Chapter 30 (Education of the Handicapped) of Subtitle E (Original Title 5) of Title 5 (Education) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this final rulemaking is to revise and update the current regulations to conform with and implement recent legislation: the Enhanced Special Education Services Amendment Act of 2014, the Special Education Student Rights Act of 2014, and the Special Education Quality Improvement Amendment Act of 2014, all effective March 10, 2015. The purpose of the three laws is to enhance the quality of services, procedural protections, placement and location options, funding and service choices, transfer of rights processes, and public charter school preferences made available to eligible students and their families under the IDEA and Section 504 of the Rehabilitation Act.

A Notice of Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period on July 24, 2015, at 62 DCR 10013. In addition, the Office of the State Superintendent of Education (“OSSE”) held two public hearings, on August 5, 2015 and on August 20, 2015. Based on the comments filed in response to the Notice of Proposed Rulemaking, OSSE made certain clarifying amendments to the proposed regulations, which the Office of the Attorney General determined were non-substantive in nature and therefore did not necessitate a revised notice of proposed rulemaking. These amendments include (1) correcting citations in definitions; (2) adding “and its implementing regulations” to the definition of the term “Rehabilitation Act”; and (3) correcting people-first phrasing in Subsection 3011.11, specifically changing “children who are not disabled” to “children who do not have disabilities.”

In addition, this final rulemaking does not adopt the amendments to Section 3023, “Transfer of Rights” that were included in the Notice of Proposed Rulemaking. The Office of the Attorney General also determined that deletion of Section 3023 in its entirety, although a large portion of the regulations, was non-substantive in nature, as Section 3023 is a separate and distinct section that is not cross referenced in other areas of the final rulemaking, nor do the other sections depend on Section 3023 for implementation or effectiveness. Section 3023 addressed the transfer of rights to a child with a disability who has reached the age of 18. The Special Education Student Rights Act of 2014 does not require OSSE to issue rules to implement local law changes in this area until July 1, 2016. OSSE plans to re-propose the transfer of rights section and will schedule other public hearings to review subsequent transfer of rights proposals.

Other than the deletion of Section 3023, the final rules are being adopted in substantially the same form as proposed with clarifications and deletions taking into account suggestions received in public comments. These changes do not substantially alter or change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the notice of proposed rulemaking. These rules were adopted as final on October 1, 2015 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 30, EDUCATION OF THE HANDICAPPED, of Title 5 DCMR, EDUCATION, Subtitle E, ORIGINAL TITLE 5, is proposed to be amended as follows:

The title of Chapter 30 is amended to read as follows:

CHAPTER 30 SPECIAL EDUCATION

Section 3000, SPECIAL EDUCATION POLICY, is amended as follows:

The following definitions in Subsection 3001.1 are amended to read as follows:

3001.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed.

Act (or IDEA) - the Individuals with Disabilities Education Act, as amended (20 U.S.C. §§ 1400 *et seq.*), and its implementing regulations.

Charter School (or public charter school) - a publicly funded public school established pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1800 *et seq.*), and is not part of the District of Columbia Public Schools (DCPS).

Child with a disability –

(a) In general, a child with:

(1) intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this chapter as “emotional disturbance”), orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities; and

(2) who, by reason thereof, needs special education and related services.

(b) The term “child with a disability” for a child aged three (3) through seven (7) includes a child who experiences developmental delay as defined in this subsection.

DCPS - the District of Columbia Public Schools, established by Section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

Individualized Education Program (IEP) - a written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under Section 614(d) of IDEA (20 U.S.C. § 1414(d)) and this chapter.

Individualized Family Service Plan (IFSP) – a written plan for providing early intervention services to an infant or toddler with a disability and the infant’s or toddler’s family that:

- (a) Is based on the evaluation and assessment of the child and family, described in 34 C.F.R. § 303.321;
- (b) Includes the content of 34 C.F.R. § 303.344,
- (c) Is implemented as soon as possible once parental consent for the early intervention services in the IFSP is obtained, consistent with 34 C.F.R. § 303.420; and
- (d) Is developed in accordance with the IFSP procedures in 34 C.F.R. §§ 303.342, 303.343, and 303.345.

Local Education Agency (LEA) - an educational institution at the local level that exists primarily to operate a publicly funded school or schools providing elementary or secondary education in the District of Columbia, including the District of Columbia Public Schools and a District of Columbia public charter school. The term includes public charter schools that have elected, pursuant to D.C. Official Code § 38-1800.02(29), DCPS to serve as the LEA for purposes of IDEA, with such election subject to the provisions of D.C. Official Code § 38-1802.10(c), requiring an LEA to be its own LEA for purposes of IDEA and the Rehabilitation Act unless waived by the District of Columbia Public Charter School Board.

Section 3001 is amended by adding the following definitions to Subsection 3001.1:

IDEA (or Act) - the Individuals with Disabilities Education Act, as amended (20 U.S.C. §§ 1400 *et seq.*) and its implementing regulations.

Infant or toddler with a disability - shall have the same meaning as provided in Section 632(5) of the IDEA (20 U.S.C. § 1432(5)).

Office of the State Superintendent of Education (OSSE) - is the State Education Agency (SEA) for the District of Columbia established by the State Education Office Establishment Act of 2000, effective October 21,

2000 (D.C. Official Code §§ 38-2601 *et seq.*), with all operational authority for state-level functions, except that delegated to the State Board of Education in D.C. Official Code § 38-2652. As described in D.C. Official Code § 38-2601.01, OSSE performs the functions of a state education agency for the District of Columbia under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

Public charter school - means a publicly funded public school established pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1800 *et seq.*), and is not part of DCPS.

Rehabilitation Act - means the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 U.S. C. §§ 701 *et seq.*) and its implementing regulations.

The title of Section 3004 is amended to read as follows:

3004 IDENTIFICATION & REFERRAL FOR INITIAL EVALUATION

Section 3004 is amended by amending Subsection 3004.1 to read as follows:

3004.1 Referral to IEP Team

- (a) A child suspected of having a disability who may need special education and is at least two years, eight months of age and less than twenty-two (22) years of age, shall be referred to an IEP team for an evaluation or assessment.
- (b) A referral for an evaluation or assessment for special education services may be oral or written. An LEA shall document any oral referral within three (3) business days of receipt.

Section 3005, EVALUATION AND REEVALUATION, is amended by amending Subsection 3005.2 to read as follows:

3005.2 Before paragraph (a) of this subsection takes effect, an LEA shall assess or evaluate a student who may have a disability and who may require special education services within one hundred twenty (120) days from the date that the student was referred for an evaluation or assessment, consistent with Federal and local law.

- (a) Beginning July 1, 2017, or upon the inclusion of the fiscal effect of the subsection in an approved budget and financial plan as certified by the District of Columbia Chief Financial Officer and published in the *District of Columbia Register*, whichever occurs later, an LEA shall assess or evaluate a student who may have a disability and who may require special

education services within sixty (60) days from the date that the student's parent or guardian provides consent for the evaluation or assessment. The LEA shall make reasonable efforts to obtain parental consent within thirty (30) days from the date the student is referred for an assessment or evaluation.

- (b) The LEA shall document reasonable efforts to obtain parental consent. Reasonable efforts include at least three (3) attempts using at least two (2) of the following modalities:
- (1) Telephone calls made or attempted and the results of those calls;
 - (2) Correspondence sent to the parents and any responses received; or
 - (3) Visits made to the parents' home or place of employment and the results of those visits.

Section 3009, INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT, is amended by amending Subsections 3009.3 through 3009.5, adding a new Subsection 3009.6, renumbering and amending Subsection 3009.6, adding a new Subsection 3009.8, and renumbering Subsection 3009. 7, to read as follows:

3009 INDIVIDUALIZED EDUCATION PROGRAM CONTENT

...

- 3009.3 Before Subsection 3009.6 takes effect, the IEP for a child with a disability, beginning not later than the first IEP to be in effect when the child is sixteen (16), and updated annually thereafter, shall include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including courses of study) needed to assist the child in reaching those goals.
- 3009.4 Before Subsection 3009.6 takes effect, for each child beginning at age sixteen (16) or younger if determined appropriate by the IEP team, the IEP shall include a statement of needed transition services including, if appropriate, a statement of inter-agency responsibilities or any needed linkages, or both, before the child leaves the school setting.
- 3009.5 Before Subsection 3009.6 takes effect, if the IEP team determines that transition services are not needed, the IEP shall include a statement to that effect and the basis upon which the determination was made.
- 3009.6 Beginning July 1, 2016, or upon the inclusion of the fiscal effect of this subsection in an approved budget and financial plan as certified by the District of Columbia Chief Financial Officer and published in the *District of Columbia Register*, whichever occurs later, the first IEP in effect after a child with a

disability reaches fourteen (14) years of age shall include transition assessments and services, including:

- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services needed to assist the child in reaching those goals;
- (b) A statement of inter-agency responsibilities or any needed linkages before the child leaves the school setting; and
- (c) If the IEP team determines that transition services are not needed, the IEP shall include a statement to that effect and the basis upon which the determination was made.

3009.7 The requirements set out in Subsections 3009.3 and 3009.6 above shall not apply to children with disabilities who are convicted as adults under District or state law and incarcerated in adult prisons whose eligibility under Part B of IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

3009.8 Not later than one year before a child with a disability’s anticipated high school graduation or attainment of a certificate of IEP completion, the IEP team shall identify which adult services might be appropriate for the child and, in consultation with the appropriate District of Columbia agency when feasible, what evaluations should occur to determine the child’s eligibility for those services; provided, that nothing in this section shall be construed to impose any obligation on an LEA to conduct evaluations to determine eligibility for adult services.

3009.9 Beginning at least one (1) year before a child with a disability reaches the age of eighteen (18) his or her IEP must include a statement that the child has been informed of his or her rights under Part B of the Act that will transfer to the child on reaching the age of eighteen (18), unless the child has been determined to be incompetent under District law or the child has been certified as unable to provide informed consent pursuant to § 3023.

The title of Section 3011 is amended to read as follows:

3011 LEAST RESTRICTIVE ENVIRONMENT (LRE) & PLACEMENT OUTSIDE OF THE LEA

Section 3011 is amended to read as follows:

3011.1 An LEA shall provide a student with a disability a free and appropriate public education in an appropriate special education placement in accordance with IDEA and local law; provided that an LEA shall not remove a student with a disability

from an age-appropriate classroom solely because of modifications that can be made in the general education curriculum. The LEA shall ensure that:

- (a) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities; and
- (b) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3011.2 If an LEA anticipates that it may be unable to implement a student's IEP or provide a student with an appropriate special education placement in accordance with the IDEA and other applicable laws or regulations, the LEA shall notify OSSE. Subject to its policies for placement review, OSSE shall cooperate with the LEA to provide a placement in a more restrictive setting in conformity with the IDEA, and any other applicable laws or regulations.

3011.3 OSSE shall be responsible for paying the costs of education, including special education and related services, of a student with a disability when the student is placed at a nonpublic special education school or program pursuant to this section; provided, that, in conformity with IDEA, OSSE shall not be responsible for paying the cost of education, including special education and related services, of a student with a disability who attends a nonpublic special education school or program if:

- (a) An LEA made a free and appropriate public education available the student; and
- (b) The student's parent or guardian elected to place the student in a nonpublic special education school or program.

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**

NOTICE OF FINAL RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking, pursuant to the authority set forth in Section 10 of the Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 (2013 Repl.)), and Section 4(a) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective March 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-103(a)(1) (2013 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 16 (Insurance Holding Company System Regulations), of Title 26 (Insurance, Securities, and Banking), Subtitle A (Insurance), of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules is to implement the recent amendments to the Holding Company System Act of 1993 relating to the supervision and reporting of the enterprise risks of controlling persons of insurers, to enhance the disclosures in company management agreements, and to make other conforming amendments.

The proposed rulemaking was published on July 24, 2015, at 62 DCR 10054. Two comments were received by insurance industry associations expressing general support for the proposed rulemaking. There have been no changes to the final rulemaking. The rules were adopted as final on September 4, 2015, and will be effective upon publication in the *D.C. Register*.

Chapter 16, INSURANCE HOLDING COMPANY SYSTEM REGULATIONS, of Title 26-A DCMR, INSURANCE, is amended as follows:

Section 1602, FORMS – GENERAL REQUIREMENTS, is amended as follows:

Subsection 1602.1 is amended by striking “Forms A, B, C, and D,” and inserting “Forms A, B, C, D, E and F”.

Subsection 1602.2 is amended by striking the second full sentence beginning with “A copy of Form C shall be filed” and “manually” in the third full sentence, so that the subsection reads as follows:

1602.2 Two complete copies of each statement including exhibits and all other papers and documents filed as a part thereof, shall be filed with Commissioner by personal delivery or mail addressed to: Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002. At least one of the copies shall be signed in a manner prescribed on the form. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the statement.

A new Subsection 1602.2a is added to read as follows:

1602.2a If an applicant requests a hearing on a consolidated basis under Section 4(g)(3A) of the Act, in addition to filing the Form A with the commissioner, the applicant shall file a copy of Form A with the National Association of Insurance Commissioners (NAIC) in electronic form.

The first two sentences of Subsection 1602.3 are amended so that the subsection reads as follows:

1602.3 Statements should be prepared electronically. Statements shall be easily readable and suitable for review and reproduction. All copies of any statement, financial statements, or exhibits shall be clear, easily readable and suitable for photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Statements shall be in the English language and monetary values shall be stated in U.S. currency. If any exhibit or other paper or document filed with the statement is in a foreign language, it shall be accompanied by a translation into the English language and any monetary value shown in a foreign currency normally shall be converted into United States currency.

Section 1603, FORMS – INCORPORATION BY REFERENCE, SUMMARIES AND OMISSION, is amended as follows:

Subsection 1603.1 is amended by striking “Form A, Form B or Form D” in the first and second sentences and inserting “Form A, Form B, Form D, Form E or Form F”, and by striking “or paper” in the second full sentence, so that the subsection reads as follows:

1603.1 Information required by any item of Form A, Form B, Form D, Form E or Form F may be incorporated by reference in answer or partial answer to any other item. Information contained in any financial statement, annual report, proxy statement filed with a governmental authority, or any other document may be incorporated by reference in answer or partial answer to any item of Form A, Form B, Form D, Form E or Form F, provided such document is filed as an exhibit to the statement. Excerpts of documents may be filed as exhibits if the documents are extensive. Documents currently on file with the Commissioner which were filed within three years need not be attached as exhibits. References to information contained in exhibits or in documents already on file shall clearly identify the material and shall specifically indicate that such material is to be incorporated by reference in answer to the item. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

Section 1604, FORMS – INFORMATION UNKNOWN OR UNAVAILABLE AND EXTENSION OF TIME TO FURNISH, is amended as follows:

Subsection 1604.1 is REPEALED.

Subsection 1604.2 is amended by striking “may” in the lead-in language and inserting “shall”, so that the subsection reads as follows:

1604.2 If it is impractical to furnish any required information, document or report at the time it is required to be filed, there shall be filed with the Commissioner as a separate document

- (a) identifying the information, document or report in question;
- (b) stating why the filing thereof at the time required is impractical; and
- (c) requesting an extension of time for filing the information, document or report to specified date. The request for extension shall be deemed granted unless the Commissioner within (60) days after receipt thereof enters an order denying the request.

Section 1606, ADDITIONAL INFORMATION AND EXHIBITS, is amended by striking “Form A, Form B or Form D” in the first and last sentences and inserting “Form A, Form B, Form D, Form E or Form F”.

Section 1609, ACQUISITION OF SECTION 4(b) INSURERS, is amended to read as follows:

1609 ACQUISITION OF SECTION 4(b)(4) INSURERS; PRE-ACQUISITION NOTIFICATION

1609 Acquisition of Section 4(b)(4) Insurers

1609.1 If the person being acquired is deemed to be a “domestic insurer” solely because of the provisions of Section 4(b)(4) of the Act, the name of the domestic insurer on the cover page should be indicated as follows:

“ABC Insurance Company, a subsidiary of XYZ Holding Company”.

1609.2 Where a Section 4(b)(4) insurer is being acquired, references to the “the insurer” contained in Form A shall refer to both the domestic subsidiary insurer and the person being acquired.

1609a. Pre-Acquisition Notification

- 1609a.1 If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to Section 4(b)(1) of the Act, that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to Section 5(c)(2) of the Act.
- 1609a.2 If a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to section 5 of the Act, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of Section 5 as set forth in Section 5(b)(2).
- 1609a.3 In addition to the information required by Form E, the Commissioner may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

Section 1611, SUMMARY REGISTRATION – STATEMENT FILING, Subsection 1611.1 is amended by striking the last full sentence, so that the subsection reads as follows:

- 1611.1 An insurer required to file an annual registration statement pursuant to Section 6 of the Act shall also furnish the required information on Form C, hereby made a part of these regulations.

Section 1615, TRANSACTIONS SUBJECT TO PRIOR NOTICE – NOTICE FILING, is amended by adding a new Subsection 1615.2 to read as follows:

- 1615.2 Agreements for cost sharing services and management services shall at a minimum and as applicable:
- (a) Identify the person providing services and the nature of such services;
 - (b) Set forth the methods to allocate costs;
 - (c) Require timely settlement, not less frequently than on a quarterly basis, and compliance with the requirements in the Accounting Practices and Procedures Manual;
 - (d) Prohibit advancement of funds by the insurer to the affiliate except to pay for services defined in the agreement;
 - (e) State that the insurer will maintain oversight for functions provided to the insurer by the affiliate and that the insurer will monitor services annually for quality assurance;
 - (f) Define books and records of the insurer to include all books and records developed or maintained under or related to the agreement;

- (g) Specify that all books and records of the insurer are and remain the property of the insurer and are subject to control of the insurer;
- (h) State that all funds and invested assets of the insurer are the exclusive property of the insurer, held for the benefit of the insurer and are subject to the control of the insurer;
- (i) Include standards for termination of the agreement with and without cause;
- (j) Include provisions for indemnification of the insurer in the event of gross negligence or willful misconduct on the part of the affiliate providing the services;
- (k) Specify that, if the insurer is placed in receivership or seized by the commissioner under the State Receivership Act:
 - (1) all of the rights of the insurer under the agreement extend to the receiver or commissioner; and,
 - (2) all books and records will immediately be made available to the receiver or the commissioner, and shall be turned over to the receiver or commissioner immediately upon the receiver or the commissioner's request;
- (l) Specify that the affiliate has no automatic right to terminate the agreement if the insurer is placed in receivership pursuant to the State Receivership Act; and
- (m) Specify that the affiliate will continue to maintain any systems, programs, or other infrastructure notwithstanding a seizure by the commissioner under the State Receivership Act, and will make them available to the receiver, for so long as the affiliate continues to receive timely payment for services rendered.

A new Section 1618 is added to read as follows:

1618 ENTERPRISE RISK REPORT

1618.1 The ultimate controlling person of an insurer required to file an enterprise risk report pursuant to section 5(k-1) of the Act shall furnish the required information on Form F, hereby made a part of these regulations.

Section 1699, DEFINITIONS, APPENDIX 16-1, FORM A, is amended as follows:

ITEM 2(c), IDENTITY AND BACKGROUND OF THE APPLICANT, is amended by striking the second full sentence beginning with “No affiliate need be . . .”, so that the paragraph reads as follows:

- (c) Furnish a chart or listing clearly presenting the identities of the inter-relationships among the applicant and all affiliates of the applicant. Indicate in such chart or listing the percentage of voting securities of each such person is maintained other than by the ownership or control voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (*e.g.* corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, indicate which person, set forth the title of the court, nature of proceedings and the date when commenced.

The lead-in language to ITEM 3, IDENTITY AND BACKGROUND OF INDIVIDUALS ASSOCIATED WITH THE APPLICANT, is amended by striking “State” and inserting “On the biographical affidavit, include a third party background check, and state”, so that the paragraph reads as follows:

On the biographical affidavit, include a third party background check, and state the following with respect to (1) the applicant if (s)he is an individual or (2) all persons who are directors, executive officers or owners of 10% or more of the voting securities of the applicant if the applicant is not an individual.

ITEM 12(a), FINANCIAL STATEMENTS AND EXHIBITS, is amended by inserting “, and three-year financial projections of the insurer(s)” between “exhibits” and “shall”, so that the paragraph reads as follows:

- (a) Financial statements and exhibits and three-year financial projections of the insurer(s) shall be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

A new ITEM 13a is added, to read as follows:

ITEM 13a. AGREEMENT REQUIREMENTS FOR ENTERPRISE RISK MANAGEMENT

Applicant agrees to provide, to the best of its knowledge and belief, the information required by Form F within fifteen (15) days after the end of the month in which the acquisition of control occurs.

APPENDIX 16-2, FORM B, is amended as follows:

ITEM 2, ORGANIZATIONAL CHART, is amended by striking the second full sentence beginning with “No affiliate need be”, so that the paragraph reads as follows:

Furnish a chart or listing clearly presenting the identities of any interrelationships among all affiliated persons within the insurance holding company system. The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (*e.g.*, - corporation, trust, partnership) and the state or other jurisdiction of domicile.

ITEM 4, BIOGRAPHICAL INFORMATION, is amended to read as follows:

If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his or her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations. If the ultimate controlling person is an individual, furnish the individual's name and address, his or her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations.

ITEM 8(b), FINANCIAL STATEMENTS AND EXHIBITS, is amended to read as follows:

- (b) If the ultimate controlling person is a corporation, an organization, a limited liability company, or other legal entity, the financial statements shall include the annual financial statements of the ultimate controlling person in the insurance holding company system as of the end of the person's latest fiscal year.

If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. Such financial statements may be prepared on either an individual basis; or, unless the Commissioner otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

Other than with respect to the foregoing, such financial statement shall be filed in a standard form and format adopted by the National Association of Insurance Commissioners, unless an alternative form is accepted by the Commissioner. Documentation and financial statements filed with the Securities and Exchange Commission or audited GAAP financial statements shall be deemed to be an appropriate form and format.

Unless the Commissioner otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that the statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the Annual Statement of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of that state.

Any ultimate controlling person who is an individual may file personal financial statements that are reviewed rather than audited by an independent public accountant. The review shall be conducted in accordance with standards for review of personal financial statements published in the *Personal Financial Statements Guide* by the American Institute of Certified Public Accountants. Personal financial statements shall be accompanied by the independent public accountants' Standard Review Report stating that the accountant is not aware of any material modifications that should be made to the financial statements in order for the statements to be in conformity with generally accepted accounting principles.

ITEM 9, FORM C REQUIRED, is amended as follows:

A FORM C, Summary of Changes to Registration Statement, must be prepared and filed with this Form B.

APPENDIX 16-3, FORM C, is amended as follows:

The title of the form in APPENDIX 16-3, FORM C, is amended as SUMMARY OF CHANGES TO REGISTRATION STATEMENT.

APPENDIX 16-4, FORM D, is amended as follows:

ITEM 2, DESCRIPTION OF THE TRANSACTION, is amended by striking 2(c) and inserting the following:

- (c) A statement of how the transaction meets the 'fair and reasonable' standard in § 7(a)(1)(a) of the Act; and

- (d) The proposed effective date of the transaction.

ITEM 5, REINSURANCE, is amended to read as follows:

If the transaction is a reinsurance agreement or modification thereto, as described by Section 7(a)(2)(c)(ii) of the Act, or a reinsurance pooling agreement or modification thereto as described by Section 7(a)(2)(c)(i) of the Act, furnish a description of the known and/or estimated amount of liability to be ceded and/or assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and non-affiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications thereto if the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or change in the insurer's liabilities in any of the next three years, in connection with the reinsurance agreement or modification thereto is less than five percent (5%) of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding. Notice shall be given for all reinsurance pooling agreements including modifications thereto.

ITEM 6, MANAGEMENT AGREEMENTS, SERVICE AGREEMENTS AND COST-SHARING ARRANGEMENTS, is amended by striking the period at the end of ITEM (d) and inserting a semi-colon and adding the following:

- (e) A brief statement as to the effect of the transaction upon the insurer's policyholder surplus;
- (f) A statement regarding the cost allocation methods that specifies whether proposed charges are based on "cost or market." If market based, rationale for using market instead of cost, including justification for the company's determination that amounts are fair and reasonable; and
- (g) A statement regarding compliance with the *NAIC Accounting Practices and Procedure Manual* regarding expense allocation.

A new APPENDIX 16-5, FORM E, is added to read as follows:

[To be used pursuant to the provision of Sec. 1609a.]

FORM E

PRE-ACQUISITION NOTIFICATION FORM REGARDING THE POTENTIAL
COMPETITIVE IMPACT OF A PROPOSED MERGER OR ACQUISITION BY A

NON-DOMICILIARY INSURER DOING BUSINESS IN THIS STATE OR BY A DOMESTIC INSURER

Name of Applicant

Name of Other Person
Involved in Merger or
Acquisition

Filed with the Insurance Department of

Dated: _____, 20 _____

Name, title, address and telephone number of person completing this statement:

ITEM 1. NAME AND ADDRESS

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

ITEM 2. NAME AND ADDRESSES OF AFFILIATED COMPANIES

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

ITEM 3. NATURE AND PURPOSE OF THE PROPOSED MERGER OR ACQUISITION

State the nature and purpose of the proposed merger or acquisition.

ITEM 4. NATURE OF BUSINESS

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

ITEM 5. MARKET AND MARKET SHARE

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five years and identify the source of such data. Provide a determination as to whether the proposed acquisition or merger, if consummated, would violate the competitive standards of the state as stated in Section 3.1D of the Act. If the proposed acquisition or merger would violate competitive standards, provide justification of why the acquisition or merger would not substantially lessen competition or create a monopoly in the state.

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.

A new APPENDIX 16-6, FORM F, is added to read as follows:

[To be used pursuant to the provision of Sec. 1615a.]

FORM F

ENTERPRISE RISK REPORT

Filed with the Insurance Department of the State of _____

By

Name of Registrant/Applicant

On Behalf of/Related to Following Insurance Companies

Name	Address
_____	_____
_____	_____
_____	_____

Date: _____, 20____

Name, Title, Address and telephone number of Individual to Whom Notices and Correspondence Concerning This Statement Should Be Addressed:

ITEM 1. ENTERPRISE RISK

The Registrant/Applicant, to the best of its knowledge and belief, shall provide information regarding the following areas that could produce enterprise risk as defined in Section 2 of the Act, provided such information is not disclosed in the Insurance Holding Company System Annual Registration Statement filed on behalf of itself or another insurer for which it is the ultimate controlling person:

- Any material developments regarding strategy, internal audit findings, compliance or risk management affecting the insurance holding company system;
- Acquisition or disposal of insurance entities and reallocating of existing financial or insurance entities within the insurance holding company system;
- Any changes of shareholders of the insurance holding company system exceeding ten percent (10%) or more of voting securities;
- Developments in various investigations, regulatory activities or litigation that may have a significant bearing or impact on the insurance holding company system;
- Business plan of the insurance holding company system and summarized strategies for next 12 months;
- Identification of material concerns of the insurance holding company system raised by supervisory college, if any, in last year;
- Identification of insurance holding company system capital resources and material distribution patterns;
- Identification of any negative movement, or discussions with rating agencies which may have caused, or may cause, potential negative movement in the credit ratings and

individual insurer financial strength ratings assessment of the insurance holding company system (including both the rating score and outlook);

- Information on corporate or parental guarantees throughout the holding company and the expected source of liquidity should such guarantees be called upon; and
- Identification of any material activity or development of the insurance holding company system that, in the opinion of senior management, could adversely affect the insurance holding company system.

The Registrant/Applicant may attach the appropriate form most recently filed with the U.S. Securities and Exchange Commission, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the form provides responsive information. If the Registrant/Applicant is not domiciled in the U.S., it may attach its most recent public audited financial statement filed in its country of domicile, provided the Registrant/Applicant includes specific references to those areas listed in Item 1 for which the financial statement provides responsive information.

ITEM 2. OBLIGATION TO REPORT.

If the Registrant/Applicant has not disclosed any information pursuant to Item 1, the Registrant/Applicant shall include a statement affirming that, to the best of its knowledge and belief, it has not identified enterprise risk subject to disclosure pursuant to Item 1.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board (D.C. Lottery), pursuant to the authority set forth in the Law to Legalize Lotteries, Daily Numbers, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306 and 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996, and Office of the Chief Financial Officer Financial Management Control Orders No. 97-15, issued May 15, 1997, and No. 96-16 (September 24, 1996); and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board), hereby gives notice of the adoption of amendments to Chapters 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games), of the District of Columbia Municipal Regulations (DCMR).

These amendments are necessary to implement unilateral changes to the nationwide POWERBALL® game. These changes start October 4, 2015.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 21, 2015, at 62 DCR 011576. No comments were received, and no substantive changes were made to the rulemaking. These rules were adopted as final on September 24, 2015, and will become effective on October 4, 2015.

Chapter 9, DESCRIPTION OF ON-LINE GAMES, of Title 30 DCMR, DC LOTTERY AND CHARITABLE GAMES, is amended as follows:

Section 906, DESCRIPTION OF THE POWERBALL® GAME, is amended as follows:

Subsections 906.1 and 906.4 are amended to read as follows:

906.1 POWERBALL® is a five (5) out of sixty-nine (69) plus one (1) out of twenty six (26) numbers online lottery game drawn every Wednesday and Saturday as part of the POWERBALL drawing event, which pays the Grand Prize, at the player's election, on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for this prize pool on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a fixed cash basis. To play POWERBALL®, a player must select five (5) different numbers, between one (1) and sixty-nine (69) and one (1) additional number between one (1) and twenty-six (26) for input into a terminal.

- 906.4 The price of a POWERBALL® game ticket shall be one (1) play for two dollars (\$ 2) or any other price designated by the Executive Director from a price schedule adopted by the Agency pursuant to § 500.1.

Section 907, PRIZE POOL(S) AND BONUS PRIZE, is renamed “POWERBALL® PRIZE POOL(S)” and amended as follows:

907 POWERBALL® PRIZE POOL(S)

- 907.1 The Agency shall pay in prizes at least fifty percent (50%) of each week's POWERBALL® sales from all tickets and shall allocate that amount to the winning pool or pools for payment of prizes for that game.
- 907.2 The prize money allocated to the Grand Prize category shall be awarded equally to the number of game boards winning a Grand Prize.
- 907.3 If in any game drawing there are no plays that qualify for the prize, the prize money for that game drawing shall be added to the prize pool.
- 907.4 Any amount remaining in the prize pool at the end of this game shall be returned to all lotteries participating in the prize pool after the end of all claim periods of all selling lotteries, carried forward to a replacement game or expended in a manner as directed by the Executive Director in accordance with District law.
- 907.5 An amount up to five percent (5%) of a Party Lottery's sales, including any specific statutorily mandated tax of a Party Lottery to be included in the price of a play, shall be deducted from a Party Lottery's Grand Prize Pool contribution and placed in trust in one or more Powerball prize pool accounts and prize reserve accounts held by the Product Group at any time that the prize pool accounts and Party Lottery's share of the prize reserve account(s) is below the amounts designated by the Product Group.
- 907.6 The Product Group has established the following prize reserve accounts for the Powerball game: the Powerball Prize Reserve Account (PRA), which is used to guarantee the payment of valid, but unanticipated, Grand Prize claims that may result from a system error or other reason; and the Powerball Set Prize Reserve Account (SPRA), which is used to fund deficiencies in low-tier Powerball prize payments (subject to the limitations of these rules).

Section 908, POWERBALL® GRAND PRIZE PAYMENT, is amended as follows:

Add Subsection 908.22 to read as follows:

- 908.22 The holder of a winning ticket may win only one (1) prize per play in connection with the winning numbers in the highest matching prize category.

Section 909, POWERBALL® FIXED PRIZE STRUCTURE, is renamed POWERBALL® SET PRIZE STRUCTURE, and is amended as follows:

909 POWERBALL® SET PRIZE STRUCTURE

909.1 Provided the prize pools are fully funded, the set prize payments for POWERBALL® based on a two dollar (\$ 2) bet are as follows:

<u>Number of Matches Per Play</u>	
All five (5) of first set plus one (1) of second set.	Grand Prize
All five (5) of the first set and none of the second set	\$1,000,000.00
Any four (4) of the first set plus one (1) of the second set	\$50,000.00
Any four (4) of the first set and none of the second set	\$ 100.00
Any three (3) of the first set plus one (1) of the second set	\$ 100.00
Any three (3) of the first set and none of the second set	\$ 7.00
Any two (2) of the first set plus one (1) of the second set	\$ 7.00
Any one (1) of the first set plus one (1) of the second set	\$ 4.00
None of the first set plus one (1) of the second set	\$ 4.00

909.2 If the prize pools are not fully funded and there are not sufficient funds in the prize pool to pay Powerball Set Prizes, the prizes shall be paid pursuant to § 909.3, including payment on a pari-mutuel basis if required.

909.3 The Powerball Set Prize (for single payment prizes of one million dollars (\$1,000,000.00) or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Powerball Set Prizes awarded in the current

draw. If the total of the Powerball Set Prizes (as multiplied by the respective Power Play multiplier if applicable) awarded in a drawing exceeds the percentage of the prize pool allocated to the Powerball Set Prizes, then the amount needed to fund the Powerball Set Prizes, including Power Play prizes, awarded shall be drawn from the following sources, in the following order:

- (a) The amount allocated to the Powerball Set Prizes and carried forward from previous draws, if any;
- (b) An amount from the Set Prize Reserve Account, if available, not to exceed forty million dollars (\$40,000,000.00) per drawing; and
- (c) Other amounts as agreed to by the Product Group in their sole discretion.

909.4 If, after these sources are depleted, there are not sufficient funds to pay the Set Prizes awarded, including Power Play prizes, then the highest Set Prize shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes awarded, then the next highest Set Prize, including Power Play prizes, shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. Powerball Set Prizes and Power Play prizes will be reduced by the same percentage.

909.5 By agreement with the Licensee Lotteries, the Licensee Lotteries shall independently calculate their Set Prize pari-mutuel prize amounts including Power Play prizes. The Party Lotteries and the Licensee Lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

Section 910, PROBABILITY OF WINNING is renamed PROBABILITY OF WINNING POWERBALL® PRIZES and is amended as follows:

910 PROBABILITY OF WINNING POWERBALL® PRIZES

910.1 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in POWERBALL®.

PROBABILITY DISTRIBUTION

Number of Matches Per Ticket	Winners	Probability	Probable/Set Prize Amount
All five (5) of first set plus one (1) of second set	1	1: 292,201,338.0000	Grand Prize
All five (5) of first set and none of second set	25	1: 11,688,053.5200	\$1,000,000
Any four (4) of first set plus one (1) of second set	320	1: 913,129,1813	\$50,000
Any four (4) of first set and none of second set	8,000	1: 36,525.1673	\$100
Any three (3) of first set plus one (1) of second set	20,160	1: 14,494.1140	\$100
Any three (3) of first set and none of second set	504,000	1: 579.7646	\$7
Any two (2) of first set plus one (1) of second set	416,640	1: 701.3281	\$7
Any one (1) of first set plus one (1) of second set	3,176,880	1: 91.9775	\$4
None of first set plus one (1) of second set	7,624,512	1: 38.3239	\$4
Overall	11,750,538	1: 24.8671	

Section 913, DESCRIPTION OF THE POWERBALL® POWER PLAY PROMOTION, is renamed “DESCRIPTION OF THE POWERBALL® POWER PLAY PROMOTION AND PRIZE PAYMENT”, and is amended as follows:

913 DESCRIPTION OF THE POWERBALL® POWER PLAY PROMOTION AND PRIZE PAYMENT

- 913.1 The POWERBALL® Power Play Promotion ("Power Play") is a limited extension of the POWERBALL® game and is conducted in accordance with the POWERBALL® game rules and other lottery rules applicable to the POWERBALL® game except as may be amended herein. The Executive Director shall determine the starting and ending dates of Power Play. Power Play will offer to the owners of a qualifying play a chance to multiply the amount of any of the eight (8) lowest Set Prizes (the prizes normally paying four dollars (\$ 4.00) to \$ one millions (\$1,000,000)) won in a drawing held during the promotion. The Grand Prize is not a Set Prize and will not be increased.
- 913.2 A qualifying play is any single POWERBALL® play for which the player pays an extra dollar for the Power Play option play and which is recorded at the Agency's central computer as a qualifying play.
- 913.3 Except as provided in these rules, a qualifying play which wins one of seven lowest Set Prizes (excluding the Match 5+0 prize) will be multiplied by the number selected, either two, three, four, five or sometimes ten (2, 3, 4, 5 or sometimes 10), in a separate random Power Play drawing announced during the official Powerball drawing show. The ten (10X) multiplier will be available for drawings in which the initially advertised annuitized Grand Prize amount is one hundred fifty million dollars (\$150,000,000.00) or less. The announced Match 5+0 prize, for players selecting the Power Play option, shall be two million dollars (\$2,000,000.00) unless a higher limited promotional dollar amount is announced by the Product Group.
- 913.4 Prize Payments. All Power Play prizes shall be paid in one single payment through the Selling Lottery that sold the winning ticket(s). A Selling Lottery may begin paying Power Play prizes after receiving authorization to pay from the MUSL central office.

Section 914, POWERBALL® POWER PLAY PRIZE POOL AND PRIZE PAYMENT, is renamed “POWERBALL® POWER PLAY EXPECTED PRIZE PAYOUT AND PROBABILITY OF WINNING”, and is amended as follows:

914 POWERBALL® POWER PLAY EXPECTED PRIZE PAYOUT AND PROBABILITY OF WINNING

914.1 POWERBALL® POWER PLAY EXPECTED PRIZE PAYOUT

	Prize Amount Regardless of Power Play number selected:					
Match 5+0	\$1,000,000.00	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00	\$2,000,000.00
	Set Prize Amount	10X	5X	4X	3X	2X
Match 4+1	\$50,000.00	\$500,000.00	\$250,000.00	\$200,000.00	\$150,000.00	\$100,000.00
Match 4+0	\$100.00	\$1,000.00	\$500.00	\$400.00	\$300.00	\$200.00
Match 3+1	\$100.00	\$1,000.00	\$500.00	\$400.00	\$300.00	\$200.00
Match 3+0	\$7.00	\$70.00	\$35.00	\$28.00	\$21.00	\$14.00
Match 2+1	\$7.00	\$70.00	\$35.00	\$28.00	\$21.00	\$14.00
Match 1+1	\$4.00	\$40.00	\$20.00	\$16.00	\$12.00	\$8.00
Match 0+1	\$4.00	\$40.00	\$20.00	\$16.00	\$12.00	\$8.00

914.2 In certain rare instances, the Powerball set prize amount may be less than the amount shown. In such a case, the eight (8) lowest Power Play prizes will be changed to an amount announced after the draw. For example, if the Match 4+1 Powerball set prize amount of \$50,000.00 becomes \$25,000.00 under the rules of the POWERBALL® game and a 5x Power Play multiplier is selected, then a Power Play player winning that prize amount would win \$125,000.00.

914.3 The following table sets forth the probability of the various Power Play numbers being drawn during a single POWERBALL® drawing, except that the Power Play amount for the Match 5+0 prize will be two million dollars (\$2,000,000). The Group may elect to run limited promotions that may modify the multiplier features.

POWER PLAY PROBABILITY OF WINNING

When the 10x multiplier is available:

Power Play	Probability of Prize Increase	Chance of Occurrence
10X - Prize Won Times 10	1 in 43	2.3255%
5X - Prize Won Times 5	2 in 43	4.6512%
4X - Prize Won Times 4	3 in 43	6.9767%
3X - Prize Won Times 3	13 in 43	30.2326%
2X - Prize Won Times 2	24 in 43	55.8140%

When the 10x multiplier is not available:

Power Play	Probability of Prize Increase	Chance of Occurrence
10X - Prize Won Times 10	0 in 42	0.00%
5X - Prize Won Times 5	2 in 42	4.7619%
4X - Prize Won Times 4	3 in 42	7.1429%
3X - Prize Won Times 3	13 in 42	30.9523%
2X - Prize Won Times 2	24 in 42	57.1429%

Power Play does not apply to the Grand Prize. Except as provided in § 914.1, a Power Play Match 5 prize is set at two million dollars (\$2 million), regardless of the multiplier selected.

914.4 For Party Lotteries, the prize pool percentage allocated to the Power Play set prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw.

914.5 In drawings where the ten (10X) multiplier is available, the expected payout for all prize categories shall consist of up to forty-nine and nine hundred sixty-nine thousandths percent (49.969%) of each drawing period's sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket. In drawings where the "ten (10)" multiplier is not available, the expected payout for all prize categories shall consist of up to forty-five and nine hundred thirty-four thousandths percent (45.934%) of each drawing period's sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket.

- 914.6 The prize payout percentage per draw may vary. The Power Play Prize Pool shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Power Play prizes awarded in the current draw and held in the Power Play Pool Account.
- 914.7 In drawings where the “ten (10)” multiplier is available, an additional thirty-one thousandths percent (0.031%) of sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket, may be collected and placed in trust in the Power Play pool account, for the purpose of paying Power Play prizes. In drawings where the “ten (10)” multiplier is not available, four and sixty-six thousandths percent (4.066%) of sales, including any specific statutorily mandated tax of a Selling Lottery to be included in the price of a lottery ticket, may be collected and placed in trust in the Power Play pool account, for the purpose of paying Power Play prizes.
- 914.8 Any amount remaining in the Power Play pool account when the Product Group declares the end of this game shall be returned to the lotteries participating in the account after the end of all claim periods of all Selling Lotteries, carried forward to a replacement game, or otherwise expended in a manner at the election of the individual Members of the Product Group in accordance with jurisdiction statute.
- 914.9 Power Play does not apply to the POWERBALL® Grand Prize or to any Bonus Prize.

9900 DEFINITIONS

Advertised Grand Prize - shall mean the estimated annuitized Grand Prize amount as determined by the MUSL Central Office by use of the MUSL Annuity Factor and communicated through the Selling Lotteries prior to the Grand Prize drawing. The “Advertised Grand Prize” is not a guaranteed prize amount and the actual Grand Prize amount may vary from the advertised amount.

Party Lottery or Member Lottery - means a state lottery or lottery of a political subdivision or entity that has joined the MUSL and, in the context of these Product Group Rules, is authorized to sell the Powerball game. Unless otherwise indicated, “Party Lottery” or “Member Lottery” does not include “Licensee Lotteries.”

Product Group or the Group - means a group of lotteries that has joined together to offer a product pursuant to the terms of the Multi-State Lottery Agreement and the Product Group’s own rules.

Set Prize also referred to as Low-Tier Prize - in regards to POWERBALL® means all other prizes, except the Grand Prize, and, except in instances outlined in these rules, will be equal to the prize amount established by the MUSL Board for the prize level.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a) (2014 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2012 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a), 3-1322, 3-1323, 3-1324, and 3-1325 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; the Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996; the Office of the Chief Financial Officer Financial Management Control Orders No. 97-15, issued May 15, 1997, and No. 96-16, issued September 24, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director of the District of Columbia Lottery and Charitable Games Control Board), hereby gives notice of the adoption of amendments to Chapters 12 (Bingo, Raffle, Monte Carlo Night Party and Supplier's Licenses) and 15 (Raffles) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

In response to implementation of the final rules for 50/50 Raffles Conducted By Charitable Foundations Affiliated with Collegiate or Professional Sports Teams the Agency decided modifications were required for Subsections 1205.1, 1205.2, and 1205.3 on bonding of charitable events to ensure compliance with D.C. Official Code § 3-1325. The Agency also decided modifications to Subsections 1509.3(a) and (b), Classes of 50/50 Raffle Licenses and Fees, were required to allow licensed organizations to conduct more licensed events and to reduce the fees associated with event licenses.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 21, 2015, at 62 DCR 011585. No comments were received, and no substantive changes were made to the rulemaking. These rules were adopted as final on September 23, 2015, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 12, BINGO, RAFFLE, MONTE CARLO NIGHT PARTY AND SUPPLIER'S LICENSES, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Section 1205, BONDING, is amended to read as follows:

- 1205.1 At the time application for a bingo or raffle license is made, the Agency shall require each applicant to provide financial security in the form of certified funds, a bond, or other form of security as prescribed by the Executive Director.
- 1205.2 In accordance with D.C. Official Code § 3-1325, the financial security required in §1205.1 shall guarantee the faithful discharge of the duties of the member responsible for gross receipts, payment of expenses, including fees and taxes, that net proceeds are expended for a lawful purpose, and that all prizes are awarded.
- 1205.3 The amount of the financial security shall be at least two hundred (\$200) dollars and shall not exceed the aggregate value of the prize(s) offered.

Section 1509, 50/50 RAFFLES CONDUCTED BY CHARITABLE FOUNDATIONS AFFILIATED WITH COLLEGIATE OR PROFESSIONAL SPORTS TEAMS, of Chapter 15, RAFFLES, is amended as follows:

Amend Sections 1509.3 (a) and (b) to read as follows:

1509.3 Classes of 50/50 Raffle Licenses and Fees.

(a) Class A single licensed event raffle license: \$100.00.

(b) Class B season raffle license:

\$100.00 multiplied by the number of licensed events. There is a maximum of (125) licensed events per Class A single licensed event or Class B season raffle license period and a limit of one (1) raffle draw per licensed event.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 331; D.C. Official Code §§ 25-211(b) and 25-830(f) (2012 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt the following proposed rules to amend Chapter 8 (Enforcement, Infractions, and Penalties) and Chapter 1 (Provisions of General Applicability) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules establish a methodology for computing prior violations under the graduated penalty scheme set forth in D.C. Official Code § 25-830 (Civil Penalties) and Chapter 8 of Title 23 DCMR. Chapter 8 is amended by adding a new Section 808, for the computation of a licensee's violation history when assessing a penalty for an adjudicated violation. These proposed rules also add several definitions to Chapter 1 of Title 23 DCMR in order to clarify the terms used in the computation methodology.

These proposed rules were initially adopted by the Board on August 12, 2015, by a seven (7) to zero (0) vote.

Pursuant to D.C. Official Code § 25-211(b)(2), these proposed rules are also being transmitted to the Council of the District of Columbia (Council) for a ninety (90) day period of review. The final rules shall not become effective absent approval by the Council.

The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this Notice.

Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 199, DEFINITIONS, is amended by adding the following terms and phrases:

Date of Adjudication – The date a Board Order is issued in an enforcement action where there is a finding of liability; the date of payment of a fine resulting from a citation or a staff settlement; or the date of the Board's acceptance of an offer in compromise.

Date of Violation – The date on which the infraction was committed, as listed on the relevant case report.

Instant Case – The case currently before the Board that is pending adjudication. The date of violation in the instant case controls the beginning point of the review period.

Offer in Compromise – A negotiation between the Government and the Respondent to settle the charges brought by the Government for those violations committed by the Respondent in the instant case.

Prior Adjudication – Violations that have been adjudicated and can therefore be counted for purposes of computing violation history.

Review Period – The period of time immediately preceding the date of violation, as established by statute. Cases adjudicated during the review period are counted for purposes of computing a licensee’s violation history.

Staff Settlement- An agreement offered by ABRA to the Respondent to voluntarily resolve a violation in order for the Respondent to avoid further legal action.

Violation - An infraction or breach of the law or regulation.

Violation History- The number of primary and secondary tier adjudications that were finalized during the relevant review period.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

A new Section 808, VIOLATION HISTORY COMPUTATION, is added to read as follows:

808 VIOLATION HISTORY COMPUTATION

808.1 This section applies to all instances that require a computation of a person’s or licensee’s violation history, including, but not limited to, D.C. Official Code §§ 25-781, 25-783, and 25-830.

808.2 The review period for computing the number of a licensee’s prior primary and secondary tier violations commences on the date of violation in the instant case, and runs backward for the number of years specified in §§ 808.6, 808.7, and 808.8, as applicable.

808.3 The computation of violation history shall only include prior adjudicated cases whose dates of adjudication fall within the applicable review period for the instant case.

808.4 The date of adjudication for computation purposes shall be the date:

- (a) the citation was paid;

- (b) a final written order finding liability has been issued by the Board;
- (c) a staff settlement was paid; or
- (d) the date an offer-in compromise was accepted by the Board.

808.5 The computation shall not include:

- (a) any violation that has not been adjudicated as of the date of the violation in the instant case;
- (b) any adjudicated case whose date of adjudication falls outside of the review period.

808.6 A licensee shall be found liable for a second primary or secondary tier violation, whichever is applicable, if one prior violation of the same tier was adjudicated within two years of the date of violation in the instant case.

808.7 Except as specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a third primary or secondary tier violation, whichever is applicable, if two prior violations of the same tier were adjudicated within three years of the date of violation in the instant case.

808.8 Except as otherwise specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a fourth primary or secondary tier violation, whichever is applicable, if three prior violations of the same tier were adjudicated within four years of the date of violation in the instant case.

808.9 Any licensee who is found liable for a fourth secondary tier violation within four years shall, pursuant to D.C. Official Code § 25-830(d):

- (a) be deemed to have committed a first primary tier violation;
- (b) be subject to penalty and fine schedule for primary tier violations for five years from the date of the violation in the instant case, during which time each subsequent secondary tier violation shall be deemed a subsequent primary tier violation for all purposes.

808.10 Except as otherwise specified in D.C. Official Code § 25-781 and § 25-783, a licensee shall be found liable for a fifth primary tier violation if four prior primary tier violations were adjudicated within four years of the date of violation in the instant case.

808.11 Subsections 808.6, 808.7, and 808.8 do not apply to violations of D.C. Official Code § 25-781 and § 25-783, which establish the penalties for a single violation of either statute and establish graduated penalties for multiple violations of either statute. All other provisions of this subsection apply to § 25-781 and § 25-783.

- 808.12 Each date upon which a violation is committed shall constitute a separate violation.
- 808.13 When a violation requires multiple instances, a continuous course of conduct, or other ongoing acts to sustain a charge, the date of the violation shall be the last date on which any act related to the violation occurred.
- 808.14 If multiple secondary tier violations are committed on the same date, they will be counted as one violation for purposes of computing a licensee's violation history.
- 808.15 If primary and secondary tier violations are committed on the same date, they will be adjudicated separately; a licensee may be found liable for primary and secondary tier violations committed on the same date, and for multiple primary tier violations committed on the same date.
- 808.16 If the Board suspends a Respondent's license but stays the suspension:
- (a) The stay shall commence on the date of adjudication and conclude on the one-year anniversary of that date;
 - (b) The stay shall be revoked and the suspension imposed upon adjudication of any subsequent violation within the stay period.
- 808.17 Written warnings, either issued by the Board or by citation, are not counted as violations for computation purposes.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF PROPOSED RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Section 3003 of the Fiscal Year 2016 Budget Support Emergency Act of 2015, signed July 27, 2015 (D.C. Act 21-127; 62 DCR 10201 (July 31, 2015)) (the Act), and Mayor’s Order 2015-36, dated January 9, 2015, hereby gives notice of the intent to adopt a new Chapter 39 (Metropolitan Police Department Body-Worn Cameras) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This rulemaking provides standards for public access to the Metropolitan Police Department (MPD) body-worn camera (BWC) recordings; policies for retaining BWC recordings; procedures for auditing the BWC program; and policies for protecting the security and integrity of the BWC data. In addition to this rulemaking, the MPD has issued a policy directive to its members with requirements on their usage of body-worn cameras. The MPD General Order 302.13 (Body-Worn Camera Program) is publicly available at: <http://mpdc.dc.gov/page/written-directives-general-orders>. Legislation will be submitted by the Mayor to the Council of the District of Columbia to further supplement this rulemaking’s provisions related to public access to BWC recordings.

Pursuant to Section 3003(c) of the Act, the proposed rulemaking will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

A new Chapter 39, METROPOLITAN POLICE DEPARTMENT BODY-WORN CAMERAS, is added to Title 24 DCMR, PUBLIC SPACE AND SAFETY, to read as follows:

CHAPTER 39 METROPOLITAN POLICE DEPARTMENT BODY-WORN CAMERAS

Sec.	Title
3900	General Provisions
3901	Retention of Body-Worn Camera Video
3902	Access to Body-Worn Camera Video
3903	Body-Worn Camera Audits and Data Protection
3999	Definitions

3900 GENERAL PROVISIONS

3900.1 The purpose of this chapter is to implement Section 3003 of the Fiscal Year 2016 Budget Support Emergency Act of 2015, signed July 27, 2015 (D.C. Act 21-127; 62 DCR 10201 (July 31, 2015)), regarding the Metropolitan Police Department’s body-worn camera (BWC) program.

- 3900.2 The intent of the BWC program is to promote the public trust, enhance service to the community by accurately documenting events and any interactions and statements made during encounters between MPD officers and the public, and ensure the safety of both MPD officers and the public.
- 3900.3 In addition to these regulations, the Chief of Police of the Metropolitan Police Department (Department) may issue policy directives to members; those policy directives can be found on the Department website:
<http://mpdc.dc.gov/page/written-directives-general-orders>.
- 3900.4 MPD officers may record First Amendment assemblies for the purpose of documenting violations of law and police actions, as an aid to future coordination and deployment of law enforcement units, and for training purposes; provided, that recording First Amendment assemblies shall not be conducted for the purpose of identifying and recording the presence of individual participants who are not engaged in unlawful conduct.
- 3900.5 MPD officers shall not create BWC recordings when they are at or in close proximity to a school and are engaged in non-critical contacts with students or mediating minor incidents involving students.
- 3900.6 The Mayor may, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police and the U.S. Attorney's Office, release BWC recordings that would otherwise not be releasable pursuant to a FOIA request. Examples of matters of significant public interest include, but are not limited to, MPD officer-involved shootings, significant use of force by an MPD officer, and assaults on an officer requiring hospitalization.

3901 RETENTION OF BODY-WORN CAMERA VIDEO

- 3901.1 Unless subject to the requirements of § 3901.2, a BWC recording shall be retained by the Department for not more than ninety (90) calendar days from the date the recording was created.
- 3901.2 The Department shall, through a policy directive, establish retention schedules for a BWC recording that contains the following types of footage:
- (a) Criminal investigations;
 - (b) Conduct by an MPD officer or civilian employee that is under investigation;
 - (c) Death investigations;
 - (d) Other categories of footage that the Chief of Police believes should be retained; and
 - (e) BWC recordings that the Department has actual or constructive knowledge may be:

- (1) Subject to civil litigation;
- (2) Subject to a Freedom of Information Act request; or
- (3) Used for training purposes by the Department.

3902 ACCESS TO BODY-WORN CAMERA VIDEO

3902.1 The Department shall make unredacted BWC recordings available to the United States Attorney's Office, the Office of the Attorney General, and the Office of Police Complaints.

3902.2 The Department shall make BWC recordings available to law enforcement officers or investigatory agencies, such as the Office of the Inspector General and the Office of the District of Columbia Auditor, when necessary for the discharge of the officers' or agencies' current official duties; provided, that the cost of any redactions required to protect an individual's privacy, ongoing criminal investigations, or law enforcement sources and methods shall be borne by the Department.

3902.3 The Department shall make BWC recordings available for viewing at a District police station in the following situations:

- (a) A person alleging non-criminal misconduct related to an interaction with an MPD officer, such as rudeness or unprofessionalism on the part of the officer, shall be able to schedule a time to view unredacted BWC footage of the incident at the police station in the police district where the alleged misconduct occurred; provided, that:
 - (1) The person shall not make a copy of the BWC recording; and
 - (2) The unredacted BWC recording would not violate the individual privacy rights of any other subject(s) of the recording.
- (b) A person who is the subject of a BWC recording in a non-criminal case shall be able to schedule a time to view unredacted BWC footage of the incident at the police station in the police district where the incident occurred; provided, that:
 - (1) The person shall not make a copy of the BWC recording; and
 - (2) The unredacted BWC recording would not violate the individual privacy rights of any other subject(s) of the recording.
- (c) To receive a copy of the BWC recording, a person under paragraphs (a) or (b) of this section shall file a FOIA request with the Department; provided, that there shall be no cost to the person for the production of the FOIA request footage. Upon receipt of the copy of the BWC recording, the person may further copy or distribute the BWC recording.

- 3902.4 The Department shall, through a policy directive, develop procedures to implement this chapter and District law.
- 3902.5 An individual seeking to obtain a copy of BWC footage not covered by the provisions of §§ 3902.1, 3902.2, or 3902.3, may submit a FOIA request to the Department for a copy of the footage, which may be provided in redacted form in accordance with applicable law and regulation.
- 3902.6 The Department may form research partnerships with academic institutions and organizations to examine the impact of the BWC program on community-law enforcement interactions; provided, that any such partnerships shall require the protection of any information or unredacted BWC recordings received by the researchers.

3903 BODY-WORN CAMERA AUDITS AND DATA PROTECTION

- 3903.1 The Department shall conduct audits of the BWC program to assess the following:
- (a) Officer compliance with these regulations and any policy directives issued by the Department;
 - (b) Impact of the BWC program on reports submitted by officers;
 - (c) Officer training and equipment needs;
 - (d) Individuals' privacy rights are being properly protected; and
 - (e) Proper and secure access is being maintained to the shared or retained BWC recordings.
- 3903.2 The Department shall regularly monitor the business practices of any third-party entity providing services to the BWC program to ensure individuals' privacy rights are protected.
- 3903.3 The Department may enter into agreements with other government agencies to provide access to the BWC recordings; provided, that any such agreement shall require the other agency to adhere to the individual privacy protections contained in these regulations or any policy directives issued by the Department.
- 3903.4 The Department shall strictly control access to the BWC recordings and shall use technology that logs the identity of each user who accesses the BWC recordings.
- 3903.5 The individual who makes a BWC recording shall not have access to delete the recording.
- 3903.6 The deletion of any BWC recording shall be tightly restricted and shall require justification for the deletion.

3903.7 The Department shall regularly monitor its BWC recordings data protection policies.

3999 DEFINITIONS

3999.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

BWC – means the Metropolitan Police Department’s body-worn camera program.

Department – means the Metropolitan Police Department.

FOIA – means Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq.*).

All persons interested in commenting on this proposed rulemaking action may submit comments in writing to Helder Gil, Office of the City Administrator, 1350 Pennsylvania Avenue, NW, Suite 513, Washington, DC 20004, or via e-mail at Helder.Gil@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.

DEPARTMENT OF HUMAN SERVICES**NOTICE OF PROPOSED RULEMAKING**

The Director of the District of Columbia Department of Human Services (DHS), pursuant to authority set forth in section 205(c) of the District of Columbia Public Assistance Act of 1982 (Public Assistance Act), effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.05(c)(2014 Supp.)), and Mayor's Order 2011-118, dated July 14, 2011, hereby gives notice of its intent to amend Chapter 58, Temporary Assistance for Needy Families, of title 29 of the District of Columbia Municipal Regulations. In accordance with section 205(c) of the Public Assistance Act, these proposed rules are being transmitted to the Council of the District of Columbia.

The purpose of the rulemaking is to amend the rule setting forth the District of Columbia's Temporary Assistance for Needy Families (TANF) sanction policy to: clarify ambiguous language about the period of non-participation required before the sanction process is initiated; change the first level of graduated sanctions from removal of the sanctioned individual from the assistance unit to a twenty percent (20%) reduction in the assistance unit's monthly benefit; and allow for case termination with notice and an opportunity for a hearing after a Customer has failed to remedy a level three (3) sanction for twelve (12) months. The proposed revisions to the TANF sanction policy will promote clarity and assist in efficient administration of the program.

DHS also gives notice of its intent to take final rulemaking action to adopt these rules as final and the final rules may not become effective until the expiration of the forty-five (45) day period of Council review or upon approval by Council resolution, whichever occurs first.

Chapter 58, of Title 29, of the DCMR is amended as follows:**Subsections 5812.1 and 5812.2 are amended to read as follows:**

5812.1 A non-exempt TANF customer (Customer) is required to comply with his or her negotiated TANF Individual Responsibility Plan (IRP) as approved by the Director or his or her designee, or meet his or her work requirements, as set forth in D.C. Official Code §§ 4-205.19b and 4-205.19d (2012 Repl.). DHS shall impose the appropriate graduated sanction on Customers who are in non-compliance with this requirement, as defined in § 5812.3, without good cause.

5812.2 TANF customers are assigned to a TANF Service Provider (Provider) with whom the Customer communicates with in regards to his or her efforts to work on and achieve the goals set out in their approved IRP. Providers shall report at least monthly to DHS each Customer's level of participation in working on their IRP. Providers shall report to DHS whether the Customer is:

- (a) Fully participating;
- (b) Partially participating and making efforts to improve their participation;
- (c) Participating at consistently low levels of participation and not working to improve their participation; or
- (d) Completely non-participating.

Subsection 5812.8 is amended to read as follows:

5812.8 When a Customer fails to meet the requirements of § 5812.1, DHS shall impose a graduated system of sanctions, which consist of the following three (3) levels:

- (a) Level One: a twenty percent (20%) reduction in the assistance unit's TANF benefits as determined in accordance with D.C. Official Code § 4-205.52 (2012 Repl.), is applied when a Customer fails to meet the requirements of § 5812.1;
- (b) Level Two: a fifty percent (50%) reduction in the assistance unit's TANF benefits as determined in accordance with D.C. Official Code § 4-205.52 (2012 Repl.), is applied when a Customer fails to meet the requirements of § 5812.1 a second time; and
- (c) Level Three: a full family sanction lasting at least one (1) month is applied when a Customer fails to meet the requirements of § 5812.1 a third time. To receive TANF benefits following a full family sanction, a Customer must complete an updated assessment, re-negotiate their IRP, and meet the requirements of § 5812.12. If the Customer fails to meet the requirements of § 5812.12 within twelve (12) months, the TANF case shall be terminated. DHS shall provide advance written notice to the Customer that the TANF case shall be terminated. This notice shall be provided in accordance with D.C. Official Code § 4-205.55 (2012 Repl.).

All persons who desire to comment on these proposed rules should submit their comments in writing to Laura G. Zeilinger, Director, DHS, 64 New York Avenue, N.E., Washington, D.C. 20002, **Attn:** Anthea Seymour, Administrator, Economic Security Administration or by email to Anthea.Seymour2@dc.gov. All comments must be received by DHS not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, or by calling the DHS Economic Security Administration at (202) 671-4200.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (5), (7), (8), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (5), (7), (8), (19), 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2014 Repl.)), hereby gives notice of its intent to adopt amendments to Chapter 4 (Taxicab Payment Service Providers) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend the Chapter 4 requirements that each payment service provider (“PSP”) integrate with the D.C. Universal Taxicab App (“DC TaxiApp”), for which service and support are provided by the D.C. Taxicab Industry Co-op (“Co-op”). The amendment would alter the division of expenses related to integration of the Co-op and any PSP which does not have operating authority on the implementation date in § 1612 (“new PSP”). The current requirement is that the Co-op and each new PSP share such expenses equally. The amendment would require the Co-op and each new PSP bear its own expenses for integration.

The Commission also hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 408, OPERATING REQUIREMENTS APPLICABLE TO PSPs AND DDSs, is amended as follows:

Subsection 408.16(a)(2) is amended to read as follows:

- (2) For integration with each PSP which obtains operating authority after the implementation date in § 1612: the Co-op and each PSP shall bear its own expenses.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting 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 D.C. Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020, Attn: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8 (c) (2), (3), (7), (14), (16), (17) and (19), 14, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (3), (7), (14), (16), (17), and (19), 50-313 and 50-329 (2014 Repl.)), hereby gives notice of its intent to adopt amendments to Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking would enhance the Commission’s efforts to modernize the taxicab fleet by expediting the retirement of older vehicles. The proposed rules would amend Chapter 6 to: (1) phase out the grandfathering of older vehicles under § 609.2 by requiring that all such vehicles be retired by January 1, 2017; and (2) end the acceptance of new applications for extensions of the vehicle retirement rules as of 4:30 p.m. on October 30, 2015 for vehicles otherwise required to be retired during calendar year 2016.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 609, TAXICAB VEHICLE RETIREMENT, is amended as follows:

Subsections 609.1 through 609.7 are amended to read as follows:

609 TAXICAB VEHICLE RETIREMENT

609.1 No vehicle shall be operated as a taxicab in the District unless it is in compliance with the provisions of this section at the time of its required DMV inspection or when an application is filed for its DCTC vehicle license under § 1010, whichever is earlier.

609.2 Notwithstanding the provisions of § 609.1, each standard gasoline-powered vehicle which is licensed and in service on the effective date of this section shall be retired as provided in the “Age of Taxicabs” rule in § 609, published in the *D.C. Register* on November 28, 2014 at 61 DCR 12279, for which vehicle mileage is not a factor except as provided in paragraph (d), and which provides as follows:

- (a) Not later than January 1, 2014, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 1997 and earlier shall be removed from service.

- (b) Not later than January 1, 2015, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 2004 and earlier shall be removed from service.
- (c) Not later than January 1, 2016, or the next regularly scheduled DMV vehicle inspection required by D.C. Official Code § 50-1101(a), whichever is later, all vehicles manufactured in model years 2007 and earlier shall be removed from service.
- (d) Not later than January 1, 2017, all taxicab vehicles which are not in compliance with §§ 609.3-609.5 shall be removed from service.

609.3 Each vehicle shall be retired by the end of the calendar year in which the vehicle reaches its maximum service life, as stated in § 609.4, or in which it reaches its maximum vehicle mileage, as stated in § 609.5, whichever is earlier. Service life shall be added to the age of the vehicle based on its model year, which shall be deemed to begin on September 1st, regardless of the vehicle manufacturer’s actual model year.

609.4 Maximum vehicle age:

VEHICLE PROPULSION	WHEELCHAIR ACCESSIBLE	MAXIMUM SERVICE LIFE (YEARS)
CNG or Fuel Cell	Yes	12
CNG or Fuel Cell	No	8
Diesel, E85, or LP	Yes	11
Diesel, E85, or LP	No	7
Hybrid Gasoline	Yes	10
Hybrid Gasoline	No	6
Standard Gasoline	Yes	8
Standard Gasoline	No	4
Key: CNG = Compressed Natural Gas Fuel Cell = Hydrogen Fuel Cell Diesel = Diesel or Bio-Diesel E85 = 85% Ethanol LP = Liquid Propane Hybrid Gasoline = Gasoline-Electric Hybrid		

609.5 Maximum vehicle mileage: forty five thousand (45,000) miles for each year which the vehicle is allowed to be in service under § 609.4.

609.6 No vehicle shall be placed into service if:

- (a) It would have one (1) year or less prior to retirement under § 609.4;

- (b) It has been driven more than one hundred thousand (100,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or
- (c) It has been salvaged or rebuilt.

609.7

The owner of a vehicle in service which is subject to retirement pursuant to §§ 609.3-609.5 during calendar year 2016 may file an application with the Office not later than 4:30 p.m. on October 30, 2015 requesting a one (1) year extension of the retirement deadline, not to exceed December 31, 2016, subject to the following requirements:

- (a) Only one (1) application may be filed concerning a specific vehicle, regardless of whether the application is granted or denied.
- (b) The vehicle shall:
 - (1) Have passed its two (2) most recent required DMV inspections;
 - (2) Be in excellent mechanical condition, as determined by the Office, or by an independent third party inspection service approved by the Office;
 - (3) Be in excellent condition in appearance, including having no body damage on its exterior;
 - (4) Not be a salvaged vehicle; and
 - (5) Not have been driven more than three hundred thousand (300,000) miles at the time the application is filed.
- (c) The vehicle and its owner shall be in compliance with all applicable provisions of this title, including without limitation the insurance requirements of Chapter 9 and the equipment requirements of Chapter 8; and
- (d) The application for extension shall be filed by the owner on a form established by the Office, executed under oath, together with a filing fee of fifty dollars (\$50) and accompanied by information and documentation.
- (e) If the application is granted, the extension shall not extend the applicable service life based on age by more than one (1) year or based on mileage by more than thirty three thousand (33,000) miles.

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*.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Sections 102, 106 and 501 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code §§ 38-271.02, 38-271.06, and 38-275.01 (2012 Repl.)), and Mayor's Order 2009-44, dated March 27, 2009, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 35 (Pre-K Enhancement and Expansion Funding) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the emergency and proposed rulemaking is to enhance and expand high quality pre-K programs across the District. Research has shown the multiple benefits of attending high quality pre-K programs, including increased school readiness, lower rates of grade retention and special education placements, improved high school graduation rates, reduced interaction with law enforcement, and higher rates of college attendance and completion. This rulemaking establishes procedures to facilitate and distribute funding for pre-K enhancement and expansion, administered by the Office of the State Superintendent of Education (OSSE), into community-based organizations providing pre-K programs. Further, these emergency and proposed rules enable the enhancement of current pre-K education services and broadens access to high quality early education programs by maximizing resources through utilization of multiple funding sources. The emergency rulemaking action is necessary for OSSE to ensure timely allocation of funds for the 2015-2016 school year. Without this emergency rulemaking, many community-based organizations will not have the necessary funding required to provide high quality pre-K education services to the District's pre-K children.

This emergency rulemaking was adopted on September 24, 2015 and became effective on that date. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on January 22, 2016, or upon earlier amendment or repeal by the State Superintendent of Education or publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

This proposed rulemaking will also be submitted to the Council of the District of Columbia for a thirty (30) day review period or Council approval before final adoption, pursuant to Section 501(a) of the Pre-K Enhancement and Expansion Amendment Act (D.C. Official Code § 38-275.01(a)). The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register* and after approval by the Council of the District of Columbia.

Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended by adding a new Chapter 35 to read as follows:

CHAPTER 35 PRE-K ENHANCEMENT AND EXPANSION FUNDING

3500 GENERAL PROVISIONS

- 3500.1 This chapter establishes regulations governing the allocation or award of pre-K enhancement and expansion funding to be distributed by the Office of the State Superintendent of Education (“OSSE”) to community-based organizations, pursuant to the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code §§ 38-271.01 *et seq.*) (the “Act”).
- 3500.2 Pursuant to Section 201 of the Act (D.C. Official Code § 38-272.01) the purpose of this chapter is to establish the process for allocation or award of funding to community-based organizations providing high quality pre-K education services for pre-K age children, including allocations or awards where available appropriations are insufficient to fund the full amount of the uniform per student funding formula (“UPSFF”), established pursuant to Section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C Official Code § 38-1804.01).
- 3500.3 To receive and maintain an allocation or award of funding under this chapter, each high quality pre-K program shall meet and maintain the following eligibility criteria:
- (a) Be a community-based organization;
 - (b) Operate a pre-K education service in the District of Columbia;
 - (c) Prior to the provision of high quality pre-K education services to a child, the high quality pre-K program shall determine if the child:
 - (1) Is a resident of the District of Columbia, in reliance on the same type of documentation that may be used to establish residency for public school students pursuant to Section 12 of the Student Residency Requirement Act (D.C. Official Code § 38-309);
 - (2) Is or will be three (3) years of age or four (4) years of age on or before September 30th of the program year for which the child is being enrolled; and
 - (3) Is eligible for subsidized child care;

- (d) Provide the support necessary to help families initially acquire or maintain subsidized child care if they are eligible;
- (e) Enroll and maintain a class size of no fewer than fifteen (15) and no more than sixteen (16) children in classrooms where the youngest child is three (3) years old or a class size of no fewer than sixteen (16) and no more than twenty (20) in classrooms where the youngest child is four (4) years old;
- (f) Participate in the Child and Adult Care Food Program (CACFP), as authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766), unless exempted from participation through a waiver from OSSE;
- (g) Operate Monday through Friday, beginning no earlier than 7:00 a.m.; provide at least six and a half (6.5) hours of pre-K education services, at least thirty-nine (39) weeks a year, for a total of at least one hundred eighty (180) days; and follow the holiday and closing calendar schedule of the District of Columbia Public Schools;
- (h) Meet any other eligibility criteria established by OSSE.

3501 HIGH QUALITY STANDARDS

3501.1 A CBO providing pre-K education services shall be designated as a high quality pre-K program and be eligible for the purposes of funding under this chapter, if the CBO meets each of the following high-quality standards:

- (a) An adult-to-child ratio of one-to-eight (1:8) for children thirty (30) months to three (3) years of age and of one-to-ten (1:10) for children four (4) years of age or older. When children of different ages are combined in one group, the adult-to-child ratio for the youngest child shall apply;
- (b) The consistent use of a comprehensive curriculum that is aligned with the District of Columbia's early learning standards. High quality pre-K programs shall provide a comprehensive educational program and use age-appropriate instructional practices in the implementation of that program. Programs shall use, as the basis of their education programs, one of the following curriculum models:
 - (1) Creative Curriculum[®];
 - (2) HighScope[®];
 - (3) Tools of the Mind[®];
 - (4) Core Knowledge[®];

- (5) Opening the World of Learning[®];
 - (6) Houghton Mifflin Pre-K[®];
 - (7) Frog Street[®];
 - (8) Montessori[®]; or
 - (9) Another curriculum approved by OSSE that is both research-based and nationally recognized.
- (c) Accreditation by a national accrediting body approved by OSSE;
- (d) Utilization of child assessment tools that are aligned with the curriculum selected by the program. Children enrolled in the program shall be assessed using this tool at least three (3) times during the program year and the assessments shall be shared with families at least two (2) times during the program year. The program shall ensure that child assessment procedures reflect appropriate practices for young children. The program shall provide the results of the assessment for each child to OSSE within a month after conducting the assessment;
- (e) For each high quality pre-K program classroom, the high quality pre-K program shall employ, at a minimum, one (1) teacher and one (1) teacher assistant who meet the following minimum educational requirements:
- (1) Teacher:
 - (A) Hold at least a bachelor's degree in child development, early childhood education, or child and family studies; except that a person may have an associate's degree in child development, early childhood education, or child and family studies provided that the person is enrolled, at the time of employment by the CBO, in a bachelor's degree program and on track to receive it by December 2017; or
 - (B) Hold a bachelor's degree in a field other than child development, early childhood education, or child and family studies and have eighteen (18) credits in early childhood education.
 - (2) Assistant teacher:
 - (A) Hold at a minimum a Child Development Associate credential and be enrolled, at the time of employment by

the CBO, in an associate's degree program and on track to receive the degree by December 2017; or

- (B) Hold an associate's degree in a field other than child development, early childhood education, or child and family studies and have nine (9) credits in early childhood education;
- (f) The following teachers and assistant teachers shall be paid wages equivalent to District of Columbia Public School pre-K teachers or assistant teachers, respectively, based on years of experience:
- (1) A teacher that holds a bachelor's degree in early child development, early childhood education, or child and family studies or who has a bachelor's degree and has completed eighteen (18) credits in child development, early childhood education, or child and family studies;
 - (2) An assistant teacher that holds an associate's degree in early childhood education or who has completed nine (9) credits in child development, early childhood education, or child and family studies;
- (g) A professional development and training plan for pre-K teachers and assistant teachers;
- (h) High quality pre-K programs shall provide opportunities for the parents of children to participate in and support the program's educational mission as active partners in their child's learning and development. High quality pre-K programs shall be supportive and sensitive to the cultural and linguistic backgrounds of the parents. High quality pre-K programs shall plan activities to increase parent participation such as encouraging families to volunteer their time, talents, special skills, and experiences. High quality pre-K programs shall plan educational workshops for parents, hold two (2) parent- teacher conferences a year, and provide other activities that foster family partnership over the program year. Parents shall be given timely notice in advance of each enrichment opportunity. Documentation of the offered parent activities and of the family participation is required and shall be submitted along with a site's quarterly report;
- (i) A plan to ensure inclusion of children with disabilities, in accordance with federally-stated goals;
- (j) High quality pre-K programs shall provide and maintain at all times safe, secure, and developmentally appropriate space for use as classrooms. The classrooms shall be of sufficient size to provide a minimum of thirty-five

(35) square feet of interior, usable space per child which space shall be accessible to children with disabilities in accordance with the Americans with Disabilities Act;

- (k) High quality pre-K programs shall ensure that the daily active play for each pre-K age child includes, at a minimum, two (2) hours of active play time, including a minimum of forty-five (45) minutes of outdoor play time, weather permitting. In inclement weather, active play shall be encouraged and supported in a safe indoor play area;
- (l) High quality pre-K programs shall be licensed according to Chapter 3 of Title 29 of the District of Columbia Municipal Regulations (DCMR), prior to the receipt of funding. All participating sites shall remain in compliance with the licensing requirements as defined by Title 29 DCMR regulations;
- (m) Maintain a process for continuous improvement, ongoing classroom assessments, and the collection of authentic child assessment data at least three (3) times a year; and
- (n) Provide comprehensive health and support services for all children enrolled in the program. High quality pre-K programs shall ensure all children receive within forty-five (45) days of enrollment a developmental screening that includes assessments of social and emotional development. High quality pre-K programs shall also ensure children receive vision and hearing screenings.

3501.2 Designation as a high quality pre-K program is solely for the purpose of obtaining pre-K enhancement and expansion funding.

3502 PRE-K ENHANCEMENT AND EXPANSION FUNDING

3502.1 OSSE shall ensure that funding allocated to CBOs providing high quality pre-K education services, pursuant to this chapter, supplements and does not supplant existing federal and local funding sources available for education services for pre-K age children in the District of Columbia, including but not limited to funding available through subsidized child care programs and the Head Start program, as appropriate.

3502.2 High quality pre-K programs receiving pre-K enhancement and expansion funding shall only use the funding provided under this chapter to maintain the pre-K high quality standards as defined in section 201 of the Pre-K Enhancement and Expansion Amendment Act (D.C. Official Code § 38-272.01) and in this chapter.

3502.3 If a child enrolled in a high quality pre-K classroom loses funding provided through a subsidized child care program because the child, or parent or guardian

of the child, is no longer eligible to receive the subsidy, funds allocated pursuant to this chapter may be used to cover the cost of delivering child care services to ensure continuity of services for the child. Such a child shall remain enrolled in the current educational setting and classroom regardless of his or her subsidy status, unless both the high quality pre-K program and the child's parent or guardian determine that another environment is more appropriate to serve the needs of the child. High quality pre-K programs shall help the child's family regain and restore eligibility for the subsidized child care program when possible. High quality pre-K programs shall work closely with families to anticipate potential changes to subsidized child care, such as loss of work and annual redetermination. If a family is not able to restore subsidized child care, funds allocated pursuant to this chapter may be used to cover the full cost of maintaining the child's continued participation in the high quality pre-K program, including child care services.

3502.4 The funds allocated pursuant to this chapter may also be used to cover the full UPSFF costs for a child who is enrolled in a high quality pre-K program classroom, but is not eligible for subsidized child care.

3502.5 High quality pre-K programs providing year-round services to pre-K age children for more than six and a half (6.5) but no more than ten and a half (10.5) hours a day are eligible to receive pre-K enhancement and expansion funding to provide pre-K education services for no more than six and a half (6.5) hours for each child for no more than one hundred eighty (180) days.

3502.6 All Head Start, subsidized child care program, and pre-K enhancement and expansion funding policies and regulations shall be applied to the respective student, with the most stringent standard from either program adhered to.

3503 APPLICATION FOR HIGH QUALITY DESIGNATION

3503.1 OSSE shall accept applications for high quality designation on an annual basis.

3503.2 OSSE shall require all pre-K programs designated as high-quality to re-apply for high quality designation every three (3) years. Each pre-K program designated as high-quality shall submit to OSSE, by August 1 of each year, a projection of the number of pre-K age children it anticipates enrolling, including the projected number of children eligible and receiving subsidized child care.

3503.3 All CBOs designated prior to January 2015 as high quality pre-K programs for the purposes of pre-K enhancement and expansion funding shall re-apply for high quality designation pursuant to the requirements of this chapter in order to be eligible for UPSFF funding beginning with the 2016-2017 school year.

3503.4 All CBOs who meet the eligibility requirements and the pre-K high quality standards as defined in this chapter, may apply for high quality designation

pursuant to the requirements of this chapter in order to be eligible for UPSFF funding beginning with the 2015-2016 school year.

3503.5 Applications for high quality designation shall be in a format and shall contain the information designated by OSSE.

3503.6 OSSE shall verify each of the eligibility criteria for the high quality designation and determine whether the CBO providing pre-K education services meets all of the high quality standards.

3504 DISTRIBUTION OF PRE-K ENHANCEMENT AND EXPANSION FUNDING

3504.1 Pre-K enhancement and expansion funding shall be provided in the manner set forth in this section to eligible District of Columbia high quality pre-K programs that meet the eligibility requirements set forth in this chapter and maintain the high quality standards set forth in this chapter.

3504.2 OSSE shall allocate the pre-K enhancement and expansion funds as follows:

(a) FY 2015 pre-K enhancement grantees, CBOs that received funding in 2014-2015 school year, that meet the eligibility requirements set forth in this chapter, and have maintained the high quality standards set forth in this chapter shall receive funding, per student, as appropriate, in an amount not to exceed the UPSFF for a six and a half (6.5) hour day, one hundred and eighty (180) days a year.

(b) If there is any funding remaining after OSSE has allocated the pre-K enhancement and expansion funding to the FY 2015 pre-K enhancement grantees, OSSE shall:

(1) Determine if there is sufficient funding to allocate supplemental funding in an amount not to exceed the UPSFF for a six and a half (6.5) hour day for one hundred eighty (180) days for each student enrolled in a high quality pre-K program that filed an application designation as a high quality program and that meets the eligibility requirements and the high quality standards set forth in this chapter.

(2) If there is not sufficient funding to allocate to every such high quality pre-K program that meets the eligibility requirements and the high quality standards set forth in this chapter, OSSE shall distribute funding to each such high quality pre-K program that:

(A) Meets the eligibility requirements and the high quality standards set forth in this chapter; and

(B) Serves a student population where the percentage of children enrolled are eligible for and receiving subsidized child care or Head Start funding is equal to or exceeds thirty-five percent (35%) of the total enrolled pre-k child population.

(3) If there is not sufficient funding to allocate to every high quality pre-K program that meets the requirements set forth in subparagraph (2) of this paragraph, OSSE shall distribute funding to each high quality pre-K program that:

(A) Meets the eligibility requirements and the high quality standards set forth in this chapter;

(B) Serves a student population where the percentage of children enrolled are eligible for and receiving subsidized child care funding or Head Start funding is equal to or exceeds thirty five percent (35%) of the total enrolled pre-k child population; and

(C) Serves a student population in a high need community.

3504.3 The actual amount of funding allocated to each high quality pre-K program will be based on the number of pre-K age children served by the high quality pre-K program, as verified by OSSE’s annual enrollment audit pursuant to D.C. Code § 38-1804.02(b)(3), and minus any other local or federal funding sources available for education services for pre-K age children in the District of Columbia, including but not limited to subsidized child care and the Head Start Program, as applicable.

3504.4 If the amount appropriated to OSSE is insufficient to fund all high quality pre-K programs that meet the eligibility requirements and the high-quality standards set forth in this chapter, OSSE may distribute the funds through a competitive grant process.

3505 PRE-K ENHANCEMENT AND EXPANSION GRANT

3505.1 This section applies to allocation of pre-K enhancement and expansion funding through a competitive grant process.

3505.2 For each competitive grant cycle, OSSE shall make available a request for funding application (RFA).

3505.3 To be eligible to apply for a grant, an applicant shall:

- (a) Be a CBO;
- (b) Provide all assurances required in the RFA, and
- (c) Meet any other requirements set forth in the RFA.

3505.4 The maximum funding available for a pre-K grant for each competitive grant cycle shall be specified in the RFA.

3505.5 A pre-K grant shall be used only to assist eligible pre-K programs in maintaining the high quality standards and program requirements.

3505.6 Grants awarded through the pre-K funding shall supplement, not supplant, any federal, local, or other funds received by a CBO providing education programs for pre-K age children in the District.

3505.7 OSSE reserves the authority to define the terms of pre-K grants in the RFA for each pre-K grant competition.

3506 MONITORING

3506.1 OSSE shall have the authority to monitor high quality pre-K programs at any time to verify their continued eligibility, and may revoke the high quality designation based upon a finding that the school does not meet the eligibility criteria. A high quality pre-K program shall cooperate with any monitoring conducted by OSSE pursuant to this subsection, and failure to do so may result in loss of high quality designation.

3506.2 A high quality pre-K program that receives pre-K enhancement and expansion funding shall submit monthly reports and a final report to OSSE, in a format and manner as determined by OSSE. The monthly report shall be due no later than ten (10) business days after the end of each month during the funding period, and the final report shall be due no later than fifteen (15) business days after the end of the funding period. Reports shall include copies of all invoices for all expenditures made with pre-K enhancement and expansion funding, enrollment and attendance reports, and specific measurable activities and outcomes reports.

3506.3 A high quality pre-K program that receives pre-K enhancement and expansion funding shall submit individual child outcome assessment data for all pre-K age children enrolled on November 30, February 28, and May 31 of each program year.

3506.4 A high quality pre-K program that receives pre-K enhancement and expansion funding shall:

- (a) Submit budget amendment and modification requests to OSSE and obtain approval from OSSE before expending pre-K enhancement funds for a purpose that was not included in the original approved budget;
- (b) Maintain accurate and complete records of all activities supported by the grant for three (3) years after the end of the funding period or such longer period as may otherwise be specified by OSSE;
- (c) Maintain records that document initial and periodic assessments, initial and periodic plans, and the ongoing progress of program activities; and
- (d) Ensure confidentiality and prevent unauthorized access to records. Programs shall maintain all records, including required reports, documents, and files on-site, in a properly secured cabinet or location. Records shall be accessed by authorized personnel only.

3506.5 OSSE shall monitor a high quality pre-K program that receives pre-K enhancement and expansion funding throughout the funding period. OSSE's monitoring may include, but is not limited to, scheduled and unscheduled visits to the high quality pre-K program's facility or principal place of business.

3506.6 A high quality pre-K program that receives pre-K enhancement and expansion funding shall fully cooperate with authorized representatives of the Government of the District of Columbia, including OSSE, and shall provide them access to facilities, staff, and records related to the allocation of pre-K enhancement and expansion funding upon request.

3507 FAILURE TO MAINTAIN HIGH QUALITY PRE-K PROGRAM

3507.1 If a high quality pre-K program that receives pre-K enhancement and expansion funding fails to comply with the terms of the distribution or applicable federal or District of Columbia laws or regulations, OSSE may, after giving reasonable written notice to the recipient, terminate the funding in whole or in part and/or, in its discretion, place the high quality pre-K program that received pre-K enhancement and expansion funding on probation to ensure compliance. In the absence of extenuating circumstances, reasonable notice shall be no less than thirty (30) calendar days.

3507.2 OSSE shall provide to the high quality pre-K program that received pre-K enhancement and expansion funding written notice of termination or probation, and, if applicable, required remedial action. The notice shall state with specificity the reasons for the termination or probation, the specific remedial action required of the high quality pre-K program, and the effective date of the termination or placement on probation.

3507.3 OSSE may in its discretion make the termination effective in less than thirty (30)

days, if a delayed effective date would be unreasonable under the circumstances, taking into consideration the responsibility to protect the public interest.

3507.4 A high quality pre-K program placed on probation status shall be required to complete a corrective action plan and may have its funding withheld until all identified noncompliance is corrected.

3507.5 A corrective action plan shall include strategies to regain compliance. OSSE may provide technical assistance during the preparation of the corrective action plan. Failure to correct all areas of noncompliance may result in a recommendation to terminate funding to the program.

3507.6 A high quality pre-K program may request review of a decision by OSSE to terminate the funding or probation. A request for review shall be submitted in writing to OSSE at any time before the effective date of the termination or probation, or within thirty (30) calendar days of the date the recipient received notice of termination, whichever is longer. The written request for review shall include the following:

- (a) A concise statement of facts regarding each specified reason for the termination or required remedial action;
- (b) The specific basis for contesting each reason;
- (c) The specific relief requested; and
- (d) Two (2) copies of all documentary evidence supporting the recipient's positions.

3507.7 Review of the high quality pre-K program's request shall be performed by an OSSE employee designated by the State Superintendent of Education and such person shall not have participated in the decision to designate the CBO as a high quality pre-k program, the allocation or award of pre-K enhancement and expansion funding, or the decision to terminate the funding. The decision of the reviewer shall be final.

3599 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed:

“Accreditation” means approval by a nationally recognized accrediting body or other body satisfying similar standards as approved by OSSE.

“Child Development Associate” or “CDA” means a credential obtained under the award system of the Council for Professional Recognition.

“Community-based organization” or “CBO” means a Head Start or early childhood education program operated by a non-profit, for-profit, or faith-based organization, or organization that participates in local or federally-funded early childhood programs, including the Child Care Subsidy.

“Enrolled” means a child has been accepted and attended at least one classroom in the high quality pre-K program.

“FY15 Pre-K Enhancement Grantees” means the CBOs that received a Pre-K Enhancement grant in the 2014-2015 school year.

“Head Start” means the federal program for children ages three (3) to five (5) years old that promotes the school readiness of young children from low-income families pursuant to the Improving Head Start for School Readiness Act of 2007, approved December 12, 2007 (121 Stat. 1363; 42 U.S.C. §§ 9801 *et seq.*), and its implementing regulations.

“High need community” means a geographically defined area, such as a neighborhood or Ward within the District that is currently underserved by high quality pre-k programs, based on the number and percentage of three (3)- and four (4)-year-olds not enrolled in a high quality pre-K program provided by the District of Columbia Public Schools, public charter schools, or a community based organization.

“High quality pre-K program” means a program providing pre-K education services to pre-K age children operated by a CBO, designated by OSSE, as a program meeting and maintaining the high quality standards and program requirements for pre-K programs pursuant to D.C. Official Code § 38-272.01 or as provided in this chapter.

“High quality standards” means the high quality standards for pre-K programs pursuant to D.C. Official Code § 38-272.01 or as updated in any subsequent regulations or legislation.

“OSSE” means the Office of the State Superintendent of Education.

“Pre-K age children” means children who are three (3) years of age on or before September 30 of the program year for which the child is being enrolled, four (4) years of age; or five (5) years of age after September 30th of the program year for which the child is being enrolled.

“Pre-K education service” means the purposeful, well planned and developmentally appropriate practice and instruction provided by community-based organizations to pre-K age children.

“Pre-K enhancement and expansion funding” means funding to be distributed by the OSSE, subject to availability, to community based organizations pursuant to the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code §§ 38-271.01 *et seq.*).

“Program year” means the thirty-nine (39) weeks of a year, for a total of one hundred eighty (180) days, that the high quality pre-K program offers pre-K education services.

“Subsidized child care” means part-time or full-time child care services, subsidized in whole or in part to eligible families pursuant to local and federal law, including but not limited to Sections 5a and 6 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code §§ 4-404.01 and 4-405), Title 29 DCMR § 380 (“Direct-Subsidized Child Care Services”), and the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (Pub. L 113-186, 128 Stat. 1971).

“Uniform per student funding formula” or “UPSFF” means the amount of funding provided for each student attending a public school in the District of Columbia pursuant to Section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Pre-k Enhancement and Expansion Program, 810 First Street, NE 9th Floor, Washington, DC 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED 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, on an emergency basis, of a new Section 988, entitled “Medicaid Fee Schedule,” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF reimburses Medicaid providers other than institutional providers whose rates are determined pursuant to a reimbursement methodology, in accordance with a Medicaid fee schedule. The Medicaid fee schedule is posted on a website maintained by DHCF. The fee schedule requires periodic adjustments, when necessary, to reflect changes in federal and District requirements, nationally-recognized coding systems, medical practice, and the relative value of services. These second emergency and proposed rules will require DHCF to publish a notice in the *D.C. Register* at least thirty days prior to the effective date of changes to the Medicaid fee schedule, unless the notice exceeds two (2) pages. If the notice of the changes to the Medicaid fee schedule exceeds two (2) pages, these rules will require DHCF to post the changes in the fee schedule on a website maintained by DHCF and include the website address in the notice that is published in the *D.C. Register*.

In order to prevent impediments that adversely affect access to quality Medicaid services and accurate reimbursements for services delivered by Medicaid providers, DHCF must have the ability to periodically update and adjust the fee schedule. Accordingly, emergency action is necessary for the immediate preservation of the health, safety and welfare of persons receiving these services.

An Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 22, 2015 at 62 DCR 6692. No comments were received. Two substantive changes were made in this notice of second emergency and proposed rulemaking in order to: (1) allow DHCF to post changes in the fee schedule on a website maintained by DHCF and include the website address in the notice that is published in the *D.C. Register* when the notice exceeds two (2) pages; and (2) clarify that in instances where a Medicaid fee is included in a rule, DHCF shall amend and publish a revised rule in the *D.C. Register*, and the requirements set forth in Section 988.4 shall not apply. This second emergency rulemaking was adopted on September 14, 2015 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 12, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 988, MEDICAID FEE SCHEDULE, is added to read as follows:

988 MEDICAID FEE SCHEDULE

988.1 The Medicaid fee schedule includes reimbursement rates for Medicaid covered services and is posted at www.dc-medicaid.com.

988.2 Medicaid covered services that are listed on the fee schedule include, but are not limited to, the following services:

- (a) Laboratory and x-ray services;
- (b) Physicians' services;
- (c) Medical care and other types of remedial care;
- (d) Home health services;
- (e) Dental services;
- (f) Durable Medicaid Equipment (DME);
- (f) Diagnostic, screening, preventive, and rehabilitative services; and
- (g) Hospice care.

988.3 DHCF shall review the Medicaid fee schedule periodically. The Medicaid fee schedule may be adjusted where necessary to:

- (a) Comply with changes in federal or District requirements;
- (b) Comply with changes in nationally-recognized coding systems, such as Healthcare Common Procedure Coding System (HCPCS), Current Procedural Terminology (CPT), and Code on Dental Procedures and Nomenclature (CDT);
- (c) Establish an initial allowable amount for a new procedure or a procedure based on information that was not available when the fee schedule was established for the current calendar year; and

- (d) Adjust the allowable amount when DHCF determines that the current allowable amount is:
- (1) Not appropriate for the service provided;
 - (2) Based on errors in data or calculation; or
 - (3) Ineffective for proper or efficient administration of the State Medicaid Program

988.4 DHCF shall publish a Public Notice in the *D.C. Register* which informs the public of changes to the Medicaid fee schedule. The Public Notice shall be published at least thirty (30) calendar days in advance of the change. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the Medicaid reimbursement rate. If the Public Notice of the changes to the Medicaid fee schedule exceeds two (2) pages, DHCF shall post the changes in the fee schedule consistent with the requirements set forth in this section on a website maintained by DHCF and include the website address in the Public Notice.

988.5 In those instances where a Medicaid fee is included in a rule, DHCF shall amend and publish the revised rule in the *D.C. Register* pursuant to the procedures of title I of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-501 *et seq.*), and the requirement of § 988.4 shall not apply.

999 DEFINITIONS

999.1 For purposes of this section, the following terms shall have the meanings ascribed:

Medicaid Fee Schedule - a comprehensive list of fee maximums used to reimburse providers on a fee-for-service basis.

Comments on the proposed rule shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFpubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FOURTH 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.)), 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 an amendment to Section 1916, entitled “In-Home Supports,” 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 fourth emergency and proposed rules establish standards governing reimbursement of in-home supports 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, for a five (5) year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)). The amendment must also be approved by CMS, which will affect the effective date for the emergency rulemaking.

In-home supports services are essential to ensuring that persons enrolled in the ID/DD Waiver continue to receive services and supports in the comfort of their own homes or family homes. The current Notice of Final Rulemaking for 29 DCMR § 1916 (In-Home Supports Services) was published in the *D.C. Register* on March 21, 2014, at 61 DCR 002464. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 3, 2014, at 61 DCR 010388, amending the previously published final rules by increasing the rates, using the approved rate methodology, to reflect the increase in the D.C. Living Wage to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)). DHCF received and considered comments in response to the first emergency and proposed rulemaking and promulgated a Notice of Second Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on March 20, 2015, at 62 DCR 003436. The second emergency and proposed rules amended the previously published emergency and proposed rules by: (1) increasing the rates, using the approved rate methodology, to reflect the anticipated increase in the D.C. Living Wage for 2015 to comply with the Living Wage Act of 2006; (2) changing language in Subsection 1916.8(a)(1) to clarify that providers of in-home supports services shall “provide evidence” of the community activities a person attends; (3) clarifying that daily progress notes should provide information to incoming staff about any follow-up needed at end of a shift; (4) clarifying language regarding the maximum daily hours

and calendar year timeframe for in-home supports; and (5) adding a new subsection to provide clarity on rates for in-home supports services if they are extended in the event of a temporary emergency. The second emergency and proposed rulemaking was adopted on January 7, 2015, became effective on that date, and remained in effect until May 7, 2015. No comments were received, and DHCF then promulgated a Notice of Third Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on May 15, 2015, at 62 DCR 006089. The third emergency and proposed rules further amended the previously published second emergency and proposed rules by: (1) clarifying words and/or phrases to reflect more person-centered language and to simplify interpretation of the rule; (2) clarifying service definitions; (3) requiring the use of Department of Disability Services (DDS)-approved person-centered thinking and discovery tools; (4) requiring that supports are aimed at skill building and include opportunities for community integration and competitive integrated employment; (5) adding requirements for the In-Home Supports Plan; (6) removing references to Shared Living services; and (7) adding that in-home supports can be provided with, but not at the same time as, Companion services. The third emergency and proposed rulemaking was adopted on May 4, 2015, became effective on that date, and remained in effect until September 1, 2015. DHCF did not receive any comments in response to the third emergency and proposed rulemaking, but is promulgating this Notice of Fourth Emergency and Proposed Rulemaking to continue the changes reflected in the third notice of emergency and proposed rulemaking described above.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of in-home support services. The ID/DD Waiver serves some of the District's most vulnerable residents. The cumulative changes include a rate increase that is necessary to ensure a stable workforce and provider base. In order to ensure that the person's health, safety, and welfare are not threatened, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 14, 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 January 12, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 1916, IN-HOME SUPPORTS SERVICES, is deleted in its entirety and amended to read as follows:

1916 IN-HOME SUPPORTS SERVICES

- 1916.1 The purpose of this section is to establish standards governing Medicaid eligibility for in-home supports services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver), and to establish conditions of participation for providers of these services.
- 1916.2 In-home supports are services provided to people enrolled in the Waiver who have an assessed need for assistance with acquisition, retention or improvement in skills related to activities of daily living that are necessary to enable the person to reside successfully at home in their community and participate in community activities based upon what is important to and for the person as documented in his or her Individual Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools. Services may be provided to people in the home or community, with the place of residence as the primary setting.
- 1916.3 To be eligible for reimbursement, in-home supports services shall be:
- (a) Included in a person's ISP and Plan of Care and related to the person's ISP goals;
 - (b) Habilitative in nature; and
 - (c) Provided to a person living independently or with family or friends and not receiving other residential supports such as supported living, supported living with transportation, residential habilitation, or host home support services.
- 1916.4 In-home supports services include a combination of hands-on care, habilitative supports, skill development and assistance with activities of daily living. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance.
- 1916.5 In-home supports eligible for reimbursement shall include the following:
- (a) Training and support in activities of daily living and independent living skills;
 - (b) Support to enhance opportunities for meaningful adult activities and skills acquisition that support community integration and a person's independence, including management of financial and personal affairs and awareness of health and safety precaution;
 - (c) Support to enhance opportunities for community exploration aimed at discovery of new and emerging interests and preferences, including

activities aimed at supporting the person to have one or more new relationships;

- (d) Support to build community membership;
- (e) Training on, and assistance in the monitoring of health, nutrition, and physical wellness;
- (f) Implementation of a home therapy program under the direction of a licensed clinician;
- (g) Training and support to coordinate or manage tasks outlined in the Health Care Management Plan, if applicable;
- (h) Assistance in performing personal care, household, and homemaking tasks that are specific to the needs of the person, except that this may not comprise the entirety of the service;
- (i) Assistance with developing the skills necessary to reduce or eliminate behavioral episodes by implementing a Behavioral Support Plan (BSP) or positive strategies;
- (j) Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting;
- (k) Assistance with the acquisition of new skills or maintenance of existing skills based on individualized preferences and goals identified in the In-Home Supports Plan, ISP, and Plan of Care; and
- (l) Coordinating transportation to participate in community events consistent with this service.

1916.5 Each provider rendering in-home supports services shall:

- (a) Be a Waiver provider agency; and
- (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.

1916.6 Each Direct Support Professional (DSP) rendering in-home supports services shall comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 DCMR.

1916.7 In-home support services shall be authorized in accordance with the following provider requirements:

- (a) The Department on Disability Services (DDS) shall provide a written service authorization before the commencement of services;
- (b) The service name and provider delivering services shall be identified in the ISP and Plan of Care;
- (c) The ISP and Plan of Care shall document the amount and frequency of services to be received;
- (d) The In-Home Supports Plan, ISP, and Plan of Care shall be submitted to and authorized by DDS annually or as needed; and
- (e) The provider shall submit each quarterly review to the person's DDS Service Coordinator no later than seven (7) business days after the end of the first quarter, and each subsequent quarter thereafter.

1916.8 Each provider shall comply with the requirements under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR, Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR, Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR and Section 1938 (HCBS Setting Requirements) except that the progress notes as described in Subsection 1909.2(m) shall be maintained on a per visit basis.

1916.9 Each provider of Medicaid reimbursable in-home support services shall assist each person in the acquisition, retention, and improvement of skills related to activities of daily living, such as personal grooming, household chores, eating and food preparation, and other social adaptive skills necessary to enable the person to reside in the community. To accomplish these goals, the provider shall:

- (a) Use the DDS-approved person-centered thinking tools and the person's Positive Personal Profile and Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first thirty (30) calendar days of providing services. This assessment shall be reviewed and revised annually or more frequently as needed;
- (b) Assist with and actively participate in the development of the person's In-Home Supports Plan, ISP, and Plan of Care, at the person's preference;
- (c) Review the person's In-home Supports Plan, ISP and Plan of Care goals, DDS-approved person-centered thinking tools, Positive Personal Profile and Job Search and Community Participation plan, objectives, and activities at least quarterly, and more often as necessary and submit quarterly reports to the person, family or representative, as appropriate, guardian, and the DDS Service Coordinator no later than seven (7) business days after the end of the first quarter or each subsequent quarter

thereafter and in accordance with the requirements described under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.

- 1916.10 An In-Home Supports Plan shall be maintained in the home where services are provided with a copy also maintained at the Provider's main office. The In-Home Supports Plan shall include:
- (a) Activities and supports that will be provided during the service, based upon what is important to and important for the person, as identified in the Person Centered Thinking and Discovery tools and reflected in the person's ISP;
 - (b) A staffing plan and schedule;
 - (c) A list of licensed non-medical professionals who will be providing services, if applicable; and
 - (d) Emergency and contingency plans to address potential behavioral, health or emergency events.
- 1916.11 In-home supports services shall only be provided for up to eight (8) hours per day unless there is a temporary emergency. In the event of a temporary emergency, DDS may authorize up to sixteen (16) hours per day for up to one hundred and eighty (180) days, during the person's ISP year.
- 1916.12 In the event of a temporary emergency, a written justification for an increase in hours shall be submitted with the In-Home Supports Plan, ISP, and Plan of Care by the provider to DDS. The written justification must include:
- (a) An explanation of why no other resource is available;
 - (b) A description of the temporary emergency;
 - (c) An explanation of how the additional hours of in-home supports services will support the person's habilitative needs;
 - (d) A revised copy of the in-home Supports Plan, ISP, and Plan of Care reflecting the increase in habilitative supports to be provided; and
 - (e) The service authorization from the Medicaid Waiver Supervisor or other Department on Disability Services Administration designated staff.
- 1916.13 All Direct Support Professionals, including family members, who provide in-home supports services shall comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 DCMR.

- 1916.14 Family members who provide in-home supports services and reside in the same home as the person receiving services may only be paid for in-home support services that are in accordance with the person's ISPs goals.
- 1916.15 In-home supports services shall not be provided to persons receiving the following residential services:
- (a) Host Home;
 - (b) Residential Habilitation;
 - (c) Supported Living; and
 - (d) Supported Living with Transportation.
- 1916.16 In-home supports services may be used on the same day, or in combination with Medicaid State Plan Personal Care Aide (PCA) services, ID/DD PCA services, and Companion services, provided the services are not rendered at the same time.
- 1916.17 In-home supports services shall not be used to provide supports that are normally provided by medical professionals.
- 1916.18 In-home supports services, including those provided in the event of a temporary emergency shall be billed at the unit rate. The reimbursement rate shall be twenty-three dollars and twenty-eight cents (\$23.28) per hour, billable in units of fifteen (15) minutes at a rate of five dollars and eight-two cents (\$5.82), and shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. Reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.
- 1916.19 Reimbursement for in-home supports services shall not include:
- (a) Room and board costs;
 - (b) Routine care and general supervision normally provided by the family or unpaid individuals who provide supports, or for services furnished to a minor by the child's parent or step-parent or by a person's spouse;
 - (c) Services or costs for which payment is made by a source other than Medicaid;
 - (d) Travel or training of travel skills to Supportive Employment, Day Habilitation, Individualized Day Supports, or Employment Readiness; and

- (e) Costs associated with the DSP engaging in community activities with the people they support.

Section 1999, DEFINITIONS, is amended by adding the following:

Medical Professionals- Individuals who are trained clinicians and deliver medical services.

Temporary Emergency – A sudden change in the medical condition or behavioral status of a person receiving in-home supports services or their caregiver that warrants additional hours of in-home supports services.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor South, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule 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.)), 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 1918, entitled “Art Therapies,” to be renamed “Creative Arts Therapies,” 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 Register (DCMR).

These emergency and proposed rules establish standards governing reimbursement of creative arts therapies 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 Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)). The amendment must also be approved by CMS, which will affect the effective date for the emergency rulemaking.

Creative arts therapies are designed to provide therapeutic supports to help a person with a disability express and understand emotions through artistic expression and the creative process. The goal of creative arts therapies is to assess and treat a variety of mental health problems including anxiety, depression and substance abuse disorders. The current Notice of Final Rulemaking for 29 DCMR § 1918 (Art Therapies) was published in the *D.C. Register* on December 13, 2013, at 60 DCR 016830. These rules amend the previously published final rules by: (1) adding a group 1:4 rate; (2) requiring that the plan for Creative Arts Therapies contain measurable, functional outcomes, based upon what is important to and for the person; (3) changing the name to Creative Arts Therapies; (4) changing the requirements for progress notes; (5) changing the requirements for quarterly reports; (6) changing the requirements for periodic examinations; (7) describing the role of the therapist as a member of the person’s support team; (8) increasing rates; and (9) clarifying that this service cannot be concurrently billed with day or vocational services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver participants who are in need of creative arts therapies services. The new requirements will enhance the quality of services. Therefore, in order to ensure that the residents’ health,

safety, and welfare are not threatened by lack of access to creative arts therapies provided pursuant to the updated delivery guidelines, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 14, 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 January 12, 2016, 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*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 1918, ARTS THERAPIES, is amended to read as follows:

1918 CREATIVE ARTS THERAPIES

- 1918.1 The purpose of this section is to establish standards governing Medicaid eligibility for Creative Arts Therapies services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver), and to establish conditions of participation for providers of these services.
- 1918.2 Creative Arts Therapies services utilize art, dance, drama, and music therapy to provide therapeutic supports to help a person with disabilities express and understand emotions through artistic expression and the creative process. Creative Arts Therapies shall be 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 Individual Support Plan (ISP).
- 1918.3 Creative Arts Therapies services are available both as a one-to-one service for a person, and in small-group settings, not to exceed 1:4.
- 1918.4 To be eligible for reimbursement, the services shall be:
- (a) Ordered by a physician or a practitioner listed in Subsection 1918.7;

- (b) Reasonable and necessary for the treatment of social and emotional difficulties related to a number of mental health issues including disability, illness, trauma, loss, and physical and cognitive problems; and
- (c) Recommended by a person's support team, and included in the person's Individual Support Plan (ISP) and Plan of Care.

1918.5 The types of services eligible for reimbursement shall be:

- (a) Art therapy;
- (b) Dance therapy;
- (c) Drama therapy; and
- (d) Music therapy.

1918.6 Each person providing Creative Arts Therapies services shall:

- (a) Conduct an assessment within the first two (2) hours of delivering the service;
- (b) Develop and implement an individualized art, dance, drama, or music plan for the person that is in keeping with their choices, goals and prioritized needs that includes the following:
 - (1) Treatment strategies including direct therapy, caregiver training, monitoring requirements and instructions, and anticipated outcomes; and
 - (2) Identification of specific 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.
- (c) Deliver the completed plan to the person, family, guardian or other caregiver, and the Department on Disability Services (DDS) Service Coordinator prior to the Support Team meeting;
- (d) Participate in the ISP and Support Team meetings, when invited by the person, to provide consultative services and recommendations specific to the expert content with the focus on how the person is doing in achieving the functional goals that are important to him or her;

- (e) Provide necessary information to the individual, family, guardian or caregivers, and/or team, to assist in planning and implementing the approved ISP and Plan of Care;
 - (f) Record progress notes on each visit.
 - (g) Submit quarterly reports in accordance with the requirements in Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR;
 - (h) Conduct periodic examinations and modify treatments for the person receiving services as necessary; and
 - (i) Meet all of the requirements in Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 DCMR.
- 1918.7 Services shall be provided by a certified practitioner in an independent practice or a practitioner employed by a Waiver provider.
- 1918.8 Creative Arts Therapies services shall be delivered by the following practitioners:
- (a) Art therapists certified to practice art therapy by the American Art Therapy Association, Inc. and/or credentialing of the Art Therapy Credentialing Board;
 - (b) Dance therapists authorized to practice dance therapy pursuant to Chapter 71 (Dance Therapy) of Title 17 DCMR (Business, Occupations, and Professionals);
 - (c) Drama therapists certified by the National Association for Drama Therapy; and
 - (d) Music therapists certified by the Certification Board for Music Therapists, which is managed by the American Music Therapy Association.
- 1918.9 Each Waiver provider or certified practitioner in an independent practice shall meet the requirements as set forth in Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.
- 1918.10 Creative Arts Therapies practitioners, without regard to their employer of record, shall be selected by the person or his/her authorized representative and shall be answerable to the person receiving services.
- 1918.11 Any Waiver provider substituting practitioners for more than a two (2) week period or four (4) visits due to emergency or availability events shall request a

case conference with the DDS Service Coordinator to evaluate continuation of services.

- 1918.12 Services shall be authorized for reimbursement in accordance with the following provider requirements:
- (a) DDS shall provide a written service authorization before the commencement of services;
 - (b) The provider shall conduct an assessment and develop a Creative Arts Therapies treatment plan with training goals and techniques that will assist the caregivers, within the first two (2) hours of service delivery;
 - (c) The service name and provider delivering services shall be identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
 - (e) Services shall not conflict with the service limitations described under Subsection 1918.15.
- 1918.13 Each certified practitioner or Waiver provider shall maintain records required under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.
- 1918.14 Each certified independent practitioner or Waiver provider shall comply with Section 1911 (Individual Rights) under Chapter 19 of Title 29 DCMR.
- 1918.15 Any combination of Creative Arts Therapies services shall be limited to a maximum of two thousand two hundred and fifty dollars (\$2,250.00) per person, per calendar year, and delivered in accordance with the person's ISP and Plan of Care.
- 1918.16 The reimbursement rate for Creative Arts Therapies services shall be:
- (a) Twenty-four dollars and ninety-nine cents (\$24.99) per person for a total of no more than ninety-nine dollars and ninety-six cents (\$99.96) per forty-five (45) minutes for art, dance, drama or music therapy in a group not to exceed four (4); and
 - (b) Seventy-five dollars (\$75) per forty-five (45) minutes for art, dance, drama or music therapy as an individual service.
- 1918.17 The billable unit of service for Creative Arts Therapies services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service. Creative Arts Therapies may be billed on the same day, but cannot be billed concurrently with

day vocational services, including but not limited to Day Habilitation and Employment Readiness services.

Comments on these 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.

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. 744; 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, on an emergency basis, of amendments to Section 1922, entitled “Employment Readiness Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These emergency rules establish standards governing reimbursement of employment readiness 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 Medicaid and Medicare 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 Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)).

The amendment must also be approved by CMS, which will affect the effective date for the emergency rulemaking.

The Notice of Final Rulemaking for 29 DCMR § 1920 (Employment Readiness Services) was published in the *D.C. Register* on March 14, 2014, at 61 DCR 002112. These rules amend the previously published final rules by: (1) clarifying words and/or phrases to reflect more person-centered language and simplify interpretation of the rule; (2) adding a requirement for an annual Positive Personal Profile and Job Search and Community Participation Plan, with the initial documents due within thirty (30) days of services; (3) adding self-determination, self-advocacy, money management and budgeting, and development and maintenance of relationships to the list of social and soft skills training examples; (4) requiring that employment readiness services include employment exploration and/or preparation for those skills needed to be successful as integrated members of the community; (5) eliminating the ability for a person to volunteer for his or her provider, or any other business affiliated with the provider as part of employment readiness services; (6) requiring the development, with the person, of an individualized daily schedule of activities that reflects the persons interests and goals; (7) modifying the requirements for the individualized service delivery plan; (8) requiring that quarterly reporting includes a description of the person’s employment exploration and/or preparation of skills developed in the community; (9) clarifying that employment readiness may only be provided in a facility if that

setting includes opportunities for community engagement, integration and inclusion; (10) removing the requirement that the person submits documentation to the provider demonstrating that employment readiness services are not available through the Rehabilitation Act; (11) modifying rates to reflect increased costs to provide services; (12) barring the payment of stipends to attendees of Employment Readiness services by the provider; and (13) barring the Employment Readiness provider from concurrently being the person's employer and provider of Employment Readiness services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of ID/DD Waiver services. The ID/DD Waiver serves some of the District's most vulnerable residents. As discussed above, these amendments clarify certain requirements that assist in preserving the health, safety and welfare of ID/DD Waiver participants.

The emergency rulemaking was adopted on September 14, 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 one hundred and twenty (120) days from the effective date or until January 12, 2016, 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*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 1922, EMPLOYMENT READINESS SERVICES, is deleted in its entirety and amended to read as follows:

1922 EMPLOYMENT READINESS SERVICES

1922.1 This section establishes standards governing Medicaid eligibility for employment readiness services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and establishes conditions of participation for providers of employment readiness services.

1922.2 Employment readiness services occur over a defined period of time with specific outcomes to be achieved, and provide learning and work experiences, including volunteer work, where a person enrolled in the Waiver can develop general, non-job-task-specific strengths and new employment related skills that contribute to

employability in paid employment in an integrated community setting. A person receiving employment readiness services may pursue employment opportunities at any time to enter the general work force.

1922.3 To be eligible for Medicaid reimbursable employment readiness services, the services shall be identified in the ISP, Plan of Care, and Summary of Supports for each person enrolled in Waiver, and each person shall:

- (a) Demonstrate a need for employment readiness services; and
- (b) Have employment related goals included in the ISP.

1922.4 To be eligible for Medicaid reimbursement, employment readiness services shall support a person on his/her pathway to competitive, integrated employment and shall consist of the following:

- (a) Providing opportunities for persons enrolled in the Waiver to develop general, non-job, task-specific strengths and skills that contribute to employability and are consistent with the person's goals;
- (b) Assessment activities that occur annually or more frequently based upon the needs of the person, which require, at a minimum, a Positive Personal Profile and Job Search and Community Participation Plan, and may also include a customized employment assessment, and/or conducting a person-centered vocational and situational assessment and employment readiness assessments provided at community businesses and other community settings;
- (c) Social and soft skills training, including, but not limited to the following:
 - (1) Following and interpreting instructions;
 - (2) Interpersonal skills, including building and maintaining relationships;
 - (3) Communication skills for communicating with supervisors, co-workers, and customers;
 - (4) Travel skills;
 - (5) Respecting the rights of others and understanding personal rights and responsibilities;
 - (6) Decision-making skills and strategies;
 - (7) Support for self-determination and self-advocacy; and

- (8) Budgeting and money management;
- (d) Developing work skills which shall include, at a minimum, teaching the person the following:
 - (1) Appropriate workplace attire, attitude, and conduct;
 - (2) Work ethics;
 - (3) Attendance and punctuality;
 - (4) Task completion;
 - (5) Job safety;
 - (6) Attending to personal needs, such as personal hygiene or medication management; and
 - (7) Interviewing skills;
- (e) Coordinating transportation to community activities utilizing the Medicaid Non-Emergency Transportation Broker;
- (f) Employment exploration and/ or employment preparation in the community; and
- (g) Coordinating community-based, integrated, volunteer experiences as set forth in § 1922.5.

1922.5 Volunteer experiences shall be time limited and must allow the person to develop experience and build skills to further the person's employment goal, as identified in his or her ISP. A person enrolled in the Waiver may volunteer at a not-for-profit organization or an approved government agency, but may not volunteer for the provider agency or another business affiliated with the provider; if volunteering occurs at a for-profit business and the provider shall meet any requirements released by the U.S. Department of Labor. The guidance for those requirements can be found at:

<http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>.

1922.6 To be eligible for Medicaid reimbursement, a Positive Personal Profile and Job Search and Community Participation Plan shall be developed within thirty (30) days of the date when the person began receiving services. An additional vocational assessment, completed by a qualified professional, shall be conducted within the first ninety (90) days of participation, and shall include an assessment of the following:

- (a) Employment-related goals based on a person's strengths, interests, and areas for improvement;
- (b) Available natural or community supports;
- (c) Personal concerns and preferences, based upon what is important to and for the person;
- (d) Work and career interests based on exploration and/or discovery; and
- (e) Accommodations and supports, including an assessment of assistive technology, which may be required once the person is employed.

1922.7 To be eligible for Medicaid reimbursement, a Positive Personal Profile, Job Search and Community Participation Plan, and additional vocational assessment shall be conducted at least annually by the provider to evaluate each person enrolled in the Waiver's acquisition of employment-related skills based on the person's career preferences and goals as specified in their ISP and Plan of Care.

1922.8 Each provider of Medicaid reimbursable employment readiness services shall develop an individualized service delivery plan described under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR reflecting the person enrolled in the Waiver's interests, career preferences, choices, goals and prioritized needs. The plan shall:

- (a) Define the specific outcomes to be achieved over a specified period of time;
- (b) Describe the activities in the plan that are developed with the person and support the person on his or her pathway to competitive, integrated employment;
- (c) Describe how the plan shall support a person in the development of employment related skills, including social skills such as interviewing skills, professionalism, building and maintaining relationships, self-determination and self-advocacy, and attending to the person's needs; and
- (d) Describe community-based employment preparation experiences that are related to the person's employment goals.

1922.9 Each provider of Medicaid reimbursable employment readiness services shall submit reports to Department on Disability Services (DDS) service coordinator on a quarterly basis, consistent with the record maintenance requirements described under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR. These reports shall also include the following information:

- (a) Volunteer activities provided;
 - (b) Employment exploration and/or preparation in the community; and
 - (b) Other employment readiness service activities provided.
- 1922.10 Each provider of Medicaid reimbursable employment readiness services shall develop, with the person, an individualized schedule of daily activities based upon the person's goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to integrated, competitive employment.
- 1922.11 Each provider of Medicaid reimbursable employment readiness services shall maintain the following documents for monitoring and review, in addition to the record maintenance requirements described under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR:
- (a) A copy of the Positive Personal Profile, Job Search and Community Participation Plan, and additional comprehensive vocational assessment; and
 - (b) A written daily schedule identifying the utilization of employment readiness services.
- 1922.12 To receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.
- 1922.13 To receive Medicaid reimbursement, each provider of employment readiness services shall be a Home and Community-Based Services (HCBS) Provider agency and shall meet the following requirements:
- (a) Comply with the requirements described under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR;
 - (b) Demonstrate, through experience or academic attainment of the executive staff, the ability and qualification to provide employment readiness services for persons with intellectual and developmental disabilities with varying habilitation needs; and
 - (c) Have at least one staff member with a bachelor's degree in vocational rehabilitation or a similar discipline, and one (1) year of combined

supervisory and “job coaching” experience or experience providing employment services to person with disabilities.

- 1922.14 Each provider of Medicaid reimbursable employment readiness services shall comply with the requirements under Section 1938 (Home and Community-Based Settings Requirements) of Chapter 19 of Title 29 DCMR.
- 1922.15 When employment readiness services are provided in a facility, each facility shall comply with all applicable federal, District, or state and local laws and regulations in order to receive Medicaid reimbursement.
- 1922.16 All payment for employment related training services shall be in accordance with the United States Fair Labor Standards Act of 1985.
- 1922.17 The employment readiness Medicaid reimbursement rate shall include coverage for any personal care services provided by an employment readiness services provider.
- 1922.18 To be eligible for Medicaid reimbursement, each Direct Support Professional shall meet the following requirements:
- (a) Comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 DCMR; and
 - (b) Have at least one (1) year of experience working with people with intellectual and developmental disabilities, or one year of comparable experience.
- 1922.19 Services shall be authorized for Medicaid reimbursement if:
- (a) DDS provided a written service authorization before the commencement of services;
 - (b) The provider develops a Positive Personal Profile and Job Search and Community Participation Plan, conducts an additional initial vocational assessment and then an annual Positive Personal Profile and Job Search and Community Participation Plan and additional vocational assessment thereafter; and develops an employment readiness plan with training goals and techniques that will assist the person to achieve employment readiness goals and outcomes based upon the person’s interests and preferences. The initial Positive Personal Profile and Job Search and Community Participation Plan shall be completed within the first thirty (30) days of service delivery and the additional vocational assessment shall be completed within the first ninety (90) days of service delivery;
 - (c) The service name and provider delivering services are identified in the ISP and Plan of Care;

- (d) The ISP, Plan of Care, and Summary of Supports and Services documents the amount and frequency of services to be received; and
 - (e) Services shall not conflict with the service limitations described under § 1922.20 (Service Limitations).
- 1922.20 In order to receive Medicaid reimbursement, services shall only be furnished to a person enrolled in the Waiver for up to eight (8) hours per day, not to exceed forty (40) hours per week.
- 1922.21 Medicaid reimbursable employment readiness services shall not be provided, or billed for, during the same hours and on the same day as the following services:
- (a) Day Habilitation;
 - (b) Supported Employment;
 - (c) In-Home Supports;
 - (d) Companion;
 - (e) Personal Care Services; and
 - (f) Individualized Day Supports.
- 1922.22 Employment readiness providers may not pay a stipend to a person for attendance or participation in activities at the employment readiness program.
- 1922.23 An employment readiness provider may not concurrently employ a person and be his or her provider of Medicaid employment readiness services.
- 1922.24 Employment readiness services are not available to people who are eligible to participate in programs funded under Section 110 of the Rehabilitation Act of 1973, enacted September 26, 1973, as amended (Pub. L. 93-112; 29 U.S.C. §§ 720 *et seq.*), or Section 602 (16) and (17) of the Individuals with Disabilities Education Act, enacted April 13, 1970, as amended (Pub. L. 91-230; 20 U.S.C. §§ 1400 *et seq.*)
- 1922.25 Medicaid reimbursable employment readiness services shall be provided for a maximum of eight (8) hours a day, and shall not include time spent in transportation to and from the program.
- 1922.26 The billable unit of service for Medicaid reimbursable employment readiness services shall be fifteen (15) minutes. The reimbursement rate for employment readiness services shall be eighteen dollars and seventy-two cents (\$18.72) per hour or four dollars and sixty-eight cents (\$4.68) per billable unit. A provider

shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes in order to be able to bill a unit of service.

Section 1999, DEFINITIONS, is amended by adding the following:

Non-job, task-specific skills – General skills designed to support employment goals, such as resume writing, interviewing skills, and the ability to communicate effectively.

Stipend – Nominal fee paid to a person for attendance and/ or participation in activities designed to achieve his or her employment goal, as identified in the person’s ISP.

Travel Skills Training- Training the waiver participant to use public transportation to travel safely to their job or training work site.

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 (DC) 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 (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, on an emergency basis, of a new Section 1939 entitled “Companion 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 Medicaid reimbursement of new companion services to be provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and the conditions of participation for providers. Companion services are intended to provide non-medical assistance and supervision at home or in the community to support a person’s goals, desires, and needs as identified in the person’s Individual Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools.

The current 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. Neither the current ID/DD Waiver approved by CMS in 2012, nor the prior ID/DD Waiver approved by CMS in 2007, included “Companion Services” as this type of service, formerly known in 2004 as “Adult Companion Services,” and then set forth at 29 DCMR § 944, was repealed in 2008 by a final rulemaking published in the *D.C. Register* at 55 DCR 002858 (March 21, 2008). Companion Services are included in the pending amendment to the current ID/DD Waiver, which was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)). The amendment must also be approved by CMS, which will affect the effective date of the emergency rules.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Waiver participants who are in need of companion services. This new service is intended to provide needed services to participants in the ID/DD Waiver. Therefore, in order to ensure that the person’s health, safety, and welfare are not threatened by lack of access to needed companion services provided pursuant to the pending ID/DD Waiver amendment, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 14, 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 one hundred and twenty (120) days from the adoption date, or until January 12, 2016, 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 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*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 1939, COMPANION SERVICES, is added to read as follows:

1939 COMPANION SERVICES

- 1939.1 The purpose of this section is to establish standards governing the eligibility for Medicaid reimbursement of companion services for people enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish the conditions of participation for providers of companion services.
- 1939.2 Companion services provide non-medical assistance and supervision to support a person's goals, desires, and needs as identified in the person's Individual Support Plan (ISP), and reflected in his or her Person-Centered Thinking and Discovery tools. Goals may be related to the person's safety, promotion of independence, community integration, and/or retirement.
- 1939.3 To be eligible for Medicaid reimbursement of companion services, the services shall be identified in the person's ISP, Plan of Care and Summary of Supports for each person enrolled in the Waiver, and each person shall:
- (a) Demonstrate a need for non-medical support and supervision at home or in the community; and
 - (b) Have the service recommended by the person's support team, after having considered the appropriateness of other waiver services and the staffing ratio, if any, in the person's home.
- 1939.4 Companion services may be provided in a person's home or in the community.
- 1939.5 To be eligible for Medicaid reimbursement, companion services cannot be provided at the same time as In-Home Supports, Periodic Supported Living,

Personal Care Services, Respite, Host Home, and/or Behavioral Supports Non-Professional.

- 1939.6 To be eligible for Medicaid reimbursement, companion services may be provided outside of regular Monday to Friday daytime hours when supervision or other non-medical support is necessary to ensure the person's safety; provided, however, that companion services may not be used outside of regular Monday to Friday daytime hours in combination with Residential Habilitation or 24-Hour Supported Living or 24-Hour Supported Living with Transportation Services.
- 1939.7 To be eligible for Medicaid reimbursement, companion services shall not:
- (a) Exceed eight (8) hours per twenty-four (24) hour day;
 - (b) Exceed forty (40) hours per week when used with Residential Habilitation, 24-Hour Supported Living, and 24-Hour Supported Living with Transportation Services, or when used in combination with Personal Care Services or any other Waiver day or vocational support services, including but not limited to Day Habilitation, Employment Readiness, Supported Employment, Small Group Supported Employment, or Individualized Day Supports as part of a person's traditional Monday to Friday day/vocational programming time; and
 - (c) Include the provider/employee's transportation time to or from the person's home, or the provider employee's break time.
- 1939.8 In order to be reimbursed by Medicaid, companion services may be provided in a residential setting at the same ratio as is required of a direct support professional for that setting.
- 1939.9 In order to be reimbursed by Medicaid, each provider of companion services shall:
- (a) Be a Waiver provider agency;
 - (b) Be certified by the Department on Disability Services (DDS) as a Companion Provider Agency per the DDS Provider Certification Review (PCR) Policy;
 - (c) Provide verification of passing the DDS PCR for in-home support, supported living, or respite services for the last three (3) years. For providers with less than three (3) years of PCR certification, provide verification of a minimum of three (3) years of experience providing residential or respite services to the ID/DD population, evidence of certification or licensure from the jurisdiction in which the service was delivered, and evidence of PCR certification for each year that the

provider was enrolled as a waiver provider in the District of Columbia if applicable; and

- (d) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.

1939.10 To be eligible for Medicaid reimbursement, the provider shall:

- (a) Use the DDS-approved Person-Centered Thinking and Discovery tools to develop a support plan, based upon what has been identified as important to and for the person. For people who receive companion services during waking hours, this should include a flexible list of proposed leisure and recreational activities at home and in the community, based upon the person's interests. The support plan must be completed within first week of service, and reviewed and revised quarterly, or more frequently, as needed; and
- (b) Participate in the person's support team meeting, at the person's preference.

1939.11 In order to be eligible for Medicaid reimbursement each provider/ employee rendering companion services shall:

- (a) Be at least eighteen (18) years of age;
- (b) Be acceptable to the person for whom they are providing supports;
- (c) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis;
- (d) Complete competency-based training in:
 - (1) Communication with people with intellectual disabilities;
 - (2) Infection control procedures consistent with the requirement of the Occupational Safety and Health Administration, U.S. Department of Labor regulations at 29 C.F.R. § 1910.1030; and
 - (3) Emergency procedures; and incident management;
- (e) Possess a high school diploma, general educational development (GED) certificate, or, if the person was educated in a foreign country, its equivalent;
- (f) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years, with CPR certification and renewal via an in-person class;

- (g) Have the ability to communicate with the person to whom services are provided;
- (h) Be able to read, write, and speak the English language;
- (i) Participate in competency based training needed to address the unique support needs of the person, as detailed in his or her ISP; and
- (j) Have proof of compliance with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-551 *et seq.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §§ 44-551 *et seq.*).

1939.12 An employee may not provide Medicaid reimbursable companion services to a person if he or she is the person's relative; legal guardian; or is otherwise legally responsible for the person.

1939.13 Medicaid reimbursable companion services shall be authorized in accordance with the following provider requirements:

- (a) The DDS shall provide a written service authorization before the commencement of services;
- (b) The service name and provider delivering services shall be identified in the ISP;
- (c) The ISP shall document the amount and frequency of services to be received; and
- (d) The provider shall submit each quarterly review to the person's DDS Service Coordinator no later than seven (7) business days after the end of the first quarter, and each subsequent quarter thereafter.

1939.14 In order to be eligible for Medicaid reimbursement each provider of companion services shall comply with Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR, except that progress notes as described in § 1909.2(m) shall be kept on a daily basis.

1939.15 In order to be eligible for Medicaid reimbursement each provider shall comply with the requirements under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.

1939.16 Medicaid reimbursable companion services shall be billed at the unit rate. Companion services shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. Medicaid reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.

- (a) The reimbursement rate for companion provided at a one-to-one ratio shall be eighteen dollars and eighty-eight cents (\$18.88) per hour billable in units of fifteen (15) minutes at a unit rate of four dollars and seventy-two cents (\$4.72).
- (b) Companion services provided in a small group of no more than one-to-three shall be reimbursed at eleven dollars and sixty four cents (\$11.64) per person, per hour, billable at a unit rate of two dollars and ninety-one cents (\$2.91).

Comments on these 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 900S, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

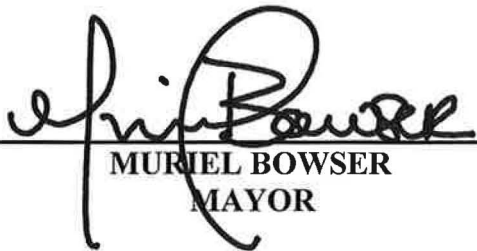
Mayor's Order 2015-222
September 21, 2015

SUBJECT: Appointment — Board of Physical Therapy


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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 209 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99; D.C. Official Code § 3-1202.09 (2015 Supp.), which established the Board of Physical Therapy, it is hereby **ORDERED** that:

1. **DR. TIMOTHY VIDALE** is appointed as the Chairperson of the Board of Physical Therapy, replacing Senora Simpson, and shall serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-223
September 24, 2015


SUBJECT: Delegation — Authority to the Director of the District Department of Transportation — Kids Ride Free Metrorail Benefit Amendment Act of 2015.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2014 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by section 6192 of the 2016 Budget Support Emergency Act of 2015, enacted July 27, 2015 (D.C. Act 21-127; 62 DCR 10201), and any substantially similar temporary or permanent legislation, is delegated to the Director of the District Department of Transportation ("**Director**").
2. This Order shall supersede all previous Mayor's Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to August 1, 2015, and any action taken by the Director after July 31, 2015, is hereby confirmed and ratified and shall be deemed to have been done under the authority of this Order.


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 2015-224
September 24, 2015

SUBJECT: Procedures to Review the Potential Impacts of Transfers of Real Property
Interests and Use Agreements on Tax-Exempt Bond Issuances

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(4) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(4) and (11) (2014 Repl.), it is hereby **ORDERED** that:

1. Prior to the execution of a contract or agreement to sell, lease, or otherwise transfer an interest in a District-owned building, structure, land, or other real property, or the air rights above any such property, including property planned to be acquired by the District with the knowledge that it is intended to be sold, leased or otherwise transferred (collectively or individually, "**District Real Property**"), the District official who will execute the contract or agreement, or his or her designee ("**District Official**"), shall, using the Department of General Services' Archibus program ("**Archibus**") submit to the Office of the Chief Financial Officer either a Preliminary Report, a Final Report, or both, described in Sections 2 and 3 of this Order, as appropriate.
2. The District Official may file a preliminary report ("Preliminary Report") with the Office of the Chief Financial Officer before or during the solicitation or other process to sell, lease, or otherwise transfer an interest in District Real Property.
 - a. The Preliminary Report shall include the following:
 - i. The square, lot, and street address of the District Real Property;
 - ii. A digital photograph depicting the property, if available;
 - iii. A description of the current buildings, structures and improvements, if any, located on the District Real Property;
 - iv. Whether the District Official expects the planned contract or agreement to provide for the sale, lease, or other transfer of interest of the District Real Property in its entirety or only some portion of the District Real Property; and, if the planned contract or agreement is expected to provide for the

- sale, lease, or other transfer of interest in only a portion of the District Real Property, an identification of that portion of the District Real Property to be sold, leased or otherwise transferred; and
- v. To the extent known at the time, the proposed use(s) of the District Real Property once transferred.
- b. If, using the information provided in the Preliminary Report, the Chief Financial Officer, or his or her designees(s) (collectively, “OCFO”) determine that no District tax-exempt bond proceeds were used to acquire, construct, renovate, repair, upgrade, remodel, expand, enlarge, equip, or otherwise improve (collectively, “Acquire or Improve”) the District Real Property, or any part of the District Real Property, the OCFO shall provide the District Official a report to that effect within three (3) business days after receipt of the Preliminary Report, and the District Official shall not be required to file a Final Report unless the District Official is later notified that District tax-exempt bond proceeds were subsequently used or will be used to Acquire or Improve the District Real Property.
- c. If, using the information provided in the Preliminary Report, the OCFO determines that District tax-exempt bond proceeds were used to Acquire or Improve the District Real Property, or any part of the District Real Property, the OCFO shall provide the District Official with a report within fourteen (14) calendar days after receipt of the Preliminary Report, which report shall contain the following:
- i. The date or dates of issuance of each series of bonds from which all or a portion of the proceeds were used to Acquire or Improve the District Real Property or any part of the District Real Property;
 - ii. The total amount of bonds issued in each series of bonds described in Subsection c.i. above;
 - iii. The amount of bond proceeds from each series of bonds described in Subsection c.i. above that was used to Acquire or Improve the District Real Property, or any part of the District Real Property;
 - iv. Whether the bonds described in Subsection c.i. above have been retired (in full or in part) and, if so, the date and amount of the retirement;
 - v. Whether the bonds described in Subsection c.i. above have been refunded (in full or in part) and, if so, the date and amount of the refunding bonds; and
 - vi. Whether any information generated above needs to be identified in a fiscal impact statement.

3. If the District Official did not file a Preliminary Report or if the OCFO, in response to a Preliminary Report, informed the District Official that District tax-exempt bond proceeds were used to Acquire or Improve the District Real Property, or any part of the District Real Property, then the District Official shall file a final report ("**Final Report**") with the OCFO at any time before or during the solicitation or other process to sell, lease, or otherwise transfer an interest in District Real Property. The Final Report shall contain the following:
- a. The square, lot, and street address of the District Real Property (unless provided with a Preliminary Report);
 - b. A digital photograph depicting the property, if available (unless provided with a Preliminary Report);
 - c. A description of the current buildings, structures and improvements, if any, located on the District Real Property (unless provided with a Preliminary Report);
 - d. A description of the current uses of the District Real Property (if any);
 - e. A description of the type of property interest (for example, title, leasehold, or easement) in the District Real Property that will be transferred by the contract or agreement;
 - f. The proposed use(s) of the District Real Property once transferred to be allowed under the contract or agreement;
 - g. The time period of the use of the District Real Property under the contract or agreement;
 - h. Whether the planned contract or agreement provides for the sale, lease, or other transfer of interest of the District Real Property in its entirety or only some portion of the District Real Property; and, if the contract or agreement provides for the sale, lease, or other transfer of interest of only a portion of the District Real Property, an identification of that portion of the District Real Property to be transferred;
 - i. The purchase price, annual rent or other payment (including payment in kind), if any, to be paid to the District under the contract or agreement;
 - j. The name of the person or entity to which the property interest would be transferred and whether that person is a District government instrumentality, a federal government agency or instrumentality, a private for-profit entity, a private not-for-profit entity, another business organization, or a natural person; and
 - k. A copy of the planned contract or agreement.

4. If, using the information provided in the Final Report, the OCFO determines that no District tax-exempt bond proceeds were used to Acquire or Improve the District Real Property, or any part of the District Real Property, the OCFO shall provide the District Official with a report to that effect within three (3) business days after receipt of the Final Report.
5. If, using the information provided in the Final Report, the OCFO determines that District tax-exempt bond proceeds were used to Acquire or Improve the District Real Property, or any part of the District Real Property, then:
 - a. The OCFO shall provide the District Official with a report within fourteen (14) calendar days after receipt of the Final Report, which report shall contain the following (unless the information was previously provided in the OCFO's response to a Preliminary Report):
 - i. Whether, at any time, District tax-exempt bond proceeds were used to Acquire or Improve the District Real Property, or any part of the District Real Property;
 - ii. The date or dates of issuance of each series of bonds from which all or a portion of the proceeds were used to Acquire or Improve the District Real Property or any part of the District Real Property;
 - iii. The total amount of bonds issued in each series of bonds described in Subsection a.ii above;
 - iv. The amount of bond proceeds from each series of bonds described in Subsection a.ii. above that was used to Acquire or Improve the District Real Property, or any part of the District Real Property;
 - v. Whether the bonds described in Subsection a.ii. above have been retired (in full or in part) and, if so, the date and amount of the retirement;
 - vi. Whether the bonds described in Subsection a.ii. above have been refunded (in full or in part) and, if so, the date and amount of the refunding bonds; and
 - vii. Whether any information generated above needs to be identified in a fiscal impact statement; and
 - b. If necessary in the opinion of the OCFO, the OCFO shall also provide, within thirty (30) days after receipt of the Final Report, an opinion of bond counsel for the District stating whether the proposed sale, lease, or transfer of an interest in the District Real Property will cause all or any part of the applicable bond issues to be deemed taxable by the Internal Revenue Service. If the bond counsel opines

that the proposed sale, lease, or transfer of an interest in the District Real Property will cause all or any part of the applicable bond issues to be deemed taxable by the Internal Revenue Service, the OCFO shall provide written notice to the Office of the City Administrator ("OCA"), and the OCFO, OCA, and District Official shall work together to either restructure the proposed sale, lease, or transfer of an interest or restructure the financing of the District Real Property to avoid negative tax consequences, if possible.

6. Prior to the execution of a contract or agreement to sell, lease, or otherwise transfer an interest as described in Section 1 of this Order, the District Official shall provide such additional information to the OCFO as may reasonably be requested by the OCFO to determine if the contract or agreement may affect the tax exemption of the applicable bond issues or create a need for disclosure to comply with applicable securities laws.
7. The following provisions apply to agreements that permit the use of District Real Property, or property under the control of the District through a transfer of jurisdiction from the federal government, but do not otherwise sell, lease, or transfer an interest in real property:
 - a. Permits, license agreements, right of entry agreements, or other agreements that permit the use by non-District-governmental entities or persons of District Real Property, or property under the control of the District through a transfer of jurisdiction from the federal government, but do not otherwise sell, lease, or transfer an interest in real property (collectively, "Use Agreements"), as further described and limited in paragraph 7.c. below, are not subject to the prior reporting requirements of Sections 1 through 6 of this Order.
 - b. However, the head of each agency that enters into a Use Agreement, or his or her designee, shall, within forty-five (45) days after the end of each calendar quarter, prepare and submit a report to the OCFO, with a copy to the Department of General Services, that includes the following information for each Use Agreement entered into by the agency during the calendar quarter.
 - i. The square, lot and street address of the District Real Property;
 - ii. A description of the outside party, the use and the area of the use (all or part of the District Real Property);
 - iii. The length of the Use Agreement, including renewal options;
 - iv. The direct or indirect payment for the use under the Use Agreement, if any; and
 - v. A copy of the Use Agreement.

- c. A Use Agreement is a permit, license, or other agreement authorizing a non-District governmental entity to use all or a portion of District Real Property, including the use of buildings, roads, public sidewalks, and District parks on an exclusive basis and not as a member of the general public, and the use is more than a single, one-day occurrence. Some examples of Use Agreements are: the use of a District of Columbia Public School ("DCPS") room, gym, auditorium, or other DCPS space by a non-District-governmental person or entity and the reservation and use by a non-District-governmental person or entity of a Department of Parks and Recreation ("DPR") ball field, pool, or other DPR facility. Any use by a non-District-governmental person or entity under a Use Agreement, including use by the federal government, regardless of whether a fee is charged or whether the non-District-governmental person or entity reimburses the District for the costs of services at, or improvements to, the District Real Property, is subject to the reporting requirements of this section.
 - d. For the purposes of this Order, Use Agreements do not include permits for the temporary use of public space issued by the District Department of Transportation for purposes such as public events, political events, demonstrations, rallies, block parties, festivals, fairs, or parades or temporary permits to use public space for construction or repairs.
9. The Department of General Services shall maintain a centralized repository of all Preliminary Reports, Final Reports, OCFO reports, and Use Agreement reports required by this Order.
10. The failure of a District Official or any other District official or employee to comply with a provision of this Order shall not impair the validity of a contract or agreement subject to this Order.
11. This Order applies to subordinate agencies and independent agencies to the extent that the independent agency is using property funded by District tax-exempt bonds.
12. The Office of the City Administrator and the Office of the Chief Financial Officer shall work together to determine what mechanisms should be put in place to review agreements or contracts that authorize private use of District property not covered by this Mayor's Order in order to further ensure the District's compliance with the private activity rules of the Internal Revenue Service.
13. This Order supersedes all previous Mayors' Orders to the extent of any inconsistency.

14. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-225
September 25, 2015

SUBJECT: Establishment — Committee on Design Guidelines for Emergency Housing for Families Experiencing Homelessness

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2014 Repl.), it is hereby **ORDERED** that:

I. **ESTABLISHMENT**

As we are morally compelled as a community to provide safe, private, and dignified emergency housing for families experiencing homelessness, and as such must close the District of Columbia General Family Shelter and replace it with smaller and service-enriched private room emergency housing facilities throughout the District—designed to meet the needs of families and to support them to quickly exit homelessness and move into permanent housing—there is established within the Executive Branch the Committee on Design Guidelines for Emergency Housing for Families Experiencing Homelessness (“**Committee**”).

II. **MISSION AND DUTIES**

- A. The purpose of the Committee is to provide input and feedback to the Mayor on design guidelines for replacement units for the District of Columbia General Family Shelter.
- B. The Committee shall transmit to the Mayor by October 16, 2015 a report providing feedback on the design guidelines established by the Department of Human Services and the Department of General Services for the replacement units.

III. **COMPOSITION**

- A. The Executive Director of the Interagency Council on Homelessness shall serve as the chair of the Committee and shall appoint its members.
- B. Each member of the Committee shall serve until the sunset of the Committee pursuant to section VII of this Order.

IV. MEETINGS

- A. The Committee shall meet at the call of the Executive Director of the Interagency Council on Homelessness. Meetings shall be held as needed to accomplish the mission and duties of the Committee.
- B. Each Committee member shall receive notice of the date, time, place, and agenda of a scheduled meeting before a meeting.
- C. Operations of meetings shall be governed by the by-laws of the Interagency Council on Homelessness.

V. COMPENSATION

All members of the Committee shall serve without additional compensation.

VI. ADMINISTRATION

The staff of the Interagency Council on Homelessness and the District agency staff providing administrative support to the Interagency Council on Homelessness shall provide administrative support to the Committee.

VII. SUNSET

The Committee shall sunset upon its transmittal to the Mayor of the report required by section II.B of this Order.

VIII. EFFECTIVE DATE

This Order shall become effective immediately.


 MURIEL BOWSER
 MAYOR

ATTEST: 
 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Calonette M. McDonald.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge McDonald’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge McDonald has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on March 22, 2016.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge McDonald’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before October 25, 2015. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
James W. Cooper, Esq.
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Robert E. Sharkey.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Sharkey’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Sharkey has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on March 22, 2016.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Sharkey’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before October 25, 2015. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
James W. Cooper, Esq.
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, OCTOBER 7, 2015
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

- Protest Hearing (Status) 9:30 AM**
Case # 15-PRO-00083; Crave, LLC, t/a Mess Hall, 703 Edgewood Street NE
License #95398, Retailer CT, ANC 5E
Substantial Change (Entertainment Endorsement and Cover Charge)
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-AUD-00048; Paul Penn, LLC, t/a Paul Bakery, 801 Pennsylvania
Ave NW, License #86639, Retailer CR, ANC 2C
Failed to File Quarterly Statements (4th Quarter 2014)
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00218; The New Brookland Café, LLC, t/a B Café et
Brookland Café, 3740 12th Street NE, License #83121, Retailer CR, ANC 5B
No ABC Manager on Duty (two counts)
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-AUD-00062; Istithmar Hotels Washington, LLC Dubai World
Corporation, t/a W Washington DC, 515 15th Street NW, License #75952
Retailer CH, ANC 2C
Failed to File Quarterly Statements (4th Quarter 2014)
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00278; S & W D.C. LLC, t/a Smith & Wollensky, 1112 19th
Street NW, License #60001, Retailer CR, ANC 2B
No ABC Manager on Duty
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00219; Debebe Addis, t/a Resobe Restaurant and Deli Market
1853 7th Street NW, License #81030, Retailer CR, ANC 1B
No ABC Manager on Duty, Operating after Hours

Board's Calendar
October 7, 2015

Show Cause Hearing (Status) **9:30 AM**
Case # 15-CMP-00353; Daci Enterprises, LLC, t/a Dacha Beer Garden, 1600 7th Street NW, License #92773, Retailer DT, ANC 6E
Substantial Change in Operation Without Board's Approval, Violation of Settlement Agreement

Show Cause Hearing (Status)
Case # 15-CMP-00105; Tekleab H Habtu, t/a Kokeb Ethiopian Restaurant 3013 Georgia Ave NW, License #89933, Retailer CR, ANC 1A
Failed to Provide Invoices for Purchased Food and Alcoholic Beverages, Provided Entertainment Without an Entertainment Endorsement **9:30 AM**

Show Cause Hearing (Status) **9:30 AM**
Case # 15-CMP-00272; Lucky 7, LLC, t/a Lucky 7 Liquors, 2314 Rhode Island Ave NE, License #90270, Retailer A, ANC 5C
No ABC Manager on Duty, Failed to Post Window Lettering

Fact Finding Hearing **9:30 AM**
Hopeful, Inc., t/a To Be Determined (formerly-Bobby Lew's Saloon), 1815 Connecticut Ave NW, License #91955, Retailer CR, ANC 1C
Request to Extend Safekeeping

Show Cause Hearing **10:00 AM**
Case # 15-CMP-00160; Barcelona 14th Street, LLC, t/a Barcelona Wine Bar 1622 14th Street NW, License #89785, Retailer CR, ANC 2F
Substantial Change in Operation (Change of Hours of Operation of Summer Garden)

Show Cause Hearing **11:00 AM**
Case # 15-AUD-00047; Thirteenth Step, LLC, t/a Kitty O' Sheas DC, 4624 Wisconsin Ave NW, License #90464, Retailer CR, ANC 3E
Failed to File Quarterly Statements (4th Quarter 2014)

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Public Hearing **1:30 PM**
Computation of Violation History Rulemaking

Fact Finding Hearing **3:00 PM**
Hu's Wear, LLC, t/a Hu's Wear; 1132 29th Street NW, License #84908, Retailer CR, ANC 2E
License in Extended DCMR 23-405 Status

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 7, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On October 7, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#15-251-00147 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

2. Case#15-CC-00084 Marbi's Newstand, 1730 RHODE ISLAND AVE NW Retailer B Retail - Grocery, License#: ABRA-092424

3. Case#15-CC-00017 The Matchbox, 711 - 713 H ST NW Retailer C Tavern, License#: ABRA-060581

4. Case#15-CC-00039 L'Enfant Cafe & Bar, 2000 18TH ST NW Retailer C Restaurant, License#: ABRA-060658

5. Case#15-CC-00083 Barmy Wine and Liquors, 1912 L ST NW Retailer A Retail - Liquor Store, License#: ABRA-023822

6. Case#15-251-00156 Dan's Cafe, 2315 18TH ST NW Retailer C Tavern, License#: ABRA-000785

7. Case#15-CC-00016 H Street Country Club, 1335 H ST NE Retailer C Tavern, License#: ABRA-076649

8. Case#15-CC-00022 Mad Hatter, 1321 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-082646

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9. Case#15-CMP-00516 Zenebech Restaurant, 608 T ST NW Retailer C Restaurant, License#: ABRA-085946
-
10. Case#15-251-00114 Roses Dejavu, 1378 H ST NE Retailer C Tavern, License#: ABRA-089342
-
11. Case#15-251-00153 Da Luft Restaurant & Lounge, 1242 H ST NE Retailer C Restaurant, License#: ABRA-087780
-
12. Case#15-251-00113 Marrakech Restaurant, 2147 - 2149 P ST NW Retailer C Tavern, License#: ABRA-090204
-
13. Case#15-CMP-00464 Marrakech Restaurant, 2147 - 2149 P ST NW Retailer C Tavern, License#: ABRA-090204
-
14. Case#15-CMP-00509 Marrakech Restaurant, 2147 - 2149 P ST NW Retailer C Tavern, License#: ABRA-090204
-
15. Case#15-CC-00081 Simple Bar and Grill, 5828 GEORGIA AVE NW Retailer C Tavern, License#: ABRA-092423
-
16. Case#15-CMP-00515 The Park Place at 14th, 920 14TH ST NW Retailer C Nightclub, License#: ABRA-075548
-
17. Case#15-CC-00112 Minnesota Store, 3728 MINNESOTA AVE NE Retailer B Retail - Class B, License#: ABRA-095245
-
18. Case#15-CC-00047 Circle 7 Market, 740 KENILWORTH AVE NE Retailer B Retail - Class B, License#: ABRA-014581
-
19. Case#15-CC-00062 Washington D C Marriott Wardman Park Hotel, 2660 WOODLEY RD NW Retailer C Hotel, License#: ABRA-073292
-

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE SUPPLEMENTAL AGENDA**

**WEDNESDAY, SEPTEMBER 30, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The items listed below were previously published in the D.C. Register on the dates listed in the item.

1. Case#14-CC-00167 Buca Di Beppo, 1825 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060461 (Previously published in the 9/4/15 DC Register)

2. Case#15-CC-00030 Lyman's, 3720 14TH ST NW Retailer C Tavern, License#: ABRA-090509 (Previously published in the 9/4/15 DC Register)

3. Case#15-CC-00067 Renaissance Hotel, 999 9TH ST NW Retailer C Hotel, License#: ABRA-085654 (Previously published in the 9/11/15 DC Register)

4. Case#15-CC-00065 Glover Park Market, 2411 37TH ST NW Retailer B Retail - Grocery, License#: ABRA-016999 (Previously published in the 9/11/15 DC Register)

5. Case#15-CC-00068 Stop & Go Market, 3001 SHERMAN AVE NW Retailer B Retail - Grocery, License#:ABRA-071763 (Previously published in the 9/11/15 DC Register)

6. Case#15-CC-00048 Kitty O'Shea's DC, 4624 WISCONSIN AVE NW Retailer C Restaurant, License#: ABRA-090464 (Previously published in the 9/11/15 DC Register)

7. Case#15-CC-00041 The Mayflower Hotel/Edgar, 1127 CONNECTICUT AVE NW Retailer C Hotel, License#:ABRA-080787 (Previously published in the 9/11/15 DC Register)

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, OCTOBER 7, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Motion for Reconsideration of Board Cancellation of License, submitted by Mova. *Mova*, 2204 14th Street, N.W., Retailer CT, License No.: 088179.
-

* In accordance with D.C. Official Code §2-574(b) Open Meetings Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, OCTOBER 7, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Kennedy Street Market**, 701 Kennedy Street NW, Retailer B, License No. 082807.

2. Review Request to Extend Safekeeping Status of License through March 31, 2016 – First Request. Original Safekeeping Date: 9/11/2013. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Red Fire Grill (Formerly)**, 3299 M Street NW, Retailer CR, License No. 090419.

3. Review Request to Extend Safekeeping Status of License – Second Request. Original Safekeeping Date: 12/15/2006. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Eastbanc, Inc.**, 3307 M Street NW, Retailer CR, License No. 076154.

4. Review Request to Extend Safekeeping Status of License – First Request. Original Safekeeping Date: 12/23/2013. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Dancing Crab**, 4615 41st Street NW, Retailer CR, License No. 090297.

5. Review Application for New Class C Multipurpose Facility. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Heurich House Museum**, 1307 New Hampshire Avenue NW, Retailer CX, License No. 100511.

6. Review Application for Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *The Pursuit*, 1421 H Street NE, Retailer CR, License No. 094881.
-

7. Review Request for Change of Hours. ***Current Hours of Operation:*** Sunday 11am to 7pm, Monday-Wednesday 7am to 9pm, Thursday-Friday 7am to 10pm, Saturday 9am to 10pm. ***Current Hours of Alcoholic Beverage Sales and Consumption:*** Monday-Saturday 10am to 10pm. ***Proposed Hours of Operation:*** Sunday 11am to 8pm, Monday-Friday 7am to 11pm, Saturday 9am to 11pm. ***Proposed Hours of Alcoholic Beverage Sales and Consumption:*** Sunday 11am to 8pm, Monday-Saturday 9am to 11pm. ANC 2A. SMD 2A05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Market of Columbia Plaza*, 516 23rd Street NW, Retailer A, License No. 097197.
-

8. Review Application for Entertainment Endorsement. Entertainment to Include live music, DJ, and karaoke. ANC 6E. SMD 6E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Chaplin*, 1501 9th Street NW, Retailer CR, License No. 095700.
-

9. Review Request to Increase Establishment's Seating Capacity to 114 and Total Occupancy Load to 150, as reflected on Certificate of Occupancy. ANC 3C. SMD 3C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Raku*, 3312 Wisconsin Avenue NW, Retailer CR, License No. 097957.
-

10. Review Application for Manager's License. *Neil J. Harmon*-ABRA 099530.
-

11. Review Application for Manager's License. *Solomon O. Kiflu*-ABRA 100473.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSALS****Main Office Build Out**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage a contractor to restructure the main office suite at the Petworth Campus. The existing space should be restructured to include two administrative offices, a workroom and a reception area. The goal is to create a functional and welcoming office suite. The building was built in 1923 and has been serving as a school since inception.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Natasha Harrison
nharrison@centercitypcs.org

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**October 2, 2015
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendance
- 3) Comments from the Public
- 4) Minutes: Review
- 5) Old Business
- 6) New Business
- 7) Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
- 8) Action on applications discussed in executive session
- 9) Adjournment

Next Scheduled Meeting – TBD
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Architecture and Interior Design
1100 4th Street, S.W., Room 300B
Washington, D.C. 20024**

**AGENDA
October 23, 2015**

1. Call to Order - 9:30 a.m.
2. Attendance (Start of Public Session)
3. Comments from the Public
4. Motion - Executive Session (Closed to the Public)
 - a. Complaints
 - b. Revision – Proposed Legislation
 - c. Review – Applications for Licensure
 - d. Legal Counsel Report
5. Minutes - Draft, September 11, 2015
6. Vote – Review of Applications
7. Vote - Review of Complaints/Legal Matters
8. Review and Vote – Revision to Proposed Legislation
9. Review of Interior Design Continuing Education Provider Submissions
10. Old Business
11. New Business
12. Calendar – 2015
13. Review of Correspondence
14. Adjourn

Next Scheduled Regular Meeting, December 11, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**October 1, 2015
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, September 3, 2015
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – November 12, 2015 at 11:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
October 20, 2015**

1. Call to Order – 1:00 p.m.
2. Executive Session (Closed to the Public) – 1:00 p.m. -1:30 p.m.
 - A. Review-Application(s) for Licensure
3. Attendance (Start of Public Session) – 1:30 p.m.
4. Comments from the Public
5. Minutes
6. Recommendations
 - A. Review-Application(s) for Licensure
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, November 17, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

October 2015

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	2	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	21	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	23	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	No Meeting	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	20	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	1	11:00am-1:00 pm
Avis Pearson	Board of Professional Engineering	22	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	13	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	20	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D.C. BOXING AND WRESTLING COMMISSION

1100 4th Street SW-Suite E500, SW

Washington, DC. 20024

OCTOBER 20, 2015

7:00 P.M.

Website: http://www.pearsonvue.com/dc/boxing_wrestling/

AGENDA

CALL TO ORDER & ROLL CALL

COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS

1. September 12, 2015 Dr. McKnight Amateur Boxing/Kickboxing Invitational & MMA Exhibition Event.

REVIEW OF MINUTES

- Approval of Minutes

UPCOMING EVENT

1. October 22, 2015 Pro-Boxing Event: Ollie Dunlap-Mini Fight Night: Mayflower Hotel.
2. November 5, 2015 Pro-Boxing Event: Ollie Dunlap-Fight For Children-Fight Night: Washington Hilton Hotel.

OLD BUSINESS

1. 5th Annual Dr. McKnight Event

NEW BUSINESS

1. Officials Meeting
2. Upcoming Amateur Events

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS NOVEMBER 10, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

October 22, 2015

9:00 A.M (Application Review by Board Members)

11:00 A.M.

1. Call to Order- 11:00 a.m.
2. Attendance (Start of Public Session)
3. Executive Session (Closed to Public)
 - a) Application Review
4. Comments from the Public
5. Minutes
6. Recommendations
 - a) Applications for Licensure
 - b) Complaint(s)
 - c) Education Report
 - d) Budget Report
 - e) 2015 Calendar
 - f) Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, October 22, 2015

1100 4th Street, SW, Room 300 Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Appraisers
1100 4th Street SW, Room 300 B
Washington, DC 20024**

AGENDA

**October 21, 2015
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Attendance (Start of Public Session) – 10:30 a.m.
3. Executive Session (Closed to the Public) – 10:00 – 10:30 a.m.
 - a) Application Review
 - b) Complaint and Legal Review
 - c) Legal Recommendations
 - d) Legal Counsel Report
4. Comments from the Public
5. Minutes – Draft, September 16, 2015
6. Recommendations
 - a) Applications for Licensure
 - b) Complaint(s)
 - c) Education Report
 - d) Budget Report
 - e) 2015 Calendar
 - f) Correspondence
7. Old Business
8. New Business

Next Scheduled Regular Meeting, November 18, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**October 13, 2015
10:30 AM**

1. Call to Order – 10:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, September 8, 2015
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – November 10, 2015 at 10:30 a.m.

DC BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****HR Services**

DCBPCS is accepting proposals for a bid to provide HR services for school year 2015-2016. For a copy of the RFP please email hbuie@dcbilingual.org. All bids should be submitted electronically to Hannah Buie, School Operations Manager, at hbuie@dcbilingual.org.

The deadline for submission is October 9, 2015.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 4C04

Petition Circulation Period: **Monday, October 5 2015 thru Monday, October 26, 2015**
Petition Challenge Period: **Thursday, October 29, 2015 thru Wednesday, Nov 4, 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 Vacancy

In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy have been filled in the following single-member district by the individual listed below:

Amanda Bonam
Single-Member District 1B10

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

GRANTS FOR

The Watershed Protection Incentives and Ambassador Program

The Department of Energy and Environment (“DOEE”) is seeking eligible entities, as defined below, to plant trees, install conservation landscaping, and remove impervious surfaces and replace them with pervious pavers or vegetation on private residential property in the District; and to strengthen District residents’ understanding of stormwater issues and management. One of the grants will also help coordinate the existing and future efforts of the District’s local stakeholders to implement water quality improvements in the Anacostia Watershed. The amount available for the projects in this RFA is approximately \$1,070,000.00. This amount is subject to continuing availability of funding and approval by the appropriate agencies.

Beginning 10/2/2015, the full text of the Request for Applications (“RFA”) will be available online at DOEE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

Download from DOEE’s website, www.doe.dc.gov. Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download and related information from the “attachments” section.

Email a request to WPDIncentives.Ambassador@dc.gov with “Request copy of RFA 2015-1516-WPD” in the subject line;

Pick up a copy in person from the DOEE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. Call Lauren Linville at (202) 535-2252 to make an appointment and mention this RFA by name; or

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Lauren Linville RE:2015-1516-WPD” on the outside of the letter.

The deadline for application submissions is 11/2/2015, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to WPDIncentives.Ambassador@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

-Faith-based organizations;

-Government agencies

-Universities/educational institutions; and

-Private Enterprises.

For additional information regarding this RFA, please contact DOEE as instructed in the RFA document, at WPDIncentives.Ambassador@dc.gov.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Teach for America**

Friendship Public Charter School intends to enter into sole source contracts with Teach for America for corps members to be placed with Friendship Public Charter School. These teachers are committed to closing the achievement gap by serving as effective classrooms teachers specifically equipped to enhance student achievement. This contract will help to defray expenses Teach for America incurred in recruiting, selecting, providing service training and continuing professional development services to these teachers. The cost of the contracts will be approximately \$40,000 for Teach for America.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE GENERAL COUNSEL TO THE MAYOR**
Certification — Exemption of Dr. Thomas Kakovitch from Post-Employment Restrictions

September 23, 2015

ORIGINATING AGENCY: Office of the Mayor, Office of the General Counsel

By virtue of the authority vested in me by the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and Mayor's Order 2015-220 it is hereby **ORDERED** that:

1. CERTIFICATION

Dr. Thomas Kakovitch ceased his employment with the University of the District of Columbia (the “**University**” or “**UDC**”) on May 15, 2015, having served as a faculty member and program director for the University's Environmental Sciences program. Dr. Kakovitch has outstanding qualifications and experience in the field of environmental science. Dr. Kakovitch holds 26 patents for innovative technologies ranging from water aeration, pollution remediation and energy efficiency. One of Dr. Kakovitch's patented devices, the Flow-Vex, is a water oxygenation (aeration) device that revolutionizes hydroponic and aquaponic food production. UDC has successfully used the device at the UDC research farm in two aquaponics systems.

The University seeks to construct four aquaponics systems, which will be funded through the Sustainable DC Grant which has already been awarded, as well as two aquaponics and two hydroponics systems to be funded with an anticipated grant award from the Anacostia Economic Development Corporation. The proposed aquaponics systems will (i) improve food security in some of the District's food desert areas in Ward 5, 7 and 8; (ii) create jobs in these same underserved Wards; (iii) offer research and experiential learning opportunities for UDC students, faculty, and land-grant staff; (iv) enable UDC to seek additional funding for its urban agriculture and urban sustainability work; and (v) put Washington D.C. on the map as an innovator in urban agriculture technology and green jobs. UDC has conducted extensive research on the topic of aquaponics systems that are suitable for operation in urban environments and that comply with the requirements stated in the Sustainable DC grant that UDC received in 2014. The University's research indicates that the Flow-Vex device that was invented and patented by Dr. Kakovitch is the only system in the District of Columbia Metropolitan Region and in the United States that meets these requirements.

Exemption of Dr. Thomas Kakovitch

September 23, 2015

Page 2 of 2

Dr. Kakovitch worked in the Environmental Sciences division when he was employed by UDC and was extensively involved in research and development involving aquaponics systems. If he were to work on the research and development of aquaponics systems for the District as an employee of a company that is a sub-grantee of UDC, he would be using his outstanding qualifications in a scientific field, acting with respect to a particular matter that requires those qualifications, and that the interest of the District would be served by his participation in the project.

2. **EXEMPTION**

Given Dr. Kakovitch's outstanding qualifications and experience and the desirability that he work on the research and development of aquaponics systems for the District and UDC as an employee of a company that is a sub-grantee of UDC, I hereby exempt Dr. Kakovitch, pursuant to the 6-B DCMR § 1811.15, from the restrictions on post-employment practices found at 6-B DCMR § 1811.10 for the specific purpose of participating in the work pursuant to the sustainable DC Grant.

3. **EFFECTIVE DATE:**

This Order shall become effective immediately.


BETSY CAVENDISH
GENERAL COUNSEL

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

Medicaid Primary Care Provider Rate Permanent Extension for Qualified Physicians and Advanced Practice Registered Nurses

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)) hereby gives notice of DHCF's intent to make permanent primary care rate increases for specified primary care services provided by qualified physicians and to extend these rate increases for the same services provided by qualified psychiatrists, obstetricians/gynecologists and advanced practice registered nurses enrolled in the District of Columbia Medicaid program.

DHCF will submit a State Plan Amendment (SPA) to the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) requesting the authority to permanently extend existing provider rate increases as described above. The primary care provider rate increase is an important incentive for providers and supports access to primary care services that are essential to the improvement of health outcomes.

The Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub.L. 111-152;124 Stat. 1029) (codified as amended in scattered sections of 42 U.S.C.), required the Medicaid program to increase Medicaid reimbursement for specific primary services such as evaluation and management services and immunization administration services in 2013 and 2014. Effective October 1, 2015, the District proposes to make these changes permanent and extend the increased rates for the same services to qualified psychiatrists, obstetricians and gynecologists and advanced practice registered nurses. For FY 16, the estimated cost of extending the increased rates for these services is \$1,200,000.

Comments on the proposed SPA shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed SPA may be obtained by contacting Karla Andrews at (202) 442-8742 or karla.andrews@dc.gov.

**DEPARTMENT OF HEALTH (DOH)
HIV/AIDS, HEPATITIS, STD and TUBERCULOSIS ADMINISTRATION (HAHSTA)
NOTICE OF FUNDING AVAILABILITY (NOFA)**

HAHSTA_RFA#_DROP10.16.15

2016 Transgender Drop In Center and Needle Exchange Services

The Government of the District of Columbia, Department of Health, HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA) is soliciting applications from qualified organizations to provide prevention services. The following entities are eligible to apply: private, non-profit and for profit organizations, and licensed to conduct business in the District of Columbia. Private entities include community development corporations, community action agencies, community-based and faith-based organizations.

Target Populations: Applications are being solicited to target transgender individuals.

Program Area: Transgender Drop-In Center and Needle Exchange Services

Total Available – up to \$200,000.00 is anticipated to award 1 successful applicant to provide both the Transgender Drop-In Center and Needle Exchange Services.

Grants will be awarded using District of Columbia appropriated funds as authorized by the FY 16 local budget. All awards resulting from this RFA are contingent upon the availability of locally appropriated District of Columbia funding. Grant awards under this authorization are projected to begin January 1, 2016 and end September 30, 2016, with three additional option years. The Department of Health reserves the right to rescind the RFA and funding at any time.

The release date for this Request for Applications (RFA) is 10/16/2015. The RFA#_DROP10.16.15 will be available on the following website <http://www.opgs.dc.gov/opgd/cwp/view>, under District Grants Clearinghouse. A limited number of copies of the RFA will be available for pick up at DOH/HAHSTA offices located at 899 North Capitol Street, NE Washington, DC 20002 4th floor.

The Request for Application (RFA) submission deadline is no later than 4:30 p.m. on Friday, October 30, 2015. Late applications will not be accepted for funding consideration. A Pre-Application Conference will be held **on Wednesday, October 21, 2015 from 10:00 a.m. to 12:00 p.m.** at 899 North Capitol Street, NE, 4th Floor, Washington, DC in the HAHSTA 4th floor conference room.

Please contact Stacey Cooper at 202-671-4900 or Stacey.Cooper@dc.gov for additional information.

**DEPARTMENT OF HEALTH (DOH)
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION (HAHSTA)
NOTICE OF FUNDING AVAILABILITY (NOFA)**

RFA #HAHSTA_BUA10.16.15

Burial Assistance for District of Columbia Residents who Succumb to AIDS

The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) is requesting applications from providers to assist families of District of Columbia residents who have succumbed to AIDS by providing burial assistance.

Burial Assistance includes the provision of financial assistance to help offset funeral, burial, or cremation costs associated with the loss/death of a District resident who has succumbed to AIDS.

Approximately **\$125,000** in FY2016 locally appropriated funds will become available for one award to provide Burial Assistance beginning January 1, 2016. All awards are contingent upon the continued availability of funding.

The following entities are eligible to apply: private, and non-profit organizations. Private entities include community-based, faith-based organizations and for-profit providers (only if evidence demonstrates that the provider is the only organization able to provide the service). The provider must be located and licensed to do business in the District of Columbia.

The RFA (RFA #HAHSTA_BUA10.16.15) will be **released on Friday, October 16, 2015**. The RFA will be posted on the Office of Partnerships and Grants Services website, <http://www.opgs.dc.gov/opgd/cwp/view> under the District Grants Clearinghouse. A limited number of copies will be available for pick up at DOH/HAHSTA offices at 899 North Capitol St., NE Washington, DC 20002, 4th floor.

The **deadline for submission is Monday, November 9, 2015, at 4:45 pm**. All applications must be received in the DOH/HAHSTA suite on the fourth floor by 4:45 pm. Late applications will not be accepted.

The Pre-Application Conference will be held at the HAHSTA offices located at 899 North Capitol Street, NE Washington, DC 20002, 4th floor, Room 447 on **Wednesday, October 21, 2015** from 11:30 a.m. - 12:30 p.m. Please contact T'Wana Holmes at 202.671.4900 for additional information.

****HAHSTA is located in a secured building. Government issued identification must be presented for entrance.**

DEPARTMENT OF HEALTH

HEALTH REGULATION AND LICENSING ADMINISTRATION

NOTICE OF AGENCY TEMPORARY CLOSING

The office of the Health Regulation and Licensing Administration, located at 899 North Capitol Street, NE, Washington DC 20002, will be temporarily closed to the public on Thursday, October 8, 2015 from 12:00 am to 4:45 pm for an Administrative meeting.

The office will reopen to the public on Friday, October 9, 2015 from 8:15 am to 4:45 pm for our normal business hours.

We apologize for any inconvenience this may cause you. Thank you for your consideration.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOME PURCHASE ASSISTANCE PROGRAM (HPAP)**

Effective on Friday, September 25, 2015

Below is the HPAP First-Time Homebuyer Assistance Table. Closing cost assistance for all eligible households will be up to \$4,000. The per client gap financing assistance will cap at \$50,000. The closing cost assistance is distinct from and in addition to gap financing assistance, which is shown below. Calculated Maximum Assistance Available per Household Income by Household Size is as follows:

Maximum Assistance	Household Size							
	1	2	3	4	5	6	7	8
per household income less than or equal to:								
Very low income households **								
50,000	38,250	43,700	49,150	54,600	59,000	63,350	67,750	72,100
Low income households								
40,000	47,600	54,400	61,200	68,000	72,250	76,500	80,750	85,000
	48,300	55,200	62,100	69,000	73,300	77,650	81,950	86,250
	49,000	56,000	63,000	70,000	74,350	78,750	83,150	87,500
35,000	49,700	56,800	63,900	71,000	75,550	79,850	84,300	88,750
	50,400	57,600	64,800	72,000	76,500	81,000	85,500	90,000
	51,800	59,200	66,600	74,000	78,650	83,250	87,900	92,500
25,000	52,500	60,000	67,500	75,000	79,700	84,350	89,050	93,750
	53,900	61,600	69,300	77,000	81,800	86,650	91,450	96,250
	54,600	62,400	70,200	78,000	82,900	87,750	92,650	97,500
20,000	61,150	69,900	78,650	87,350	92,800	98,250	103,750	109,200
	61,600	70,400	79,200	88,000	93,500	-----	-----	-----
	62,300	71,200	80,100	89,000	94,550	-----	-----	-----
10,000	65,100	74,400	83,700	93,000	98,800	98,800	-----	-----
	74,900	85,600	96,300	107,000	113,700	113,700	113,700	113,700
	76,300	87,200	98,100	109,000	115,800	115,800	115,800	115,800
	84,100	96,900	108,100	120,100	127,600	127,600	127,600	127,600

The amount of financial assistance provided to a very low, low or moderate income household shall be the combined total of Gap Financing Assistance and Closing Costs Assistance. The income limits established shall be periodically reviewed and revised as needed by the Department of Housing and Community Development to stay current with the household incomes in the Washington, DC area established by the Secretary of the U.S. Department of Housing and Urban Development for the Washington, DC Metropolitan Statistical Area.

***Household incomes that are between the very low income households and the low income households are considered in the low income household category.*

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE SCHEDULE NO. 6,**GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE PROVISION NO. 23,**

and

FORMAL CASE NO. 1027, IN THE MATTER OF THE EMERGENCY PETITION OF THE OFFICE OF THE PEOPLE'S COUNSEL FOR AN EXPEDITED INVESTIGATION OF THE DISTRIBUTION SYSTEM OF WASHINGTON GAS LIGHT COMPANY,

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice that, on September 16, 2015, Washington Gas Light Company ("WGL") filed its Annual Surcharge Filing for the Plant Recovery Adjustment ("PRA") surcharge for 2015 ("2015 Annual Surcharge Filing").¹ This surcharge recovers the costs of WGL's vintage coupling replacement and encapsulation program ("Program") approved in Order No. 15627.²

2. The 2015 Annual Surcharge Filing contains several tables detailing the calculation of the 2015 PRA surcharge. The first chart contains the elements that comprise the PRA surcharge and shows the formulas WGL uses in its calculations.³ The second chart details the total expenditures from January 1, 2010 through June 30, 2015.⁴ The third chart shows the depreciation expense from July 2014 through September 2015.⁵ The fourth chart shows the utility cost of capital for the 12 months ending September 30, 2011.⁶ The fifth chart shows the budget therms (cycle) from November 2015 through September 2016.⁷

¹ *Formal Case No. 1027, In the Matter of the Emergency Petition of the Office of the People's Counsel for an Expedited Investigation of the Distribution System of Washington Gas Light Company, GT97-3, In the Matter of the Application of Washington Gas Light Company for Authority to Amend its Rate Schedule No. 6; GT06-1, In the Matter of the Application of Washington Gas Light Company for Authority to Amend General Service Provision No. 23* ("Formal Case No. 1027, GT97-3, GT06-1"), Washington Gas Light Company's Annual Surcharge Filing ("WGL 2014 Annual Surcharge Filing"), filed September 16, 2015.

² *Formal Case No. 1027, GT97-3, GT06-1*, Order No. 15627, rel. December 16, 2009.

³ 2015 Annual Surcharge Filing at 1.

⁴ 2015 Annual Surcharge Filing at 2.

⁵ 2015 Annual Surcharge Filing at 3.

⁶ 2015 Annual Surcharge Filing at 4. The Commission notes that the reference to September 30, 2011 may be a typographical error.

⁷ 2015 Annual Surcharge Filing at 5.

3. All persons interested in commenting on the 2015 Annual Surcharge Filing may submit written comments and reply comments no later than ten (10) and twenty (20) days, respectively, after publication of this Notice in the *D.C. Register*. Comments are to be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005. Copies of the 2015 Annual Surcharge Filing may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 1027" as the case number and "439" as the item number. Copies may also be purchased at cost by contacting the Commission Secretary at (202) 626-5150 or PSC-CommissionSecretary@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

GAS TARIFF 2014-03, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S APPLICATION TO AMEND RATE SCHEDULE NO. 5

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code ("D.C. Code") and in accordance with section 2-505 of the D.C. Code,¹ of its intent to act upon the proposed tariff amendment of Washington Gas Light Company ("WGL" or "Company")² in not less than thirty days from the date of publication of this Notice of Proposed Tariff ("NOPT") in the *D.C. Register*.

2. On September 10, 2014, Washington Gas Light Company ("WGL") filed an Application, pursuant to 15 DCMR § 3500 *et seq.*, for authority to amend its Rate Schedule Nos. 3, 3A and 5 "to implement enhanced terms and conditions for Interruptible Sales Service, Interruptible Delivery Service, and Firm Delivery Service."³

3. Ultimately, the Commission established a Working Group comprised of WGL, the Joint Suppliers, Apartment and Office Building Association of Metropolitan Washington ("AOBA"), and any other interested parties to discuss the problematic issues raised in this matter and to explore possible solutions.⁴

4. During the same period of time, the Commission opened Formal Case No. 1128 to investigate a Formal Complaint by Integrys Energy Services-Natural Gas, LLC, for itself and in its capacity as agent for Pepco Energy Services, Inc., Direct Energy Services, LLC, NOVEC Energy Solutions, Inc., and Bollinger Energy, LLC's (together, the "Joint Suppliers") pertaining to certain penalties assessed against them by WGL under the Company's Rate Schedule No. 5, Firm Delivery Service Gas Supplier Agreement.⁵ The Commission established a procedural

¹ D.C. Code § 34-802 (2001); D.C. Code § 2-505 (2001).

² Gas Tariff 2014-03, *In the Matter of Washington Gas Light Company's Application to Amend Rate Schedule No. 5 ("Gas Tariff 2014-03")*, Letter from Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed August 21, 2015 ("WGL's Joint Motion for Approval of the Unanimous Agreement of Stipulation and Full Settlement").

³ *Gas Tariff 2014-03, In the Matter of Washington Gas Light Company's Application to Amend Rate Schedule Nos. 3, 3A and 5 ("Gas Tariff 2014-03")*, Letter from Cathy Thurston-Seignious, Supervisor, Administrative and Associate General Counsel, Washington Gas Light Company to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed September 9, 2014. WGL corrected its Application on September 10, 2014.

⁴ *Gas Tariff 2014-03*, Order No. 17698, rel. November 7, 2014 at 9.

⁵ *Formal Case No. 1128, In the Matter of the Formal Complaint of Integrys Energy Services-Natural Gas, LLC for Itself and in its Capacity as Agent for Pepco Energy Services, Inc.; Direct Energy Services, LLC; NOVEC Energy Solutions, Inc.; and Bollinger Energy, LLC, Regarding Operational Flow Order Noncompliance Penalties Levied by Washington Gas Light Company for the Period January through March 2014 ("Formal Case No. 1128")*, filed September 16, 2014 ("Joint Suppliers' Complaint"). Stand Energy Corporation was not a complainant.

schedule but later suspended it to allow the parties an opportunity to consider settling both FC 1128 as well as certain issues in GT2014-03 related to WGL's Rate Schedule No. 5 tariff.⁶

5. On August 21, 2015, the Working Group filed a Joint Motion for Approval of the Unanimous Agreement of Stipulation and Full Settlement which resolves all of the disputed issues related to the Joint Suppliers' Formal Complainant and provides revisions to Rate Schedule No. 5.⁷ According to the Joint Suppliers and WGL, "This Settlement Agreement is contingent upon Commission acceptance of the revised tariff pages attached hereto for the Company's Rate Schedule No. 5 as well as all of the other terms of the Settlement."⁸

6. Pursuant to the Settlement Agreement, WGL proposes to revise the following tariff pages to its Rate Schedule No. 5:⁹

**NATURAL GAS TARIFF, P.S.C. of D.C. No. 3
Twelfth Revised Page No. 27A
Superseding Eleventh Revised Page No. 27A**

**P.S.C. of D.C. No. 3
Tenth Revised Page No. 27B
Superseding Ninth Revised Page No. 27B**

**P.S.C. of D.C. No. 3
Fifth Revised Page No. 27C
Superseding Fourth Revised Page No. 27C**

**P.S.C. of D.C. No. 3
Second Revised Page No. 27D
Superseding First Revised Page No. 27D**

**P.S.C. of D.C. No. 3
Eighth Revised Page No. 27G
Superseding Seventh Revised Page No. 27G**

P.S.C. of D.C. No. 3

⁶ *Formal Case No. 1128*, Order No. 17867, rel. April 24, 2015. On May 26, 2015, the Working Group filed its Final Report along with agreed-upon revisions to WGL Rate Schedule Nos. 3 and 3A.⁶ These tariff revisions were published for public comment in the D.C. Register on July 24, 2015.

⁷ *Formal Case No. 1128 and GT 2014-03*, WGL's Joint Motion for Approval of the Unanimous Agreement of Stipulation and Full Settlement.

⁸ *Formal Case No. 1128 and GT 2014-03*, Joint Motion for Approval of the Unanimous Agreement of Stipulation and Full Settlement at 8. Also, the Joint Suppliers and WGL state that "The Settlement Agreement is also contingent upon acceptance of the terms of the Settlement Agreement and the applicable revised tariff sheets by the Maryland Public Service Commission and the Virginia State Corporation Commission."

⁹ The Commission notes that in Attachment 1 on pages 15-17, WGL provides its proposed Gas Supplier Application Agreement-Rate Schedule No. 5 and in Attachment 2 WGL provides its Supplier Penalty Calculation-District of Columbia Jurisdiction.

Seventh Revised Page No. 27H
Superseding Sixth Revised Page No. 27H

7. WGL's Application may be reviewed at the Office of the Commission Secretary, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday or may be viewed on the Commission's website by visiting www.dcpso.org. and, under the "eDocket System" tab, selecting "Search Current Dockets" and typing "GT2014-03" in the field labeled "Select Case Number." A copy of the proposed tariff revisions is available upon request to any person requesting copies at a per-page reproduction fee.

8. Any person desiring to comment on the Revised Tariff Application shall file written comments no later than 30 days from the date of publication of this Notice in the *D.C. Register*. Comments should be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, at the address listed in the preceding paragraph. Any responses to comments shall be filed within 45 days from the date of publication of this Notice in the *D.C. Register*. Once the comment period expires, the Commission will take final action.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

REVISED NOTICE OF FUNDING AVAILABILITY

DC Main Streets

(Congress Heights Target Areas)

The Department of Small and Local Business Development is soliciting applications from qualified non-profit organizations that are incorporated in the District of Columbia to **operate a DC Main Streets program for the Congress Heights commercial corridor in Ward 8.**

The designated DC Main Streets program (organization) will receive \$125,000 in grant funding and technical assistance to support a commercial revitalization initiative. This organization will develop programs and services to: (1) assist with the retention, expansion and attraction of neighborhood-serving businesses; and (2) unify and strengthen the commercial corridor. The DC Main Streets grant award is a recurring grant, which can be renewed annually as long as the grantee continues to meet the standards for accreditation by the National Main Street Center.

The grant recipient will be selected through a competitive application process and announced December 4, 2015. Interested applicants must complete an application and submit it electronically via email on or before **Wednesday, November 4, 2015 at 2:00 p.m.** Applicants submitting incomplete applications will be notified by Friday, November 6, 2015 and will have until Tuesday, November 10, 2015 at 5 p.m. to submit corrected applications. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be reviewed.**

The Request for Application (RFA) will be posted at www.dslbd.dc.gov (click on the Our Programs tab and then Solicitations and Opportunities on the left navigation column) on or before October 2, 2015.

Instructions and guidance regarding application preparation can be found in the RFA. DSLBD will host an Information Session on October 14, 2015 at 2:00 p.m. at the RISE Center on St. Elizabeth's East Campus (1100 Alabama Ave SE, Washington, DC 20032). Applicants are encouraged to bring their laptops to the Information Session so they may register on the online application.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA. For more information, contact Cristina Amoruso, DC Main Streets Coordinator, Office of Commercial Revitalization, Department of Small and Local Business Development at (202) 727-3900 or DSLBD.grants@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, October 14, 2015 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed 2 minutes to address the Commission. To register, please call 202-645-6002 no later than 3:30 p.m. on October 13, 2015. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiple Services**

The Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Legal services
- Facility and Janitorial services

Please direct questions and proposals to **rfp@buildinghope.org**.

Proposals shall be received no later than 5:00 P.M., Friday, October 9, 2015.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Audit Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, October 22, 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 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 | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, October 15, 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 DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|--|
| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Executive Session | |
| 8. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, October 22, 2015 at 11:00 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 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 | Chairman |
| 2. | September 2015 Financial Report | Director of Finance & Budget |
| 3. | Agenda for November Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, October 15, 2015 at 11:00 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 DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Water Quality Monitoring Assistant General Manager, Consumer Ser.
- 3. Action Items Assistant General Manager, Consumer Ser.
- 4. Emerging Issues/Other Business Assistant General Manager, Consumer Ser
- 5. Executive Session
- 6. Adjournment Committee Chairperson

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18905 of Jemal's 9th Street Gang of 3, LLC, as amended, pursuant to 11 DCMR §§ 3104.1 and 3103.2 for a variance from the floor area ratio requirements of 11 DCMR § 771.2 to permit a density of 2.04 FAR for non-residential uses in the C-2-A District where a maximum non-residential of 1.5 FAR is permitted, and special exception relief under 11 DCMR § 2120.6 to provide zero off-street parking spaces where 21 spaces are required¹ in the C-2-A District at 1216-1226 9th Street, N.W. (Square 368, Lot 174).

HEARING DATE: March 10, 2015
DECISION DATE: April 28, 2015

DECISION AND ORDER

SELF-CERTIFIED

Jemal's 9th Street Gang of 3, LLC (the "Applicant") submitted a self-certified application on October 14, 2014, for property located at 1216-1226 9th Street, N.W. (Square 368, Lot 174) (the "Property"). The Applicant seeks a variance from the floor area ratio ("FAR") requirements of 11 DCMR § 771.2 to permit a density of 2.04 FAR for non-residential uses on the Property where a maximum density of 1.5 FAR for non-residential uses is permitted, and special exception relief under 11 DCMR § 2120.6 to provide zero off-street parking spaces where 21 are required. Following a public hearing on March 10, 2015, and a public meeting on April 28, 2015, the Board of Zoning Adjustment ("Board" or "BZA") voted on April 28, 2015, to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated October 20, 2015, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning ("OP") (Exhibit 17), the District Department of Transportation ("DDOT") (Exhibit 18), Advisory Neighborhood Commission ("ANC") 2F (Exhibit 20), the ANC within which the Property is located, Single Member District 2F06, and the Councilmember for Ward 2 (Exhibit 19). A public hearing was scheduled for January 27, 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 October 30, 2015, sent such notice to the Applicant, ANC 2F, and all owners of property within 200 feet of the Property.

¹ The initial application requested a variance from the requirements of 11 DCMR § 2101.1 to provide zero off-street parking spaces where 14 are required. The Applicant amended the application to seek special exception relief under 11 DCMR § 2120.6 to provide zero off-street parking spaces where 21 spaces are required.

BZA APPLICATION NO. 18905
PAGE NO. 2

On January 12, 2015, the Applicant submitted a letter to the Board requesting a postponement of the scheduled public hearing in order to have sufficient time to address comments raised by OP. (Exhibit 31.) At the Board's public meeting on January 27, 2015, the Board's secretary announced that the hearing for the case was postponed and rescheduled to March 10, 2015.

Applicant's Case. Leila Batties and Jessica Bloomfield of Holland & Knight LLP represented the Applicant. Three persons testified on behalf of the Applicant at the public hearing: Paul Millstein of Douglas Development Corporation; Kevin Sperry of Antunovich Associates Architects, the Applicant's project architect; and Erwin Andres of Gorove/Slade Associates, the Applicant's transportation consultant. Mr. Andres testified as an expert in the area of transportation planning and traffic engineering.

OP Report. OP filed a report with the Board on March 3, 2015. (Exhibit 36.) In its report, OP stated that it was generally supportive of the application but was unable to provide a recommendation because sufficient information had not been provided related to the requested FAR relief. At the hearing, OP testified that the project is well below the typical building efficiency for a non-residential project that could be developed on the Property as a matter of right, despite having more useable floor area than a project that could be developed as a matter of right if the Property were vacant. Furthermore, OP testified that the proposed building is within the permitted FAR limits of the C-2-A District and the proposed FAR is not an unreasonable request.

DDOT Report. DDOT filed a report with the Board on March 3, 2015, stating that it had no objection to the requested parking variance. (Exhibit 37.) At the hearing DDOT testified in support of the requested parking relief, subject to the conditions stated in its report. DDOT's support of the parking relief was also contingent upon the conditions proffered by the Applicant, except that DDOT prefers the Applicant not to restrict trucks from loading only from N Street. DDOT also requested six long-term, secure, and covered bicycle parking spaces, and noted that short-term bicycle parking spaces should be publicly accessible and not just for the proposed office uses as proffered by the Applicant. Also, while DDOT does not consider valet parking a TDM measure, the Agency acknowledged that valet service could be effective in reducing on-street parking.

ANC Report. ANC 2F submitted a report to the Board, dated December 15, 2014, stating that at its regularly scheduled public meeting on December 10, 2014, at which a quorum was present, ANC 2F voted unanimously to support the FAR and parking variance requests associated with the renovation and construction of the Property. (Exhibit 27.)

Persons and Organizations in Support. The Board received two letters in support of the application.

Alexander Padro, Executive Director of Shaw Main Streets, Inc., submitted a letter, dated March 2, 2015, in support of the project. (Exhibit 38.) Shaw Main Streets is a non-profit organization with both historic preservation and economic development in its mission.

**BZA APPLICATION NO. 18905
PAGE NO. 3**

According to its letter, the organization has spearheaded the neighborhood's renaissance for the past 12 years. The letter also states that the combination of uses proposed for the Property perfectly matches the neighborhood's needs and will complement and support other development in Blagden Alley and the immediately surrounding area. Surveys and polls conducted by the organization over the past 12 years indicate that restaurants are the number one most desired business type, with specialty bars in the top ten preferences. The demand for small office space is also high, since there is limited availability in the immediate area. The additional commercial density created by the project would accommodate new businesses, and generate additional daytime foot traffic supporting current and future retail activity. The letter also states that additional housing is not prioritized in the neighborhood's needs. By the end of 2016, there will be over 2,000 more units of housing in the neighborhood.

David Ansell, a resident at 910 M Street, N.W. and local Shaw blogger, also submitted a letter in support of the project asserting his satisfaction with the Applicant's historic preservation work at the Property and its ability to appropriately maintain the integrity of the abutting street and alley. (Exhibit 40.)

Party in Opposition. On January 11, 2015, Ahmed Ait-Ghezala, a resident at 915 M Street, N.W., filed a petition for party status. Nine other persons joined in said petition – Colleen Corrigan, George Tittman, Ramona Bowden, Carolyn Beebe, Edward Horvath, Barbara Schauer, Russell Sage, Gemma Sage, and Don Lipinski – all of whom live on M Street, N.W., within 200 feet of the Property. (Exhibit 30.) At the public hearing, the Board granted the party status request and consolidated the individuals into a single party (the "Party in Opposition"). Ahmed Ait-Ghezala and Barbara Schauer represented the Party in Opposition at the public hearing.

The Board did not receive any others or testimony or letters in opposition to the application.

FINDINGS OF FACT**The Property and the Surrounding Neighborhood**

1. The Property has a land area of approximately 7,757 square feet and is located on the west side of 9th Street, N.W., between M and N Streets; Blagden Alley is at the rear of the Property. The Property, which is within the boundary of the Shaw and the Blagden Alley/Naylor Court Historic Districts, is zoned C-2-A. It is improved with three row structures that are contributing to the historic districts, which originally had a combined floor area of 10,748 square feet.
2. The three row structures are currently being renovated, pursuant to Building Permit No. B1403618, to connect with selective penetrations through party walls. The renovations also include the construction of an addition at the rear of the row structures.
3. The rear addition is a three-story concrete masonry warehouse-like structure that will connect the existing buildings to a two-story garage structure located northwest of the Property in

BZA APPLICATION NO. 18905**PAGE NO. 4**

Blagden Alley. The addition is set back from 9th Street such that it will not impose on the facades of the historic structures. The alley elevation will be set back to create a series of elevated and grade-level outdoor patios for the commercial users. The east and south facades of the historic structures, and the interior walls that enclose the east/south spaces, will remain. The less-significant rear wing and fire-damaged interior of the north building has been demolished. Existing wood floor framing will be reinforced to provide increased structural capacity, and new steel framing and wood joists will add structure to the addition. All new window openings will be accented with black channel steel frames and wood planks.

4. The renovations are the subject of H.P.A. #13-215 and were approved in concept by the Historic Preservation Review Board (“HPRB”) on April 25, 2013, with final approval delegated to its staff. In accordance with this concept approval, the Applicant subdivided the respective lots for the row structures into a single record lot (Lot 174). At the start of construction, the Applicant did not have any specific tenants for the site and did not know how the project would lease, in terms of the building layout and design. As such, the building was designed matter of right with flexible interior space, which included a high volume of space between the second and third floors of the building.
5. Despite marketing the Property for approximately a year, the Applicant was unable to lease the space. The owners of the restaurant and specialty bar planned for the building advised the Applicant that the building needs to be re-designed in order to be more energy efficient; the volume of space in the current design is too expensive to heat and cool. In response, the project was re-designed to fill in the ceiling between the second and third floors, creating the need for FAR relief.
6. The plans for the approved renovations provide for 15,702 square feet of floor area within the building, of which 11,632 square feet is counted toward the project’s FAR, which equals 1.46 FAR.
7. The Property is surrounded by a mix of uses. North of the Property, along 9th Street, is a row structure used as an office (1228 9th Street, the Bell Architects); a vacant row structure (1230 9th Street); WagTime dog day care center (1232 9th Street); Long View Art Gallery (1234 9th Street); a bar, Lost and Found (1240 9th Street); and The Colonel, a multifamily building with a ground floor restaurant currently under construction (1250 9th Street). Abutting the Property to the south is a vacant parcel approved for a five-story residential project, a public alley, and a commercial building that houses a barber shop and liquor store. The Walter E. Washington Convention Center is opposite the Property on the east side of 9th Street. Just across Blagden Alley, are the restaurant Rogue 24 and the La Colombe coffee house. The Applicant owns the buildings leased by Rogue 24, La Colombe and Longview Art Gallery.

The Applicant’s Project

8. Under this application, the Applicant proposes to increase the overall floor area of the project from 15,702 square feet to 19,898 square feet (4,196 additional square feet). Of the overall

BZA APPLICATION NO. 18905**PAGE NO. 5**

floor area, only 15,828 square feet are counted toward the floor area ratio, which equals an FAR of 2.04. The building program includes a yoga studio consisting of 2,197 square feet in the cellar and 2,718 square feet on the first floor of the building; a restaurant with 1,378 square feet in the cellar and 2,800 square feet on the first floor of the building; a specialty bar consisting of 2,098 square feet on the second floor of the building; and 6,923 square feet of office on the second and third floors of the building.

9. The yoga studio will be accessed from 9th Street. The restaurant can be accessed from either 9th Street or Blagden Alley, but the main entrance will be on Blagden Alley. The primary entrance for the specialty bar will be on Blagden Alley, although there will also be a secondary access via a small stair that comes out to 9th Street. The office uses on the second and third floors of the building will be accessed via a stair from 9th Street.
10. The building does not currently have any off-street parking spaces. Pursuant to 11 DCMR § 2101.1, twenty-one off-street parking spaces are required for the project. The Applicant requested special exception relief, pursuant to 11 DCMR § 2120.6, in order to provide zero off-street parking spaces.
11. The building does not currently have any loading facilities, and the Applicant did not seek relief for loading under this application.

FAR Variance

12. Pursuant to § 771.2 of the Zoning Regulations, a maximum FAR of 2.5 is permitted within the C-2-A District, of which no more than 1.5 FAR can be non-residential. The Applicant seeks a variance from § 771 to permit a density of 2.04 FAR for non-residential uses on the Property. The additional floor area resulted from filling in the ceiling on the second floor of the building, which generated an additional 3,577 square feet of usable floor area -- increasing the useable floor area from 7,258 square feet to 10,835 square feet.

Exceptional and Extraordinary Conditions

13. The Property is improved with three row houses that are contributing structures to the Shaw and Blagden Alley/Naylor Court Historic Districts. The parcels for the three row houses have been subdivided into a single lot and the row houses have been combined into a single building that includes an addition at the rear.
14. The construction of the row houses and rear addition are currently underway, pursuant to Building Permit No. B1403618. Because the row houses are contributing structures to the Historic Districts, the renovations were subject to review by the Historic Preservation Review Board ("HPRB").
15. In granting its concept approval for the building renovations, HPRB requested the elevator for the development be located in the middle of the building, away from the historic

BZA APPLICATION NO. 18905**PAGE NO. 6**

structures. HPRB also requested that active uses be pushed toward the existing windows on the second and third floors of the building, which dictated the location of the building stair. The location of both the elevator and stair affect the circulation and building efficiency.

16. All of the floors in the historic structures are at different levels. The Property fronts on both 9th Street and Blagden Alley, which have different grade elevations.
17. As a result, multiple stairs and ramps are required to circulate throughout the building, which decreases the building efficiency.

Practical Difficulty

18. Typically, a non-residential building has a building efficiency of 85%.
19. The plans under this application yield a building efficiency of 68% with 10,835 square feet of useable floor area. (Exhibit 42.)
20. The matter of right development currently approved for the Property yields a building efficiency of 62% with 7,258 square feet of useable floor area. Under the approved matter of rights plans, the second and third floors of the building are limited to 3,858 square feet and 1,118 square feet, respectively. Only 2,284 square feet of floor area is usable on the second floor (59% of the total second floor area), and only 324 square feet of floor area is usable on the third floor (29% of the total third floor area). (Exhibit 42.)
21. Under this configuration the bulk of the building's second floor is divided by the stair tower, creating a bifurcated space facing 9th Street that is not conducive for an active use as desired by HPRB, and an extremely narrow corridor on the building's south side that is occupied primarily by elements of the building core. The layout for the third floor is even more problematic due to its extremely small size and the inefficient building core that results in entirely unusable and wasted space.
22. Although an additional FAR of 1.0 would be available through the construction of residential uses on the third floor of the building, doing so would be infeasible for the reasons stated in Findings of Fact 23 through 28.
23. The project is designed with one elevator off of Blagden Alley to service the commercial uses on the Property. For the construction of residential units, the Building Code would require a second elevator off of 9th Street and a lift for persons with disabilities to provide access up from the sidewalk to the first floor residential lobby.
24. Providing two elevators would result in an even less efficient building with an exceptionally high core factor and a configuration that would not meet the 75-foot common path of egress required by the Building Code.

BZA APPLICATION NO. 18905**PAGE NO. 7**

25. Residential use of the Property would require shared use of the stairwells by residential tenants, office employees, and commercial patrons.
26. The added network of residential bathroom and kitchen plumbing throughout the building would need to be collected and routed down through commercial spaces, losing headroom and floor space for the commercial tenants below.
27. Given the limited size of the building, a design that incorporates residential units could not include amenities commonly available in today's residential market, thus reducing residential marketability.
28. Residential tenants would have to walk trash down to the ground floor of the building because the building could not accommodate a trash chute or a separate residential trash room.

No Harm to Public Good or Zone Plan

29. The additional FAR is within the approved building's envelope, which is compatible with the scale and design of the surrounding structures and uses.
30. The additional FAR would not affect the facades of the historic structures or the mass of the building.

Special Exception Relief for Parking

31. The Applicant proposes to have zero parking spaces for the project where 21 parking spaces are required for the proposed non-residential uses at the Property.
32. Providing the required on-site parking spaces would require the Applicant to demolish major portions of the historic structures.
33. If parking were provided through the courtyard for the project, the Applicant would have to relocate an underground transformer vault that was installed to provide power to the Property and eliminate the commercial uses in the cellar and first floor of the project.
34. Parking would not be feasible from 9th Street because (i) providing access would require a new curb cut from 9th Street which is not likely to be approved by DDOT, (ii) the only feasible entry point is south of the brick carriage house, which has been preserved for historic purposes, and (iii) the entry would need to be at least 20 feet wide and this space is not available.
35. Below-grade parking would also require the majority of the building's floor plate to be dedicated to drive aisles and parking spaces, yielding approximately six parking spaces per level and requiring four levels below grade to achieve 21 parking spaces.

BZA APPLICATION NO. 18905**PAGE NO. 8**

36. The office tenants will have approximately 46 employees; the specialty bar will have 10 to 20 employees; the restaurant will have a seating capacity of 141 seats and 25 to 40 employees; and the yoga studio will have capacity for 56 persons.
37. The floor plan for the specialty bar has not been designed, but will consist of approximately 2,098 square feet on the second floor of the building.
38. The office uses are expected to be day time uses.
39. The restaurant and specialty bar will serve patrons in the evening. The yoga studio is expected to be open from the morning to early evening.
40. Approximately 25% of the employees for the project will have an opportunity to drive to work.
41. One of the office tenants' existing location has no off-street parking and most of its employees bike or walk to work.
42. The specialty bar proposed for the Property previously operated inside the Passenger on 7th Street, a few blocks from the Property, and had no parking. Its patrons walked to the establishment.
43. There are several public parking garages a few blocks south of the Property, and there is a public parking garage at the O Street Market, located 2.5 blocks north of the Property.
44. As a condition of this order, valet parking must be available on 9th Street for the restaurant patrons.
45. The valet parking vendor, U Street Parking, currently provides valet parking services for businesses on 9th Street. U Street Parking utilizes garages located at the Cambria Suites Hotel at 899 O Street, N.W., and CityCenterDC at 870 9th Street, N.W., for valet operations on 9th Street. (Exhibit 41.) As a condition of this Order, the valet parking vendor will be prohibited from parking vehicles within Blagden Alley and will utilize off-street parking locations in the vicinity of the development.
46. The parking garage at the Cambria Suites Hotel has 80 parking spaces, and CityCenterDC has capacity for 1,500 parking spaces.
47. The Property is located approximately 0.1 miles from the Mount Vernon Square Metrorail Station, which services the Green and Yellow lines, and approximately 0.5 miles from the McPherson Square Metrorail station, which services the Orange, Blue, and Silver lines.
48. The Property is within convenient walking distance of numerous Metrobus routes, including the 64, 70, 79, G2, and G8 lines, which are all located within 0.2 miles of the Property.

BZA APPLICATION NO. 18905
PAGE NO. 9

49. Eight permanent car-share locations are located within 0.4 miles of the Site. Taxis, Car2Go vehicles, and other point-to-point transportation services are easily accessed throughout the neighborhood.
50. Nearby Capital Bikeshare docks are located adjacent to the Mount Vernon Square Metrorail station and at the intersection of 11th and M Streets, N.W.

CONCLUSIONS OF LAW

Under § 8 of the Zoning Act (D.C. Official 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).

In this case, the Applicant seeks a variance from 11 DCMR § 771.2 to permit a density of 2.04 FAR for non-residential uses in the C-2-A District where a maximum density of 1.5 FAR is permitted. The Board concludes that the Applicant has met its burden of proof for an area variance from 11 DCMR § 771.2 for the reasons discussed below.

Exceptional and Extraordinary Conditions

The Board finds that the Property is affected by the following exceptional and extraordinary conditions.

The Property is improved with three row structures that are contributing to the Shaw and Blagden Alley/Naylor Court Historic Districts. The structures were on three separate lots that the Applicant subdivided into a single record lot. Because the row houses are contributing structures to the Historic Districts, the renovations were subject to review by the HPRB. In granting its conceptual approval for the building renovations, HPRB requested that the elevator for the development be located in the middle of the building, away from the historic structures. HPRB also requested that active uses be pushed toward the existing windows on the second and third floors of the building, which dictated the location of the building stair. The location of both

BZA APPLICATION NO. 18905
PAGE NO. 10

the elevator and stair affect the circulation and building efficiency. Further, all of the floors in the historic structures are at different levels. Additionally, the Property fronts on both 9th Street and Blagden Alley, which have different grade elevations. As a result, multiple stairs and ramps are required to circulate throughout the building.

The Party in Opposition claims that the fact that the structures contribute to the historic district is not in and of itself exceptional, which is correct. However, in this particular instance the project would not have been cleared for historic preservation review without the introduction of design constraints that in part render the property exceptional. For this same reason, the design elements that create the practical difficulty described below are not self-imposed hardships. The Board has previously rejected design choices as barring an area variance. *Application No 17973 of the District of Columbia Public Library* (2009), citing, *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1169 (D.C. 1990).

Practical Difficulty

The Board finds that due to the unique and exceptional conditions affecting the Property, strict adherence to the requirements in § 771.2 of the Zoning Regulations, would result in a practical difficulty for the Applicant as discussed below.

Typically, a non-residential building has a building efficiency of 85%. The plans under this application yield a building efficiency of 68% with 10,835 square feet of useable floor area.

However, the building can only achieve a building efficiency of 62% with the approved matter of right renovations, which would be unviable. Under the approved matter of right plan, the second and third floors of the building are limited to 3,858 square feet and 1,118 square feet, respectively. Only 2,284 square feet of floor area is usable on the second floor (59% of the total second floor area), and only 324 square feet of floor area is usable on the third floor (29% of the total third floor area). Under this configuration the bulk of the building's second floor is divided by the stair tower, creating a bifurcated space facing 9th Street that is not conducive for an active use as desired by HPRB, and an extremely narrow corridor on the building's south side that is occupied primarily by elements of the building core. The layout for the third floor is even more problematic due to its extremely small size and the inefficient building core that results in entirely unusable and wasted space.

Although an additional 1.0 matter of right density could be achieved on the Property through the construction of residential uses on the third floor of the building, this would still leave the Applicant with 1.5 FAR of non-residential density, which the Applicant has demonstrated is insufficient to market this particular building. Further, providing residential use at the Property would be practically difficult for the following reasons:

Access. The project is designed with one elevator off of Blagden Alley to service the commercial uses on the Property. For the construction of residential units, the Building Code would require a second elevator off of 9th Street and a lift for persons with

BZA APPLICATION NO. 18905**PAGE NO. 11**

disabilities to provide access up from the sidewalk to the first floor residential lobby. Residential use of the Property would also require shared use of the stairwells by residential tenants, office employees, and commercial patrons.

Building Code, Core Factor and Plumbing Chases. Providing two elevators would result in an even less efficient building with an exceptionally high core factor and a configuration that would not meet the 75-foot common path of egress required by the Building Code. The added network of residential bathroom and kitchen plumbing throughout the building would need to be collected and routed down through commercial spaces, losing headroom and floor space for the commercial tenants below.

Leasing, Amenities. Given the limited size of the building, a design that incorporates residential units could not include amenities commonly available in today's residential market, thus reducing residential marketability. Residential tenants would have to walk trash down to the ground floor of the building because the building could not accommodate a trash chute or a separate residential trash room.

No Substantial Detriment to Public Good or Substantial Impairment of the Zone Plan

The Board finds that the requested FAR relief can be granted without harm to the public good and without threat to the integrity of the Zone Plan because the FAR is within the approved building's envelope, which is compatible with the scale and design of the surrounding structures and uses. Further the additional .54 of non-residential FAR is modest, as is the project itself. The additional FAR would not affect the facades of the historic structures or the mass of the building, but would simply allow the Applicant to provide commercial and office space for local businesses, which is desired by persons in the neighborhood.

The Party in Opposition claims that the approval of a building permit for this project based upon matter of right parameters proves the absence of practical difficulty. The Board does not agree. There may be many different times in the development of a project when a practical difficulty is discovered. In this instance, the Applicant did not recognize the practical difficulty of matter of right commercial development until it began marketing the project. That this realization occurred after a building permit was approved does not negate the reality of the practical difficulty.

Special Exception Relief for Parking

The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(2)) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, 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 Map, subject to specific conditions. (See 11 DCMR § 3104.1.)

BZA APPLICATION NO. 18905
PAGE NO. 12

Subsection 2120.6 permits the Board to grant relief from all or part of the parking requirements for historic resources “if the owner of the property demonstrates that, as a result of the nature or location of the historic resource, providing the required parking will result in significant architectural or structural difficulty in maintaining the historic integrity and appearance of the historic resource.” The subsection further requires that the Board address the following criteria:

- (a) Maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time;
- (b) Amount of traffic congestion existing and/or that the redevelopment of the historic resource can reasonably be expected to add to the neighborhood;
- (c) Quantity of existing public, commercial, or private parking, other than curb parking, on the property or in the neighborhood that can reasonably be expected to be available when the redevelopment is complete; and
- (d) Proximity to public transportation, particularly Metrorail stations, and availability of either public transportation service in the area, or a ride sharing program approved by the District of Columbia Department of Transportation.

Providing the required on-site parking spaces would result in significant architectural and structural difficulties in maintaining the structures’ historic integrity and appearance because it would require the Applicant to demolish major portions of the historic structures.

The office tenants proposed for the building will have approximately 46 employees; the specialty bar will have 10 to 20 employees; the restaurant will have a seating capacity of 141 seats and 25 to 40 employees; and the yoga studio will have capacity for 56 persons. The floor plan for the specialty bar has not been designed so the Applicant could not testify to the maximum occupancy for that use, which will consist of approximately 2,098 square feet on the second floor of the building. The office uses are expected to be day time uses. The restaurant and specialty bar will serve patrons in the evening. The yoga studio is expected to be open from the morning to early evening.

Based on the census data for journey to route information for the neighborhood, approximately 25% of the employees for the project will have an opportunity to drive to work, and this potential traffic impact will be mitigated by the transportation demand management measures proffered by the Applicant and which have been made conditions of the Board’s approval. Further, those conditions also require that the Applicant prohibit employees of the project from parking vehicles in Blagden Alley.

There are several public parking garages within a few blocks of the Property, including CityCenterDC to the south and the O Street Market to the north available for persons who opt to drive to the Property. Also, this order requires that valet parking must be available on 9th Street for the restaurant patrons, subject to review and approval by the Public Space Committee.

**BZA APPLICATION NO. 18905
PAGE NO. 13**

The Property is located approximately 0.1 miles from the Mount Vernon Square Metrorail Station, which services the Green and Yellow lines, and approximately 0.5 miles from the McPherson Square Metrorail station, which services the Orange, Blue, and Silver lines. The Property is within convenient walking distance of numerous Metrobus routes, including the 64, 70, 79, G2, and G8 lines, which are all located within 0.2 miles of the Property. Eight permanent car-share locations are located within 0.4 miles of the Site. Taxis, Car2Go vehicles, and other point-to-point transportation services are easily accessed throughout the neighborhood, as are Capital Bikeshare docks.

DDOT, through its written report and testimony indicated its support for the application, subject to certain conditions. The conditions contained in this order are consistent with DDOT's request.

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. Official 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 2F recommended approval of the requested relief. (Exhibit 27.) At the request of the Party in Opposition, the Applicant notified ANC 2F of the amended request for parking relief as a special exception rather than as a variance. No additional report from the ANC was received. For the reasons stated above, the Board finds the ANC's advice to be persuasive.

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, OP stated its general support of the application, even though it did not formally support the requested FAR relief. The Board concurs with OP's general support for the project.

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 pursuant to 11 DCMR § 3103.2 for an area variance from 11 DCMR § 771.2, 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 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.

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 approval, pursuant to 11 DCMR §§ 3104.1 and 2120.6, respectively, 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

BZA APPLICATION NO. 18905
PAGE NO. 14

will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 34C AND THE FOLLOWING CONDITIONS:**

1. Loading for the Property shall be restricted as follows:
 - a. Loading hours shall be restricted to 7:30 a.m. to 4:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturdays and Sundays, excluding trash service.
 - b. No delivery trucks over 30 feet shall be allowed to make deliveries in the alley, with the exception of construction vehicles.
2. The Applicant shall work with ANC 2F to establish a process for regularly monitoring the circulation and loading operations of Blagden Alley and, to the extent necessary, establish a comprehensive circulation and management plan for the alley.
3. Valet parking shall be available for the restaurant uses within the project that will be provided curbside along 9th Street and not within Blagden Alley. The Applicant shall prohibit the valet parking company from parking vehicles within Blagden Alley and will utilize off-street parking locations in the vicinity of the development.
4. The Applicant shall prohibit employees of the project from parking vehicles in Blagden Alley.
5. The project shall provide at least six long-term covered and secure bicycle parking spaces and ten publicly accessible short-term bicycle spaces.
6. The Applicant shall continue to coordinate with DDOT to (i) develop a loading management plan consistent with DDOT standards; (ii) achieve approvals for improvements to public space that meet DDOT standards; (iii) accommodate all utility vaults on private property; and (iv) provide greater specificity regarding the design of long-term bicycle parking.
7. The Applicant shall incorporate the following TDM measures into the project:
 - a. Install a TransitScreen displaying real-time transportation schedules;
 - b. Establish a marketing program highlighting transportation alternatives;
 - c. Provide at least six long-term (covered and secure) bicycle parking spaces and ten publicly accessible short-term bicycle parking spaces.

BZA APPLICATION NO. 18905
PAGE NO. 15

VOTE: 3-1-1 (Peter G. May, Marnique Y. Heath, and Lloyd J. Jordan to Approve; Jeffrey L. Hinkle to Deny; 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: September 21, 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. 18905**PAGE NO. 16**

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**

Appeal No. 18999 of Advisory Neighborhood Commission 1C, pursuant to 11 DCMR § 3100.2, from a decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, made January 15, 2015, to issue a building permit (No. B1408491) for conversion of two one-family dwellings located at 2305 and 2307 Ontario Road, N.W. (Square 2567, Lots 45 and 46), into a single eight-unit apartment building.

HEARING DATE: May 12, 2015
DECISION DATE: May 12, 2015

ORDER GRANTING APPEAL

INTRODUCTION

Advisory Neighborhood Commission (“ANC”) 1C filed this appeal with the Board of Zoning Adjustment (“Board”) on March 13, 2015. The appeal challenges the decision of the Zoning Administrator of the Department of Consumer and Regulatory Affairs (“DCRA”) to approve the issuance of a building permit. On May 8, 2015, DCRA filed a statement indicating that it had determined that the Zoning Administrator erred in approving the permit and was, thus, revoking it. Based on DCRA’s admission of error, the Board granted the appeal at a public hearing on May 12, 2015.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memoranda dated March 19, 2015, the Office of Zoning provided notice of the appeal to the Office of Planning; the Councilmember for Ward 1; ANC 1C, the ANC in which the property at issue is located; the Single Member District representative for ANC 1C08; and the Zoning Administrator, who issued the permit challenged in the appeal. Pursuant to 11 DCMR § 3112.14, on March 19, 2015, the Office of Zoning mailed letters providing notice of the hearing to ANC 1C, the Zoning Administrator, and the owners of the property at issue, 2305 Ontario Rd NW LLC and 2307 Ontario Rd NW LLC (together, “202 Development”).

Parties. ANC 1C, the Zoning Administrator, and 202 Development were automatically parties in this proceeding. There were no other requests for party status.

FINDINGS OF FACT

1. On January 15, 2015, the Zoning Administrator approved the issuance of Building Permit No. B1408491 (“Permit”).

BZA APPEAL NO. 18999**PAGE NO. 2**

2. The Permit authorized construction at the properties located at 2305 and 2307 Ontario Road, N.W. (Square 2567, Lots 45 and 46) (together, the “Property”), which are owned by 202 Development. Specifically, the Permit authorized the conversion of two one-family dwellings on the Property into a single eight-unit apartment building.
3. On March 13, 2015, ANC 1C filed this appeal challenging approval of the Permit. ANC 1C alleges that the Zoning Administrator erred in granting a parking credit for the project and committed errors in calculating lot occupancy and gross floor area.¹
4. On May 5, 2015, 202 Development filed a statement in opposition to the appeal, and on May 8, 2015, it filed a motion to dismiss on various grounds.
5. On May 8, 2015, DCRA filed a statement indicating that it had determined that the Zoning Administrator erred in approving the Permit, and that DCRA was, thus, revoking it.
6. On May 11, 2015, 202 Development filed a statement withdrawing opposition to the appeal.
7. On May 11, 2015, ANC 1C filed a statement noting DCRA’s intent to revoke the Permit.
8. On May 12, 2015, the Board held a public hearing on the appeal, at which it voted to grant the appeal based on DCRA’s admission of error.

CONCLUSIONS OF LAW

Under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(1) (2012 Repl.), the Board is authorized to hear and decide appeals based on an allegation that an administrative officer erred in rendering a decision or determination in administering the Zoning Regulations. *See also* 11 DCMR § 3100.2.

In this case, DCRA has admitted that it erred in approving the Permit that the appeal challenges, and the property owner, 202 Development, has withdrawn opposition to the appeal. Accordingly, the Board finds that DCRA erred in approving the Permit and, therefore, grants the appeal for the reasons stated in Exhibit No. 3 in the record.

For these reasons, the Board hereby **ORDERS BZA Appeal No. 18999 is GRANTED.**

VOTE: 4-0-1 (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Michael G. Turnbull voting to Grant the appeal; one Board seat vacant).

¹ ANC 1C also alleges that there are inconsistencies between the plans the Zoning Administrator approved and the work actually conducted. The Board notes that such inconsistencies do not constitute an error by the Zoning Administrator and, thus, are not appealable to the Board. *See* D.C. Official Code § 6-641.07(g)(1) (granting the Board the power to consider appeals based on an alleged error by an administrative official in carrying out the Zoning Regulations).

BZA APPEAL NO. 18999

PAGE NO. 3

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: September 22, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19064 of Andrew Hollinger, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to allow the construction of a rear deck to an existing two-story, one-family dwelling in the R-4 District at premises 1007 F Street N.E. (Square 961, Lot 21).

HEARING DATE: September 15, 2015

DECISION DATE: September 15, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.)

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”) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report in support of the application dated July 10, 2015. The ANC’s report indicated that at a duly noticed and scheduled public meeting on July 9, 2015, at which a quorum was in attendance, the ANC voted unanimously (7-0-0) in support of the application. (Exhibit 29.) The Office of Planning (“OP”) also submitted a report in support of the application. (Exhibit 33.) The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 31.) Four letters from neighbors in support of the application were also filed into the record. (Exhibits 10-13.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 403.2, 404.1, and 2001.3 to allow the construction of a rear deck on an existing two-story, 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 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 ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 403.2, 404.1, and 2001.3, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists

BZA APPLICATION NO. 19064
PAGE NO. 2

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 4**.

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Frederick L. Hill, and Anthony J. Hood to Approve; Marnique Y. Heath 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: September 17, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN 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.

BZA APPLICATION NO. 19064**PAGE NO. 3**

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. 19065 of Jeremy and Rachel Robinson, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements under § 404.1, to construct a one-story rear deck addition to an existing one-family dwelling in the R-3 District at premises 2131 Observatory Place, N.W. (Square 1301, Lot 1205).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: September 15, 2015 (Expedited Review Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

This application was accompanied by a memorandum, dated June 1, 2015, from the Zoning Administrator certifying the required relief. (Exhibit 4.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing. (Exhibit 2.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC3B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on April 9, 2015, at which a quorum was in attendance, ANC 3B voted 5-0-0 to support the application. (Exhibit 22.) Two adjacent neighbors submitted letters in support of the application. (Exhibit 24.)

The Office of Planning (“OP”) submitted a timely report in support of the application. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a report of no objection to the application. (Exhibit 23.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the

BZA APPLICATION NO. 19065
PAGE NO. 2

burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223 and 404.1. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, and 404.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Frederick L. Hill, and Anthony J. Hood to APPROVE; Marnique Y. Heath, 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.

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: September 17, 2015

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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

BZA APPLICATION NO. 19065**PAGE NO. 3**

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.

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District of Columbia REGISTER – October 2, 2015 – Vol. 62 - No. 41 012926 – 013174