

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-180, Truancy Referral Emergency Amendment Act of 2015
- D.C. Council schedules a public hearing on Bill 21-0326, Financial Exploitation of Vulnerable Adults Amendment Act of 2015
- D.C. Council schedules a public hearing on Bill 21-0021, Enhanced Penalties for Distracted Driving Amendment Act of 2015
- Office on Asian and Pacific Islander Affairs announces funding availability for the FY2016 Asian American and Pacific Islander Community Grant
- Department of Consumer and Regulatory Affairs announces commencement of a new Construction Code development cycle
- D.C. Public Schools schedules a public hearing on the Fiscal Year 2017 Budget
- Department of Energy and Environment updates the District's pesticide infractions
- Office of Tax and Revenue updates the rules for conducting special deed tax sales

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To adjust, on a temporary basis, certain allocations requested in the Fiscal Year 2015 Budget Request Act of 2014 pursuant to the Omnibus Appropriations Act, 2009; to authorize that available Fiscal Year 2015 funds be retained as fund balance and carried over into Fiscal Year 2016; and to adjust certain allocations requested in the Fiscal Year 2016 Budget Request Act of 2015 pursuant to the Omnibus Appropriations Act, 2009.

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

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2015 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II – DISTRICT OF COLUMBIA FUNDS – SUMMARY OF EXPENSES

\$57,612,000 is added from local funds; to be allocated as follows:

Financing and Other

The appropriation for Financing and Other is increased by \$57,612,000 in local funds; to be allocated as follows:

(1) Emergency and Contingency Reserve Funds. - \$57,612,000 is added to be available in local funds.

Sec. 3. In accordance with Title II – Summary of Expenses of the Fiscal Year 2015 Budget Request Act of 2014 allowing General Funds to be increased by proceeds from one-time transactions, the Council authorizes budget authority to expend \$17,700,000 of unallocated, one-time funds received by the Office of Tax and Revenue related to the settlement payment in the *District of Columbia v. Expedia, Inc., et al.* (Nos. 14-CV-308, 14-CV-309) case. These funds shall be spent in accordance with section 5.

ENROLLED ORIGINAL

Sec. 4. Remaining Fiscal Year 2015 unexpended revenue of \$28,287,881 shall be carried over into Fiscal Year 2016 as fund balance. This revenue shall be spent in accordance with section 5.

Sec. 5. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2016 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II – DISTRICT OF COLUMBIA FUNDS – SUMMARY OF EXPENSES

\$28,288,000 is added from local funds; and \$5,000,000 is increased in enterprise and other funds; to be allocated as follows:

Economic Development and Regulation

The appropriation for Economic Development and Regulation is increased by \$4,492,000 in local funds; to be allocated as follows:

(1) Department of Employment Services. - \$4,492,000 is added to be available from local funds.

Public Safety and Justice

The appropriation for Public Safety and Justice is increased by \$14,214,000 in local funds; to be allocated as follows:

(1) Metropolitan Police Department. - \$5,864,000 is added to be available from local funds;

(2) Department of Forensic Sciences. - \$8,024,000 is added to be available from local funds; and

(3) Office of the Chief Medical Examiner. - \$326,000 is added to be available from local funds.

Human Support Services

The appropriation for Human Support Services is increased by \$3,776,000 in local funds; to be allocated as follows:

(1) Department of Parks and Recreation. - \$2,526,000 is added to be available from local funds; and

(2) Children and Youth Investment Trust Corporation. - \$1,250,000 is added to be available from local funds.

Public Works

The appropriation for Public Works is increased by \$806,000 in local funds; to be allocated as follows:

ENROLLED ORIGINAL

(1) Department of Public Works. - \$806,000 is added to be available from local funds.

Financing and Other

The appropriation for Financing and Other is increased by \$5,000,000 in local funds; to be allocated as follows:

(1) Convention Center Transfer – Dedicated Taxes. - \$5,000,000 is added to be available from local funds.

Enterprise and Other Funds

The appropriation for Enterprise and Other Funds is increased by \$5,000,000 in local funds; to be allocated as follows:

(1) Washington Convention and Sports Authority. - \$5,000,000 is added to be available from local funds.

Sec. 6. Metropolitan Police Department body-worn cameras funded by any funds made available in Fiscal Year 2016 shall not be worn until rules are approved by the Council pursuant to section 3003 of the Fiscal Year 2016 Budget Support Act of 2015, enacted on August 11, 2015 (D.C. Act 21-148; 62 DCR 10905), or by an act of the Council.

Sec. 7. Funds to incentivize a neighborhood camera initiative to encourage businesses, property owners, and churches to install security cameras made available in Fiscal Year 2016 shall not be issued until parameters governing the initiative are approved by an act of the Council.

Sec. 8. Program evaluation.

The Office of Performance Management within the Office of the City Administrator shall conduct, in consultation with the Department of Employment Services, a rigorous, high-quality evaluation of both the Career Connection Program and the LEAP Academy. The Office of Performance Management shall issue a report to the Council detailing the study design for this evaluation by October 9, 2015. The report shall include plans for continuous monitoring and oversight of program activities, a list of outcome metrics to be collected, how the data will be collected, how existing administrative data from across the government will be incorporated, and how the evaluation will be built into the startup of the program.

Sec. 9. Fiscal impact statement.


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

ENROLLED ORIGINAL

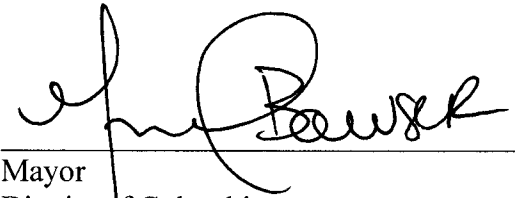
Sec. 10. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To amend, on a temporary basis, the Education Licensure Commission Act of 1976 to change the name of the Education Licensure Commission to the Higher Education Licensure Commission, to extend authority to the commission to require institutions physically located outside the District of Columbia offering postsecondary degree-granting or non-degree-granting online programs or courses to District of Columbia residents physically in the District to be licensed in the District, to permit members of the commission to serve in a hold-over capacity for no more than 180 days after expiration of their second full consecutive term, to provide the commission with the authority to enter into reciprocity agreements with regards to online courses, and to authorize the commission to impose alternative sanctions for violations of provisions of the act or regulations promulgated under the authority of the act; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the annual compensation of members of the Higher Education Licensure Commission from \$4,000 to \$8,000; to amend the State Education Office Establishment Act of 2000 to designate the Office of the State Superintendent of Education the state portal agency for state authorization reciprocity; and to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Higher Education Licensure Commission Temporary Amendment Act of 2015".

Sec. 2. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-1302) is amended as follows:

(1) Paragraph (7) is amended by striking the phrase "by personal attendance or correspondence" and inserting the phrase "by personal attendance, online instruction, or by other means" in its place.

(2) Paragraph (10) is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

(3) New paragraphs (15) and (16) are added to read as follows:

ENROLLED ORIGINAL

“(15)(A) "Online instruction" means education, whether known as virtual class, correspondence course, distance learning, or other like term, where the learner and instructor are not physically in the same place at the same time, that is delivered through an electronic medium such as the Internet, Web-based form, or real time or recorded video or digital form, and that is offered or provided by an educational institution to District residents who are physically present in the District.

“(B) The education provided pursuant to subparagraph (A) of this paragraph shall be deemed delivered through an online presence in the District.

“(16) "Online presence" means the delivery of online instruction by an educational institution.”.

(b) Section 3 (D.C. Official Code § 38-1303) is amended by striking the phrase "Education Licensure Commission" wherever it appears and inserting the phrase "Higher Education Licensure Commission" in its place.

(c) Section 4 (D.C. Official Code § 38-1304) is amended as follows:

(1) The section heading is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

(2) Subsection (b) is amended by striking the phrase "2 consecutive terms" and inserting the phrase "2 consecutive terms; provided, that a member may serve in a hold-over capacity for no more than 180 days after the expiration of the member's second full consecutive term" in its place.

(d) The section heading for section 5 (D.C. Official Code § 38-1305) is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

(e) Section 6 (D.C. Official Code § 38-1306) is amended as follows:

(1) The section heading is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

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

“(b-1) An educational institution licensed by the Commission shall be subject to the laws and regulations that govern degree-granting and non-degree-granting institutions in the District, including those governing the complaint process.”.

(3) Subsection (e)(2) is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

(f) Section 7 (D.C. Official Code § 38-1307) is amended as follows:

(1) The section heading is amended by striking the phrase "Education Licensure Commission" and inserting the phrase "Higher Education Licensure Commission" in its place.

(2) Paragraph (3)(C) is amended by striking the word "and".

(3) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (5) and (6) are added to read as follows:

“(5) Have the authority to enter into agreements with other jurisdictions as it relates to the licensing of postsecondary educational institutions that provide degree-granting or non-degree-granting instruction to residents of the District; and

ENROLLED ORIGINAL

“(6) Have the authority to enter into agreements with degree-granting educational institutions operating in the District of Columbia that are otherwise conditionally exempt pursuant to section 10 for the purpose of ensuring consistent consumer protection in interstate distance education delivery of higher education.”.

(g) Section 9 (D.C. Official Code § 38-1309) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "§ 29-101.99, or § 29-301.64," and inserting the phrase “§ 29-101.01 *et seq.*,” in its place.

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

“(a-1) An educational institution that is providing degree-granting or non-degree-granting online instruction to residents of the District through an online presence shall be deemed to be operating in the District and shall be licensed by the Commission.”.

(3) Subsection (c-1)(1) is amended by striking the phrase "Education Licensure Commission ("Commission")" and inserting the phrase "Commission" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "; and" and inserting a period in its place.

(B) Paragraph (2) is repealed.

(5) Subsection (e) is amended by striking the phrase "done by correspondence." and inserting the phrase "done solely through online instruction." in its place.

(h) Section 12 (D.C. Official Code § 38-1312) is amended as follows:

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

“(a-1) The Commission may impose civil fines and penalties as alternative sanctions for violations of the provisions of this act or of rules promulgated under the authority of this act, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of a violation shall be pursuant to the Civil Infractions Act.”.

(2) Subsection (c) is amended by striking the phrase “Corporation Counsel of” and inserting the phrase “Office of the Attorney General for” in its place.

(i) Section 12a (D.C. Official Code § 38-1313) is amended as follows:

(1) The section heading is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission.” in its place.

(2) Subsection (a) is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission” in its place.

(3) Subsection (b) is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission” in its place.

Sec. 3. Section 1108(c-2)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-2)(2)), is amended as follows:

(a) Strike the phrase “Education Licensure Commission” and insert the phrase “Higher Education Licensure Commission” in its place.

(b) Strike the phrase “\$4,000” and insert the phrase “\$8,000” in its place.

ENROLLED ORIGINAL

Sec. 4. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended as follows:

(a) Section 3(b)(6) (D.C. Official Code § 38-2602(b)(6)) is amended to read as follows:

“(6) Oversee the functions and activities of the Higher Education Licensure Commission, established by section 3, including acting as the state portal agency for the purposes of state authorization reciprocity;”.

(b) Section 7a (D.C. Official Code § 38-2607) is amended as follows:

(1) The section heading is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission” in its place.

(2) Subsection (a) is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission” in its place.

(3) Subsection (b) is amended by striking the phrase “Education Licensure Commission” and inserting the phrase “Higher Education Licensure Commission (“Commission”)” in its place.

(4) Subsection (c) is amended by striking the phrase “Education Licensure”.

Sec. 5. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-9) to read as follows:

“(b-9) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), and (b-8), this act shall apply to adjudicated cases involving a civil fine or penalty imposed by the Higher Education Licensure Commission under section 12(a-1) of the Education Licensure Commission Act of 1976, effective March 16, 1989 (D.C. Law 7-217; D.C. Official Code § 38-1312(a-1)).”.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To amend, on a temporary basis, the Sexual Assault Victims' Rights Act of 2014 to extend the date by which the Sexual Assault Victim Rights Task Force shall submit its report to the Council and the Sexual Assault Response Team.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sexual Assault Victim Rights Task Force Report Extension Temporary Amendment Act of 2015".

Sec. 2. Section 215(c)(1) of the Sexual Assault Victims' Rights Act of 2014, effective November 20, 2014 (D.C. Law 20-139; D.C. Official Code § 4-561.15(c)(1)), is amended by striking the phrase "September 30, 2015" and inserting the phrase "January 31, 2016" in its place.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

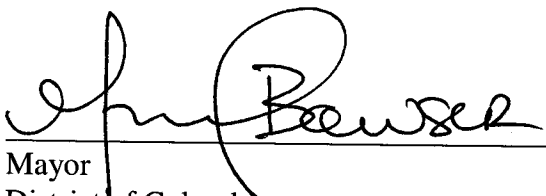
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENGROSSED ORIGINAL

AN ACT

D.C. ACT 21-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To amend, on a temporary basis, the Rental Housing Act of 1985 to limit the amount of a hardship petition conditional rent increase to 5% of the rent charged, and to require that a rent adjustment be repaid by a housing provider to a tenant within 21 days of a conditional increase being amended.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rent Control Hardship Petition Limitation Temporary Amendment Act of 2015”.

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3500 *et seq.*), is amended as follows:

(a) Section 206(c) (D.C. Official Code § 42-3502.06(c)) is amended to read as follows:

“(c)(1) At the housing provider’s election, instead of any adjustment authorized by subsection (b) of this section, the rent charged for an accommodation may be adjusted through a hardship petition under section 212. The petition shall be clearly identified as an election instead of the general adjustments authorized by subsection (b) of this section. The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

ENGROSSED ORIGINAL

“(4) If the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

(b) Section 212(c) (D.C. Official Code § 42-3502.12(c)) is amended to read as follows:

“(c)(1) At the housing provider’s election, instead of any adjustment authorized by section 206(b), the rent charged for an accommodation may be adjusted through a hardship petition under this section. The petition shall be clearly identified as an election instead of the general adjustments authorized by section 206(b). The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

“(4) If the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

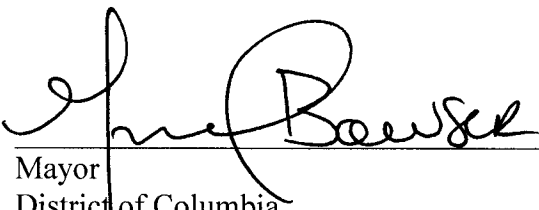
ENGROSSED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To amend, on a temporary basis, Title 47 of the District of Columbia Official Code to establish a qualified ABLE Program, to be known as the ABLE Program Trust, pursuant to the requirements of the federal Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014 to exempt from income taxation the earnings on deposits made to an ABLE Program Trust by an eligible individual to assist the individual with certain expenses related to the individual's blindness or disability.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "ABLE Program Trust Establishment Temporary Act of 2015".

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

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

"49. ABLE Program."

(b) A new Chapter 49 is added to read as follows:

"CHAPTER 49. ABLE PROGRAM.

"Sec.

"47-4901. Definitions.

"47-4902. ABLE Program Trust.

"§ 47-4901. Definitions.

"For the purposes of this chapter, the term:

"(1) "ABLE account" means an account established by an eligible individual, owned by the eligible individual, and maintained under a qualified ABLE program, as defined in the Federal ABLE Act.

"(2) "ABLE Account Savings Agreement" means the terms, conditions, and provisions considered necessary or appropriate by the Chief Financial Officer, as set forth in regulations issued pursuant to this section, governing the deposits to and withdrawals from an ABLE account.

"(3) "ABLE Program Trust" or "Trust" means the trust established in § 47-4902.

ENROLLED ORIGINAL

“(4) “Chief Financial Officer” or “CFO” means the Chief Financial Officer of the District of Columbia, established by § 1-204.24a(a)).

“(5) “Designated beneficiary” means an eligible individual who has established an ABLE account and is the owner of the account, as defined in the Federal ABLE Act.

“(6) “Eligible individual” means an individual who during the taxable year is entitled to benefits based on blindness or disability under Title II of the Social Security Act, approved August 14, 1935 (49 Stat 620; 42 U.S.C. § 401 *et seq.*), or Title XVI of the Social Security Act, approved October 30, 1972 (86 Stat. 1465; 42 U.S.C. § 1381 *et seq.*), and such blindness or disability occurred before the date on which the individual attained 26 years of age, or a disability certification with respect to such individual is filed with the CFO for such taxable year, as defined in subsection (e)(1) of the Federal ABLE Act.

“(7) “Federal ABLE Act” means the Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014, approved December 19, 2014 (128 Stat. 4056; 26 U.S.C. § 529A).

“(8) “Qualified disability expense” means expenses related to the eligible individual's blindness or disability that are made for the benefit of an eligible individual who is the designated beneficiary, including expenses for:

“(A) Education;

“(B) Housing;

“(C) Transportation;

“(D) Employment training and support;

“(E) Assistive technology and personal support services;

“(F) Health, prevention and wellness;

“(G) Financial management and administrative services;

“(H) Legal fees;

“(I) Expenses for oversight and monitoring;

“(J) Funeral and burial expenses; and

“(K) Other expenses that are consistent with the purposes of § 47-4902

and the Federal ABLE Act and approved by the CFO.

“§ 47-4902. ABLÉ Program Trust.

“(a)(1) In accordance with the Federal ABLÉ Act, there is established a qualified ABLÉ program, to be known as the ABLÉ Program Trust, that shall be established as a trust, which shall authorize an eligible individual to create an ABLÉ account to enable the eligible individual to benefit from the tax incentives provided under the Federal ABLÉ Act.

“(2)(A) The Chief Financial Officer, or the CFO's designee, shall serve as the trustee of the Trust.

“(B) The Trust shall receive and hold all payments and contributions received from any public or private source, and the earnings on those payments and contributions, including:

“(i) Gifts;

“(ii) Bequests;

“(iii) Endowments;

ENROLLED ORIGINAL

“(iv) Federal and local grants; and

“(v) Any other funds intended for the Trust.

“(C) All deposits, and earnings on those deposits, held in the Trust shall constitute assets of the Trust and shall not be commingled with or revert to the General Fund of the District of Columbia or any special, emergency, or temporary fund of the District of Columbia at the end of any fiscal year or at any other time.

“(D) The Trust shall continue in existence as long as it holds any payments, contributions, or other funds or has any obligations and until its existence is terminated by law.

“(b) An eligible individual who seeks to save money for the payment of qualified disability expenses of a designated beneficiary may establish an ABLÉ account and shall enter into an ABLÉ Account Savings Agreement with the Trust.

“(c) The Chief Financial Officer shall take the action necessary to implement the ABLÉ Program Trust, promulgate regulations, and enter into ABLÉ Account Savings Agreements.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To approve, on an emergency basis, multiyear Contract No. CW34843 with Covanta Fairfax, Inc. to provide solid waste disposal services to be performed at a licensed and permitted Waste-to-Energy facility and to authorize payment for services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW34843 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves multiyear Contract No. CW34843 with Covanta Fairfax, Inc. and authorizes payment in the estimated amount of \$35,661,880 for services to be received under that contract for a base period of 5 years.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

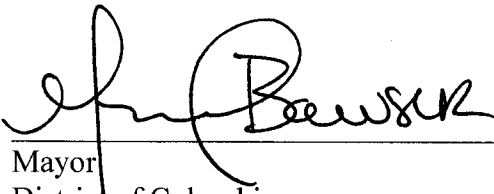
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To establish, on an emergency basis, that it shall be unlawful for the owner or operator of a grocery store to impose a restrictive land covenant or use restriction on the sale, or other transfer, or lease of real property used as a grocery store that prohibits the subsequent use of the property as a grocery store.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grocery Store Restrictive Covenant Prohibition Emergency Act of 2015".

Sec. 2. (a) It shall be unlawful for the owner or operator of a grocery store to impose a restrictive land covenant or use restriction in a contract for the sale, or other transfer, or lease of real property being used as a grocery store that prohibits the subsequent use of the real property as a grocery store.

(b) Any contract, including a private agreement, that includes a restrictive land covenant or use restriction on real property as described in subsection (a) of this section shall be void and unenforceable.

(c) The prohibition imposed by this section shall not apply to an owner or operator of a grocery store or food retail store that terminates operations at a site for purposes of relocating the grocery or food retail store into a comparable or larger store located within the District of Columbia within one-half mile of the site where the prior operation was terminated; provided, that relocation and commencement of the operation of the new grocery store or food retail store at the new site occurs within 2 years of the sale, transfer, or lease of the prior site, and the restrictive covenant imposed on the prior site does not have a term in excess of 3 years. If the new grocery store or food retail store is not relocated within the District within one-half mile of the prior site within 2 years, the restrictive land covenant or use restriction shall not be enforceable.

(d) For the purposes of this act, the term:

(1) "Grocery store" means a retail establishment with a primary business of selling grocery products and includes a selling area that is used for a general line of food and nonfood grocery products.

(2) "Private agreement" means a mutually agreed upon and entered into exchange of promises.

ENROLLED ORIGINAL

Sec. 3. Applicability.

This act shall apply as of October 18, 2015.

Sec. 4. Fiscal impact statement.

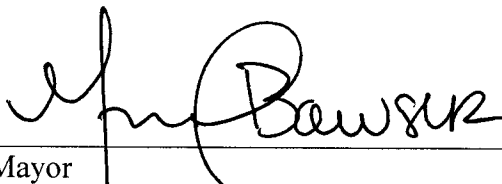
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To approve, on an emergency basis, Modification Nos. M0005 and M0006 to Task Order No. CW30657 against GSA Federal Supply Schedule Contract No. GS-35F-0688R with On Point Technology, Inc. to supply, maintain, support, and modify the District On-Line Compensation System and to authorize payment for the goods and services received and to be received under the task order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Modification Nos. M0005 and M0006 to Task Order No. CW30657 against GSA Federal Supply Schedule Contract No. GS-35-F-0688R Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves proposed Modification Nos. M0005 and M0006 to Task Order No. CW330657 against GSA Federal Supply Schedule Contract No. GS-35F-0688R with On Point Technology, Inc. to supply, maintain, support, and modify the District On-Line Compensation System and authorizes payment in the amount of \$4,435,278.00 for the goods and services received, and to be received, under the task order.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

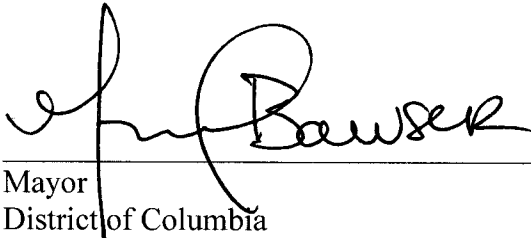
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To approve, on an emergency basis, Modification No. 11 and proposed Modification No. 12 to Contract No. DDOE-2010-SEU-0001 with Vermont Energy Investment Corporation to continue to provide sustainable energy utility services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DDOE-2010-SEU-0001 Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 11 and proposed Modification No. 12 to Contract No. DDOE-2010-SEU-0001 with Vermont Energy Investment Corporation to provide sustainable energy utility services, and authorizes payment in the total not-to-exceed amount of \$20 million for services received under that contract for the period from October 1, 2015, through September 30, 2016.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2015

To amend, on an emergency basis, An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to clarify that, for purposes of determining whether the referral of a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section for the accrual of 15 unexcused absences during School Year 2015-2016 is required, the term unexcused absence may mean an unexcused full school day absence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Truancy Referral Emergency Amendment Act of 2015".

Sec. 2. Section 7(c)(1)(B) of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-208(c)(1)(B)), is amended by striking the period and inserting the phrase ". For purposes of this subparagraph, for School Year 2015-2016, an educational institution may construe the term unexcused absences to mean unexcused full school day absences." in its place.

Sec. 3. Fiscal impact statement.

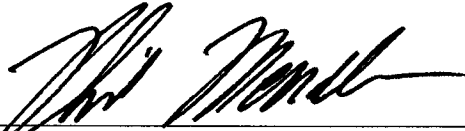
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

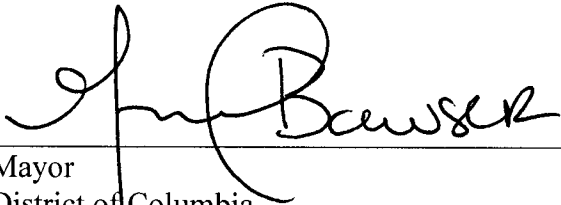
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2015

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To declare the second Saturday of the month of September of every year as the “Day of Latin America” in the District of Columbia in recognition of the diversity and richness of Latino heritage in the District of Columbia.

WHEREAS, in consideration that from September 15 through October 15 annually, the United States celebrates Hispanic Heritage month;

WHEREAS, considering that 10% of District of Columbia’s residents self-identify as “Latino or Hispanic”;

WHEREAS, in recognition of the Latin American population that have made important contributions to the cultural, economic, and political development of the District of Columbia;

WHEREAS, the cultural expressions of Latin America have strengthened and enriched the diversity and heritage richness of the District of Columbia; and

WHEREAS, individuals of Latin American origin are of increasing importance in the political, economic, cultural, and social development of the United States of America as well as in the city of Washington, D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Day of Latin America Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia hereby declares that the second Saturday of the month of September of every year, including Saturday, September 12, 2015, be known as “El día de Latinoamérica/Day of Latin America” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-113

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and honor William Peter Blatty and William Friedkin for their many contributions to the art of writing and film making and for helping to make Georgetown a destination for film lovers from around the world.

WHEREAS, novelist, screenwriter, and filmmaker William Peter Blatty wrote *The Exorcist* in 1971, as well as the screenplay for the film's adaptation, for which he won an Academy Award;

WHEREAS, filmmaker, producer, and screenwriter William Friedkin directed *The Exorcist*, which was nominated for 10 Academy Awards, including Best Picture and Best Director, and for which he received a Golden Globe for Best Director;

WHEREAS, *The Exorcist* remains the highest-grossing Warner Bros. film, the 9th highest-grossing film, and the top-grossing R-rated film of all time;

WHEREAS, the United States Library of Congress inducted *The Exorcist* into the National Film Registry in 2010, calling the film, "one of the most successful and influential films of all time," and further noting that "Its influence, both stylistically and in narrative, continues to be seen in many movies of the 21st century," and that "The film's success, both commercially and cinematically, provides a rare example of a popular novel being ably adapted for the big screen"; and

WHEREAS, the iconic *The Exorcist* steps, once known as the "Hitchcock steps," have taken their place in the annals of film and Georgetown history as a perennial destination for residents and visitors of the nation's capital.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "William Peter Blatty and William Friedkin Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia recognizes and honors William Peter Blatty and William Friedkin and the Council of the District of Columbia hereby declares October 30, 2015, as "*The Exorcist* Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-114

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To honor and recognize the 1927 George Washington University Women's Rifle Team as the greatest collegiate rifle team in United States history.

WHEREAS, the George Washington University's 1927 Women's Rifle Team scored the highest collegiate score in Women's Rifle Marksmanship in the history of women's marksmanship competition;

WHEREAS, the 10 women were all, but one, students of the District of Columbia's Central High School, today's Cardozo High School, learning to shoot in high school and then each matriculating to George Washington University in the early 1920s;

WHEREAS, Eugenia Cuvillier, Marjorie Folsom, Mae Huntzberger, Suzanne Jamison, Katherine Shoemaker, Helen Taylor, Helen Prentiss, Betty Clark, Suzanne Aud, and Verna Parsons comprised the George Washington University team;

WHEREAS, the team won 6 intercollegiate championships between 1924 and 1930 and won the 1927 championships with an astounding score of 2991 out of a maximum score of 3000, and this score still stands today as the highest score ever performed by women collegiate marksmen;

WHEREAS, the George Washington University rifle team continued to dominate the sport through the 1950s;

WHEREAS, the George Washington University coach, Walter R. Stokes, who was an Olympic Gold Medalist in marksmanship, was an early feminist who believed that women were equal to men in all areas of academics and sports and advocated for women's equality and equal opportunities from the 1920s through the 1960s;

WHEREAS, the George Washington University Rifle Team overcame prejudice against women's sports and helped to inspire activism by women during the 1920s, the Suffragist Movement, and demands of women's equality;

ENROLLED ORIGINAL

WHEREAS, these District of Columbia residents and public school students were the precursors of women entering the military and proving they could compete with the best of men; and

WHEREAS, the George Washington University's 1927 National Champion Rifle Team will finally get its recognition by being inducted into the GW Athletic Hall of Fame in 2015.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "1927 GWU Women's Rifle Team Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia is proud to honor the 1927 George Washington University Women's Rifle Team as the greatest collegiate rifle team in United States history.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-115

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To honor and memorialize the life and work of Elizabeth Wiener, a longtime resident of the District of Columbia and talented reporter for the Northwest Current for 16 years.

WHEREAS, Elizabeth Wiener studied at Wellesley and Barnard Colleges, majoring in history, and went on to attend and graduate from the Columbia Journalism School;

WHEREAS, Elizabeth Wiener began her career in journalism working at The Sentinel in Montgomery County, where she perfected her craft for nearly a decade;

WHEREAS, Elizabeth Wiener began her tenure at The Current Newspapers in 1999, regularly covering happenings in the Wilson Building, the Zoning Commission, the Historical Preservation Review Board, and throughout northwest Washington, D.C.;

WHEREAS, Elizabeth Wiener enthusiastically covered these issues with extraordinary talent and attention to detail;

WHEREAS, Elizabeth Wiener expertly reported on the most convoluted and intricate zoning battles and development debates without bias, receiving praise for her balance and providing an invaluable service to the interested public by making these issues accessible to all who read the Current; and

WHEREAS, Elizabeth Wiener's career is a credit to excellence in journalism in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Elizabeth Wiener Recognition Resolution of 2015".

Sec. 2. The District of Columbia is grateful for Elizabeth Wiener's many years spent reporting tirelessly on events and stories concerning the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-116

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To celebrate the Guild of Professional Tour Guides of Washington, D.C. and the service it provides to the District's visitors.

WHEREAS, the Guild of Professional Tour Guides of Washington, D.C. ("The Guild") was established in 1985 and is, this year, celebrating its 30th anniversary;

WHEREAS, The Guild is a professional organization with more than 425 members, 325 of whom are professional licensed District of Columbia tour guides who are qualified to provide tour services in 15 languages, thereby allowing visitors from around the world to experience the District to the fullest extent;

WHEREAS, The Guild was instrumental in founding the National Federation of Tourist Guide Associations, thus helping to set a standard for excellence in the tourism industry in 14 cities across the United States;

WHEREAS, The Guild works with the District of Columbia government as well as non-governmental agencies to ensure that visitors to the District have a positive experience seeing all that the District has to offer; and

WHEREAS, The Guild promotes the educational component of tourism, providing information about both the sights themselves and issues facing the District itself, including lack of representation in Congress and lack of budget autonomy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Guild of Professional Tour Guides of Washington, D.C. Recognition Resolution of 2015".

Sec. 2. The District of Columbia is grateful for the service The Guild of Professional Tour Guides of Washington, D.C. provides to our city's visitors.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-117

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To declare the third week of October as “Mediation Week” in the District of Columbia to promote mediation education.

WHEREAS, mediation is recognized as one of many paths to justice that is becoming increasingly important among attorneys, judges, and the public;

WHEREAS, mediation, unlike other dispute-resolution mechanisms, focuses on understanding, collaboration, and self-determination;

WHEREAS, mediators and other dispute-resolution practitioners continually demonstrate their value through finding enduring solutions to complex problems;

WHEREAS, mediation, along with the principles and practices that it embodies, serve as a critical tool for peacemaking between individuals, groups, neighborhoods, and governments; and

WHEREAS, the American Bar Association is itself celebrating the importance of mediation in the form of Mediation Week—a week to “educate lawyers, parties, public officials and the general public about mediation; and to continue to promote the use of mediation throughout the world.”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mediation Week Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes the importance of mediation as a means for conflict resolution and declares the third week of October as “Mediation Week” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-118

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To celebrate and recognize political satirist John Oliver for garnering national attention to the issue of District of Columbia voting rights.

WHEREAS, unlike the capital of every other democratic nation, the District of Columbia and its citizens have no voting representation in their national legislature; the laws passed by the District's duly elected representatives can be overridden by Congress for any reason; and Congress can even stipulate how the District can spend money raised exclusively from local taxes;

WHEREAS, the District uniquely suffers without voting rights, despite having a population greater than Wyoming or Vermont—each of whom have 2 Senators and a member of the House of Representatives;

WHEREAS, District officials and nonprofit organizations have long sought to bring national attention to our unique status as the “last colony,” suffering under taxation without representation;

WHEREAS, John Oliver, though a segment on his HBO show, “Last Week Tonight with John Oliver” airing August 2, 2015, managed to achieve unprecedented national attention on the District's lack of voting rights; the video clip of his 17-minute segment on District of Columbia statehood received over a million views in less than 48 hours after appearing on YouTube and the tweeted media quickly became one of the most “favorited” and “retweeted” posts coming from the program's Twitter account;

WHEREAS, John Oliver properly highlighted that congressional intervention has thwarted District of Columbia initiatives to curb the spread of HIV/AIDS, protect women's reproductive rights, enact gun control laws, expand access to medical marijuana for qualified patients, and reduce the number of incarcerations due to minor drug charges;

WHEREAS, “Last Week Tonight with John Oliver,” even as a satire program, has served to educate its audience on important issues with depth and incisive analysis, covering topics

ENROLLED ORIGINAL

ranging from our ballooning domestic prison population to the perverse incentives associated with civil asset forfeiture laws;

WHEREAS, the journalistic achievements of “Last Week Tonight with John Oliver” have been recognized with both a Peabody Award and a GLAAD Media Award; and

WHEREAS, the Council of the District of Columbia wishes to extend to John Oliver its sincere thanks for identifying the hypocrisy of denying the District equal representation in Congress and for doing so with his incomparable wit and wisdom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “John Oliver Recognition Resolution of 2015”.

Sec. 2. The District of Columbia thanks John Oliver for using his position as a political commentator and satirist to elevate District voting rights to the national consciousness.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-119

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To celebrate and acknowledge the accomplishments, contributions, and achievements of Julian Bond, a champion of civil rights, civil servant, American University professor, and District of Columbia resident.

WHEREAS, Julian Bond was one of the original leaders of the Student Nonviolent Coordinating Committee, one of the most important organizations of the American civil rights movement, whose first chair was the late Marion S. Barry Jr.;

WHEREAS, Julian Bond was the committee's communications director, working to bring media attention to discrimination in the South and organizing voter registration drives in Georgia, Alabama, Mississippi, and Arkansas;

WHEREAS, Julian Bond was one of the first African Americans elected to the Georgia House of Representatives following the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which increased African Americans' access to the political process;

WHEREAS, despite Julian Bond's fair election, members of the Georgia House of Representatives petitioned to prohibit him from joining the House due to his vocal opposition to the Vietnam War claiming that, with such beliefs, Julian Bond could not sincerely swear his allegiance to the Georgia or United States constitutions;

WHEREAS, in *Bond v Floyd*, the Supreme Court ruled in favor of Julian Bond and unanimously ordered the Georgia House to seat him on the grounds that a state could not limit a legislator's capacity to express his views on local or national policy;

WHEREAS, in 1975, Julian Bond went on to be elected for 6 terms in the Georgia Senate, in which he served until 1987, and during his tenure in the state legislature, Bond authored over 60 bills that were enacted into law;

WHEREAS, at the 1968 Democratic National Convention in Chicago, Julian Bond was nominated to be the Democratic vice-presidential candidate, the first African American to

ENROLLED ORIGINAL

receive this honor, but withdrew because, in his late 20s, he would not be old enough to assume the office of President if that became necessary;

WHEREAS, Julian Bond was one of the founding members of the Southern Poverty Law Center, a nonprofit legal advocacy organization specializing in civil-rights litigation, serving as its first president from 1971 to 1979 and remaining a member of its board of directors and president emeritus until his death in August of 2015;

WHEREAS, Julian Bond was elected and served as chairman of the NAACP from 1998 until 2010;

WHEREAS, as an early proponent of same-sex marriage, Julian Bond was among the first veterans of the civil-rights movement to draw a link between racial discrimination of the 1960s and the drive for marriage equality; he marched and served as a headline speaker in the 2009 National Equality March in the District;

WHEREAS, Julian Bond was a longtime, valued member of our Chevy Chase community, participating in local community meetings, frequenting local businesses in the area, and greeting neighbors with both kindness and consideration;

WHEREAS, friends of Julian Bond describe him as a kind man who embraced strangers and cared about all people; someone who was liked and respected by individuals of all races because he desired nothing but fairness and equality for all; someone who, when opponents disagreed with him, always lent an attentive ear; and

WHEREAS, upon Julian Bond's death, current NAACP Chair, Roslyn Brock, eulogized Mr. Bond saying, "The grateful citizen heirs of the civil and human rights legacy of Julian Bond can neither be counted nor confined to a generation. Many of the most characteristically American freedoms enjoyed by so many Americans today were made real because of the lifelong sacrifice and service of Julian Bond."

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Julian Bond Recognition Resolution of 2015".

Sec. 2. The District of Columbia is grateful for Julian Bond's dedication to the District and the betterment of the livelihoods of those less fortunate.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To commend Seabury at Friendship Terrace for its service to senior residents of the District of Columbia.

WHEREAS, Seabury at Friendship Terrace was established in 1970 as a nonprofit, retirement community at 4201 Butterworth Place, N.W.;

WHEREAS, Seabury at Friendship Terrace provides to its residents the benefits of a comfortable, secure, and enjoyable environment, convenient to shopping and cultural activities;

WHEREAS, Seabury at Friendship Terrace’s well-established reputation for providing a very attractive, congenial setting for seniors reaches throughout the metropolitan area;

WHEREAS, Seabury at Friendship Terrace has worked throughout the last 45 years to improve the quality of life for the senior residents of the District of Columbia; and

WHEREAS, Seabury at Friendship Terrace offers a range of services designed to meet the special needs of its residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Seabury at Friendship Terrace 45th Anniversary Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia commends and honors Seabury at Friendship Terrace for 45 years of community service to senior residents of the District

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and honor Dr. Taunya M. Brownlee for her nearly 2 decades of public service to the District of Columbia.

WHEREAS, Dr. Taunya M. Brownlee was a native Washingtonian born on June 19, 1956;

WHEREAS, Dr. Taunya M. Brownlee graduated with a degree in Art from Brown University in 1978, earned a Doctorate of Medicine from the District’s own Georgetown University School of Medicine in 1991, and graduated from that university’s Family Practice Residency Program in 1994;

WHEREAS, Dr. Taunya M. Brownlee began her service to the District when she joined the staff of the Police and Fire Clinic as an occupational medicine physician in April of 1997;

WHEREAS, Dr. Taunya M. Brownlee provided occupational and primary care medical services to several District and federal government protection agencies, including the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the United States Secret Service’s Uniformed Division, and the United States Park Police, for over 18 years;

WHEREAS, Dr. Taunya M. Brownlee’s service to many different agencies kept the District’s first responders in good health and assisted with their recuperation from injuries suffered in the line of duty;

WHEREAS, Dr. Taunya M. Brownlee passed away on August 4, 2015, at the 59 years of age and will be greatly missed by her family, friends, and colleagues at the Police and Fire Clinic; and

WHEREAS, Dr. Taunya M. Brownlee is still serving others even in death by donating her body to the science community for the study of disease and illness.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dr. Taunya M. Brownlee Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia extends condolences to the family of Dr. Taunya M. Brownlee, and, further, thanks her posthumously for her many years of service to the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the United States Secret Service, the United States Park Police, and the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To honor the American Dental Association on the occasion of its 2015 annual meeting and to recognize its leadership and commitment to advance public policies that improve oral health in both the District of Columbia and nationwide.

WHEREAS, the American Dental Association is the largest national dental organization, representing 158,000 dentist members, dedicated to promoting and enhancing oral health for every American;

WHEREAS, as part of the American Dental Association's *Act for Dental Health Initiative*, which is a nationwide, community-based movement aimed at significantly improving the nation's oral health through providing dental care to those in need and bringing dental education and prevention to communities with the greatest need;

WHEREAS, during its annual meeting and tradeshow in Washington, D.C. on November 5 through November 10, 2015, the American Dental Association, in conjunction with the DC Dental Society, will hold a Mission of Mercy on Sunday, November 8, 2015, aimed at improving and enhancing the oral health of needy and underserved people across the nation and promoting dental disease prevention;

WHEREAS, the Mission of Mercy will provide dental care to low-income and underserved adults and children in the District of Columbia; and

WHEREAS, over 350 volunteers, including American Dental Association member dentists from across the country and in the District of Columbia, their staffs, dental students, and other community volunteers, will provide dental education, exams, cleanings, surgical and restorative treatments, and follow-up care to over 100 residents in the District of Columbia community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Dental Association Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia welcomes the 2015 American Dental Association annual meeting and recognizes and honors the American Dental Association for its

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invaluable contribution to improving the health and welfare of children and families in the District of Columbia and focusing national attention on the importance of good oral health and its impact on overall health.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and commemorate the Mother’s Tea on the occasion of its 10th anniversary bringing together families of victims of homicide and their perpetrators in an act of forgiveness and reconciliation.

WHEREAS, violent crime is a persistent problem throughout the District of Columbia, with the District experiencing a significant increase in homicides in 2015;

WHEREAS, believing that both the mothers of homicide victims and homicide perpetrators are victims, Reverend Anthony Motley brought together the 2 mothers of a murdered Anacostia High School student and his killer as an act of forgiveness in 2004;

WHEREAS, inspired by this meeting, Reverend Motley hosted the inaugural Forgiving Mother’s Tea in the summer of 2004 at the Willard InterContinental Hotel on Pennsylvania Avenue, N.W., to bring together other mothers of homicide victims and their perpetrators;

WHEREAS, the Mother’s Tea has increased its scope in recent years to include the mothers and family of other victims of violent crime, bringing in even more members of the community to heal;

WHEREAS, sponsorship of the Mother’s Tea has expanded significantly, with support from the Metropolitan Police Department, numerous Ward 8 organizations, and especially, the East of the River Clergy Police Community Partnership; and

WHEREAS, relying on the donations of the community, the Mother’s Tea has continued to host its annual “party with a purpose,” bringing together the community in a unifying act of healing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mother’s Tea 10th Anniversary Recognition Resolution of 2015”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors the mothers who, despite their deep loss, come together every year to help heal their community at the Mother's Tea.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To declare October 17-25, 2015, as “District Week of Non-Violence” in the District of Columbia.

WHEREAS, America’s problems with violence within our society have received heightened attention recently, affecting families in every walk of life;

WHEREAS, violence endangers democracy as well as the peace and order every individual has the right to enjoy;

WHEREAS, it is in the nation’s and the District’s best interest to increase knowledge and training about conflict resolution, mental health, parenting skills, and non-violence strategies, and to make resources available to contribute to changing the culture of violence in America;

WHEREAS, Dr. Martin Luther King, Jr., Mahatma Gandhi, and Nelson Mandela demonstrated leadership in non-violence and called for a peaceful resolution to conflicts and disagreements in order to create more fair and just societies;

WHEREAS, Black Women for Positive Change, a national civic, inter-faith volunteer organization, in collaboration with elected officials, faith leaders, community activists, youth, and all segments of society, are calling for a national week of non-violence from October 17-25, 2015; and

WHEREAS, Black Women for Positive Change is urging national, state, and local leaders to organize workshops to teach non-violence, anger management, and conflict resolution during this week to help alleviate violence in our communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District Week of Non-Violence Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia declares October 17-25, 2015, as “District Week of Non-Violence” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-125

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and honor men of color who are successful and productive fathers, mentors, and the leaders of organizations like 100 Fathers, Inc., the DC Fatherhood Coalition, Men Aiming Higher, and the Men’s Ministry of New Bethel Baptist Church.

WHEREAS, on October 9, 2015, fathers of color from all over the nation will assemble at New Bethel Baptist Church in Washington, D.C. in honor of the National Fatherhood Initiative;

WHEREAS, these men and fathers of color have for years suffered the indignity of not receiving appropriate praise, honor, and appreciation that African-American fathers rightfully deserve;

WHEREAS, in 2014, President Barack Obama launched the “My Brother’s Keeper Initiative,” which is designed to help every boy and young man of color who is willing to do the hard work to get ahead; and to focus on issues such as early education, job preparedness, and keeping boys of color out of prison;

WHEREAS, the DC Fatherhood Coalition, the 100 Fathers, Inc., the Omega PSI PHI Fraternity Inc., the Fathers Inc., Men Aiming Higher, Concerned Black Men, Men Standing in the Gap Ministry, and the Men’s Ministry of New Bethel Baptist Church, will be joined by numerous national men's fatherhood organizations, and regional and local fatherhood and mentoring organizations to assemble together as a symbol of the laudable goal of meeting the challenges of the “My Brother’s Keeper Initiative”;

WHEREAS, fathers of color make an invaluable contribution by being committed and involved in the lives of their children and families by keeping them safe, being good role models, providing financial support and shelter, helping to reduce incarceration, and by upholding the highest academic standards for their children;

WHEREAS, we recognize that there are active, strong, and productive fathers, men, and mentors of color who are outstanding fathers, and who are raising the standard of excellence for fatherhood and mentorship;

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WHEREAS, October 9, 2015 is dedicated to celebrate and honor the success of strong fathers, men, and mentors of color; and

WHEREAS, the Council recognizes the strong leadership of Franklyn Malone, Kenneth Braswell, Antonio F. Knox, and Del. Darryl Barnes, who are co-sponsors of this event and who are committed and dedicated to changing lives.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fathers, Men, and Mentors Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia honors and recognizes the leadership of strong fathers, men, and mentors of color who are making a significant and meaningful difference in the lives of youth in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-126

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and honor the Greater Washington Hispanic Chamber of Commerce for its outstanding service to local businesses and communities, and its recent awarding of the Chamber of the Year Award by the United States Hispanic Chamber of Commerce.

WHEREAS, the Greater Washington Hispanic Chamber of Commerce was founded in 1976 and originally was called the Ibero American Chamber of Commerce;

WHEREAS, the Greater Washington Hispanic Chamber of Commerce is a membership-driven organization that encourages economic development in the Washington, D.C. metropolitan area by supporting Latino and other minority-owned businesses and communities through networking, advocacy, education, and access to capital;

WHEREAS, the Greater Washington Hispanic Chamber of Commerce has over 600 members;

WHEREAS, the Greater Washington Hispanic Chamber of Commerce offers a multitude of programs aimed at helping businesses and fostering economic growth in the Washington, D.C. metropolitan region, including the DC SmallBiz Mentorship Program, the Prince George’s County Technical Assistance Program, and the Arlington Economic Development Bizlaunch en Español;

WHEREAS, the Greater Washington Hispanic Chamber of Commerce envisions, and is working towards, building a strong business network for the competitive future of the region; and

WHEREAS, on September 21, 2015, the United States Hispanic Chamber of Commerce honored the Greater Washington Hispanic Chamber of Commerce with the Chamber of the Year Award, recognizing the chamber’s outstanding service to local business members and communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Greater Washington Hispanic Chamber of Commerce Recognition Resolution of 2015”.

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Sec. 2. The Council of the District of Columbia recognizes and honors the Greater Washington Hispanic Chamber of Commerce for its commitment to the economic development and prosperity of Latino and minority-owned businesses.

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

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A CEREMONIAL RESOLUTION

21-127

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2015

To recognize and honor the Washington, D.C. Chapter, Continental Societies, Incorporated for its extraordinary service and dedication to help disadvantaged children and youth in the Washington, D.C. area.

WHEREAS, the Continental Society of Washington, D.C. was founded in 1953 for the purpose of improving the socio-economic welfare of disadvantaged children through financial assistance and volunteer services;

WHEREAS, the Continental Society of Washington, D.C. was initially founded by Cecelia Burke and Verne Means as the Washington, D.C. Chapter of the Continental Society for the Children of the Virgin Islands, Incorporated;

WHEREAS, the Continental Society of Washington, D.C. became a national corporation in 1972 and changed its name to the Washington, D.C. Chapter, Continental Societies, Incorporated;

WHEREAS, the Washington, D.C. Chapter, Continental Societies, Incorporated has sponsored a variety programs for children and youth, including programs related to health, education, employment, and recreation, including arts and humanities;

WHEREAS, the Washington, D.C. Chapter, Continental Societies, Incorporated created a variety of educational programs and projects by volunteering with District of Columbia Public Schools, including the Continental Achiever Program, the Distar Reading and Language Program, the Discovery and Exploration Program, and a tutorial program at Whittier Elementary School;

WHEREAS, the Washington, D.C. Chapter, Continental Societies, Incorporated has granted a variety of scholarships in the Washington, D.C. area, including the Continental Scholarship, the Black Student Fund Scholarship, and the International Scholarship;

WHEREAS, the Washington, D.C. Chapter, Continental Societies, Incorporated supports community efforts and assists children and families in immediate need, including the creation of

ENROLLED ORIGINAL

a Social Rehabilitation Trust Fund that was administered through the Department of Human Services volunteer program;

WHEREAS, the Washington, D.C. Chapter, Continental Societies, Incorporated has approximately 41 members; and

WHEREAS, the mission of the Washington, D.C. Chapter, Continental Societies, Incorporated is to create environments within its communities that empower children to have access to quality and appropriate opportunities to reach their optimal potential.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington, D.C. Chapter, Continental Societies, Incorporated Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Washington, D.C. Chapter, Continental Societies, Incorporated for its extraordinary service and assistance to disadvantaged children and youth in the Washington, D.C. area.

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

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

REVISED

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

ANNOUNCES A PUBLIC HEARING ON

B21-230, THE “CAREGIVER ADVISE, RECORD AND ENABLE ACT OF 2015”

**THURSDAY, NOVEMBER 5, 2015
2:00 P.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 21-230, the “Caregiver Advise, Record and Enable Act of 2015.” The hearing will take place at 2:00 p.m. on Thursday, November 5, 2015 in Room 412 of the John A. Wilson Building. **This revised notice reflects a change in the time of the hearing from 11:00AM to 2:00PM.**

The purpose of this bill is to require hospitals to provide patients or their legal guardian an opportunity to select a caregiver within twenty-four hours of admission to the hospital. The hospital must record the contact information for the caregiver and consult with the caregiver at least twenty-four hours before discharging the patient.

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 Tuesday, November 3, 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 Thursday, November 19, 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

**BILL 21-0326, THE “FINANCIAL EXPLOITATION OF VULNERABLE ADULTS
AMENDMENT ACT OF 2015”**

**Thursday, November 19, 2015, 10:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, November 19, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will convene a public hearing to discuss Bill 21-0326, the “Financial Exploitation of Vulnerable Adults Amendment Act of 2015”. The hearing will be held in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The stated purpose of Bill 21-0326 is to amend the District of Columbia Theft and White Collar Crimes Act of 1982 and the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000 to criminalize the financial exploitation of vulnerable adults; to redefine vulnerable adults to include persons aged 65 and over; and to conform the enhanced protections for persons aged 65 and over.

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, title (if any) by close of business, November 16, 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 fifteen 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 December 3, 2015.

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

NOTICE OF PUBLIC HEARING ON

B21-0335, the Bicycle and Pedestrian Safety Act of 2015;
B21-0383, the Vision Zero Act of 2015;
B21-0021, the Enhanced Penalties for Distracted Driving Amendment Act of
2015;
and
B21-0029, the Failure to Yield for Emergency Vehicles Amendment Act of 2015

Tuesday, December 8, 2015
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Tuesday, December 8, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0335, the Bicycle and Pedestrian Safety Act of 2015; B21-0383, the Vision Zero Act of 2015; B21-0021, the Enhanced Penalties for Distracted Driving Amendment Act of 2015; and B21-0029, the Failure to Yield for Emergency Vehicles Amendment Act of 2015. B21-0335 would change District laws regarding motor vehicles, bicycles, and pedestrians, including requiring the District Department of Transportation (DDOT) to publish certain statistical data on its website, establish a Bicycle and Pedestrian Priority Area Program, and adopt a complete streets policy. In addition, B21-0335 would update dooring prevention rules, allow bicyclists to observe stop signs as yield signs, amend insurance laws related to bicycle insurance, and create an aggressive driving offense, among other things. B21-0383 would also change District laws regarding motor vehicles, bicycles, and pedestrians, including requiring DDOT to adopt and maintain an inclusive Complete Streets system, enhancing penalties for all-terrain vehicles in the public-right of way, increasing penalties for persons convicted of DUIs, DWIs, or OWIs, and increasing penalties for distracted driving, among other things. B21-0021 would increase penalties for distracted driving, and B21-0029 would increase penalties for failure to yield the right-of-way to emergency vehicles. 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 Tuesday, December 22, 2015.

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

NOTICE OF PUBLIC HEARING ON

**B21-0366, the Firehouse Parking Exception Regulation Amendment Act of 2015
and
B21-0026, the Change for Life District Donation Parking Meters Fund Act of
2015**

Wednesday, December 16, 2015
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, December 16, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B21-0366, the Firehouse Parking Exception Regulation Amendment Act of 2015 and B21-0026, the Change for Life District Donation Parking Meters Fund Act of 2015. B21-0366 would authorize the Director of the District Department of Transportation (DDOT) to reserve parking spaces near firehouses or fire stations for Fire and Emergency Medical Services Department Personnel, and B21-0026 would require DDOT to establish 40 donation parking meters and create a fund for the money collected, which would be used to combat homelessness and for other charitable causes. The hearing will begin at 11:00 a.m. in Room 412 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 Monday, January 4, 2016.

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

NOTICE OF PUBLIC HEARING ON

**PR 21-0323, the Director of the Department of General Services Christopher
Weaver Confirmation Resolution of 2015**

Wednesday, November 18, 2015
at 1:30 p.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, November 18, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR 21-0323, the Director of the Department of General Services Christopher Weaver Confirmation Resolution of 2015. This legislation would confirm Christopher Weaver as the Director of the Department of General Services. The hearing will begin at 1:30 p.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 December 2, 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 "Contract No. CFOPD -16-C-002, Delinquent Tax Collection Approval Resolution of 2015", PR 21-383 in order to consider the proposed resolution at the November 3, 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 the reprogrammings are available in Legislative Services, Room 10. Telephone: 724-8050

Reprog. 21-121: Request to reprogram \$2,253,000 of Fiscal Year 2015 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 21, 2015. This reprogramming ensures that there is adequate funding to cover projected September electricity charges for all centralized fixed costs agencies.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-122: Request to reprogram \$2,185,000 of Fiscal Year 2015 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 21, 2015. This reprogramming ensures adequate funding for higher-than-budgeted overtime spending,

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-123: Request to reprogram \$2,600,000 of Fiscal Year 2015 Local funds budget authority from the Metropolitan Police Department (MPD) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 21, 2015. This reprogramming is needed to make funding available for the relocation of the joint Operations Command Center and Command Staff from the Daly Building (300 Indiana Avenue, NW) to 2850 New York Avenue, NE.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-124: Request to reprogram \$871,641 of Fiscal Year 2015 Local funds budget authority within the Office of Planning (OP) was filed in the Office of the Secretary on October 21, 2015. This reprogramming ensures that OP will be able to realign budget to projected expenditures.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-125: Request to reprogram \$722,333 of Fiscal Year 2015 Local funds budget authority within the Department of Small and Local Business Development (DSLBD) was filed in the Office of the Secretary on October 21, 2015. This reprogramming ensures that DSLBD will be able to align the personal services budget to projected expenditures.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-126: Request to reprogram \$368,479 of Fiscal Year 2015 Local funds budget authority from the Office of the Attorney General for the District of Columbia (OAG) to Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 21, 2015. This reprogramming ensures that OAG will be able to pay for information technology infrastructure upgrades for ongoing capital projects.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-127: Request to reprogram \$250,000 of Fiscal Year 2015 Local funds budget authority from the Department of General Services (DGS) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to fund upgrades for the Naylor road Facility, including roof refurbishment and plumbing infrastructure stabilization.

RECEIVED: 14 day review begins October 22, 2015

Reprog. 21-128: Request to reprogram \$405,000 of Fiscal Year 2015 Local funds budget authority from the Department of General Services (DGS) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to fund the construction and design of an energy and environmental learning classroom at Leckie Elementary School.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-129: Request to reprogram \$4,000,000 of Fiscal Year 2015 Local funds budget authority from the Department of Health Care Finance (DHCF) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that the agency is able to develop the DC Access System, an IT application to consolidate eligibility determination for health insurance, medical assistance, and human service programs, and upgrades to the Medicaid Management Information System, data warehouse for the medical billing system.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-130: Request to reprogram \$5,297,923 of Fiscal Year 2015 Special Purpose Revenue funds budget authority from the District Department of Transportation (DDOT) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that DDOT is able to improve bus customer facilities at Washington Metropolitan Area Transit Authority locations in the District of Columbia.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-131: Request to reprogram \$36,564 of Fiscal Year 2015 Local funds budget authority from the Department of General Services (DGS) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to fund the 4th floor improvements at the Columbia Heights Recreation Center.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-132: Request to reprogram \$480,000 of Fiscal Year 2015 Local funds budget authority from the Department of Health (DOH) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to complete the implementation of the Electronic Grants Management System (e-GMS).

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-133: Request to reprogram \$470,000 of Fiscal Year 2015 Local funds budget authority from the Department of Health (DOH) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to pay for Information Technology infrastructure upgrades that will enhance compliance with Federal and District regulations in Fiscal Year 2016.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-134: Request to reprogram \$1,564,085 of Fiscal Year 2015 Local funds budget authority from the Department of Employment Services (DOES) was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to align the personal and non-personal services budgets with projected expenditures.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-135: Request to reprogram \$400,000 of Fiscal Year 2015 Local funds budget authority from the Department of Health (DOH) was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to pay for a new pharmacy warehouse inventory management system.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-136: Request to reprogram \$693,318 of Fiscal Year 2015 Local funds budget authority from the Department of Corrections (DOC) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that the expansion and unification of the Closed Circuit Television Surveillance Camera System at DOC facilities is completed.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-137: Request to reprogram \$3,423,760 of Fiscal Year 2015 Local funds budget authority within the Office of the State Superintendent of Education (OSSE) was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that OSSE can make Child Care Subsidy and Temporary Assistance for Needy Families (TANF) payments.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-138: Request to reprogram \$260,000 of Fiscal Year 2015 Local funds budget authority from the District of Columbia National Guard (DCNG) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that DCNG will be able to pay for improvements to the Youth CalleNGe Educational Campus for the capital Guardian Youth ChalleNGe Academy.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-139: Request to reprogram \$750,000 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Department of General Services (DGS) to the Local Funds budget of the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on October 22, 2015. This reprogramming is necessary to support planning personnel for the DCPS capital improvement program.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-140: Request to reprogram \$4,800,000 of Fiscal Year 2015 Local funds budget authority from Special Education Transportation (SET) to the Pay-As-You-Go (Paygo) Capital Funds was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that SET will be able to purchase a new terminal facility.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-141: Request to reprogram \$13,993,245 of Fiscal Year 2015 Local funds budget authority of \$12,993,245 of Local funds budget authority would move from the Office of the Chief Technology Officer (OCTO), the Executive Office of the Mayor (EOM), the Office of the City Administrator (OCA), the Department of General Services (DGS), the Office of Contracting and Procurement (OCP), the Department of Energy and Environment (DOEE), the Department of Motor Vehicles (DMV), the Department of Human Services (DHS), the Department of Disability Services (DDS), the Office of Aging (OA), The Office of the Tenant Advocate (OTA), the Commission on Arts and Humanities (CAH), the Department of Small and Local Business Development (DSLBD), the Department of Youth Rehabilitation Services (DYRS), the Department of Employment Services (DOES), the Office of Administrative Hearings (OAS), the Office of the Chief Medical Examiner (OCME), and the Department of Corrections (DOC) to the Pay-As-You-Go (Paygo) Capital Fund to support various capital projects. In addition, this request reprograms \$1,000,000 of Local funds budget authority from various agencies to the Children and Youth Investment Trust Collaborative (CYITC) was filed in the Office of Secretary on October 22, 2015. This reprogramming will fund three (3) new projects.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-142: Request to reprogram \$1,317,381 of Local funds budget authority from the Office of the Chief Technology Officer's (OCTO) to the Pay-As-You-Go (Paygo) Capital Funds was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that OCTO is able to support the acquisition of a new mission-control generator in order to avert the interruption of network operations due to power outages.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-143: Request to reprogram \$560,000 of Local funds budget authority from the Department of Employment Services (DOES) to the Pay-As-You-Go (Paygo) Capital Funds was filed in the Office of the Secretary on October 22, 2015. This reprogramming is needed to procure the simulators and modify the existing space to accommodate and secure the simulator equipment.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-144: Request to reprogram \$1,000,368 of Fiscal Year 2015 Local funds budget authority within the Department of Employment Services (DOES) to the Pay-As-You-Go (Paygo) Capital Funds was filed in the Office of the Secretary on October 22, 2015. This reprogramming supports Federal Insurance Contributions Act (FICA) payments for Fiscal Years 2012, 2013, 2014, and 2015 for youth ages 14-15.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-145: Request to reprogram \$500,000 of Fiscal Year 2015 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 22, 2015. This reprogramming ensures that there is adequate funding to cover projected September 2015 water charges for all centralized fixed costs agencies.

RECEIVED: 14 day review begins October 23, 2015

Reprog. 21-146: Request to reprogram \$1,410,570 of Fiscal Year 2015 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 23, 2015. This reprogramming ensures that there is adequate funding to cover projected water disputes costs and additional September charges for all centralized fixed costs agencies.

RECEIVED: 14 day review begins October 26, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2015
Petition Date: December 14, 2015
Hearing Date: December 28, 2015
Protest Hearing: February 24, 2016

License No.: ABRA-100804
Licensee: 1547 7th Ventures, LLC
Trade Name: Ambar
License Class: Retailer's Class "C" Restaurant
Address: 1547-1549 7th Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 6 ANC 6E SMD 6E02

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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 for 4:30PM on February 24, 2016.

NATURE OF OPERATION

New Restaurant serving Balkan food. Total Occupancy Load is 250. Sidewalk Café with 34 seats.

HOURS OF OPERATON FOR PREMISES AND SIDEWALK CAFE

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: October 16, 2015
 Petition Date: November 30, 2015
 Hearing Date: December 14, 2015
 Protest Hearing: February 10, 2016

License No.: ABRA-100249
 Licensee: Colorado & Cohen LLC
 Trade Name: Bullfrog Bagels
 License Class: Retailer’s Class “C” Restaurant
 Address: 317 7th Street, S.E.
 Contact: Jeremiah Cohen: (202) 494-2609

WARD 6 ANC 6B SMD 6B02

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 February 10, 2016 at 1:30 p.m.

NATURE OF OPERATION

New Restaurant offering a great selection of bagelwiches, brunch and supper. Total Occupancy Load is **90. Sidewalk Café with 7 seats

HOURS OF OPERATON FOR PREMISES AND SIDEWALK CAFE

Sunday through Saturday 6 am – 11 pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR PREMISE AND SIDEWALK CAFE

Sunday through Saturday 10 am – 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: October 16, 2015
Petition Date: November 30, 2015
Hearing Date: December 14, 2015
Protest Hearing: February 10, 2016

License No.: ABRA-100249
Licensee: Colorado & Cohen LLC
Trade Name: Bullfrog Bagels
License Class: Retailer’s Class “C” Restaurant
Address: 317 7th Street, S.E.
Contact: Jeremiah Cohen: (202) 494-2609

WARD 6

ANC 6B

SMD 6B02

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 February 10, 2016 at 1:30 p.m.

NATURE OF OPERATION

New Restaurant offering a great selection of bagelwiches, brunch and supper. Total Occupancy Load is **35. Sidewalk Café with 7 seats

HOURS OF OPERATON FOR PREMISES AND SIDEWALK CAFE

Sunday through Saturday 6 am – 11 pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR PREMISE AND SIDEWALK CAFE

Sunday through Saturday 10 am – 11 pm

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

Posting Date: **October 30, 2015
Petition Date: **December 14, 2015
Hearing Date: **December 28, 2015

License No.: ABRA-095700
Licensee: Chaplin Restaurant DC, LLC
Trade Name: Chaplin
License Class: Retailer's Class "C" Restaurant
Address: 1501 9th Street, N.W.
Contact: Adrian Williams: 202-644-8806

WARD 6

ANC 6E

SMD 6E01

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 an Entertainment Endorsement that will include live music, a DJ and Karaoke music.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 11:00am to 1:30am, Friday and Saturday 11:00am to 2:30am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:30pm to 1:00am, Friday through Saturday 6:30pm to 1:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: **October 16, 2015
Petition Date: **November 30, 2015
Hearing Date: **December 14, 2015

License No.: ABRA-095700
Licensee: Chaplin Restaurant DC, LLC
Trade Name: Chaplin
License Class: Retailer’s Class “C” Restaurant
Address: 1501 9th Street, N.W.
Contact: Adrian Williams: 202-644-8806

WARD 6

ANC 6E

SMD 6E01

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 an Entertainment Endorsement that will include live music, a DJ and Karaoke music.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 11:00am to 1:30am, Friday and Saturday 11:00am to 2:30am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:30pm to 1:00am, Friday through Saturday 6:30pm to 1:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2015
Petition Date: December 14, 2015
Hearing Date: December 28, 2015
Protest Date: February 24, 2016

License No.: ABRA-100631
Licensee: Meskerem Abebe
Trade Name: Gebena Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 1917 9th Street, N.W.
Contact: Tameru Zemenfes: (202) 509-1894

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for February 24, 2016 at 1:30 pm.

NATURE OF OPERATION

A Retailer Class ‘C’ Restaurant serving American, Mediterranean and vegetarian dishes with soft music or live jazz.

HOURS OF OPERATION

Sunday through Saturday 8 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Monday through Thursday 12 pm – 2 am, Friday through Sunday 12 pm – 3 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6 pm – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2015
Petition Date: December 14, 2015
Hearing Date: December 28, 2015
Protest Date: February 24, 2016

License No.: ABRA-100297
Licensee: Hiwot Ethiopian Restaurant and Market, LLC
Trade Name: Hiwot Restaurant and Market
License Class: Retailer’s Class “C” Restaurant
Address: 5333 Georgia Avenue, N.W.
Contact: Sara Teshome: (202) 722-2455

WARD 4 ANC 4D SMD 4D01

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 February 24, 2016 at 1:30 pm.

NATURE OF OPERATION

A Retailer’s Class ‘C’ Restaurant serving Ethiopian dishes and a market selling spices, breads and other foods.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2015
Petition Date: December 14, 2015
Hearing Date: December 28, 2015
Protest Date: February 24, 2016

License No.: ABRA-100161
Licensee: Shanghai Tokyo Café of DC Corporation
Trade Name: Shanghai Tokyo Cafe
License Class: Retailer’s Class “D” Restaurant
Address: 1376 Park Road, N.W.
Contact: Eugene J. Mark, Jr.: 301-237-7850

WARD 1 ANC 1A SMD 1A06

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 Roll Call 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 on February 24, 2016 at 4:30pm.

NATURE OF OPERATION

A quick service casual restaurant including take-out serving Chinese and Japanese cuisine. Total Occupancy Load of 38.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 30, 2015
Petition Date: December 14, 2015
Hearing Date: December 28, 2015

License No.: ABRA-100018
Licensee: Madras Bar, LLC
Trade Name: The Airedale
License Class: Retailer's Class "C" Restaurant
Address: 3605 14th Street, N.W.
Contact: Benjamin Jordan: 202-722-1272

WARD 1 ANC 1A SMD 1A04

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 a Class Change from a Retailer "C" Restaurant to a Retailer "C" Tavern.

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

Sunday 10:00am to 12:00am, Monday- Closed, Tuesday through Thursday 4:00pm to 1:00am, Friday 4:00pm to 2:00am, Saturday 10:00am to 2:00am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SUMMER GARDEN

Sunday 10:00am to 11:00pm, Monday-Closed, Tuesday through Thursday 4:00pm to 11:00pm, Friday 4:00pm to 12:00am, Saturday 10:00am to 12:00am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE

Sunday 11:00am to 11:00pm, Monday-Closed, Tuesday through Thursday 4:00pm to 11:00pm, Friday 4:00pm to 2:00am, Saturday 11:00am to 12:00am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday 6:00pm to 12:00am, Monday-Closed, Tuesday through Thursday 6:00pm to 1:00am, Friday and Saturday 6:00pm to 2:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: **October 30, 2015
Petition Date: **December 14, 2015
Hearing Date: **December 28, 2015

License No.: ABRA-094881
Licensee: Two Foxes, LLC
Trade Name: The Pursuit
License Class: Retailer’s Class “C” Restaurant
Address: 1421 H Street, N.E.
Contact: Thomas Boisvert: 202-758-2139

WARD 6

ANC 6A

SMD 6A06

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 a Class Change from a Retailer “C” Restaurant to a Retailer “C” Tavern.

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

Sunday through Saturday 11:00am to 2:00am

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

Sunday through Thursday 11:00am to 11:00pm, Friday and Saturday 11:00am to 12:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: **October 16, 2015
Petition Date: **November 30, 2015
Hearing Date: **December 14, 2015

License No.: ABRA-094881
Licensee: Two Foxes, LLC
Trade Name: The Pursuit
License Class: Retailer’s Class “C” Restaurant
Address: 1421 H Street, N.E.
Contact: Thomas Boisvert: 202-758-2139

WARD 6

ANC 6A

SMD 6A06

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 a Class Change from a Retailer “C” Restaurant to a Retailer “C” Tavern.

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

Sunday through Saturday 11:00am to 2:00am

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

Sunday through Thursday 11:00am to 11:00pm, Friday and Saturday 11:00am to 12:00am

DISTRICT OF COLUMBIA PUBLIC SCHOOLS**PUBLIC HEARING NOTICE****FISCAL YEAR 2017 BUDGET**

Wednesday, November 4, 2015; 6:00PM – 8:00PM
Stuart Hobson Middle School
410 E St. NE
Washington, DC 20002

The District of Columbia Public Schools (DCPS) will convene a public hearing on Wednesday, November 4, 2015 from 6:00PM – 8:00PM in the auditorium of Stuart Hobson Middle School located at 410 E St. NE, Washington, DC 20002. The purpose of the hearing is to gather feedback from the public about the upcoming Fiscal Year 2017 budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register online at <http://bit.ly/1huMbGq>. Testimony will be limited to five minutes during the hearing. Individuals or groups with additional feedback may submit written documentation to supplement their testimony.

If an individual or group is unable to register online, please contact Brenton Higgins at 202-442-5104.

The registration deadline is 3:00PM on Friday, October 30, 2015.

Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The official record of this hearing will be transmitted to the Mayor of the District of Columbia and to the Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to Brenton Higgins at brenton.higgins@dc.gov or 202-442-5104.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JANUARY 26, 2016
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 TWO

19156
ANC-2B **Application of Brad Edwards**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, the court width requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to construct a second story rear deck addition to an existing flat in the R-5-B District at premises 1723 Swann Street N.W. (Square 152, Lot 821).

WARD FIVE

19164
ANC-5E **Application of Christopher J Wright**, pursuant to 11 DCMR § 3103.2, for variances from the minimum lot size requirements under § 401.3, the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, the open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to construct a four-story flat in the R-4 District at premises 17 U Street N.W. (Square 3117, Lot 3).

WARD SIX

19165
ANC-6A **Application of 3317 16th Street LLC**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the off-street parking requirements under § 2101.1, the parking aisle width requirements under § 2117.5, and the loading berth requirements under § 2201.1, and a special exception from the HS Overlay requirements under § 1320.4(f), to convert a vacant church into a new four-story, mixed-use commercial and residential building in the HS-A/C-2-A District at premises 1301 H Street N.E. (Square 1027, Lot 156).

WARD FIVE

18895A
ANC-5D **Application of James Walker**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the rear yard requirements under § 404, to construct a two-story rear deck addition to an existing one-family dwelling in the R-4 District at premises 1107 Penn Street N.E. (Square 4059, Lot 800).

BZA PUBLIC HEARING NOTICE

JANUARY 26, 2016

PAGE NO. 2

WARD THREE

17703A **Application of Sidwell Friends School**, pursuant to 11 DCMR §§ 3103.2
ANC-3F and 3104.1, for a variance from the height requirements under § 400.9, and a
 special exception from the private school requirements under § 206, to increase
 the size of an existing education campus and number of students and staff in the
 C-2-A/R-1-B District at premises 3825 Wisconsin Avenue N.W. (Square 1825,
 Lot 816 and 818).

WARD TWO

19163 **Application of Cambridge Apartments Limited Partnership**, pursuant
ANC-2F to 11 DCMR § 3104.1, for a special exception from the nonconforming use
 requirements under § 2003.1, to allow a food market/café use in the DD/R-5-E
 District at premises 1221 Massachusetts Avenue N.W. (Square 282, Lot 44).

PLEASE NOTE:

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

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

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

BZA PUBLIC HEARING NOTICE

JANUARY 26, 2016

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**MARNIQUE Y. HEATH, CHAIRMAN, FREDERICK L. HILL, VICE CHAIRPERSON,
JEFFREY L. HINKLE, 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, December 10, 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. 15-03 (Aria Development Group – Consolidated Review and Approval of a Planned Unit Development and PUD-Related Map Amendment)

THIS CASE IS OF INTEREST TO ANC 1B

On February 6, 2015, the Office of Zoning received an application from Aria Development Group (the “Applicant”) requesting approval of a consolidated planned unit development and a PUD-related map amendment to facilitate the development of 1309-1315 Clifton Street, N.W. (Square 2866, Lots 831 and 838) for residential use. The Office of Planning submitted its report in support of setting the application down for a public hearing on March 20, 2015. On March 30, 2015, the Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on October 6, 2015.

The property that is the subject of this application consists of approximately 29,700 square feet of land area. The property is located mid-block on the north side of Clifton Street, N.W. The property is located in the R-5-B Zone District, and the Applicant seeks a PUD-related map amendment to the R-5-C Zone District. The property is located in the Medium Density Residential land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant proposes to develop the property with a multifamily residential building containing 155-159 units and approximately 45 underground parking spaces. The building will consist of a total of approximately 118,800 square feet of gross floor area and will have a maximum height of approximately 60 feet. In total, the project will have a floor area ratio of 4.0.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

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

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statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by 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. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | 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.

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Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, 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 S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF FINAL RULEMAKING**

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2012 Repl.)) (the “Act”), hereby gives notice to adopt final rulemaking to add a new Section 1616 and to amend Section 1699, of Chapter 16 (Procurement by Competitive Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

The CPO gave notice of intent to adopt these rules on June 10, 2015, and the proposed rules were published in the *D.C. Register* on August 7, 2015, at 62 DCR 10743. No comments were received and no changes have been made to the text of the rules as published. The CPO took final action to adopt these rules on September 30, 2015.

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

A new Section 1616 is added to read as follows:

1616 ALTERNATIVE TECHNICAL CONCEPTS

- 1616.1 An RFP for the construction of a road, bridge or other transportation system, or a facility or structure appurtenant to a road, bridge, or other transportation system, may allow prospective contractors to submit alternative technical concepts (ATCs) for preapproval by the date specified within the RFP.
- 1616.2 An RFP allowing prospective contractors to submit ATCs must specifically state the requirements for ATC content, submission, review, and pre-approval; and procedures for confidential meetings (if used); and methods for evaluating ATCs in the proposal review process.
- 1616.3 An ATC shall be eligible for pre-approval only if it would result in performance and quality of the end product that are equal or better than the performance and quality that would result from the agency-supplied base design configuration, project scope, design criterion, or construction criterion, as determined by the contracting officer, and if they have been used successfully elsewhere under comparable circumstances as determined by the contracting officer.
- 1616.4 A proposed ATC shall not be eligible for pre-approval if it is premised upon or would require:
- (a) A reduction in the project scope, performance or reliability;
 - (b) The addition of a separate project to the RFP;

- (c) An increase in the amount of time required for substantial completion of the work under the RFP; or
 - (d) Any other requirements that the contracting officer does not deem necessary for a particular project.
- 1616.5 In addition, a proposed ATC is not eligible for pre-approval if it would conflict with criteria agreed upon in the environmental decision-making process, as incorporated in the RFP.
- 1616.6 An ATC that, if implemented, would require further environmental evaluation of the project, may be allowed, provided that the prospective contractor will bear the schedule and cost risk associated with such additional environmental evaluation. If the prospective contractor is not able to obtain the approvals necessary to implement the ATC, it will be obligated to develop the project in accordance with existing approvals without additional cost or extension of time.
- 1616.7 To be authorized for inclusion with a prospective contractor's proposal, an ATC must be submitted by the prospective contractor for pre-approval pursuant to the terms of the RFP and pre-approved in writing by the contracting officer. All technical proposals must include the contracting officer's pre-approval letters for consideration of the ATCs.
- 1616.8 The prospective contractor's price proposal shall reflect any incorporated ATCs.
- 1616.9 Except for incorporating approved ATCs, the proposal may not contain exceptions to or deviations from the requirements of the RFP.
- 1616.10 The RFP shall not distinguish between a proposal that does not include any ATCs and proposals that include ATCs. Both types of proposals shall be evaluated against the same technical evaluation factors, and an award determination shall be made in the same manner.
- 1616.11 Each submittal of an ATC for pre-approval shall include the following:
 - (a) A detailed description and schematic drawings of the configuration of the ATC or other appropriate descriptive information, including necessary design exceptions and an operational analysis, if applicable;
 - (b) Where and how the ATC would be used on the project;
 - (c) References to requirements of the RFP documents that are inconsistent with the proposed ATC, an explanation of the nature of the deviations from said requirements, and a request for approval of such deviations;

- (d) An analysis justifying use of the ATC and why the deviation(s) from the requirements of the RFP documents should be allowed;
- (e) A discussion of potential impacts on vehicular traffic, environmental impacts identified on appropriate environmental documents, community impact, safety and life-cycle project impacts, and infrastructure costs (including impacts on the cost of repair and maintenance);
- (f) A description of other projects where the ATC has been used, the success of such usage, and names and contact information for project owner representatives that can confirm such statements;
- (g) A description of added or reduced risks to the District or third parties associated with implementing the ATC; and
- (h) Estimated price and cost impacts.

1616.12 A prospective contractor may incorporate one or more pre-approved ATCs into its technical and price proposal. However, each prospective contractor may submit only one technical and price proposal.

1616.13 An approved ATC that is incorporated into a prospective contractor’s proposal will become part of the contract upon award of the contract.

1616.14 To the extent authorized by law, ATCs properly submitted by the prospective contractor and all subsequent communications regarding its ATCs will be considered confidential prior to the award of the contract.

Section 1699 is amended by adding the following definition before the definition of Base Compensation:

1699 DEFINITIONS

1699.1 When used in this chapter, the following words have the meanings ascribed:

Alternate technical concept: A proposed change to a District-supplied base design configuration, project scope, design criterion, or construction criterion that the District determines is equal to or better than a requirement in a request for proposals.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2012 Repl.)) (the “Act”), hereby gives notice of the adoption of final rulemaking to amend Chapter 45 (Procurement Training) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates Chapter 45 and implements the provisions in the Act that apply to procurement learning and development. The current Chapter 45 contains regulations that are outdated and inconsistent with the Act.

The CPO gave notice of the intent to adopt these rules on July 8, 2015, and the proposed rules were published in the *D.C. Register* on August 14, 2015, at 62 DCR 11183. No comments were received and no changes have been made to the text of the rules as published. The CPO took final action to adopt these rules on October 8, 2015 and they will become effective upon publication.

Chapter 45, PROCUREMENT TRAINING, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

The chapter heading is amended to read as follows:

CHAPTER 45 PROCUREMENT LEARNING AND DEVELOPMENT

Section 4500, GENERAL PROVISIONS, is amended to read as follows:

4500 GENERAL PROVISIONS

- 4500.1 The Director shall establish and conduct classes, courses, seminars, workshops, and other educational programs on District procurement law, rules, and procedures (collectively referred to in this section as “procurement educational programs” or “programs”) in accordance with Section 206 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.06).
- 4500.2 The Director may designate the size and enrollment of procurement educational programs and may target specific programs to particular groups of District employees or non-employees.
- 4500.3 The Director may establish a tuition or program fee for non-employee participants in programs open to the public. Any fee shall be based on the costs of developing and providing materials and instruction.

4500.4 The Director shall provide notice of all programs by publication of a notice of program offerings on the Office of Contracting and Procurement’s website, and in any other manner the Director may deem appropriate.

4500.5 Procurement educational programs and requirements shall be designed to ensure that persons who have authority to contractually bind the District have the necessary experience, learning and development, and technical knowledge to make sound decisions.

Section 4501, AGENCY PROCUREMENT TRAINING PLANS, is repealed and replaced with:

4501 [RESERVED]

Section 4502, NON-DISTRICT TRAINING SOURCES, is repealed and replaced with:

4502 [RESERVED]

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**Pesticides Infractions: Schedule of Fines Amendments**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2012 Repl. & 2014 Supp.)); the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code §§ 8-401 *et seq.* (2012 Repl. & 2014 Supp.)); the Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code §§ 8-431 *et seq.* (2014 Repl.)); Mayor's Order 2006-61, Section 29, dated June 14, 2006; Mayor's Order 2009-113, dated June 18, 2009; and Mayor's Order 2015-191, dated July 23, 2015, hereby gives notice of adoption as final the following amendments to Chapter 40 (Department of Environment (DDOE Infractions) of Title 16 (Consumers, Commercial Practices, & Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends Section 4002 of Title 16 to correspond with the Notice of Final Rulemaking for the District of Columbia Pesticide Operation Regulations that amended Chapters 22 through 25 of Title 20 (Environment) of the DCMR, published in the *D.C. Register* on March 20, 2015 at 62 DCR 3340.

The Department published a Notice of Proposed Rulemaking in the *D.C. Register* on May 30, 2014 at 61 DCR 5422, which included a summary of the rulemaking. Comments were received during the comment period, which ended on June 30, 2014, and were carefully considered, but the Department determined that no substantive changes were necessary. Minor changes have been made to correct grammar and typographical errors, and to provide clarity; no substantive change is intended.

Pursuant to § 104(a)(1) of the Civil Infractions Act, the rules were submitted to the Council of the District of Columbia for review and approval, and the rules were deemed approved on **October 23, 2015**. These rules were adopted as final on **June 22, 2015** and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 40 (Department of Environment (DDOE) Infractions), Title 16 (Consumers, Commercial Practices, & Infractions) of the DCMR is amended as follows:

Section 4002, PESTICIDE INFRACTIONS, is amended to read as follows:

4002 PESTICIDE INFRACTIONS

4002.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 20 DCMR § 2201.7 (using a pesticide in a manner harmful to human health, non-target organisms, or the environment);
- (b) 20 DCMR §§ 2201.12 or 2201.13 (performing an inspection for wood infestation or determination of the presence of pests by a pesticide operator without the required certification);
- (c) 20 DCMR § 2202.1 (using, manufacturing, distributing, selling, shipping, or applying a pesticide not registered with the Department);
- (d) 20 DCMR § 2208.1 (applying a District restricted-use pesticide to schools, child-occupied facilities, waterbody-contingent property, or District property);
- (e) 20 DCMR § 2208.2 (applying a non-essential pesticide to schools, child-occupied facilities, waterbody-contingent property, or District property);
- (f) 20 DCMR § 2213.1 (failure to store pesticides in accordance with the requirements of 20 DCMR § 2213.1);
- (g) 20 DCMR § 2213.2 (storing a restricted-use pesticide without posting a sign in accordance with the requirements of 20 DCMR § 2213.2);
- (h) 20 DCMR § 2213.3 (failure to dispose of a pesticide in accordance with the Resource Conservation and Recovery Act or label directions);
- (i) 20 DCMR § 2213.4 (failure to transport a pesticide in accordance with the requirements of 20 DCMR § 2213.4);
- (j) 20 DCMR § 2219.1(j) (making a false or fraudulent record, invoice, or report);
- (k) 20 DCMR § 2219.1(k) (acting as, advertising as, or assuming to act as a pesticide dealer without a license);
- (l) 20 DCMR § 2219.1(l) (aiding, abetting, or conspiring to evade pesticide laws or regulations);
- (m) 20 DCMR § 2219.1(m) (making fraudulent or misleading statements during or after an inspection of a pest infestation or an inspection conducted pursuant to 20 DCMR Chapter 25);
- (n) 20 DCMR § 2219.1(n) (impersonating a federal, state, or District inspector or official);

- (o) 20 DCMR § 2219.1(o) (failure to immediately notify and report to the Department any pesticide accident, incident, fire, flood, or spill);
- (p) 20 DCMR § 2219.1(p) (distributing an adulterated pesticide);
- (q) 20 DCMR § 2219.1(q) (failure to maintain a record required for a transaction involving a restricted-use pesticide);
- (r) 20 DCMR § 2311.2 (permitting the use of a pesticide by a technician who is not registered with the Department and acting under the direct supervision of a licensed applicator);
- (s) 20 DCMR § 2400.4 (permitting the use of a restricted-use pesticide by a person who is not a licensed certified applicator or a registered technician acting under the direct supervision of a licensed applicator); or
- (t) 20 DCMR § 2505.4 (violating a “stop sale, use, or removal” order).

4002.2

In addition to § 4002.3, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR § 2201.1 (using a pesticide in a manner inconsistent with its labeling or in violation of a law or regulation);
- (b) 20 DCMR § 2201.2 (failure to maintain equipment);
- (c) 20 DCMR § 2201.3 (failure to distribute a registered pesticide in the registrant’s or manufacturer’s unbroken, immediate container);
- (d) 20 DCMR § 2201.10 (detaching, altering, defacing, or destroying a label required by FIFRA);
- (e) 20 DCMR § 2214.1 (distributing a pesticide or device that is misbranded);
- (f) 20 DCMR §§ 2214.3 to 2214.4, or 2214.6 to 2214.14 (failure to comply with a labeling, package, container, or wrapper requirement);
- (g) 20 DCMR § 2214.5 (offering for sale a pesticide under the name of another pesticide or imitation of another pesticide);
- (h) 20 DCMR § 2215.3 (failure to have a Department-approved Integrated Pest Management program that meets the requirements of 20 DCMR § 2215.3);

- (i) 20 DCMR § 2215.5 (applying a pesticide to public rights-of-way, parks, District-occupied buildings, other District property, or child-occupied facilities without an approved integrated pest management plan);
- (j) 20 DCMR § 2216.2 (performing fumigation without being a licensed applicator certified to perform fumigation or without supervision by a licensed applicator certified to perform fumigation);
- (k) 20 DCMR § 2216.3 (failure to train and provide safety equipment to each member of a fumigation crew);
- (l) 20 DCMR § 2216.4 (failure to notify the nearest fire station prior to fumigation);
- (m) 20 DCMR § 2216.6 (failure to conspicuously post warning signs for fumigation);
- (n) 20 DCMR § 2216.8 (failure to have a guard present on-site during fumigation);
- (o) 20 DCMR § 2216.9 (failure of guard to be capable, awake, alert, or to remain on duty at the site at all times);
- (p) 20 DCMR §§ 2216.10 or 2216.11 (failure to comply with a requirement for introducing a fumigant or for allowing re-occupancy after fumigation);
- (q) 20 DCMR § 2217.1 (performing pest control by heat treatment without being a licensed and certified pesticide operator);
- (r) 20 DCMR § 2218.1 (using a canine scent pest detection team without being a licensed and certified pesticide operator or using an uncertified canine scent pest detection team);
- (s) 20 DCMR § 2219.1(a) (failure to register a pesticide in the District of Columbia);
- (t) 20 DCMR § 2219.1(b) (using a pesticide in a manner inconsistent with its labeling or in violation of imposed restrictions);
- (u) 20 DCMR § 2219.1(c) (making a pesticide recommendation that is inconsistent with its labeling or in violation of imposed restrictions);
- (v) 20 DCMR § 2219.1(d) (falsifying, refusing, or neglecting to maintain or make available required records);

- (w) 20 DCMR § 2219.1(e) (using fraud or misrepresentation in applying for certification or a license);
- (x) 20 DCMR § 2219.1(g) (making a false or fraudulent claim through any media that misrepresents the effect of a pesticide or method to be utilized in its application);
- (y) 20 DCMR § 2219.1(h) (applying an ineffective or improper pesticide; operating faulty or unsafe equipment); or
- (z) 20 DCMR § 2219.1(i) (using or supervising the use of a pesticide in a faulty, careless, or negligent manner).

4002.3

In addition to § 4002.2, violation of any of the following provisions shall be a Class 2 infraction:

- (a) 20 DCMR §§ 2300.2 or 2300.3 (applying any pesticide for a fee or purchasing or using a restricted-use pesticide without a certification and license or without being registered);
- (b) 20 DCMR § 2310.4 (improper use of a public applicator license);
- (c) 20 DCMR § 2312.8 (failure to instruct an employee on proper pesticide use);
- (d) 20 DCMR § 2313.1 (failure to instruct an employee on the hazards of pesticide use and proper steps to avoid those hazards);
- (e) 20 DCMR § 2313.2 (failure to provide an employee with necessary safety equipment and protective clothing);
- (f) 20 DCMR § 2313.3 (failure to inform an employee of reentry requirements or provide necessary protective clothing or apparatus if premature reentry is necessary);
- (g) 20 DCMR §§ 2400.1 or 2400.5 (failure to obtain a pesticide operator license);
- (h) 20 DCMR § 2400.6 (transferring a pesticide operator license from one business to another);
- (i) 20 DCMR § 2401.7(c) (using a restricted-use pesticide without the supervision of a licensed certified applicator during the grace period provided in 20 DCMR § 2401.7(b));

- (j) 20 DCMR §§ 2403.1 or 2403.2 (failure to obtain a pesticide dealer's license);
- (k) 20 DCMR § 2403.7 (selling or transferring a restricted-use pesticide to any person other than a licensed certified applicator or authorized representative); or
- (l) 20 DCMR § 2516.10 (failure to report a significant pesticide accident or incident within twenty-four (24) hours of occurrence).

4002.4

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 20 DCMR § 2201.4 (failure to have a FIFRA label affixed to a pesticide container);
- (b) 20 DCMR § 2201.5 (using a pesticide container for a purpose other than containing the original product);
- (c) 20 DCMR § 2201.8 (applying a pesticide when the wind velocity will cause the pesticide to drift beyond the target area);
- (d) 20 DCMR § 2201.9 (displaying or offering for sale a pesticide in a container which is damaged or has a damaged or obscure label);
- (e) 20 DCMR § 2201.11 (applying a pesticide without a copy of the label available for inspection);
- (f) 20 DCMR § 2203.4 (using or revealing for one's own advantage information relating to the formula of a pesticide registered with the Department);
- (g) 20 DCMR § 2211.1 (failure to provide customer with required information before a pesticide application);
- (h) 20 DCMR § 2211.3 (failure to provide customer with advance notice of a pesticide application upon request);
- (i) 20 DCMR § 2211.4 (failure to provide customer with advance notice of a pesticide application to multi-unit property upon request);
- (j) 20 DCMR § 2211.5 (failure to provide tenant and resident with required information before a pesticide application);
- (k) 20 DCMR § 2211.7 (failure to provide notice of pesticide application to abutting property);

- (l) 20 DCMR § 2217.2 (failure to comply with record keeping requirements for pest control by heat treatment);
- (m) 20 DCMR §§ 2218.7 or 2218.8 (failure to comply with record keeping requirements for canine scent pest detection);
- (n) 20 DCMR § 2218.9 (failure to design a canine scent detection test that meets the requirements of 20 DCMR § 2218.9);
- (o) 20 DCMR §§ 2218.14 to 2218.16 (failure to comply with the requirements for conducting a canine scent detection test);
- (p) 20 DCMR § 2219.1(f) (refusing or neglecting to comply with a limitation or restriction on a certification or license);
- (q) 20 DCMR §§ 2306.1 or 2307.5 (failure to renew certification);
- (r) 20 DCMR § 2311.1 (applying a pesticide without being registered with the Department and acting under the direct supervision of a licensed certified applicator);
- (s) 20 DCMR § 2311.3 (failure to register an employee who works under the direct supervision of a licensed certified applicator within thirty (30) days of employment);
- (t) 20 DCMR §§ 2402.2 to 2402.5 (failure to comply with liability insurance requirements);
- (u) 20 DCMR § 2514.3 (failure to renew a license on or before the first day of a licensure period);
- (v) 20 DCMR §§ 2516.1 to 2516.3, or 2516.5 to 2516.10 (failure to comply with a record keeping requirement or provide records or other information); or
- (w) 20 DCMR §§ 2517.1 or 2517.2 (failure to comply with a record keeping requirement for or provide records on restricted-use pesticides).

4002.5

Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 20 DCMR § 2201.6 (failure to use an effective anti-siphon device for equipment);
- (b) 20 DCMR § 2212.1 (failure to post a sign at the time of pesticide application that meets the requirements of 20 DCMR § 2212);

- (c) 20 DCMR § 2300.9 (failure to post license conspicuously);
- (d) 20 DCMR § 2305.5 (failure to submit credentials and license to employer after termination of employment);
- (e) 20 DCMR § 2305.6 (failure to notify the Department of the termination of an employee and return a terminated employee's license and credentials to the Department within ten (10) working days of employee submitting license and credentials);
- (f) 20 DCMR § 2311.8 (failure to have registered technician identification card available for inspection));
- (g) 20 DCMR § 2311.14 (failure to give written notice of termination of a registered technician within thirty (30) days of termination or failure to return a terminated registered technician's identification card);
- (h) 20 DCMR § 2312.6 (failure to have a pesticide label at work site);
- (i) 20 DCMR § 2400.7 (failure to surrender an operator certification and license within ten (10) working days of termination of a business);
- (j) 20 DCMR § 2400.8 (failure to notify the Department of any change of address within thirty (30) days of the change);
- (k) 20 DCMR § 2400.10 (failure to post license conspicuously); or
- (l) 20 DCMR § 2401.7 (failure to notify the Department when operator no longer employs a licensed certified applicator).

4002.6 Violation of any provision of the Pesticide Operations Act of 1977, effective April 18, 1978, as amended (D.C. Law 2-70; D.C. Official Code §§ 8-401 to 8-419); the Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012, as amended (D.C. Law 19-191; D.C. Official Code §§ 8-431 to 8-440); or the implementing rules in 20 DCMR Chapters 22 through 25 which is not cited elsewhere in this section, shall be a Class 5 infraction.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance, 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 of an amendment to Section 903 (Outpatient Hospital Services Reimbursement Methodology) under Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends the payment system by the District of Columbia Medicaid program for reimbursement of outpatient hospital services.

Effective Fiscal Year (FY) 2015, beginning October 1, 2014, all hospitals that deliver outpatient services and are enrolled as providers under the District Medicaid program, will be reimbursed for outpatient services by a prospective payment system (PPS) under the Enhanced Ambulatory Patient Grouping (EAPG) classification system. The EAPG based reimbursement methodology will reimburse providers of outpatient hospital services based on the patient's severity of illness and risk of mortality as well as the hospital's resource needs. This rulemaking also identifies providers that are subject to the revised reimbursement system; delineates coverage and payment for specific services; and establishes exceptions to service reimbursements under the payment system.

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 20, 2015 (62 DCR 003429). No comments were received and no substantive changes have been made.

The corresponding amendment to the District of Columbia State Plan for Medical Assistance (State Plan) was approved by the Council of the District of Columbia (Council) through the Fiscal Year 2015 Budget Support Act of 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014)), and also approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on August 27, 2015.

The Director adopted these rules as final on October 20, 2015. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Section 903, OUTPATIENT AND EMERGENCY ROOM SERVICES, of Chapter 9, MEDICAID PROGRAM, Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

903 GENERAL PROVISIONS

903.1 The purpose of this section is to set forth the requirements governing Medicaid reimbursement of outpatient hospital services.

903.2 All hospitals that deliver outpatient hospital services to Medicaid-eligible individuals and are enrolled as providers under the Department of Health Care Finance’s (DHCF) Medicaid program shall be reimbursed under a prospective payment system (PPS) under the Enhanced Ambulatory Patient Grouping (EAPG) classification system.

903.3 The EAPG payment system shall be applicable to the following hospitals enrolled as Medicaid providers:

- (a) In-District General Hospitals;
- (b) Specialty Hospitals; and
- (c) Out-of-District Hospitals with the exception of Maryland hospitals.

903.4 The EAPG is a visit-based classification system that uses a grouping algorithm for outpatient services to characterize the amount and type of resources used during a hospital outpatient visit for patients with similar clinical characteristics.

903.5 Except as provided in Subsection 903.7, DHCF shall update the EAPG grouper/pricer software version every two (2) years, or more often when necessary. These updates shall be effective on October 1st of the applicable year. The first update shall be implemented in FY 2017, beginning on October 1, 2016.

903.6 DHCF shall use the national relative weights of the EAPG grouper/pricer software and update the EAPG relative weights at a minimum of every two (2) years to coincide with the grouper version upgrades, or more frequently as needed.

903.7 DHCF shall update the EAPG grouper/pricer software on a quarterly basis to accommodate changes in the national Current Procedural Terminology (CPT)/HealthCare Common Procedure Coding System (HCPCS) code sets.

903.8 The EAPG payment system shall apply to all hospital claims for dates of service on or after October 1, 2014.

903.9 Payment for an outpatient hospital claim under the EAPG payment system shall be based on the following formula:

$$\begin{aligned} &\text{Adjusted EAPG relative weight x policy adjustor (if applicable)} \\ &\qquad\qquad\qquad \times \\ &\qquad\qquad\qquad \text{Conversion factor} \end{aligned}$$

- 903.10 Each EAPG shall be assigned a national relative weight, which shall be adjusted by the applicable payment mechanisms including discounting, packaging, and/or consolidation.
- 903.11 DHCF may also use policy adjustors, as appropriate, to ensure that Medicaid beneficiaries maintain access to certain services and adequate provider networks based on review and analysis.
- 903.12 Effective October 1, 2014, a pediatric policy adjustor in the amount of 1.25 shall be applied to the national weight for all outpatient visits for children under the age of twenty-one (21). Thereafter, the policy adjustor rate shall be evaluated during the annual rate review.
- 903.13 The EAPG payment system shall utilize one of the following conversion factors:
- (a) An In-District rehabilitation hospital factor;
 - (b) A District-wide conversion factor for other in-District and out-of-District hospitals (except Maryland hospitals); or
 - (c) A District-wide conversion factor increased by two percent (2%) for outpatient services provided by hospitals located in an Economic Development Zone (EDZ).
- 903.14 A factor that is two percent (2%) higher than the District-wide conversion factor shall be applicable to hospitals whose primary location is in an area identified as an Economic Development Zone and certified by the District Department of Small and Local Business Development as a Developmental Zone Enterprise (DZE) pursuant to D.C. Official Code § 2-218.37.
- 903.15 The conversion factors shall be dependent upon DHCF's budget target, and shall be calculated using outpatient hospital paid claims data from DHCF's most recent and available fiscal year.
- 903.16 The base year data for the conversion factors effective Fiscal Year 2015, beginning on October 1, 2014, shall be historical claims data for outpatient hospital services from the DHCF Fiscal Year 2013, for dates of service beginning on October 1, 2012 through September 30, 2013.
- 903.17 The base year shall change when the EAPG payment system is rebased and recalibrated with a grouper version and EAPG relative weights update every other year.
- 903.18 DHCF shall utilize a budget target for Fiscal Year 2015 which will be based on seventy-seven percent (77%) of Fiscal Year 2013 costs that will be inflated to

Fiscal Year 2015 using the CMS Inpatient Prospective Payment System (IPPS) Hospital Market Basket Rate.

- 903.19 DHCF shall reduce the budget target for Fiscal Year 2015 by five percent (5%) in anticipation of more complete and accurate coding by hospitals upon implementation of the EAPG payment system.
- 903.20 The budget target shall be subject to change each year. Initially, DHCF shall monitor claim payments at least biannually during DHCF Fiscal Years 2015 and 2016 to ensure that expenditures do not significantly exceed or fall below the budget target and shall make adjustments to the conversion factors as necessary. DHCF shall provide written notification to the hospitals of the initial conversion factors and any future adjustments to the conversion factors.
- 903.21 DHCF shall analyze claims data annually to determine the need for an update of the conversion factors. The conversion factors in subsequent years shall be based on budget implications or other factors deemed necessary by DHCF.
- 903.22 New hospitals shall receive the District-wide conversion factor on an interim basis until the conversion factor annual review during which conversion factors for all hospitals shall be analyzed and subject to adjustment. Any changes in rates shall be effective on October 1st of each year.
- 903.23 Each CPT/HCPCS procedure code on a claim line shall be assigned to the appropriate EAPG at the claim line level. The total reimbursement amount shall be the sum of all claim lines.
- 903.24 Prospective payments using the EAPG classification system shall be considered final and there shall be no retrospective cost settlements.
- 903.25 Coverage and payment for specific services shall be made as follows:
- (a) Payment of laboratory and radiology shall be processed and paid by EAPG, subject to consolidation, packaging, or discounting;
 - (b) Physical therapy, occupational therapy, speech therapy, and hospital dental services shall be processed and paid by EAPGs, subject to consolidation, discounting, and packaging; and
 - (c) Observation services shall be processed and paid by EAPG. In order to receive reimbursement for services with an observation status, claims shall include at least eight (8) consecutive hours (billed as units of service). Any hours in excess of forty-eight (48) shall not be covered.
- 903.26 All DHCF policies for outpatient hospital services requiring prior authorization shall be applicable under the EAPG payment system.

- 903.27 Exceptions to reimbursement under the EAPG payment system shall include the following:
- (a) Vaccines for children that are currently paid under the federal government's Vaccine for Children (VFC) program;
 - (b) Professional services provided by physicians; and
 - (c) Claims originating from Maryland hospitals, St. Elizabeths Hospital, and managed care organizations.
- 903.28 With the exception of Specialty hospitals and Maryland hospitals, outpatient diagnostic services provided by a hospital one (1) to three (3) days prior to an inpatient admission at the same hospital shall not be covered under the EAPG payment system and shall be considered as part of the inpatient stay.
- 903.29 With the exception of Specialty hospitals and Maryland hospitals, outpatient diagnostic services that occur on the same day as an inpatient admission at the same hospital shall be considered part of the inpatient stay.
- 903.30 The EAPG payment system shall be utilized for any Medicaid payment adjustments for Provider Preventable Conditions as set forth in Chapter 92 of Title 29 of the District of Columbia Municipal Regulations.

9299 DEFINITIONS

- 9299.1 For purposes of this section, the following terms shall have the meanings ascribed:
- Base year** – The standardized year on which rates for all hospitals for outpatient hospital services are calculated to derive a prospective payment system.
- Budget target** - The total amount that DHCF anticipates spending on all hospital outpatient claims during a fiscal year.
- Conversion Factor** – The dollar value based on DHCF's budget target, multiplied by the final EAPG weight for each EAPG on a claim to determine the total allowable payment for a visit.
- Consolidation** – Collapsing multiple significant procedures into one EAPG during the same visit which used to determine payment under the EAPG classification system reimbursement methodology.

Department of Health Care Finance – The single state agency responsible for the administration of the District of Columbia’s Medicaid program.

DHCF Fiscal year – The period between October 1st and September 30th; used to calculate the District’s annual budget.

Discounting - The reduction in payment for an EAPG when significant procedures or ancillary services are repeated during the same visit or in the presence of certain CPT/HCPCS modifiers.

EAPG Grouper/Pricer Software – A system designed by 3M Health Information Systems to process HCPCS/CPT and diagnosis code information in order to assign patient visits at the procedure code level to the appropriate EAPG and apply appropriate bundling, packaging, and discounting logic to calculate payments for outpatient visits.

EAPG Relative Weight - The national relative weights calculated by 3M Health Information Systems.

EAPG Adjusted Relative Weight – The weight assigned to the patient grouping after discounting, packaging, or consolidation.

Enhanced Ambulatory Patient Grouping (EAPG) – A group of outpatient procedures, encounters, or ancillary services reflecting similar patient characteristics and resource use; incorporates the use of diagnosis codes Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) procedure codes, and other outpatient data submitted on the claim.

General Hospital - A hospital that has the facilities and provides the services that are necessary for the general medical and surgical care of patients, including the provision of emergency care by an emergency department in accordance with 22-B DCMR§ 2099 .

Grouper Version - Numeric identifier used by 3M Health Information Systems to distinguish any updates made to the software.

In-District Hospital - Any hospital defined in accordance with 22-B DCMR § 2099 that is located within the District of Columbia.

New Hospital - A hospital without an existing Medicaid provider agreement that is enrolled to provide Medicaid services after September 30, 2014.

Observation Status – Services rendered after a physician writes an order to evaluate the patient for services and before an order for inpatient admission is prescribed.

Outpatient Hospital Services – Preventative, diagnostic, therapeutic, rehabilitative, or palliative services rendered in accordance with 42 C.F.R. § 440.20(a).

Out-of-District Hospital - Any hospital that is not located within the District of Columbia. The term does not include hospitals located in the State of Maryland and specialty hospitals identified under 22-B DCMR § 2099.

Packaging – Including payment for certain services in the EAPG payment, along with services that are ancillary to a significant procedure or medical visit.

Specialty Hospital - A hospital that meets the definition of “special hospital” as set forth in 22-B DCMR § 2099 as follows: (a) defines a program of specialized services, such as obstetrics, mental health, orthopedics, long term acute care, rehabilitative services or pediatric services; (b) admits only patients with medical or surgical needs within the defined program; and (c) has the facilities for and provides those specialized services.

Visit – A basic unit of payment for an outpatient prospective payment system.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF FINAL RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the adoption of the following amendments to Sections 811, 816, and 817 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On August 3, 2015, the Executive Director of the District of Columbia Public Library (“DCPL”) approved the proposed new amendment(s) to the District of Columbia Public Library Regulations. The amendments will permit the DCPL’s Executive Director and/or designee to manage the in-kind and fixed asset donation process.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 28, 2015 at 62 DCR 36. No comments were received. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19, AMUSEMENT, PARKS AND RECREATION, is amended as follows:**Section 811, DCPL PROCEDURES FOR SOLICITATION AND/OR DONTATION OF FINANCIAL, IN-KIND AND FIXED ASSET GIFTS, is amended as follows:**

Subsection 811.2 is amended by striking the word “entitles” and inserting the word “entities” in its place, so that the subsection reads as follows:

811.2 The policies and guidelines set forth are based on the legislation titled "Public Charter School Assets and Facilities Preservation Amendment Act of 2006" which amends D.C. Official Code, §§ 39-101 *et seq.* The new legislation provides that the Board of Library Trustees (the "Board") may accept donations, gifts by devise or bequest, grants, and any other type asset from individuals, groups, organizations, corporations, partnerships, and other governmental entities.

Section 816, IN-KIND AND FIXED ASSET DONATIONS, is amended as follows:

Subsection 816.2 is amended to read as follows:

816.2 The Director of Collections and/or Branch Manager shall assess whether the acceptance of the proposed donation would be a greater cost than benefit to the DCPL.

Subsection 816.3 is amended to read as follows:

816.3 The Director of Collections and/or Branch Manager shall determine if the donation is in a usable condition for the DCPL, if not, the donation shall be declined.

Subsection 816.10 is amended by striking the words “Office of the General Counsel” and inserting the words, “Director of Collections and/or Designee”, so that the subsection reads as follows:

816.10 The Director of Collections and/or Designee shall send a thank you letter to the Donor for the donation and give a copy to the Office of Budget and Finance.

Section 817, MONITORING, REPORTING, AND PUBLIC INSPECTION OF DONTATIONS, is amended as follows:

Subsection 817.1 is amended by striking the words “Office of the General Counsel” and inserting the words “Chief Librarian and/or Designee” in its place and striking the words “Chief Librarian” and inserting the words “Office of General Counsel” in its place, so that the subsection reads as follows:

817.1 The Chief Librarian and/or Designee shall prepare a bi-annual report of all donations to be monitored and tracked by the Office of General Counsel. The OCFO shall prepare a report on the status of budget expenditures and available balance to be used in conjunction with the bi-annual report.

Subsection 817.2 is amended as follows:

817.2 Each report shall have the donor's name, the brief description of the donation, the total value of the approved solicited and accepted donation, and the donation approval date. A copy of the donation report shall be provided to the Office of General Counsel.

Subsection 817.3 is amended by striking the words “General Counsel” and inserting “Chief Librarian and/or Designee” in its place, so the subsection reads as follows:

817.3 The Chief Librarian and/or Designee shall file quarterly reports listing all

donations with the Office of Administrative Documents and Issuances to be printed in the *D.C. Register*.

Subsection 817.4 is amended to read as follows:

817.4 The DCPL, through its Chief Librarian and/or Designee shall also publish a monthly report of all donations accepted and approved on the DCPL web page monthly. This report shall include the donor's name, the brief description of the donation, the total value of the approved solicited and accepted donation, and donation approval date.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM29-2015-01, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD-FISCAL YEAR 2015 BUDGET SUPPORT ACT OF 2014**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505 and 34-802 (2012 Repl.), hereby gives notice of its final rulemaking action amending Chapter 29, “Renewable Energy Portfolio Standard [‘REPS’ or ‘Standard’],” of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

2. Under the District of Columbia’s REPS, specific percentages of electricity sales must be from tier one, tier two, and solar energy sources.¹ Solar energy is defined as a tier one source.² To meet the District of Columbia’s Standard, each electricity supplier must obtain tier one and tier two renewable energy credits (“RECs”) and solar renewable energy credits (“SRECs”), or pay a compliance fee for any shortfall, commensurate with a certain percentage of the number of kilowatt hours of electricity sold by the supplier per year.³ A REC is a credit representing one megawatt-hour of energy produced by a tier one or tier two renewable source.⁴ In satisfying the statutory tier one, tier two, and solar requirements, District of Columbia electricity suppliers can only use tier one and tier two RECs and SRECs obtained from tier one, tier two, and solar generating facilities that have been certified by the Commission.⁵

3. On August 7, 2015, the Commission published a Notice of Proposed Rulemaking (“NOPR”) to amend Chapter 29, in accordance with Title VI, Subtitle F of the “Fiscal Year 2015 Budget Support Act of 2014” (the “Act”).⁶ No comments were filed in response to the NOPR. Prior to the enactment of the Act, the Commission could only certify solar energy facilities no larger than 5MW located within the District of Columbia (“District”) or in locations served by a distribution feeder serving the District, except that SRECs derived from solar energy systems not located within the District or not in locations served by a distribution feeder serving the District which had been certified prior to February 1, 2011 could still be used.⁷ Pursuant to the Act, the

¹ D.C. Code § 34-1432 (2015 Supp.).

² D.C. Code § 34-1431(15)(A) (2015 Supp.).

³ D.C. Code §§ 34-1432 and 1434(c) (2015 Supp.).

⁴ D.C. Code § 34-1431(10) (2015 Supp.).

⁵ *See generally*, D.C. Code §§ 34-1431-1439 (2001 and 2015 Supp.); 15 DCMR § 2902 (2015).

⁶ D.C. Code § 34-1432(e) (2015).

⁷ *See* D.C. Code §§ 34-1432(e)(1) and (2) (2014 and 2015 Supp.).

Commission can now certify solar energy facilities which are not located within the District or in locations served by a distribution feeder serving the District but which are located within the PJM Interconnection region or within a state that is adjacent to the PJM Interconnection region.⁸ These solar energy systems can, however, only be used to meet the non-solar tier one renewable source requirement of the standard.⁹ Commission rules §§ 2901.2 and 2902.1, as revised in the NOPR, allow the Commission to certify these outside-the District solar energy facilities, subject to this limitation. This legislation also allows the Commission to certify solar energy systems larger than 5 MW in capacity, provided that these systems are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia. Commission rules §§ 2901.2 and 2902.1, have been revised accordingly in the NOPR. The Commission, therefore, at its regularly scheduled open meeting held on October 15, 2015, took final action to adopt the revised versions of these rules.

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

2901 RPS COMPLIANCE REQUIREMENTS

Section 2901.2 is amended in its entirety to read as follows:

2901.2 An Electricity Supplier shall meet the solar portion of the Tier One requirement by obtaining the equivalent amount of RECs from solar energy systems no larger than five megawatts (5 MW) in capacity that are located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, except that RECs generated by solar energy facilities that are not located within the District of Columbia nor in locations served by a distribution feeder serving the District of Columbia that the Commission certified prior to February 1, 2011, may be used to meet the solar requirement. However, an Electricity Supplier may also meet the solar requirement by obtaining RECs from solar energy systems larger than five megawatts (5 MW) in capacity, provided that these solar energy systems are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia. In addition, electricity suppliers may meet the non-solar portion of the Tier One renewable source requirement of the renewable energy portfolio standard by obtaining renewable energy credits from solar energy systems that are not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, regardless of capacity.

⁸ D.C. Code §§ 34-1431(10) and 1432(e)(2) (2015 Supp.).

⁹ D.C. Code § 34-1432(e)(2) (2015 Supp.).

2902 GENERATOR CERTIFICATION AND ELIGIBILITY

Section 2902.1 is amended in its entirety to read as follows:

- 2902.1 Renewable generators, including behind-the-meter (BTM) generators, must be certified as a qualified resource by the Commission. The Commission shall not certify any Tier One solar energy system larger than five megawatts (5 MW) in capacity – except for solar energy systems larger than five megawatts in capacity that are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia – or any Tier One solar energy system not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia. In addition, solar energy systems that are not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, regardless of capacity may be certified as a qualified resource to meet the non-solar portion of the Tier One renewable source requirement of the renewable energy portfolio standard.

OFFICE OF TAX AND REVENUE**NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1335 (2012 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2014 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Section 319 (Special Deed Tax Sale) are necessary for the conduct of a special deed sale in accordance with D.C. Official Code § 47-1353(a)(1).

The rules were published as proposed rulemaking in the *D.C. Register* on September 25, 2015 at 62 DCR 12775. No comments were received concerning the proposed rulemaking and this final rulemaking is identical to the published text of the proposed rulemaking. OTR adopted these rules as final on October 26, 2015. The rules shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Subsection 319.2 of Section 319, SPECIAL DEED TAX SALE, is amended to read as follows:

319.2 Bid back real properties may be sold:

- (a) On a one-by-one, first-come first-served basis; when so sold, no sooner than ten (10) business days after OTR publishes a list of bid backs for sale, a purchaser shall have first submitted a written offer, received by the Chief of the Assessment Services Division within OTR, clearly describing the real property by square suffix and lot, or parcel and lot, numbers; any offer shall only be deemed accepted by OTR after payment has been effectuated on the terms specified by OTR to that purchaser; or
- (b) Through a sealed bid process for a single portfolio; when so sold, a list of all bid back real properties (described by square suffix and lot, or parcel and lot, numbers) purchased with corresponding tax owed, including accruals, shall have been posted to OTR's Web site; the sealed bid process shall continue with Subsections 319.3 through 319.9 of this section, below.

- (c) This subsection shall not be construed to limit the use of other processes to sell bid backs as permitted by law, including sales to the District or an instrumentality thereof, to a non-profit, or at a discount sale.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(D) (allocating and regulating on-street parking and curb regulations) and 6(c) (transferring to the Department the authority and function to make traffic rules and regulations previously delegated to the Department of Public Works under Section IV(A) of the Reorganization Plan No. 4 of 1983, the Department of Transportation under Section IV(G) of Reorganization Plan No. 2 of 1975, and the Director of Highways and Traffic under Commissioner Order No. 68-554) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D) and 50-921.05(c) (2014 Repl.)), hereby gives notice to adopt rules that amend Chapters 22 (Moving Violations), 24 (Stopping, Standing, Parking, and Other Non-Moving Violations), 26 (Civil Fines for Moving and Non-Moving Infractions), 40 (Traffic Signs and Restrictions at Specific Locations), and 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The final regulations clarify the operation and enforcement of bus lanes in the District of Columbia. The regulations prescribe authorized users, enforcement times, and violations and associated penalties for moving and non-moving violations by unauthorized vehicles of the bus lanes. Regulations pertaining to “play streets” are clarified and the term “local access streets” is defined. Additionally, errata changes are made to remove expired provisions referencing the Adams Morgan Taxicab Zone.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 27, 2015, at 62 DCR 3687. DDOT received two (2) comments from the public concerning the proposed rules during the thirty (30) day comment period, which expired on April 25, 2015. Both commenters addressed the proposed definition of “local access streets.” One commenter cited ambiguities in the definition of the program, and the other commenter suggested that local access streets be available to any vehicle registered in the residential permit parking zone. In answer to the comments, DDOT signage will alleviate the concerns about lack of clarity. DDOT also rejects, as overly broad, the request that only RPP-zoned vehicles be allowed on local access streets within the designated zone.

The Director adopted these rules as final on October 30, 2015, and they shall become effective upon publication of this notice in the *D.C. Register*.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2217, CLOSED STREETS, PLAY STREETS, BUS STREETS, BUS RESTRICTED STREETS, is amended to read as follows:

2217 CLOSED STREETS, LOCAL ACCESS STREETS, PLAY STREETS, BUS LANES, AND BUS RESTRICTED STREETS

- 2217.1 Whenever authorized signs are erected indicating a street or portion of a street is a local access street, no person shall drive a vehicle upon such street or portion of the street except drivers of vehicles whose destination or origin is on or within two (2) blocks of such street or portion of the street.
- 2217.2 No person shall drive a vehicle on a street that has been designated a play street or closed to vehicular traffic except as specifically permitted by an official traffic control device.
- 2217.3 No person shall drive any vehicle across or over any public street at which there is an official barrier, sign, or authorized person indicating that the street is closed, except as otherwise provided.
- 2217.4 When the driving of a vehicle on a street described in §§ 2217.1, 2217.2, or 2217.3 is authorized, the maximum speed at which a person shall drive a vehicle shall be fifteen (15) miles per hour.
- 2217.5 No vehicle shall travel on those portions of streets designated as bus lanes by pavement markings or signage, except:
- (a) transit buses, tour buses, charter buses, and school buses;
 - (b) taxicabs that are in active passenger service;
 - (c) bicycles except pedicabs;
 - (d) paratransit service vehicles;
 - (e) authorized emergency vehicles; or
 - (f) as provided in § 2217.6.
- 2217.6 A vehicle may enter a designated bus lane within forty feet (40 ft.) of an intersection or driveway, to engage in a turn at that intersection or driveway.
- 2217.7 Whenever authorized signs are erected to restrict buses from a street or portion of street, no person shall operate a bus upon such street or portion of the street at any time except as specifically directed to do so by a police officer or other law enforcement or public safety official or by an official traffic control device.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows:

Section 2405, STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED, is amended as follows:

Subsection 2405.1 is amended as follows:

Paragraph (h)(3) is amended by striking the word “or” at the end.

Paragraph (i) is amended by striking the period at the end and inserting the phrase “; or” in its place.

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

- (j) In a bus lane.

Section 2409, RESTRICTED USE OF VALET PARKING, VALET STAGING, BUS, TAXICAB, AND SIGHTSEEING ZONES AND STANDS, is amended to read as follows:

2409 RESTRICTED USE OF VALET STAGING ZONES, TAXICAB STANDS, AND PUBLIC TRANSIT BUS STOPS, ZONES, AND STANDS

2409.1 The Director may:

- (a) Prohibit parking and/or standing at public transit bus stops, zones, and stands; taxicab stands; and valet staging zones;
- (b) Determine the dimensions of the area where parking and/or standing at such stops, zones, and stands will be prohibited; and
- (c) Erect signs designating the areas where such parking and/or standing are prohibited.

2409.2 At locations where a bus stop sign is posted by WMATA or DC Circulator, but signs restricting parking at the bus stop are not posted, there shall be no parking or standing by vehicles other than a bus within eighty feet (80 ft.) of the approach side of a bus stop sign; provided, that a vehicle may stop momentarily to pick up or discharge a passenger or passengers; provided further, that the loading or unloading of materials is prohibited.

2409.3 Except as provided in Subsection 2409.4, no person shall stand or park a vehicle in a valet staging zone unless authorized to do so; in a public transit bus stop, zone, or stand, other than a public transit bus authorized to use the bus stop, zone, or stand; or in a taxicab stand, other than a taxicab authorized to use the taxicab stand.

2409.4 A driver of a passenger vehicle may stand in an area described in § 2409.3 for the purpose of and while actually picking up or discharging passengers, as long as such standing does not interfere with any vehicle, public transit bus, or taxicab,

about to enter or exit the stop, stand, or zone designated for the use of such vehicle.

2409.5 The driver of a vehicle stopping in a stand, stop, or zone designated for public transit buses, taxicabs, or valet staging in accordance with § 2409.4, shall at all times remain with his or her vehicle.

2409.6 The prohibition against parking or standing at stops, zones, and stands designated for public transit buses, taxicabs, or valet staging shall be effective at all times, unless a less restricted time period is designated by an official sign.

Section 2418, MISCELLANEOUS NON-MOVING VIOLATIONS, is amended as follows:

Subsection 2418.8 is added to read as follows:

2418.8 No person shall stop, stand, or park a vehicle on a street that has been designated a play street or closed to vehicular traffic except as specifically directed to do so by a police officer or other law enforcement or public safety official or by an official traffic control device.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS is amended as follows:

Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS is amended as follows:

The following category, infraction and fine are added after Bumper: Unsafe bumper [§§ 733.5, 733.6]:

Bus lane		
Unauthorized vehicle driving in a	[§§2217.5,	
4006.1]		\$200.00

The following category, infraction and fine are repealed:

No bus streets		
Driving through [§2217.8]		\$150

Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, is amended as follows:

The following infraction and fine are added before Bus stand or zone [§ 2409.3]:

Bus lane, unauthorized vehicle parked in [§ 2405.1(j)]		\$ 200.00
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The infraction labeled “Taxicab, bus, sightseeing or other vehicle for hire on stand, driver not within 5 feet of [§ 2409.4]” is amended to read as follows:

Taxicab, bus, or other vehicle for hire on stand, driver not with [§ 2409.5]

Chapter 40, TRAFFIC SIGNS AND RESTRICTIONS AT SPECIFIC LOCATIONS is amended as follows:

Section 4006, BUS STREETS, is repealed.

Chapter 99, DEFINITIONS is amended as follows:

Section 9901, DEFINITIONS is amended to read as follows:

The following definition is added after the definition of “Bus”:

Bus lane - a lane of a roadway designated for the exclusive use of public transit buses and other authorized users as defined in §2217.5.

The following definition is added after the definition of “Loading Zone”:

Local access street – a street or portion of a street designated for access only to drivers of vehicles whose destination or origin is on or within two (2) blocks of such street or portion of the street.

The following definition is added after the definition of “Owner”

Paratransit service vehicle – a vehicle used as part of a demand response service of transporting individuals unable to use fixed route transit buses, including services provided by public entities, nonprofits, and private providers.

The following definition is added after the definition of “Personal Mobility Device”

Play street - a street or portion of a street closed to traffic and parking for a specified amount of time so as to provide a space for school age children to participate in recreational activities.

The following definition is added after the definition of “Public Space”:

Public transit bus - a bus operated by WMATA or DC Circulator, which provides general transit service to the public on a regular and continuing basis, including but not limited to Metrobuses, Circulator buses, commuter buses, and intercity buses. The term “public transit bus” does not include buses that provide restricted service to a specific group of individuals or destination.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §47-2851.20 (2012 Repl.), and Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801.04 (2012 Repl.)) and Mayor's Order 99-68, April 28, 1999, hereby gives notice of the intent to adopt amendments to Title 17 (Business, Occupations, and Professionals) of Chapter 9 (Prohibition on the Sale of Synthetic Drugs) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking clarifies the D.C. Official Code citation under which a basic business license can be revoked.

The Director gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, of the District of Columbia Municipal Regulations is amended as follows:

Chapter 9, PROHIBITION ON THE SALE OF SYNTHETIC DRUGS, is amended as follows:

Section 904, REVOCATION OF BUSINESS LICENSE, is amended as follows:

Subsection 904.3 is amended to read as follows:

904.3 Following an adjudication that is adverse to the business licensee, DCRA shall suspend or revoke the basic business license. In adjudicated cases where a notice of intent to revoke was issued, the basic business license shall be revoked pursuant to any applicable provision of D.C. Official Code § 47-2844, and the licensee shall be ineligible to apply for a new basic business license for a substantially similar business for two (2) years.

All persons desiring to comment on these proposed regulations should submit comments in writing to Aamir Mansoor, Legislative Counsel Fellow, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5th Floor, Washington, D.C. 20024, or via e-mail at aamir.mansoor@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the "About DCRA" tab, clicking "News Room", and clicking on "Rulemaking."

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in Section 1002 of the Second Omnibus Regulatory Reform Act of 1998, effective April 20, 1999 (D.C. Law 12-261, § 1002; D.C. Official Code § 47-2853.10(a)(12) (2012 Repl.)), Section 22(a) of the Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28, § 902(c); D.C. Official Code § 3-420 (2012 Repl.)), Mayor's Order 2000-70, dated May 2, 2000, and Mayor's Order 2007-216, dated October 5, 2007, hereby gives notice of the intent to adopt amendments to Chapter 31 (Funeral Services Establishments) and Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would serve as a general update to the professional license regulations which govern the licensure of funeral service establishments seeking to operate in the District of Columbia. Specifically, this proposed rulemaking would clarify the procedures for the issuance of an establishment license to a surviving spouse of a licensed funeral director who operated a facility prior to his or her death, and updates the language concerning the minimum health and safety standards for facilities.

In addition, this rulemaking adopts the notice and hearing procedures established in Chapter 33 of Title 17, and amends that chapter to ensure that applicants and licensees are afforded an opportunity to have a hearing reopened, for good cause shown, in any contested case brought before those boards that have adopted the procedures established in Chapter 33, which includes the Board of Funeral Directors.

The Director gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 17, BUSINESS, OCCUPATIONS AND PROFESSIONS, of the District of Columbia Municipal Regulations is amended as follows:

Chapter 31, FUNERAL SERVICES ESTABLISHMENTS, is amended as follows:

Section 3100, APPLICABILITY, is amended to read as follows:

3100 APPLICABILITY

- 3100.1 This chapter applies to applicants for licenses and licensed funeral services establishments.
- 3100.2 Chapter 30 (Funeral Directors) and Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of this title supplement this chapter.

Section 3101, [RESERVED], is amended to read as follows:

3101 CLASSES OF LICENSURE

3101.1 The following classes of licenses shall be issued to qualified applicants in accordance with D.C. Official Code §§ 3-405(e) and (f) (2012 Repl.):

- (a) Funeral Home Establishment;
- (b) Funeral Home Establishment – Surviving Spouse; and
- (c) Funeral Home Establishment – Estate.

Section 3102, APPLICATION FOR A LICENSE, is amended to read as follows:

3102 APPLICATION FOR A LICENSE AS A FUNERAL HOME ESTABLISHMENT

3102.1 Each applicant for a license as a Funeral Home Establishment in the District of Columbia shall duly file with the Board an application on a form prescribed and provided by the Board.

3102.2 Each applicant shall attest to the truthfulness of the application before a notary public, who shall affix his or her seal to the application.

3102.3 The proper fees and all required documents shall accompany the application at the time of filing.

3102.4 If the applicant is an individual, the applicant shall provide the following:

- (a) Proof that the applicant is an individual who is licensed and in good standing as a funeral director in the District of Columbia; and
- (b) A business and a home address, which cannot be a post office box number.

3102.5 If the applicant is a business entity, an authorized agent of the applicant shall provide the following:

- (a) Proof that the applicant is properly organized under applicable District and federal law;
- (b) Proof that at least one (1) of the applicant’s owners is a funeral director who is licensed and in good standing in the District of Columbia.

Acceptable proof of ownership may include, but is not limited to, the following:

- (1) Stock certificates;
 - (2) Corporate registration documents;
 - (3) Articles of organization;
 - (4) Partnership agreements; or
 - (5) Tax forms;
- (c) Proof that the applicant has employed a designated funeral director who is licensed and in good standing in the District of Columbia to be responsible for the daily operation of the funeral services establishment;
 - (d) If the applicant is a corporation, the names and street addresses of each of its directors and principal officers, and a copy of the certificate of incorporation; and
 - (e) If the applicant is a partnership, the names and street addresses of each of the general partners.

3102.6 To be eligible for licensure, each applicant shall obtain a basic business license in accordance with D.C. Official Code § 3-405(e) (2012 Repl.).

Section 3103, PRE-LICENSURE INSPECTION, is amended to read as follows:

3103 PRE-LICENSURE INSPECTIONS

3103.1 To be eligible for licensure as a funeral services establishment, an applicant shall pass all inspections of its premises which are required for approval of a basic business license, including but not limited to the following:

- (a) An inspection conducted by the District of Columbia Fire Department to determine compliance with fire safety requirements; and
- (b) An on-site certificate of occupancy inspection to determine compliance with building safety requirements.

3103.2 To be eligible for licensure as a funeral services establishment, an applicant shall pass an inspection of its premises, conducted by the Board or its designee, to determine compliance with § 3110 of this chapter.

- 3103.3 The Board shall send a written report of the findings of its inspection to the applicant no later than thirty (30) business days after the conclusion of the inspection.
- 3103.4 Any deficiencies noted in the Board's inspection report must be corrected by the applicant within thirty (30) business days of the issuance of the report.
- 3103.5 The Board may deny the application if the deficiencies have not been corrected within the time period required by the Board pursuant to § 3104.4. Applicants who wish to contest the findings of the Board shall be given an opportunity for a hearing in accordance with the Act and Chapter 33 of this title.
- 3103.6 If an application is denied pursuant to §3103.5, the applicant may reapply for a license after deficiencies are corrected by submitting a new application and fee in accordance with this chapter.

Section 3104, ISSUANCE AND DISPLAY OF LICENSE, is amended to read as follows:

3104 ISSUANCE AND DISPLAY OF LICENSE

- 3104.1 The Director shall issue a license to a funeral services establishment if the Board determines that it is in compliance with the Act and this chapter.
- 3104.2 For the protection of the health, welfare, or safety of the public, the Board may refuse to approve the issuance or renewal of a license in a name that is as follows:
- (a) Misleading or would constitute false advertising;
 - (b) Implies a partnership, association, or corporation where one does not exist;
 - (c) Includes the name of a person not otherwise licensed;
 - (d) Is in violation of the law;
 - (e) Is a name that has been used by any person whose license is suspended or revoked; or
 - (f) Is a name that is deceptively similar to that used by another licensee.
- 3104.3 The Director shall issue a license only for the premises and person or persons named as applicants in the application. The license is not valid for use by any person or at any location other than that designated on the license.
- 3104.4 A licensee shall display the license and certificate of occupancy in a conspicuous place on the premises.

Section 3105, TERM OF LICENSE, is amended to read as follows:**3105 TERM OF LICENSE**

- 3105.1 Except as provided in § 3107.8 of this chapter, all licenses issued pursuant to this chapter and the Act shall expire on December 31 of each odd numbered year, constituting a license cycle.
- 3105.2 The Board may change the license cycle for administrative convenience.
- 3105.3 If the Board changes the license cycle, the term of a license that is in effect on the date of the Board's determination to change the cycle may, at the Board's discretion, be extended up to three (3) years in order to permit an orderly transition. Any extension of the license term implemented under this section shall only be made by Board resolution.

Section 3106, RENEWAL OF LICENSE, is amended to read as follows:**3106 RENEWAL OF LICENSE**

- 3106.1 A holder of a license shall meet all of the requirements for initial licensure prior to the issuance of the renewal.
- 3106.2 A holder of a license as a Funeral Home Establishment – Surviving Spouse may be eligible for licensure renewal as long as the spouse remains unmarried.
- 3106.3 A holder of a license as a Funeral Home Establishment – Estate shall not be eligible for licensure renewal.
- 3106.4 At least sixty (60) days prior to the expiration of a license, the Board shall send a renewal notice by first class mail to the holder of a license at the licensee's address on record with the Board.
- 3106.5 The failure of a holder of a license to receive the notice required by § 3106.1 of this section does not relieve the holder of the responsibility of renewing the license.
- 3106.6 A holder of a license who fails to renew before the expiration date may renew the license within sixty (60) days after expiration upon paying the required late fee. Upon renewal, the holder shall be deemed to have possessed a valid license during the period between the expiration of the license and its renewal.
- 3106.7 If a holder of a license fails to renew the license within sixty (60) days after its expiration, the license shall be deemed to have lapsed on the date of expiration and the holder shall be required to apply for reinstatement of the expired license and pay the required reinstatement fee in accordance with D.C. Official Code §

47-2853.15 (2012 Repl.) and § 3308 of Chapter 33 (GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS AND REAL ESTATE APPRAISERS) of this title.

Section 3107, REINSTATEMENT OF A LICENSE, is amended to read as follows:

3107 APPLICATION FOR A LICENSE AS A FUNERAL HOME ESTABLISHMENT - SURVIVING SPOUSE AND ESTATE

- 3107.1 Upon the death of a funeral director licensed to operate a funeral services establishment, a surviving spouse or the estate of the funeral director may apply for a license to continue operating the funeral services establishment for the remainder of the licensure period.
- 3107.2 The surviving spouse or representative of the estate shall notify the Board within ten (10) days of the death of the funeral director of the intent to continue operating the funeral services establishment.
- 3107.3 Within thirty (30) days of the death of the funeral director, an applicant for a license as a Funeral Home Establishment – Surviving Spouse or Funeral Home Establishment – Estate shall duly file an application on a form prescribed and provided by the Board.
- 3109.4 The proper fees and all required documents shall accompany the application at the time of filing.
- 3107.5 The surviving spouse or representative of the estate shall attest to the truthfulness of the application before a notary public, who shall affix his or her seal to the application.
- 3107.6 The surviving spouse or representative of the estate shall provide the following:
- (a) Proof of the death of the funeral director who was licensed to operate the establishment;
 - (b) Proof that the applicant was married to the funeral director at the time of his or her death; or
 - (c) Proof of the applicant's authority to act on behalf of the estate of the deceased funeral director;
 - (d) Proof that the applicant has employed a designated funeral director who is licensed and in good standing in the District of Columbia to be responsible for the daily operation of the funeral services establishment; and
 - (e) A business or a home address, which cannot be a post office box number.

- 3107.7 A surviving spouse who is licensed pursuant to this section may be eligible for licensure renewal as long as the spouse remains unmarried.
- 3107.8 The estate of a funeral director which receives a license pursuant to this section shall be licensed for a period of three (3) years from the date of the funeral director's death, and the license shall not be eligible for renewal at the end of the licensure period.

Section 3108, REQUIRED NOTIFICATIONS, is amended to read as follows:

3108 REQUIRED NOTIFICATIONS

- 3108.1 A licensee shall notify the Board of the termination of the business relationship between the licensee and a funeral director who is an owner of the funeral services establishment within ten (10) business days of the occurrence.
- 3108.2 The notice required by §3108.1 shall:
- (a) Be signed by a registered owner or the designated funeral director of the funeral services establishment;
 - (b) State the date of the termination; and
 - (c) State whether the licensee intends to continue to operate the funeral services establishment, and, if so, include the name, license number, street address, and ownership interest of any new owner.
- 3108.3 A licensee shall notify the Board of the termination of the business relationship between the licensee and its designated funeral director within ten (10) business days of the occurrence.
- 3108.4 The notice required by §3108.3 shall:
- (a) Be signed by a registered owner or the designated funeral director of the funeral services establishment;
 - (b) State the date of the termination; and
 - (c) State whether the licensee intends to continue to operate the funeral services establishment, and, if so, include the name and license number of the new designated funeral director. The new designated funeral director shall submit a notarized letter of acceptance in accordance with § 3112 of this chapter.

3108.5 A licensee desiring to change the location of a funeral services establishment within the District shall apply for a new license for the funeral services establishment in accordance with this chapter.

3108.6 A licensee shall submit a written notification to the Director within ten (10) days of hiring or terminating an apprentice funeral director and shall state the name, street address, and license number of the apprentice funeral director and the date on which he or she was employed or terminated.

Section 3109, FEES, is amended to read as follows:

3109 RIGHT OF ENTRY AND INSPECTION

3109.1 The Board, or its designee, shall have the right, after presenting credentials, to enter a funeral services establishment.

3109.2 A licensee or applicant shall give the Board, or its designee, access to records, policies and procedures, contracts, and any other information that the Board deems necessary to determine the funeral services establishment’s compliance with the Act or this chapter.

Section 3110, [RESERVED], is amended to read as follows:

3110 MINIMUM STANDARDS FOR FUNERAL SERVICES ESTABLISHMENTS

3110.1 The practice of funeral directing in the District shall only be conducted at a licensed funeral services establishment.

3110.2 A funeral services establishment shall include the following:

- (a) A chapel or viewing room used for funeral services;
- (b) An arrangement office or area used for making funeral arrangements and for related business matters; and
- (c) A preparation room, to be used exclusively for the preparation, preservation (including embalming), or other care of human remains.

3110.3 A preparation room shall be clean and sanitary at all times, and shall be equipped with the following:

- (a) Adequate lighting on all working surfaces;
- (b) Hot and cold running water;

- (c) A system for ventilation that complies with current Occupational Safety and Health Administration (OSHA) standards;
- (d) Floor, wall, ceiling, and working surfaces made of light-colored tile or other hard, smooth, durable, nonporous, and washable material;
- (e) Cabinets, closets, or shelves for proper storage of instruments and supplies;
- (f) Adequate sewage disposal, waste disposal, and drainage equipment and facilities which meet the current requirements of the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978, (D.C. Law 2-64, D.C. Law 8-229; D.C. Official Code, §8-1301, *et seq.*, and implementing rules);
- (g) Doors and windows, if any, that are rigid and tight-closing and that the windows are maintained to obstruct any view into the preparation room;
- (h) A non-porous table for preparing or preserving human remains; and
- (i) Disinfectants for the proper sterilization of the preparation room, equipment, and instruments.

3110.4 Temporary storage of uncasketed human remains awaiting burial or other final disposition shall take place only in a preparation room or in a storage room. Unembalmed human remains that are stored for over twenty-four (24) hours shall be stored in a refrigerated storage room, unless other instructions are received from the Office of the Chief Medical Examiner.

3110.5 A funeral services establishment shall have a business telephone number in working order for its registered address, the number of which shall be listed in the name of the business.

3110.6 A funeral services establishment shall display a sign that states the name of the establishment as registered with the Director. The sign shall be conspicuously located at or near the main entrance and shall be visible from the exterior of the establishment. The lettering on the sign shall be legible and have a minimum height of one and one-half (1-1/2) inches.

3110.7 A funeral services establishment shall use only its name as registered with the Director in telephone listings, publications, advertisements, or while otherwise conducting business.

3110.8 A funeral services establishment shall provide telephone information, a casket price list, an outside receptacle price list, and a general price list as required by

the Funeral Industry Practices Rules of the Federal Trade Commission (16 Code of Federal Regulations §453.2, as amended).

Section 3111, VARIANCES, is amended to read as follows:

3111 VARIANCES

- 3111.1 The Board may excuse the inability of an applicant or licensee to conform to the requirements of §3110 of this chapter, by grant of a variance to the applicant or licensee, upon the Board's determination of the following:
- (a) To deny the variances would result in undue hardship to the applicant or licensee;
 - (b) Compensating factors are present which give adequate protection to the health, safety, and welfare of the public; and
 - (c) The variance can be granted without impairing the purposes of this chapter or the Act.
- 3111.2 To apply for a variance an applicant or licensee shall state, on a form provided by the Board, the reasons a variance should be granted based upon factors listed in §3111.1.
- 3111.3 An applicant or licensee shall submit a request for a variance within twenty (20) business days of the issuance of the inspection report of the Board referenced in § 3103.3 of this chapter.
- 3111.4 The Director shall maintain a written record of each variance granted or denied by the Board, and shall make the record available for public inspection.

Section 3112, [RESERVED], is amended to read as follows:

3112 APPOINTMENT OF DESIGNATED FUNERAL DIRECTOR

- 3112.1 A funeral services establishment shall appoint a designated funeral director who is licensed and in good standing in the District of Columbia to be responsible for the daily operation and management of the funeral services establishment.
- 3112.2 To be registered as a designated funeral director, an owner and a funeral director shall submit a notarized letter of acceptance, which reflects the funeral director's intent to assume the role and responsibilities in connection with the funeral services establishment.
- 3112.3 If a designated funeral director is temporarily unable, for any reason, to carry out his or her responsibilities, the owner may assign a licensed funeral director to act

as a temporary manager for not more than thirty (30) days. If the temporary manager will serve in that capacity for more than fifteen (15) days, the owner shall notify the Board of the temporary designation in writing.

3112.4 If a designated funeral director resigns, is terminated, or is unable carry out his or her responsibilities for more than thirty (30) days, the owner shall immediately notify the Board and a new designated funeral director must be appointed.

3112.5 No funeral services establishment shall be permitted to operate unless a designated funeral director, or temporary manager, has been duly appointed in accordance with this section.

Section 3116, MINIMUM STANDARDS FOR FUNERAL SERVICES ESTABLISHMENTS, is amended to read as follows:

3116 [RESERVED]

Section 3120, GROUNDS FOR DENIAL, REVOCATION, OR OTHER DISCIPLINARY ACTION, is amended to read as follows:

3120 [RESERVED]

Section 3122, COMPLAINTS; INVESTIGATIONS, is amended to read as follows:

3122 [RESERVED]

Section 3123, RIGHT OF ENTRY AND INSPECTION, is amended to read as follows:

3123 [RESERVED]

Section 3125, NOTICE OF INTENDED ACTION AND OPPORTUNITY FOR A HEARING, is amended to read as follows:

3125 [RESERVED]

Section 3126, FAILURE TO REQUEST A HEARING OR FAILURE TO APPEAR, is amended to read as follows:

3126 [RESERVED]

Section 3127, HEARING NOTICE PROCEDURES, is amended to read as follows:

3127 [RESERVED]

Section 3128, SERVICE, is amended to read as follows:

3128 [RESERVED]

Section 3129, REPRESENTATION, is amended to read as follows:

3129 [RESERVED]

Section 3131, MOTIONS AND OTHER PLEADINGS, is amended to read as follows:

3131 [RESERVED]

Section 3133, CONDUCT OF HEARINGS, is amended to read as follows:

3133 [RESERVED]

Section 3134, EVIDENCE AT THE HEARING, is amended to read as follows:

3134 [RESERVED]

Section 3136, CONDUCT OF PARTIES AND COUNSEL AT HEARINGS, is amended to read as follows:

3136 [RESERVED]

Section 3138, DECISIONS, is amended to read as follows:

3138 [RESERVED]

Section 3139, REOPENING A HEARING, is amended to read as follows:

3139 [RESERVED]

Section 3140, RECONSIDERATION, is amended to read as follows:

3140 [RESERVED]

Section 3141, JUDICIAL REVIEW; RECORD ON APPEAL, is amended to read as follows:

3141 [RESERVED]

Section 3149, COMPUTATION OF TIME, is amended to read as follows:

3149 [RESERVED]

Section 3199, DEFINITIONS, is amended by adding or amending the following terms and definitions:

Designated funeral director – A funeral director, licensed and in good standing in the District of Columbia, who has been appointed by a funeral services establishment, and registered with the Board, to be responsible for the daily operation and management of the funeral services establishment.

Funeral services establishment – A licensed funeral home establishment, of any class, at an authorized location in the District where funeral services are provided or the practice of funeral directing is performed.

Chapter 33, GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS AND REAL ESTATE APPRAISERS, is amended as follows:

Section 3316, FAILURE TO REQUEST A HEARING OR FAILURE TO APPEAR, is amended as follows:

A new subsection 3316.6 is added to read as follows:

3316.6 If, because of accident, sickness, or other good cause, a respondent does not receive notices of a hearing or fails to appear for a hearing, the respondent may, within fifteen (15) days from the date a service of the decision, file a petition with the Board in accordance with § 3334 of this chapter to request that the hearing be reopened.

All persons desiring to comment on these proposed regulations should submit comments in writing to Matt Orlins, Legislative and Public Affairs Officer, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., 5th Floor, Washington, D.C. 20024, or via e-mail at matt.ornlins@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. The agency can be reached by telephone at 202-442-4400. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at dcra.dc.gov by going to the “About DCRA” tab, clicking “News Room”, and clicking on “Rulemaking.”

DEPARTMENT OF HEALTH CARE FINANCE**NOTICE OF SECOND 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 (2012 Repl. & 2014 Supp.)), and section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt an amendment to Chapter 93 (Medicaid Guidelines for Recovery Audit Contractors) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

State Medicaid programs are required, under § 6411 of the Patient Protection and Affordable Care Act of 2011 (the Affordable Care Act or ACA), approved March 23, 2010 (Pub. L. No. 111-148; 124 Stat. 119), to establish a Recovery Audit Contractor (RAC) program. Through these programs, states can coordinate with contractors or other entities that perform Medicaid claim audits to better identify and reconcile Medicaid provider overpayments and underpayments. Timely identification of Medicaid provider overpayments and underpayments is an important safeguard against future improper Medicaid payments.

Further, challenges to the RAC program initiative could create delayed recovery revenue for the Medicaid program, lost recovery opportunities for claims that expire during the Medicaid RAC review period, and provider confusion. In turn, those losses and provider confusion could negatively impact the delivery of healthcare services to District Medicaid beneficiaries.

This second proposed rulemaking correlates to an amendment to the District of Columbia State Plan for Medical Assistance (State Plan) which requires approval by the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS). The Council approved the State Plan Amendment (SPA) on June 4, 2012 (PR19-0694). Subsequently, CMS approved the SPA with an effective date of December 1, 2012.

A Notice of Proposed Rulemaking was published on February 8, 2013 (60 DCR 001563). The proposed rulemaking received several comments. Substantive changes have been made that increase the number of days a provider is allowed to submit requested medical records to a Medicaid RAC, clarify the provider notification process when a claim is subject to recoupment based on the Medicaid RAC's determination, and clarify the time limit for filing an appeal. A new subsection 9300.4 was also added to clarify that all audits performed by the Medicaid RAC shall be subject to the billing standards of the District Medicaid program. These changes are necessary for successful implementation of the RAC program initiative.

The Director adopted the proposed rules on October 21, 2015. The Director gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 93, Medicaid Guidelines for Recovery Audit Contractors, of Title 29 DCMR is added to read as follows:

93 MEDICAID RECOVERY AUDIT CONTRACTOR PROGRAM

9300 GENERAL PROVISIONS

9300.1 In accordance with the requirements set forth in § 1902(a)(42)(B)(i) of the Social Security Act (the Act), (42 U.S.C. § 1396a(a)(42)(B)(i)) and 42 C.F.R. §§ 455.500 *et seq.*, the Department of Health Care Finance (DHCF) shall establish the Medicaid Recovery Audit Contractor (Medicaid RAC) Program.

9300.2 The Medicaid RAC Program shall support program integrity efforts by identifying overpayments and underpayments, and fraudulent and abusive claims activity.

9300.3 Subject to the requirements set forth in the Procurement Practices Reform Act of 2010, effective April 8, 2011, (D.C. Law 18-371; D.C. Official Code §§ 2-351.01, *et seq.*) (2011 Repl.), DHCF shall contract with one (1) entity that shall be the Medicaid RAC pursuant to 42 CFR §§ 455.500-455.518.

9300.4 All audits performed by the Medicaid RAC shall be subject to the billing standards of the District of Columbia (District) Medicaid program.

9300.5 The following claims and payments may be excluded from review and audit under the Medicaid RAC Program:

- (a) Claims associated with managed care, waiver, and demonstration programs;
- (b) Payments made for Indirect Medical Education (IME) and Graduate Medical Education (GME);
- (c) Claims older than three (3) years from the date of reimbursement;
- (d) Claims that require reconciliation due to beneficiary liability; and
- (e) Unpaid claims.

9300.6 In accordance with 42 C.F.R. §§ 455.506(c) and 455.508(g), DHCF shall ensure that no claim audited under the Medicaid RAC Program has been or is currently being audited by another entity.

9300.7 DHCF shall reserve the right to limit the Medicaid RAC Program audit period by claim type, provider type, or by any other reason where DHCF believes it is in the best interest of the Medicaid program to limit claim review. Notice to the Medicaid RAC of this action shall be in writing and may be communicated through e-mail.

9301 MEDICAL RECORDS REQUESTS

9301.1 Each provider shall make medical records available to the Medicaid RAC upon request, subject to the provisions in this section. Providers may submit medical records in hardcopy or electronic format.

9301.2 Providers shall have thirty (30) business days from the date of the Medicaid RAC request to provide the requested medical records. Failure to submit the requested records within this timeframe, unless an extension has been granted to the provider by the Medicaid RAC, will result in the Medicaid RAC making a determination of improper payment.

9302 GUIDELINES FOR RECOUPING OVERPAYMENTS AND RECONCILING UNDERPAYMENTS

9302.1 A Medicaid provider may be subject to recoupment or reconciliation of claims based on the Medicaid RAC findings.

9302.2 A determination of overpayment or underpayment shall be based on, but not limited to, one or more of the following:

- (a) Whether the service underlying the claim is covered under the District Medicaid program;
- (b) Whether the claim resulting from the service was priced correctly in accordance with billing standards for the District Medicaid program;
- (c) Whether the provider properly coded the claim in accordance with billing standards for the District Medicaid program;
- (d) Whether the claim duplicates a previously paid claim; and/or
- (e) Whether the Medicaid Management Information System (MMIS) failed to apply relevant payment policies.

9302.3 DHCF or the Medicaid RAC shall notify a provider, in accordance with the requirements set forth in Chapter 13 of Title 29 DCMR, when a claim is subject to recoupment based on the Medicaid RAC’s determination.

9302.4 Pursuant to Chapter 13 of Title 29 DCMR, a provider may appeal an overpayment determination by the Medicaid RAC to the Office of Administrative Hearings (OAH) within fifteen (15) calendar days of the date the final notice of recoupment was sent to the provider.

9399 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed:

Audit – A systematic process where an entity reviews Medicaid claims, obtains evidence, evaluates findings, and determines compliance with applicable laws, regulations, and policies.

Beneficiary – An individual who is eligible for Medical Assistance (Medicaid) under Titles XIX or XXI of the Social Security Act.

Demonstration – A project approved by CMS and authorized under Section 1115 of the Social Security Act.

Managed Care – The program authorized under section 1915(b) of the Social Security Act in which Medicaid beneficiaries are enrolled into managed care organizations to receive services.

Waiver – A program operated by a state or by the District of Columbia pursuant to a CMS-approved application to waive standard Medicaid provisions to deliver long term care in community-based settings.

Comments on these proposed rules shall be submitted in writing to Claudia Schlosberg, JD, Senior Deputy/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Ninth Floor South, Washington, DC 20001, via email at DHCFPubliccomments@dc.gov, online at www.dcregs.dc.gov, or at (202) 442-8742, within thirty (30) days after the date of publication of this notice in the *D. C. Register*. Additional copies of these proposed rules may be obtained from the above address.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend Chapter 43 (District of Columbia Public Library: Procurement) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On October 8, 2015, the Executive Director of the District of Columbia Public Library (DCPL) approved to adopt the proposed new amendment(s) to the District of Columbia Public Library Regulations regarding Sole Source Procurement § 4320 of Chapter 43, Title 19 DCMR. The proposed amendments will allow the Chief Contracting Officer (CCO) to select a designee in Subsection 4320.6 and replace the term “Library Procurement Executive” with “CCO and/or designee” in Subsection 4320.7 and 4320.10. In addition, in Subsection 4320.7, the DCPL removed the language “in excess of fifty-thousand dollars.”

Chapter 43, DISTRICT OF COLUMBIA PUBLIC LIBRARY: PROCUREMENT, of Title 19, AMUSEMENT, PARKS AND RECREATION, is amended as follows:

Section 4320, SOLE SOURCE PROCUREMENT, Subsection 4320.6, 4320.7, and 4320.10 are amended to read as follows:

- 4320.6 The CCO and/or designee shall ensure that each sole source procurement is reviewed and approved in accordance with Section 4320.7.
- 4320.7 When a sole source procurement is proposed, the DCPL Office of Procurement with the representative of the requesting department shall prepare a written determination and findings (D&F) that justifies the sole source procurement. The CCO and/or designee shall approve all D&Fs before issuance of a solicitation.

4320.10 The CCO and/ or designee shall ensure that each sole source contract contains all of the required clauses, provisions, representations and certifications.

Any person 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 the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend Section 809 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On January 15, 2015, Executive Director of the District of Columbia Public Library (DCPL) approved the adoption of the proposed amendment to the District of Columbia Public Library Regulations regarding Cost Recovery Fees. The proposed amendments will accurately reflect the cost recovery fees for new services in the District of Columbia Public Library.

Chapter 8, PUBLIC LIBRARY, of Title 19, AMUSEMENT, PARKS AND RECREATION, is amended as follows:

Section 809, COST RECOVERY FEES, is amended to read as follows:

809 COST RECOVERY FEES

809.1 District of Columbia Public Library is authorized to establish cost recovery fees for the following services:

- (a) The DCPL Washingtoniana Division shall charge the following reimbursement cost for the scanning of photo images:

Size of Photograph/Image	Charge
5 x 7	\$10.00
8 x 10	\$15.00
11 x 14	\$20.00

1. Any larger scanned photograph/image will be charged at a comparable rate and scale as set above.

(b) The DCPL Passport Office shall charge the following reimbursement cost for services related to the passport office:

Service	Charge
Photo	\$15.00
Application Processing Fee	\$25.00
Overnight Mailing	\$15.00

(c) The DCPL shall charge the following reimbursement costs for the Espresso Book

Machine service:

1. \$.03 cents per page for black and white printing.
2. \$.25 cents per page for color printing.
3. \$25 for barcode registration.

(d) The DCPL shall charge the following reimbursement costs for 3D printing services:

1. \$.05 cents per gram (of object’s weight) plus a \$1 charge.
2. Customers may bring their own materials and conduct their own printing free of charge.

(e) The DCPL shall charge the following reimbursement costs for 3D Scanning services:

1. \$5 per object.

Any person 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 the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 ‘G’ Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

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 4073 and 4074 of the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code §§ 38-281 *et. seq.*), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 10 (Healthy Tots) 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 provide additional funding for District of Columbia child development facilities that: (1) participate in the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766); and (2) to meet the United States Department of Agriculture (USDA) meal requirements in 7 CFR 226.20. The emergency rulemaking action is necessary for OSSE to ensure timely reimbursements for the 2015-2016 school year. Without this emergency rulemaking, child care development facilities participating in CACFP will not have the necessary framework to pursue additional reimbursements available through the Healthy Tots Act of 2014.

This emergency rulemaking was adopted on October 1, 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 29, 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.

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*.

Title 5 DCMR, EDUCATION, Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended by adding a new Chapter 10 to read as follows:

CHAPTER 10**HEALTHY TOTS****1000 GENERAL PROVISIONS**

- 1000.1 This chapter is promulgated pursuant to Sections 4073 and 4074 of the Healthy Tots Act of 2014 (D.C. Law 20-155; D.C. Official Code §§ 38-282 and 38-283) (“the Act”).
- 1000.2 The purpose of this chapter is to implement the requirements of the Act, as amended.

- 1000.3 All child development facilities must participate in the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act, approved on October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766), and comply with the rules issued pursuant to this chapter if fifty-percent (50%) or more of the enrolled children are eligible for subsidized child care unless the child development facility is exempted from participation through a waiver from the Office of the State Superintendent of Education (OSSE).
- 1000.4 An eligible child is a child who is a District resident who occupies a slot funded in whole or in part by the subsidized child care, authorized by Section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402), the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), or the District of Columbia Public Schools' Head Start program.
- 1000.5 A child development facility may be eligible for a waiver exempting the facility from participation in the CACFP if the facility demonstrates to OSSE that participation in the CACFP constitutes a hardship or proves the facility is exempt under Subsection 1000.10 of this chapter.
- 1000.6 OSSE shall accept applications for a waiver exempting a child development facility from participating in CACFP on an annual basis.
- 1000.7 OSSE shall determine whether good cause exists to grant the child development facility a waiver from participating in the CACFP based on the facility's application and any other information available to OSSE. If OSSE grants a waiver, OSSE shall provide written notice to the facility that it is excused from participating in the CACFP for the one (1) year following the date of the notice.
- 1000.8 Applications for waiver exempting a child development facility from participating in CACFP shall be in a format and shall contain the information designated by OSSE.
- 1000.9 To the extent possible, OSSE shall work with a child development facility granted a waiver to address barriers to participating in the CACFP.
- 1000.10 A child development facility shall be exempt from participation in the CACFP through a waiver from OSSE if:
- (a) OSSE has denied a facility's initial application to participate in CACFP or a facility's subsequent application to renew

participation in the CACFP because the application does not meet all of the requirements in 7 CFR Part 226; or

- (b) The facility's CACFP agreement is terminated and deemed disqualified, the responsible individual(s) are disqualified, and the facility and/or individual(s) have been placed on the National Disqualified List pursuant to 7 CFR 226.6(c) *et. seq.*

1001 ADDITIONAL LOCAL MONTHLY REIMBURSEMENT FUNDING AND MEAL REQUIREMENTS

- 1001.1 This section establishes rules for additional funding from the Healthy Tots Fund established by the Act for meals served by child development facilities participating in the CACFP.
- 1001.2 In order to be eligible for reimbursement from the Healthy Tots Fund, a meal (breakfast, lunch, or supper) must meet the regulatory requirements of the United States Department of Agriculture (USDA) CACFP (7 CFR 226.20). Each child development facility participating in the CACFP may request an additional ten cents (\$0.10) for each eligible breakfast, lunch and supper served to an eligible child.
- 1001.3 No additional funding from the Health Tots Fund is available for snacks served by a child development facility that meet the CACFP meal requirements.
- 1001.4 Each child development facility participating in the CACFP that serves a lunch or supper which is eligible for reimbursement, may request an additional five cents (\$0.05) per lunch or supper when at least one (1) component of the meal is comprised entirely of locally grown, as defined in Section 101(3) of the Healthy Schools Act of 2010 (D.C. Official Code § 38–821.01), and unprocessed foods, as defined in Section 101(10) of the Healthy Schools Act of 2010 (D.C. Official Code § 38–821.01).
- 1001.5 Locally grown and unprocessed foods does not include milk.
- 1001.6 Each child care development facility must maintain documentation of locally grown and unprocessed foods. As a means of documentation, each facility shall indicate on the daily menus for each meal type, which food item served was locally grown. In addition, each facility shall maintain receipts from farms and/or grocery stores indicating which are local food items, the date of purchase. and if available, the name and address of the farm(s) and/or grocery stores. Each facility may be required to submit this documentation to OSSE each quarter, or as requested, to monitor compliance with this provision.

- 1001.7 For those child development facilities that have maximized the number of daily meal services eligible for CACFP reimbursements allowed (two (2) meals and one (1) snack or one (1) meal and two (2) snacks), reimbursements from the Healthy Tots Fund shall be made available for each breakfast served to each enrolled and participating child, if seventy-five percent (75%) of the children enrolled and attending the child development facility are District of Columbia residents and at least fifty percent (50%) of the enrolled and attending children are eligible for subsidized child care.
- 1001.8 The amount of the local funding for the breakfast meal, in accordance with the Act, shall be equal to the per meal free rate as established under the federal CACFP rate of reimbursement pursuant to 7 CFR 226, as amended.
- 1001.9 The breakfast meal shall meet the CACFP meal requirements.
- 1001.10 Child development facilities requesting reimbursement for the breakfast meal shall submit a monthly report documenting the residency and eligibility of the child receiving that meal.
- 1001.11 Each child development facility participating in CACFP shall plan and post monthly menus for all foods served, including snacks, and shall update the menus daily to indicate the modification or substitutions to the menus to reflect food actually served. The menus shall be posted in a prominent place where parents/guardians are able to view them. In addition, all menus shall be posted on the website of the child development facility, if one exists. The facility shall maintain the menus for the current fiscal year and three (3) years after the date of the submission of the final claim for the fiscal year to which the menu pertains.
- 1001.12 Each child development facility seeking reimbursement pursuant to this chapter shall make meals available at no charge to any enrolled and attending infant, toddler or preschooler.
- 1001.13 OSSE may deny monthly reimbursement requests from a child development facility that does not meet all the requirements of 7 CFR Part 226 and this chapter.

1002 MONITORING AND TECHNICAL ASSISTANCE

- 1002.1 OSSE may monitor the progress of a child development facility receiving reimbursements under this chapter to determine if the facility is complying with this chapter.
- 1002.2 Each child development facility, or its sponsoring organization, as defined in 7 CFR 226.2, if applicable, seeking reimbursement pursuant to this chapter shall, as part of its recordkeeping procedures, identify, document and maintain records of expenditures for meals for the current year and three (3) years after the date of submission of the final claim for the fiscal year to which it pertains.

1002.3 OSSE shall provide periodic training (as determined by OSSE) to child development facilities participating or desiring to participate in CACFP to support and adhere to the requirements of this chapter and the CACFP.

1099 DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

“Child and Adult Care Food Program” or “CACFP”-- The program authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766).

“Child development facility” --- A licensed community-based center, home, or other structure, regardless of its name, that provides care, supervision, guidance, and other services for infants, toddlers, and preschoolers on a regular basis. The term "child development facility" does not include a child development center or program that is sponsored or run by a public or private school.

“Infant” ---A child younger than twelve (12) months of age.

“OSSE” --- The Office of the State Superintendent of Education, established by Section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2601).

“Preschool” or “preschooler” ----A child twenty- four (24) months of age or older but younger than compulsory school attendance age, who is not enrolled in a public, charter, or private school.

“Subsidized child care” --- 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, Nov. 19, 2014, 128 Stat. 1971).

“Toddler” ---A child between twelve (12) months of age and twenty-four (24) months of age.

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: Healthy Tots Act Regulations, 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 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 in 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 1924, entitled “Family Training Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement for professionals who provide family training services to caregivers of participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (“ID/DD Waiver”), and conditions of participation for the Medicaid providers employing family training services professionals.

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 (5) 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). The amendment must also be approved by CMS, which will affect the effective date of the emergency rulemaking.

Family training services are training, counseling, and other professional support services offered to the families of persons enrolled in the ID/DD Waiver or to other uncompensated persons providing support to an ID/DD Waiver participant. The Notice of Final Rulemaking for 29 DCMR § 1924 (Family Training Services) was published in the *D.C. Register* on January 31, 2014, at 61 DCR 000846. These rules amend the previously published rules by: (1) modifying rates to reflect increased costs of providing service; (2) allowing Medicaid reimbursement of family training provided to uncompensated caregivers of people receiving supported living periodic services; and (3) excluding Medicaid reimbursement of family training services provided to people receiving supported living with transportation services, with the exception of family training provided to uncompensated caregivers of people receiving supported living with transportation periodic 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 family training services. Based upon current service authorization, reporting and record maintenance requirements, there are insufficient safeguards in place to ensure that providers are taking the necessary steps to deliver adequate family training services. By taking emergency action, this rule will clarify the duties and

responsibilities of family training services professionals and Medicaid providers employing these professionals, and enable the District to increase oversight and enhance quality of care.

The emergency rulemaking was adopted on October 20, 2015 and became effective on that date. The corresponding amendment to the ID/DD Waiver has been approved by CMS with an effective date of September 25, 2015. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until February 17, 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:

Subsections 1924.13 and 1924.16 of Section 1924 (Family Training Services) are amended to read as follows:

1924.13 Medicaid reimbursement shall not be available when family training services that are included in a person's ISP are provided concurrently with the following ID/DD Waiver services:

- (a) Supported living and supported living with transportation, with the exception of family training services which may be provided to uncompensated caregivers for people receiving supported living periodic or supported living with transportation periodic services;
- (b) Residential habilitation; or
- (c) Host home without transportation.

1924.16 The Medicaid reimbursement rate for family training services shall be sixty dollars and eighty cents (\$60.80) per hour. The billable unit of service for family training services shall be fifteen (15) minutes.

Comments on the emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by email at DHCFPublicComments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rules may be obtained from the above address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (1), (2), (3), (7), (10), (12), (16), and (19), 14, 20f, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code §§ 50-307(c)(1), (2), (3), (7), (10), (12), (16), and (19), 50-313, 50-325, and 50-329 (2012 Repl. & 2014 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 10 (Public Vehicles for Hire), Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

An emergency and proposed rulemaking was adopted by the Commission on April 8, 2015. The emergency rulemaking took effect immediately and remained in effect for one hundred and twenty (120) days. The emergency and proposed rulemaking adopted by the Commission was published in the *D.C. Register* on June 5, 2015 at 62 DCR 008127. The Commission did not receive any comments during the comment period, which expired on July 5, 2015; however, a substantive change is being made which necessitates a second proposed rulemaking.

This second proposed rulemaking for Chapters 10 and 18 would allow taxicab companies required by the Establishment Act to have six percent (6%) of their fleets wheelchair accessible by December 31, 2014, to meet this requirement by obtaining new DCTC taxicab vehicle licenses from the Office of Taxicabs on the condition that the new vehicles be actively used in the CAPS-DC (now Transport DC) program for a period of not less than three (3) years. The amendments would require these new wheelchair accessible vehicles to operate in accordance with the operating requirements of the CAPS-DC program.

This second emergency rulemaking for Chapters 10 and 18 is necessary because there is an immediate need to preserve and promote the safety and welfare of the District’s taxicab industry and serve the needs of the mobility impaired community by: (1) immediately increasing the number of wheelchair accessible vehicles participating in the CAPS-DC (now Transport DC) program to minimize delays in wheelchair service for program customers; and (2) immediately increasing the level of compliance with the Establishment Act’s requirements for minimum percentages of wheelchair accessible vehicles in the fleets of taxicab companies.

This second emergency rulemaking was adopted by the Commission on August 12, 2015, and took effect immediately. This second emergency rulemaking shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring on December 10, 2015), unless earlier superseded by an amendment, repealed by the Commission, or the publication of final rulemaking, whichever occurs first.

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 10, PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1010, ISSUANCE OF DCTC VEHICLE LICENSES, is amended as follows:

New Subsections 1010.17 and 1010.18 are amended to read as follows:

1010.17 A new DCTC taxicab vehicle license (non-transferable) may be issued to a taxicab company seeking to comply with the wheelchair accessible vehicle phase-in requirements of § 501.10 (other than a taxicab company approved to participate in CAPS-DC), provided that:

- (a) The license is used exclusively for a new wheelchair accessible, best fuel vehicle purchased and immediately placed into active service upon the Office's approval or within sixty (60) days of the Office's approval of a company's modification of its compliance plan submitted under § 501.13 if applicable;
- (b) The company executes a written agreement to enter into a dispatch agreement with a taxicab company participating in CAPS-DC, for a minimum period of three (3) years, during which the vehicle shall be in active service and available for dispatch in accordance with all of the applicable operating requirements of §1806, a copy of which shall be filed with the Office prior to placing the vehicle into service; and
- (c) The DCTC taxicab vehicle license shall be subject to suspension or revocation if, at any time and for any reason, the vehicle or the company fails to comply with the provisions of subparagraphs (a) or (b) of this subsection.

1010.18 Each company and each operator of a vehicle participating in CAPS-DC pursuant to a dispatch agreement under § 1010.17 shall be subject to the prohibitions and penalties of §§ 1807 and 1808.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1800, APPLICATION AND SCOPE, is amended as follows:

Subsection 1800.1, is amended to read as follows:

1800.1 This chapter establishes licensing and other requirements applicable to taxicab companies (“companies”), operators, and vehicles, that are approved under this chapter to provide paratransit taxicab service, including wheelchair accessible service, as a participant in the Coordinated Alternative to Paratransit Services – DC Pilot Program (CAPS-DC), to ensure the safety of passengers and operators, to protect consumers, and for other lawful purposes within the authority of the Commission.

Section 1806, TAXICAB COMPANIES AND OPERATORS – OPERATING REQUIREMENTS, is amended as follows:

Subsections 1806.8 – 1806.10 are amended to read as follows:

1806.8 Each company shall maintain with the Office a current and accurate inventory of all active operators and vehicles approved for and providing CAPS-DC service, including all vehicles associated with the company pursuant to a dispatch agreement under § 1010.17, updated in such manner and at such times as determined by the Office, with the following information:

- (a) For each operator: name, cellular telephone number, DCTC operator’s license number, and an indication of whether the operator has completed the wheelchair service training pursuant to § 1806.6, and, if so, the date of completion; and
- (b) For each vehicle: year, make, model, color, PVIN, tag number, and an indication of whether the vehicle is wheelchair accessible.

1806.9 Each company, including a company participating in CAPS-DC pursuant to a dispatch agreement under § 1010.17, shall ensure that:

- (a) Each operator:
 - (1) Possesses a current and valid DCTC operator’s license; and
 - (2) If the operator is operating a wheelchair accessible vehicle, the operator has a wheelchair service certification, as required by § 1806.6, and has been issued an AVID operator’s license.
- (b) Each vehicle:
 - (1) Is in compliance with all applicable provisions of this title, including: vehicle licensing requirements; uniform color scheme requirements in Chapter 5; and equipment requirements in Chapter 6 (including the requirements for a modern taximeter system (MTS) unit and a uniform dome light);

- (2) If it is a wheelchair accessible vehicle, is operated only by an operator trained to provide wheelchair service, as required by this chapter;
- (3) If it is a wheelchair accessible vehicle, other than a WMATA van, or a wheelchair accessible vehicle that was associated with the company prior to its approval to participate in CAPS-DC, meets all applicable provisions of this chapter for use in CAPS-DC; and
- (4) Has an MTS unit which complies with § 603, which has been configured to report CAPS-DC trip data in the format directed by the Office, allowing the Office to identify CAPS-DC trips.

1806.10 The rates and charges, and acceptable forms of payment, for each CAPS-DC trip shall be in accordance with the following requirements:

- (a) The fare for a CAPS-DC trip shall be the flat rate of thirty three (33) dollars, plus any gratuity which a passenger chooses to add to the total fare, payable as follows:
 - (1) Not more than five (5) dollars of the CAPS-DC fare shall be paid by the passenger by any means allowed by Chapter 8, including a payment card or cash; and
 - (2) The remaining fare shall be paid by District.
- (b) No passenger surcharge shall be collected from a passenger for a CAPS-DC trip.

Subsection 1806.15 is amended to read as follows:

1806.15 Each CAPS-DC trip shall be between a MetroAccess approved location or facility in the District and another location in the District, or vice-versa.

A new Subsection 1806.20 is added to read as follows:

1806.20 In addition to vehicles acquired pursuant to § 1806.3 (a) and (b), a company shall dispatch any vehicle associated with the company pursuant to a dispatch agreement under § 1010.17.

Chapter 99, DEFINITIONS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE is amended as follows:

Section 9901 is amended as follows:

“Coordinated Alternative to Paratransit Services” – a pilot program to provide paratransit service, including wheelchair accessible service, to eligible patients.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 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: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-230
October 16, 2015

SUBJECT: Delegation — Authority to the Director of the Department of General Services to Execute a Lease Agreement for 3149 16th Street NW.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act (the "Act"), approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services is delegated the authority vested in the Mayor pursuant to the Act, to execute a lease agreement between the District of Columbia and the DC Children and Youth Investment Trust Corporation for certain real property, as specified in the lease, located at 3149 16th Street NW, Washington, DC, and more specifically designated for tax and assessment purposes as Square 2673, Lot 0890 ("**Property**"), and all other documents necessary to effectuate the lease of the Property, including, but not limited to, a memorandum of lease and a subordination, non-disturbance and attornment agreement.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-231
October 20, 2015

SUBJECT: Appointments — District of Columbia Recreational Trails Advisory Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with Mayor's Order 96-84, dated June 20, 1996, as amended by Mayor's Order 2007-08, dated September 26, 2007, it is hereby **ORDERED** that:

1. **JIM SEBASTIAN** is appointed to the District of Columbia Recreational Trails Advisory Committee, as a member representing the District Department of Transportation, replacing Matthew Brown, and shall serve in that capacity at the pleasure of the Mayor.
2. **JAMES BYLES** is appointed to the District of Columbia Recreational Trails Advisory Committee, as a member representing bicycling trail uses, replacing Rory Austin, for the unexpired portion of a term to end September 10, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCES SYSTEM**

Mayor's Order 2015-232

October 20, 2015

SUBJECT: Amendment — District of Columbia Workforce Investment Council**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to Mayor's Order 2011-114, dated July 1, 2011, it is hereby **ORDERED** that:

1. AMENDMENT:

- A. Section III.A of Mayor's Order 2011-114, dated July 1, 2011, is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Deputy Mayor for Greater Economic Opportunity" in its place, to reflect that the District of Columbia Workforce Investment Council ("**WIC**") shall be transferred from the organizational management and authority of the Deputy Mayor for Planning and Economic Development to the Deputy Mayor for Greater Economic Opportunity.
- B. Section III.B. of Mayor's Order 2011-114, dated July 1, 2011, is amended by adding a new paragraph 2A. to read as follows:


"2A. The Deputy Mayor for Greater Economic Opportunity, or his or her designee;"
- C. Section IV.C. of Mayor's Order 2011-114, dated July 1, 2011, is amended by adding the Deputy Mayor for Greater Economic Opportunity as a new, additional member of the Executive Committee.
- D. Section VII of Mayor's Order 2011-114, dated July 1, 2011, is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Deputy Mayor for Greater Economic Opportunity" in its place, to reflect that the Deputy Mayor for Greater Economic Opportunity, rather than the Deputy Mayor for Planning and Economic Development, has the authority to approve WIC member expenses.
- E. Section VII of Mayor's Order 2011-114, dated July 1, 2011, is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Deputy Mayor for Greater Economic Opportunity"

in its place, to reflect that the Deputy Mayor for Greater Economic Opportunity, rather than the Deputy Mayor for Planning and Economic Development, shall provide administrative and technical support to the WIC.

- 2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, NOVEMBER 4, 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-00086; Gokulesh, LLC, t/a Hop, Cask, & Barrel, 1717
Wisconsin Ave NW, License #97883, Retailer A, ANC 2E
Application to Renew the License

Protest Hearing (Status) 9:30 AM
Case # 15-PRO-00094; Neighborhood Restaurant Group XXIV, LLC, t/a Hazel
808 V Street NW, License #99839, Retailer CR, ANC 1B
Application for a New License

Protest Hearing (Status) 9:30 AM
Case # 15-PRO-00089; Desta Ethiopian Restaurant, LLC, t/a Desta Ethiopian
Restaurant, 6128 Georgia Ave NW, License #98818, Retailer CR, ANC 4A
Application for a New License

Protest Hearing (Status) 9:30 AM
Case # 15-PRO-00080; CS Bond ST AB-Holding, LLC, t/a The Savoy Suites
Hotel, 2505 Wisconsin Ave NW, License #90804, Retailer CH, ANC 3C
**Substantial Change (Request an additional Summer Garden and
Entertainment Endorsement for the Summer Garden, Expand the seating
inside the Restaurant)**

Show Cause Hearing (Status) 9:30 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 your
Summer Garden)**

Board’s Calendar
November 4, 2015

Show Cause Hearing (Status) 9:30 AM

Case # 15-CMP-00219; Debebe Addis, t/a Mesobe Restaurant and Deli Market
1853 7th Street NW, License #81030, Retailer CR, ANC 1B
No ABC Manager on Duty, Operating after Hours

Show Cause Hearing (Status) 9:30 AM

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**

Show Cause Hearing (Status) 9:30 AM

Case # 15-CMP-00272; Lucky 7, LLC, t/a Lucky 7 Liquors, 2314 Rhode Island
Ave NW, License #90270, Retailer A, ANC 5C
No ABC Manager on Duty, Failed to Post Window Lettering

Fact Finding Hearing* 9:30 AM

Theodore G. Sampel;
Manager's License Renewal Application

Show Cause Hearing* 10:00 AM

Case # 15-CMP-00250; 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, Substantial Change in Operation (No Summer
Garden Endorsement)**

Show Cause Hearing* 11:00 AM

Case # 15-CMP-00251; 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, Substantial Change in Operation (No Summer
Garden Endorsement)**

**BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM**

Fact Finding Hearing* 1:30 PM

The Berlin Group, t/a Lapis, 1032 Wisconsin Ave NW, License #85260, Retailer
CR, ABC 2E
License in Extended DCMR 23-405 Status

Board's Calendar

November 4, 2015

Fact Finding Hearing*

2:00 PM

R & A Restaurant Group, LLC, t/a Five Guys, 1335 Wisconsin Ave NW,
License #71127, Retailer CR, ANC 2E

Request to Extend Safekeeping

Show Cause Hearing*

2:30 PM

Case # 15-CMP-00208; Restaurant Enterprises, Inc., t/a Smith Point, 1338
Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E

**Operating after Hours, Provided Entertainment Without an Entertainment
Endorsement**

Fact Finding Hearing*

3:30 PM

Case # 15-251-00156; Connie M. Dickens, t/a Dan's Café, 2315 18th Street NW
License #785, Retailer CT, ANC 1C

Assault Inside of the Establishment

Protest Hearing*

4:30 PM

Case # 15-PRO-00071; Daci Enterprises, LLC, t/a Dacha Beer Garden, 1600
7th Street NW, License #92773, Retailer DT, ANC 2E

**Substantial Change (Class Change from Class "D" Tavern to Class "C"
Tavern)**

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, NOVEMBER 4, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On November 4, 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#15-251-00176 Shadow Room, 2131 K ST NW Retailer C Nightclub, License#: ABRA-075871

2. Case#15-251-00145 Midtown, 1219 CONNECTICUT AVE NW Retailer C Nightclub, License#: ABRA-072087

3. Case#15-CMP-00522 Rhode Island Liquor, 1812 HAMLIN ST NE Retailer A Retail - Liquor Store, License#:ABRA-072215

4. Case#15-AUD-00095 Graffiato, 707 6TH ST NW Retailer C Restaurant, License#: ABRA-086500

5. Case#15-CMP-00554 The Showtime, 113 RHODE ISLAND AVE NW Retailer C Tavern, License#: ABRA-089186

6. Case#15-CMP-00541 Bless 7 to 10 Market, 434 SHEPHERD ST NW Retailer B Retail - Grocery, License#:ABRA-090618

7. Case#15-CMP-00667 DACHA BEER GARDEN, 1600 7TH ST NW Retailer D Tavern, License#: ABRA-092773

8. Case#15-CMP-00632 Marriott Marquis, 901 MASSACHUSETTS AVE NW Retailer C Hotel,
License#: ABRA-093961

9. Case#15-CMP-00542 Halftime Sports Bar, 1427 H ST NE Retailer C Tavern, License#:
ABRA-094107

10. Case#15-251-00163 ELROY (THE), 1423 H ST NE Retailer C Tavern, License#: ABRA-
096771

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, NOVEMBER 4, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Motion for Continuance and Motion to Confirm Standing as Abutting Property Owners, dated October 13, 2015, submitted by Abutting Property Owner Protestant Group. *Hotel Helix*, 1430 Rhode Island Avenue, NW, Retailer CH, License No.: 079243.*

2. Review of Response in Opposition to Motion to Confirm Standing on Protestants as Abutting Property Owners, dated October 20, 2015. *Hotel Helix*, 1430 Rhode Island Avenue, NW, Retailer CH, License No.: 079243 .*(*Responsive to item #1 on the Legal Agenda*)

3. Review of Motion to Vacate, dated October 13, 2015, submitted by Kathy Henderson, Chairperson, ANC 5D. *Kovak's Liquors*, 1237 Mount Olivet Road, NE, Retailer A, License No.: 076573.*

4. Review of Rebuttal to Motion to Vacate, received October 21, 2015, Keisha L. Shropshire, Commissioner, ANC 5D02, related to *Kovak's Liquors*, 1237 Mount Olivet Road, NE, Retailer A, License No.: 076573.* (*Responsive to item #3 on the Legal Agenda*).

5. Review of Petition to Terminate Settlement Agreement, undated, filed by **Marleny's Restaurant**, 3201 Mount Pleasant, NW. Retailer Class CR, ABRA License No. 077454, as well as various letters of support from the community. *

6. Review of public comments by Sarah Egebergh contained in an email titled "Proposed Alcoholic Beverage License ABRA-100316," received on October 19, 2015.

* 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, NOVEMBER 4, 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 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **L8**, 727 15th Street NW, Retailer CN, License No. 099695.

2. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. **Proposed Hours of Operation:** Sunday-Saturday 8am to 4am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **L8**, 727 15th Street NW, Retailer CN, License No. 099695.

3. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 3am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 11am to 10:45pm, Friday-Saturday 11am to 2am. **Approved Hours of Live Entertainment:** Thursday-Saturday 6pm to 1am. **Proposed Hours of Operation:** Sunday-Wednesday 11am to 2am, Thursday-Saturday 11am to 3am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Wednesday 11am to 1:45am, Thursday-Saturday 11am to 2:45am. **Proposed Hours of Live Entertainment:** Sunday-Wednesday 11am to 1am, Thursday-Saturday 11am to 2:30am. ANC 6A. SMD 6A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Sol Mexican Grill**, 1251 H Street NE, Retailer CT, License No. 092192.

4. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Ventnor Sports Cafe**, 2411 18th Street NW, Retailer CR, License No. 072529.

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5. Review Application for new Retailer DX Multipurpose Facility. ANC 2A. SMD 2A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *West End Cinema Beverage Service*, 2301 M Street NW, Retailer DX, License No. 100805.
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6. Review Application for rooftop Summer Garden seating 60 patrons. ANC 2A. SMD 2A07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Abdotel*, 2224 F Street NW, Retailer CH, License No. 090189.
-
7. Review Application for Sidewalk Cafe seating 26 patrons. ANC 2A. SMD 2A07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Abdotel*, 2224 F Street NW, Retailer CH, License No. 090189.
-
8. Review Application for Sidewalk Café seating 20 patrons. ANC 2C. SMD 2C03. Pending Enforcement Matter: Case #15-CMP-00665, 10/6/2015, Substantial Change in Operation must be approved (Sidewalk Café). No outstanding fines/citations. No Settlement Agreement. *Absolute Noodle*, 772 5th Street NW, Retailer CR, License No. 090241.
-
9. Review Application for Manager's License. *David E. Grant*-ABRA 100819.
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***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**NOTICE OF FUNDING AVAILABILITY****FY2016 Asian American and Pacific Islander Community Grant**

The Mayor's Office on Asian and Pacific Islander Affairs (MOAPIA) is soliciting grant applications from qualified Community-Based Organizations (CBOs) serving the District of Columbia's Asian American and Pacific Islander constituents [residents and/or business owners] - for its FY 2016 Asian American and Pacific Islander Community Grant. The Community Grants are intended to fund programs that provide direct services to the District's AAPI residents and/or merchants.

Funding priority areas identified for FY 2016 are aligned with Mayor Muriel Bowser's administration budget priorities:

- Education
- Jobs and Economic Development
- Public Safety
- Housing
- Transportation
- Environment
- Health and wellness
- Good Government
- Arts and Creative Economy

Eligible organizations and entities:

Organizations may apply if they meet all of the following eligibility requirements at the time of application:

- A community-based organization with a Federal 501(c)(3) tax-exempt status,
- The community-based organization's principal place of business is located within in the District of Columbia,
- The community-based organization is currently registered in good standing with the DC Department of Consumer & Regulatory Affairs, Corporation Division, and the Office of Tax and Revenue, and
- The community-based organization or program serves the District's AAPI residents and/or business owners.

Program scope:

For FY 2016, MOAPIA's Community Grants will fund culturally and linguistically appropriate services in the following areas: employment, small business support, public education, public safety, housing services, legal services, health and human services, arts, culture and the humanities, Vietnamese American youth academic and mentoring services, and domestic violence intervention to the District's AAPI residents and merchants. [see RFA for details]

Release date of RFA: Monday, October 26, 2015

Availability of RFA: The RFA will be posted on MOAPIA's website (www.apia.dc.gov), on the District's Grant Clearinghouse website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>; and

in the Funding Alert published on the Office of Partnerships and Grant Services' website.

Informational Meeting: Monday, November 2, 2015
10:00 a.m. – 11:30 a.m.; 6:30 p.m. – 8:30 p.m.
441 4th Street, NW, Room 721 North
Washington, DC 20001

Deadline for submission: Friday, November 20, 2015
441 4th Street, NW, Suite 721 North
Washington, DC 20001

Contact name: Dory Peters, Deputy Director, (202) 727-3120, dory.peters@dc.gov

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

Notice Regarding Application Deadline for
Technical Advisory Group Membership
for New Code Development Cycle

The Construction Codes Coordinating Board (CCCB) is commencing a new code development cycle, and is currently reviewing the 2015 International Codes published by the International Code Council (2015 ICC Codes), and the 2014 National Electrical Code published by the National Fire Protection Association (2014 NEC), for adoption by the District of Columbia in 2017. Persons interested in participating in the code development process as a member of a Technical Advisory Group (TAG) should submit an application for TAG membership no later than 5 p.m. on November 20, 2015.

A Technical Advisory Group is a subcommittee of the CCCB that assists the CCCB in evaluating changes, additions or deletions to the ICC Codes and the National Electrical Code adopted by the District of Columbia. Each TAG is dedicated to a particular area of expertise that corresponds to a model code (or codes) review and is chaired by a CCCB member. The following TAGs were established during the previous code development cycle:

- Issues and Policies
- Fire and Life Safety
- Accessibility
- Structural
- Electrical
- Residential
- Mechanical (Plumbing, Mechanical, Boiler and Fuel Gas)
- Elevator
- Energy
- Existing Buildings
- Property Maintenance
- Green
- Building

To submit an application for TAG membership, print out and complete the application form here: https://drive.google.com/file/d/0B_TftQHNUT_5OXIUeFNXbUI4c1E/view?usp=sharing. Return the completed application with a resume or a biographical summary, by email, mail or fax to:

Jill Stern, Chairperson
Construction Codes Coordinating Board
Department of Consumer and Regulatory Affairs

1100 4th Street, SW
5th Floor
Washington, D.C. 20024
FAX: (202) 442-9445
EMAIL: jill.stern@dc.gov

Further information about the CCCB and its Technical Advisory Groups may be found on the DCRA website at: <http://dcra.dc.gov/service/construction-codes-coordinating-board>.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

**Notice Regarding Commencement of New Code Development Cycle for
District of Columbia Construction Codes and
Procedures for Submission of Code Change Proposals**

The Construction Codes Coordinating Board (CCCB) is commencing a new code development cycle, and is currently reviewing the 2015 International Codes published by the International Code Council (2015 ICC Codes), and the 2014 National Electrical Code published by the National Fire Protection Association (2014 NEC), for adoption by the District of Columbia in 2017.

Any person or group may submit a code change proposal to the CCCB proposing to amend, add or change specific provisions of the 2015 ICC Codes and the 2014 NEC. Code change proposals should be submitted in writing using the code change proposal form available on the DCRA website at: <http://dcra.dc.gov/publication/cccb-proposed-code-change-submission-form>.

All code change proposals or requests for information can be submitted by email or mail to:

Jill Stern, Chairperson
Construction Codes Coordinating Board
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
4th Floor
Washington, D.C. 20024
jill.stern@dc.gov

Code change proposals related to the 2015 ICC Codes or the 2014 NEC must be submitted to the CCCB Chairperson no later than 5 p.m. on Friday, January 15, 2016.

Further information on submission of a code change proposals may be found on the DCRA website at: <http://dcra.dc.gov/node/514112>.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

**District of Columbia Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**November 6, 2015
9:00 a.m.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Executive Session - 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 investigative and disciplinary matters.
- 4) Comments from the Public
- 5) Acceptance of Minutes
- 6) Old Business
- 7) New Business
- 8) Action on matters discussed in executive session
- 9) Correspondence
- 10) Adjournment

Next Scheduled Meeting – Friday, December 4, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Monday, November 2, 2015
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – Monday, December 7, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**Board of Engineers
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**November 19, 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
 - Discussion/Development of Newsletter
 - 2016 Travel
- 7) Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session.
- 8) Action on applications discussed in executive session
- 9) Adjournment

Next Scheduled Meeting – *December 17, 2015*
Location: 1100 4th Street SW, Conference Room E300

**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

**November 12, 2015
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Executive Session (Closed to the Public)
 Applications
 Complaints
6. Review of Correspondence
7. Approval of Minutes, October 8, 2015
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – December 3, 2015

**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

November 17, 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, December 15, 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

November 2015

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	6	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	18	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	No Meeting	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	2	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	10	7:00-pm-8:30 pm
Sheldon Brown	Board of Funeral Directors	12	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	19	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	10	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	17	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****NOVEMBER 10, 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. **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

REVIEW OF MINUTES

- Approval of Minutes

UPCOMING EVENT

1. Marshall Kauffman-Kings Boxing Promotions Event on **Saturday, November 28, 2015** at the DC Armory.
2. World Wrestling Entertainment (WWE) Smack Down TV Event on **Tuesday, December 29, 2015** at the Verizon Center.

OLD BUSINESS

1. Officials Compensation
2. Review of United States Intercollegiate Boxing Association Events held on 10/17, 11/5, and 11/6.

NEW BUSINESS

1. Weigh-In Procedures
2. 6th Annual Dr. McKnight Preliminary Discussion
3. Upcoming Amateur Events

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS DECEMBER 8, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF REGULAR AND SPECIAL MEETINGS

The Construction Codes Coordinating Board has scheduled the following Regular and Special Meetings:

November 10, 2015	10 AM – 12 PM
December 3, 2015 (Special Meeting)	10AM – 12 PM
December 17, 2015	10 AM – 12 PM
January 21, 2016	10 AM – 12 PM
February 18, 2016	10 AM – 12 PM
March 17, 2016	10 AM – 12 PM

The meetings will be held at 1100 Fourth Street, SW, Fourth Floor Conference Room (E4302), Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Board meeting agendas and minutes are available on the website of the Department of Consumer and Regulatory Affairs at <http://dcra.dc.gov/>, Construction Codes Coordinating Board (CCCB), <http://dcra.dc.gov/service/construction-codes-coordinating-board> and on the website of the Board of Ethics and Government Accountability at <http://www.bega-dc.gov/board-commission/meetings>.

**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

**November 18, 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, December 16, 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

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 4302
Washington, D.C. 20024**

AGENDA

November 10, 2015

1. Call to Order - 9:30 a.m.
 2. Executive Session (Closed to the Public) – 9:30 am-10:30 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
 - C. Legal Counsel Report
 3. Attendance (Start of Public Session) – 10:30 a.m.
 4. Comments from the Public
 5. Minutes - Draft, October 13, 2015
 6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2015 Calendar
 - F. Correspondence
 7. Old Business
 8. New Business
 9. Adjourn
- Next Scheduled Regular Meeting, December 8, 2015
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Certification of Filling Vacancies
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 vacancies have been filled in the following single-member districts by the individuals listed below:

Nathan Ackerman
Single-Member District **1B05**

Rayseen Woodland
Single-Member District **5B04**

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**3418 4th Street, SE

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 3418 4th Street, SE, Washington, DC 20032, is BBI Holdings, Inc., 128 M Street, NW, Washington, DC 20001. The application identifies the presence of dry cleaning solvent compounds in soil and groundwater. The applicant intends to re-develop the property into a Child and Family Development Center for homeless infants and toddlers.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-8C) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP 2015-036 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue a permit (#6557-R1) to JBG/2121 Wisconsin, L.L.C. to operate the existing emergency generator set listed below. The emission unit is located at 2121 Wisconsin Avenue NW, Washington DC 20007. The contact person for the facility is Tom Lamb, Lead Engineer at (202)471-4050.

<u>Emission Unit Name</u>	<u>Engine Model/ Serial No.</u>	<u>Engine Size</u>	<u>Description</u>
Emergency Generator	6CTA8.3-G2/ 45892133	206.6 kWm (277 hp)	One 277 hp Cummins diesel engine associated with a 150 kWe generator.

The application to operate the emergency generator and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after November 30, 2015 will be accepted.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue a permit (#6558-R1) to JBG/2115 Wisconsin, L.L.C. to operate the existing emergency generator set listed below. The emission unit is located at 2115 Wisconsin Avenue, NW, Washington DC 20007. The contact person for the facility is Tom Lamb, Lead Engineer at (202)471-4050.

<u>Emission Unit Name</u>	<u>Engine Model/Serial No.</u>	<u>Generator/Engine Size</u>	<u>Description</u>
Emergency Generator	0-3800311/ 11610199	150 kWe/ (estimated 277 hp)	One 150 kWe emergency generator set with an estimated 277 hp White Engines, Inc. diesel engine.

The application to operate the emergency generator set and the draft renewal permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after November 30, 2015 will be accepted.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #7032 to TIAA Franklin Square, LLC to operate an existing 750 kWe emergency generator set with a 1,115 HP diesel fired engine at its property located at 1300 I Street NW, Washington DC. The contact person for the facility is Joseph Luers, Senior Chief Operating Engineer, at (202) 326-7549.

The proposed emission limits are as follows::

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM Total)	0.54
Sulfur Oxides (SO _x)	0.51
Nitrogen Oxides (NO _x)	7.71
Volatile Organic Compounds (VOC)	0.63
Carbon Monoxide (CO)	1.66

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after November 30, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Pitsco Education**

Friendship Public Charter School intends to enter into a sole source contract with to **Pitsco Education** for the purchase of **Electronic Equipment, Curriculum Software Modules, and Additional Hands-On Equipment & Consumable Kits** to support STEM afterschool clubs and Learning Centers. The software is specifically designed to align with Common Core Essential Standards and STEM...science, technology, engineering and math components. Students will work with hands-on projects integrated with computer curriculum to enhance skilled learning. This decision to sole source is due to the fact that **Pitsco Education** is the exclusive provider of the curricula to facilities the programs. The cost of the contract will be approximately \$30,000.00.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Monday, November 9, 2015 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 736 009 237.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETINGDepartment of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23rd, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List for the District of Columbia. The meeting will occur **Thurs., Dec. 3rd, 2015, at 2:30 PM** in the **11th Fl. Main Conference Rm. 1107 at 441 4th St. NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the SOUTH lobby elevators to access the 11th floor. The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting.

The clinical drug class review for this meeting will include:

Acne Agents, Topical	Beta-Blockers
Androgenic Agents	Bone Resorption Suppression Agents
Angiotensin Modulator Combinations	Calcium Channel Blockers
Angiotensin Modulators	Growth Hormone
Antianginal Agents (Ranexa)	Hepatitis B Agents
Antiarrhythmics, Oral (tentative)	Hepatitis C Agents (tentative)
Antibiotics, Inhaled	Immunomodulators, Atopic Dermatitis
Antibiotics, Topical	Immunomodulators, Topical
Anticoagulants	Lipotropics, Others
Antihypertensives, Sympatholytics	Lipotropics, Statins
Antihyperuricemics	Pancreatic Enzymes
Antipsoriatics, Oral (tentative)	Platelet Aggregation Inhibitors
Antipsoriatics, Topical	Progestins for Cachexia
Antiviral Agents, Oral (HSV & Influenza)	Rosacea Agents, Topical (tentative)
Antiviral Agents, Topical	Sinus Node Inhibitors (Corlanor) (tentative)

Any person or organizations who wish to make a presentation to the Committee should furnish his or her name, address, telephone number, and name of organization represented to Charlene Fairfax via telephone at (202) 442-9076 or via e-mail at charlene.fairfax@dc.gov **no later than 4:45 PM on Tues., Nov. 24th, 2015**.

Any oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the ready-to-disseminate, written information to the Committee **no later than 4:45 PM Tues., Nov. 24th, 2015**. **Handouts are limited to no more than two (2) standard 8-1/2 by 11 inch pages of "bulleted" points (or one (1) page front and back)**. The written information can also be mailed **to arrive no later than Tues., Nov. 24th, 2015** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE, 441 4th St. NW, Ste. 900 S
Washington, DC 20001

**DEPARTMENT OF HEALTH (DOH)
HIV/AIDS, HEPATITIS, STD and TUBERCULOSIS ADMINISTRATION (HAHSTA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)
AMENDED**

HAHSTA_RFA#_DROP10.16.15

2016 Transgender Health Initiatives

This notice supersedes the notice published in DC Register on 10/02/2015 volume 62/41

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 Health Initiatives

Total Available – up to \$250,000.00 is anticipated to make up to two awards to provide a comprehensive program that leads to positive health outcomes for transgender persons who are HIV negative and persons living with HIV.

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, November 6, 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 HOUSING AND COMMUNITY DEVELOPMENT
INCLUSIONARY ZONING PROGRAM

**NOTICE OF ALTERNATIVE SELECTION PROCEDURE FOR
2910 GEORGIA AVENUE N.W., WASHINGTON, D.C.**

The D.C. Department of Housing and Community Development (“DHCD”), pursuant to the authority set forth in Section 107 of the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code Section 6-1041.07) and Mayor’s Order 2008-59, dated April 2, 2008, hereby gives notice that registration for the Alternative Selection Procedure for a single affordable housing unit (“Inclusionary Units”) under the Inclusionary Zoning Program has been extended from the date of publication of the previous notice in the D.C. Register (September 12, 2014) until January 29, 2016 or until the Inclusionary Unit is sold. Information about the size, sale price and details about the Inclusionary Unit is available at www.dchousingsearch.org.

DHCD is hereby establishing the Alternative Selection Procedure for the selection of Households eligible to purchase the one (1) Inclusionary Unit at 2910 Georgia Avenue N.W., Washington, D.C. Unless otherwise defined herein, any capitalized terms used in this document shall have the meaning identified in the Inclusionary Zoning Implementation regulations, 14 D.C.M.R. §2299. Inclusionary Unit #202 is a two bedroom unit and is reserved for a Moderate-Income Household. The maximum purchase price for Inclusionary Unit #202 is \$271,200.

In accordance with 14 D.C.M.R. § 2210.6, DHCD will permit the sale of the Inclusionary Unit to Households that did not register for previous lotteries. Households must register under the current Alternative Selection Procedure outlined below to be eligible to purchase these Inclusionary Units. No previous Household registration will be valid. Households that previously registered for the Inclusionary Zoning Program lottery will continue to be eligible for future lotteries for other upcoming Inclusionary Units.

Alternative Selection Procedure:

1. Households interested in purchasing the above Inclusionary Unit shall complete an Inclusionary Zoning Orientation; to reserve a seat in this orientation, please contact any of the following organizations:

- Housing Counseling Services: 2410 17th Street N.W., Suite 100, Washington, D.C. 20009; www.housingetc.org; 202-667-7006
- Greater Washington Urban League: 2901 14th Street N.W., Washington, D.C. 20009; www.gwul.org; 202-265-8200
- Marshall Heights Community Development Organization: 3939 Benning Road N.E., Washington, D.C. 20020
- Latino Economic Development Corp: 641 S Street N.W., Washington, D.C. 20001; www.ledcmetro.org; 202-588-5102.

2. To be considered for the available unit, register online at: www.dhcd.dc.gov, or in person through one of the computers in DHCD’s Housing Resource Center, **1800 Martin Luther King Jr. Avenue S.E., First Floor, Washington D.C. 20020**, Monday to Friday, 8:30 A.M. to 3:30 P.M., (202) 442-9505. Interested Households shall provide DHCD with the following information through the online registration:

- Name, address, and telephone number of the Household member who will serve as the primary contact;
- The number of people in the Household (note that the Household must have at least two (2) persons and must have no more than four (4) persons in order to be eligible); the income level of the Household (note that Household Income levels must be at or below the maximum levels for a Moderate-Income Household):

Household Size (Number of Persons)	Moderate-Income Household Maximum Income
2	\$68,480
3	\$77,040
4	\$85,600

- Whether the Household consists of a person enrolled as a full time student, and if so, the Annual Income and household size of the parents or guardians of the full time student;
- Name and address of employer of each employed Household member;
- Whether the Household’s address is the principal residence for the primary contact and the members of the Household; and
- Whether the Household has obtained an eligibility notice for any District or Federal loan or grant programs (HPAP/EAHP/NEAHP, etc.).

3. DHCD shall inform Households who have fulfilled the registration requirements listed above that they have been selected to continue the process to purchase the Inclusionary Unit for which they are income eligible. Following such notice from DHCD, the selected Households shall contact the Certifying Entity to obtain their Certifications of Income, Affordability, and Housing Size. Households must also obtain a Housing Counseling Certificate of completion.

4. Prior to contacting the Certifying Entity, Households must obtain a pre-approval letter from a lender indicating the Household’s creditworthiness and ability to afford the purchase price. Please note that a pre-approval letter is required, not a pre-qualification letter.

5. Households should request an appointment with the Certifying Entity to determine their eligibility for the purposes of issuing the Certification of Income, Affordability and Housing Size and providing each of the Households with housing counseling and a housing counseling certificate of completion under the Inclusionary Zoning Program.

6. After a Household obtains their Certifications of Income, Affordability and Housing Size; and receives their housing counseling certificate of completion, the Household shall provide the following information to the DHCD by emailing the following documents to Lauren J. Pair at

2910.georgiaavenue@dc.gov; or by mailing the documents to: D.C. Department of Housing and Community Development, Attention: Lauren J. Pair–2910 Georgia Avenue Registration, 1800 Martin Luther King Jr. Avenue S.E., Second Floor, Washington, D.C. 20020:

- a. A Certification of Income, Affordability and Housing Size and Declaration of Eligibility; obtained from a Certifying Entity approved by DHCD;
 - b. A housing counseling certificate of completion; and
 - c. An active pre-approval letter from lender(s) indicating the Household's creditworthiness and ability to afford the purchase price.
7. Any mailed documents must be addressed as follows:
- D.C. Department of Housing and Community Development
Attention: Lauren J. Pair – 2910 Georgia Avenue Registration
1800 Martin Luther King Jr. Avenue S.E., Second Floor
Washington, D.C. 20020
8. Registration for the above Inclusionary Unit shall remain open from the date of the D.C. Register publication through 5:00 p.m. on Friday, January 29, 2016. Only Households that have submitted all the documents required in paragraph six (6) to DHCD shall be eligible to purchase the Inclusionary Unit. Households that mail their documents must ensure that they are received by DHCD on Friday, January 29, 2016. Documents that are postmarked January 29, 2016 but arrive later, will not be accepted.
9. DHCD will review the documents required in paragraph six (6). If a Household has properly submitted all the required documents, DHCD will notify the Household and the Inclusionary Development Owner that the Household is eligible to purchase the Inclusionary Unit. DHCD will approve documents on a rolling basis, and interested Households are encouraged to submit their documentation as soon as possible if they are interested in purchasing the unit. Notified Households do not have any exclusive right to purchase the Inclusionary Unit. The Inclusionary Unit may be sold to the first ready and able Household.
10. The Inclusionary Development Owner may sell the Inclusionary Unit to the first ready and able Household for the Inclusionary Unit that submits all the documents required in paragraph six (6). The Inclusionary Development Owner may sell the Inclusionary Unit prior to January 29, 2016, if an interested Household has had its documentation approved.
11. DHCD may, at its sole discretion, reopen registration after January 29, 2016. If DHCD reopens registration, it will do so by republishing the Alternative Selection Procedure.
12. Once the Inclusionary Development Owner sells to the first ready and able buyer, all other registered Households for that Inclusionary Unit become ineligible for that Inclusionary Unit and must re-register for future lotteries if they wish to purchase other upcoming Inclusionary Units.
13. All notices by DHCD to registered and selected Households, Certifying Entities, and the Inclusionary Development Owner shall be by email only.

LAYC YOUTHBUILD PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Services**

The LAYC YouthBuild Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals to provide bilingual services to students with Individual Education Plans (IEPs) including counseling and speech and language.

E-mail Pushaen Gunasinghe, Special Education Coordinator, at pgunasinghe@youthbuildpcs.org to request a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Friday, November 6, 2015.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Pushaen Gunasinghe
pgunasinghe@youthbuildpcs.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-68**

June 1, 2015

VIA ELECTRONIC MAIL

Dr. Jennifer Doleac

RE: FOIA Appeal 2015-68

Dear Dr. Doleac:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested under the DC FOIA.

Background

On April 21, 2015, you submitted a request under the DC FOIA to the MPD seeking data on gunshot incidents documented by ShotSpotter. Your request was similar to a previous data request that you submitted to MPD in 2013. The MPD denied your most recent request on April 28, 2015, stating that "The data provided to you in a previous request was a courtesy that Shotspotter technicians extended to MPD; however, it was also time consuming for them to provide the information to allow MPD to provide to requesters. We regret any inconvenience this may have caused."

You appealed MPD's April 2015 decision on May 9, 2015, arguing that the information you are requesting is identical to your 2013 request, which MPD granted. You further argue that there is a public interest in knowing the location of criminal activity occurring in the District, and that "[a]n inefficient database structure should not be a justification for withholding valuable information from the public."

The MPD provided this office with responses to your appeal on May 27 and 28, 2015. The MPD explained that it has never had the capability to produce the report that was previously released to you. The Washington Post initially requested the 2013 gunshot information from MPD, and MPD informed the Post that its system could not generate it; whereupon, the Post requested the report directly from Shotspotter. In response, Shotspotter created and produced the report to MPD without charge, and MPD released a copy to you upon your 2013 request. Shotspotter has since informed the MPD that it will not produce similar data for free. With regard to your current FOIA request, MPD maintains that it is not obligated to create a document in response to a FOIA request.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, and decisions construing the federal statute are instructive and may be examined to construe the local law. *See Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987); *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

In support of your appeal, you note that an identical request of yours was answered in “just three days.” You posit that given the promptness in which the past response was provided, that MPD’s current position that answering the request would take “months” or considerable time” seems to be highly unlikely¹.

It appears that the crux of this matter is a failure in communication. In the instant matter, MPD has not asserted that the information requested is exempt from FOIA or that the cost of the search would be unreasonable. Indeed, MPD has stated that it does not know the cost for producing either the raw data or a report from Shotspotter.

MPD does not, however, have the capacity to deliver the data in the same form that it provided to you in 2013, because that report was gratuitously generated by MPD’s contractor, Shotspotter. In other words, the 2013 report is not the type of record normally maintained by MPD.

Because the record is not normally maintained by MPD, and because agencies are not required to create new records under DC FOIA, MPD is not required to pay Shotspotter to create the report you are currently seeking. MPD has indicated to this office that it possesses the raw data you have requested and could print each individual gunshot detection. Alternatively, MPD could ask Shotspotter for a cost estimate for the records you seek. In both of these scenarios, you would be responsible for bearing the costs of the documents, pursuant to DC FOIA.

Lastly, with respect to FOIA appeals, we note that this office’s jurisdiction is limited to “review[ing] the public record to determine whether [a record] may be withheld from public inspection.” D.C. Official Code § 2-537(a). As a result, we do not have the authority to review disputes over FOIA fees. To the extent that you object to any fees charged in connection with

¹ The fact that the 2013 report was produced to you within three days does not necessarily mean that it is the type of record that MPD normally maintains. As the MPD explained to this office, Shotspotter originally created the report in response to a request from the Washington Post. Because the report had already been created when you submitted your request, MPD was able to quickly provide you with a copy.

your request, you would need to challenge those fees in an action brought in the Superior Court of the District of Columbia.

Conclusion

Based on the foregoing, we remand the matter to MPD to contact you within five business days to determine whether you would like a cost estimate from Shotspotter or raw data from MPD for the years you are seeking.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-69**

June 5, 2015

VIA ELECTRONIC MAIL

Ms. Chunyu Jean Wang, Esq.

RE: FOIA Appeal 2015-69

Dear Ms. Wang:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you ("Appellant") assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested under the DC FOIA.

Background

On March 18, 2015, Appellant submitted a request under the DC FOIA to the MPD seeking records relating to a 2006 armed robbery on behalf of the victim. To assist the MPD in its search, Appellant supplied the police report from the incident. On April 28, 2015, the MPD responded that it was unable to grant the request stating that the 2006 documents were no longer available due to a six (6) year document retention policy. The MPD asserted that the only document that remained was the Incident-Based Event Report that Appellant already possessed.

Appellant submitted an appeal to the Mayor in a letter received May 15, 2015, challenging the MPD's response to the FOIA request. On appeal, Appellant raises two arguments against the MPD's response. First, Appellant argued that the MPD's document retention schedule is not a valid exception under DC FOIA to prevent disclosure of documents. Second, Appellant asserted that the MPD neither stated that a search for the documents was actually conducted nor confirmed that the documents had been destroyed in accordance with the document retention schedule.

In a letter dated June 1, 2015, the MPD responded to the appeal stating that another search for responsive documents had been conducted. The MPD asserts that the police district station in the area where the crime took place ("Fifth Police District") and the Crime Scene Investigations Division ("CSID") are the only areas where responsive documents would be located. The searches of the paper files, electronic files, and storage rooms of the Fifth Police District did not locate any responsive documents. The search by the CSID located a film strip responsive to the request. An officer involved in the investigation of the robbery indicated that he had personal notes from the course of the investigation. The MPD asserts that it is in the process of reviewing the film strip and the investigating officer's notes for release to Appellant.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a). The right created under DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987), and decisions construing the federal statute are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Appellant’s first argument that the MPD’s document retention policy cannot prevent disclosure under DC FOIA is without merit. An agency is only required to disclose records that are under its control at the time of the request. *DOJ v. Tax Analysts*, 492 U.S. 136, 145 (1989). The D.C. Code allows for certain “records which the Metropolitan Police Department considers to be obsolete or of no further value to be destroyed.” D.C. Official Code § 5-113.07. The statute of limitations to commence a criminal prosecution for the crime that forms the basis of this request is six (6) years. *See* D.C. Official Code § 23-113. Therefore, the MPD’s document retention policy of six (6) years is appropriate in this instance. If the 2006 records were destroyed in accordance with the document retention policy, the MPD cannot grant Appellant’s FOIA request.

The second issue presented by Appellant is that the MPD did not perform an adequate search for requested records. Regarding the adequacy of the search, DC FOIA requires only that, under the circumstances, a search is reasonably calculated to produce the relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence, that records exist is not enough to support a finding that full disclosure has not been made. *Marks v. United States (Dep’t of Justice)*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

Campbell v. United States DOJ, 164 F.3d 20, 27 (D.C. Cir. 1998).

In order to make a reasonable and adequate search, an agency must make reasonable determinations as to the location of records requested and search for the records in those

locations. *Doe v. D.C. Metro. Police Dep't*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). The determinations as to the likely locations of records would involve a knowledge of the record creation and maintenance practices of the agency. Generalized and conclusory allegations cannot suffice to establish an adequate search or the availability of exemptions. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

Here, the MPD's initial response was generalized and conclusory. The MPD stated that the documents would have been destroyed in accordance with document retention schedules but did not indicate that any search had been made. Further, the MPD did not state that any effort was expended to verify that the documents had in fact been destroyed.

However, in its response on appeal the MPD describes that it identified the locations where responsive records could be stored and searched for the records in those locations. The searches included the paper files, electronic files, and storage rooms of the Fifth Police District; the records of the CSID; and the files of an officer involved in the investigation of the crime referenced in the request. Through these searches, the MPD located a film strip from the CSID and the investigating officer's personal notes. The searches of the Fifth Police District did not reveal any responsive records. Given that records related to this crime were scheduled to be destroyed in 2012, we conclude that the search performed by the MPD is reasonable. As the MPD stated, the MPD shall review and disclose the responsive records to Appellant.

Conclusion

Based on the facts that MPD has conducted a subsequent search, located responsive records, and stated that it will review and disclose the records, we consider this matter to be moot and dismiss it. The MPD shall disclose the response records, subject to applicable exemptions and redaction, to Appellant within five (5) business days. As Appellant has not had the opportunity to review the responsive records, this dismissal shall be without prejudice to Appellant to assert any challenge, by separate appeal, to MPD's disclosure.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

/s John A. Marsh*

John A. Marsh
Legal Fellow
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

*Admitted in Maryland; license pending in the District of Columbia; practicing under the supervision of members of the D.C. Bar

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-70**

June 19, 2015

VIA ELECTRONIC MAIL

Mr. Chuck Adelman

RE: FOIA Appeal Number 2015-70

Dear Mr. Adelman:

This letter responds to the administrative appeal you filed with the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("DC FOIA"). You assert in the appeal that you requested documents from the Office of the Chief Financial Officer ("OCFO") pertaining to the technical proposal of a competitor in a government contract on which your company had bid. The OCFO produced this technical proposal to you on May 1, 2015; however, the OCFO completely redacted 150 pages of the proposal.

In a June 10, 2015 letter to this office, the OCFO responded to your appeal by producing a newly redacted version of the technical proposal, which substantially increased the amount of readable information. You confirmed to this office in email correspondence on June 11 and June 18, 2015, that you have reviewed the new version of the proposal and no longer wish to pursue your appeal.

Based on the foregoing, we will now consider the appeal to be moot and dismissed. This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-71**

May 28, 2015

VIA ELECTRONIC MAIL

Patrick G. Merkle, Esq.

RE: FOIA Appeal 2015-71

Dear Mr. Merkle:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("DC FOIA"). In your appeal, you assert that the Office of Tax and Revenue ("OTR") improperly withheld records you requested under the DC FOIA.

Background

On October March 31, 2015, you submitted a request under the DC FOIA to OTR seeking documents pertaining to all tax sales conducted of the property located at 1233 12th Street, NW (Lot 0017, Square 0314) ("Property") from 1989 to the present, in addition to documents pertaining to the notices issued by the Tax Sale Office in connection with said sales and the Tax Deed issued on July 19, 2000. The FOIA officer for OTR responded to your request on April 17, 2015, stating that "your FOIA request is now completed. There were no documents that respond to your request." You sent a letter to the Mayor dated May 22, 2015, appealing OTR's response to your request.

OTR sent this office a response to your appeal on May 27, 2015. In its response, OTR explained that the database it uses, which is known as the Integrated Tax System, maintains information dating back to tax year 2004. As a result, OTR does not possess any tax sale information related to the Property prior to 2004.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right "to inspect ... and ... copy any public record of a public body ..." Id. at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

Mr. Patrick Merkle
Freedom of Information Act Appeal 2015-71
Page 2

Under the DC FOIA, an agency is required to disclose materials if they were “retained by a public body.” D.C. Official Code § 2-502(18). Here, OTR does not possess records that are responsive to your request. You are seeking records from tax sales associated with the Property from 1989 to the present, and OTR conducted a search of the records it maintains and found no responsive documents. Accordingly, OTR is unable to produce what you are seeking.

Conclusion

Based on the foregoing, we uphold OTR’s decision and hereby dismiss your appeal. This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor’s Office of Legal Counsel

cc: Tracye Y. Peters, FOIA Officer, OTR (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-72**

June 8, 2015

Mr. Bobby Hazel

RE: FOIA Appeal 2015-72

Dear Mr. Hazel:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") improperly withheld records you requested under the DC FOIA.

Background

On February 2, 2015, you submitted a request to the MPD for records related to the investigation of the murder of Thomas Hazel by Tony Hazel.

The MPD denied your request on February 11, 2015, stating that release of the records would constitute an unwarranted invasion of personal privacy under D.C. Official Code §§ 2-534(a)(2), and (3)(C).

In May 2015, you appealed the MPD's decision to the Mayor, asserting, among other things, that the documents sought were part of a public trial and therefore are records retained by a public body.

The MPD responded to your appeal in a letter to this office dated June 4, 2015.¹ In its response, the MPD changed its position. Instead of claiming that the records in question could not be disclosed for privacy reasons, MPD now asserts that the 1972 investigation's files were purged in January 1998 pursuant to MPD's retention schedule for closed homicide files. As a result, MPD states that it does not possess any documents that are responsive to your request. In support of this representation, MPD asserts that: (1) a detective searched the paper files in the homicide office; (2) closed homicide files are not stored in any other MPD office; and that (3) the 1972 closed files were never converted to electronic format.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who

¹ A copy of MPD's response is enclosed with this letter.

represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they are “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The crux of this matter is the adequacy of MPD’s search for the documents you requested, and your belief that you are entitled to the documents you are seeking. DC FOIA requires only that a search conducted in response to a FOIA request be reasonably calculated to produce relevant documents. The test is not whether any documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

Campbell v. United States DOJ, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must make reasonable determinations as to: (1) the location of records requested; and (2) the search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68).

In this matter, MPD indicates that a detective searched the paper files of the only MPD office likely to retain a responsive document. Further, documents pertaining to your request were never converted into electric format. Based on MPD’s representations, we conclude that its search was reasonable, and we must accept MPD’s position that that it does not retain responsive documents.

Conclusion

Based on the foregoing, we affirm the MPD’s decision and hereby dismiss your appeal. This constitutes the final decision of this office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-73**

June 4, 2015

Mr. Bobby Hazel

RE: FOIA Appeal 2015-73

Dear Mr. Hazel:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the Department of Corrections ("DOC") improperly withheld records you requested under the DC FOIA.

Background

On October 21, 2011, you submitted a request under the federal Freedom of Information Act¹ to the DOC seeking June 16, 1992 electronic surveillance recordings from specified cameras.

The DOC denied your request on December 6, 2011, stating that the facilities that contained the electronic surveillance equipment had been closed for over a decade and that a due diligence search yielded no records responsive to your request.

On May 20, 2015, you appealed the DOC's decision, asserting that the DOC's response was "inadequate and denied [you] of [your] rights according to the District of Columbia law."

The DOC responded to your appeal on June 4, 2015. In its response, the DOC asserted that you had already exercised your right to appeal when you filed Civil Action No. 0001977-12 in the Superior Court of the District of Columbia (the "Civil Action"). The DOC provided this office with a copy of the complaint and summons associated with this Civil Action. In a second June 4, 2015 response to this office, the DOC added that it continues to assert that no responsive documents to your request exist.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that

¹ Although your request cites to the federal FOIA, the DOC appears to have construed the request as having been submitted under the governing statute, the DC FOIA, and we shall do the same.

policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they are “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

First, we find the DOC’s argument that you have already exercised your right to appeal its FOIA response to be unpersuasive. While the statement of the of the case in the Civil Action makes a passing reference to your FOIA request, the Civil Action cannot be fairly construed to be a FOIA appeal. Instead of challenging a violation of DC FOIA through the production or lack of production of documents, the Civil Action contains two tortious causes of action. The Civil Action does not contain an allegation that your rights under DC FOIA have been violated. Accordingly, we deny DOC’s request to dismiss your FOIA appeal on the basis of your Civil Action.

The crux of this matter is the adequacy of DOC’s search for the documents you requested, and your belief that records exist despite DOC’s representation to the contrary. DC FOIA requires only that a search conducted in response to a FOIA request be reasonably calculated to produce relevant documents. The test is not whether any documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

Campbell v. United States DOJ, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must make reasonable determinations as to: (1) the location of records requested; and (2) the search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68).

In this matter, DOC indicated in its November 29, 2011, response to you that: (1) the facilities where the surveillance was created closed more than 10 years earlier; and (2) DOC conducted a “due diligence search” and no responsive records were found. Given that the DOC conducted a search in 2011 that yielded no results, and given that the surveillance you requested is from a

date that occurred 23 years ago in a facility that closed approximately 15 years ago, we conclude that DOC's representation is reasonable. As a result, we must accept its position that that no responsive documents exist.

Conclusion

Based on the foregoing, we affirm the DOC's decision and hereby dismiss your appeal. This constitutes the final decision of this office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Oluwasegun Obebe, Records, Information & Privacy Officer, DOC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2015-74**

June 4, 2015

VIA ELECTRONIC MAIL

Katherine Stanek

RE: FOIA Request 2015-74

Dear Ms. Stanek:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("DC FOIA"). You assert that the Metropolitan Police Department ("MPD") improperly withheld records in response to your request for information under DC FOIA dated April 20, 2015, by failing to respond to the request.

The FOIA request you submitted to MPD sought all calibration, maintenance, and quality control records for 2 speed cameras located on I-295. When the MPD failed to respond, you filed an appeal with the Mayor on May 27, 2015.

In response to your appeal, the MPD sent this office a letter, which is attached. The letter indicates that MPD failed to respond to your initial request due to the absence of the program director responsible for control of the responsive documents. The letter further states that the program director has returned to work. MPD indicates that your request is being processed and expects to provide you with a substantive response within 7 days of today's date.

Based on MPD's representation that it will provide you with the documents are you seeking within the next few days, we consider your appeal to be moot and it is dismissed; provided, that the dismissal shall be without prejudice to you to assert any challenge, by separate appeal, to MPD's response.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS
JURISDICTIONAL REVENUES****ASMT2015, ASSESSMENTS FOR FISCAL YEAR 2016**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2016 (“FY 2016”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (“CLEC”) for the preceding calendar year, calendar year 2014.

2. The net reimbursable budget for the Commission for FY 2016 is \$12,709,019.21. The net reimbursable budget for OPC for FY 2016 is \$7,648,091.21.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, calendar year 2014, were \$1,972,315,161.61.

REAL PROPERTY TAX APPEALS COMMISSION

NOTICE OF ADMINISTRATIVE MEETINGS

The District of Columbia Real Property Tax Appeals Commission will hold its remaining Administrative Meetings on November 6, 2015 at 10:30 am and December 17, 2015 at 2:30 pm.

All meetings will be held in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC’s website at <http://rptac.dc.gov> prior to each meeting.

For additional information, please contact: Carlynn Fuller, Executive Director, at (202) 727-3596.

DRAFT AGENDA

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VI. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

For the November 6th meeting, the deadline is Wednesday, November 4, 2015

For the December 17th meeting, the deadline is Monday, December 14, 2015

Written statements should be submitted to:

Carlynn Fuller, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: Carlynn.fuller@dc.gov

D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be on Tuesday, October 27, 2015 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Meeting Minutes from September 15, 2015 - Action Item, Judge Weisberg.
2. Summary of Criminal History Enhancement Conference– Informational Item, Judge Weisberg and Barb Tombs-Souvey.
3. Update on the Sentencing Guideline Evaluation Project- Latoya Wesley and Barb Tombs.
4. Discussion Regarding Format and Content of Criminal Code Revision Recommendations to be forwarded to the Council – Judge Weisberg.
5. Next Meeting – November 17, 2015.
6. Adjourn

SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Shining Stars Montessori Academy Public Charter School invites all interested and qualified vendors to submit proposals for the below services. Proposals are due no later than 5 PM, November 10, 2015. The RFP with bidding requirements and supporting documentation can be obtained by contacting staffops@shiningstarspcs.org.

- Educational Services
- Special Education Services
- General Contracting Services
- Architectural and Design Services (Proposal for architectural and design service is due December 1, 2015 at 5pm)

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****DSLBD Healthy Food Retail Program Grant**

The Department of Small and Local Business Development (DSLBD) is soliciting applications for the **Healthy Food Retail Program Grant**. DSLBD will award up to four grants from the \$100,000 in total available funding. The application deadline is Friday, December 4, 2015 at 2:00 p.m.

The purpose of the Healthy Food Retail Program Grant is to expand access to healthy foods in food deserts within the District of Columbia by providing assistance to corner stores, farmers markets and other small food retailers (less than 5,000 square feet).

Eligible applicants are nonprofit organizations or businesses. For additional eligibility requirements and exclusions, please review the Request for Applications (RFA) which is currently posted at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Eligible Use of Funds: Applicants may propose any type of project which supports corner stores or other small food retailers located in food deserts with high rates of low-income households. Funds can be used for expenses incurred during the Period of Performance, which is October 1, 2015 through September 30, 2016. For additional examples of eligible uses of funds, exclusions, and a map of the DC food deserts, please review the RFA.

If awarded a grant, grantees must be able to complete funded projects by September 30, 2016.

Application Process: Interested applicants must complete an online application by Friday, December 4, 2015 at 2:00 p.m. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions applications will not be forwarded to the review panel.** Instructions and guidance regarding application preparation can be found in the RFA, which is available at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Selection Process: DSLBD will select grant recipients through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed below.

1. Capacity and Experience of the Applicant (25 points)
2. Strength of the Project Implementation Plan (25 points)
3. Financial Viability of Applicant Organization (25 points)
4. Creativity and Innovation (25 points)

The DSLBD program team will review the panel reviewers' recommendations and the DSLBD Director will make the final determination of grant awards. DSLBD will select a grantee by January 8, 2016.

Award of Grants: Up to four grants totaling \$100,000 will be awarded.

For More Information: Attend the Pre-Application Information Session on Thursday, November 4, 2015 at 4:00 p.m. The session will be held at 441 4th Street, NW, Suite 805. This is a secure building and entrance requires government-issued identification.

Questions may be sent to Lauren Adkins at the Department of Small and Local Business Development at lauren.adkins@dc.gov or 202-727-3900.

Reservations: DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**NOTICE OF REQUEST FOR PROPOSALS****Bulk Purchasing Agreements—Laptops, Other Computers & Software**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks vendors to supply laptops and to enter into bulk-purchasing agreements to supply future computer needs.

The **full RFP** is available on the **Employment Opportunities** page under the About tab of www.thurgoodmarshallacademy.org. Alternatively, e-mail a request for the full RFP to dschlossman@tmapchs.org no later than 5 pm on November 5, 2015.

Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.

Contact: For further information regarding the RFP contact **David Schlossman, 202-276-4722, dschlossman@tmapchs.org**. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submit bids responsive to the full RFP via **email to dschlossman@tmapchs.org** no later than **Friday, November 6, 2015**.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**NOTICE OF REQUEST FOR PROPOSALS****Executive Recruiter**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks an executive recruiting firm to support the school’s search for executive positions, particularly Head of School (a senior academic leader reporting to the Executive Director).

The **full RFP** is available on the **Employment Opportunities** page under the About tab of www.thurgoodmarshallacademy.org. Alternatively, e-mail a request for the full RFP to dschlossman@tmapchs.org no later than 5 pm on November 12, 2015.

Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.

Contact: For further information regarding the RFP contact **David Schlossman, 202-276-4722, dschlossman@tmapchs.org**. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submit bids responsive to the full RFP—including signed contract and contact information—via **email to dschlossman@tmapchs.org** no later than: **Friday, November 13, 2015.**

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, November 5, 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.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 | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of October 1, 2015 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18938 of Gina Eppolito and Frances Slakey, pursuant to 11 DCMR § 3104.1, for a special exception under § 223 to allow a two story rear addition with cellar, not meeting the lot occupancy requirements of § 403, the open court requirements of § 406, and the nonconforming structure requirements of § 2001.3, at a one-family dwelling in the CAP/R-4 District at premises 325 5th Street, S.E. (Square 820, Lot 17).

HEARING DATE: April 21, 2015¹
DECISION DATE: April 21, 2015

DECISION AND ORDER

Gina Eppolito and Frances Slakey, the property owners of the subject premises (the “Owner” or the “Applicant”), filed an application with the Board of Zoning Adjustment (the “Board”) on December 9, 2014, for a special exception under § 223 of the Zoning Regulations to construct a two story rear addition to their residence, wherein the completed project will not conform to the requirements of §§ 403, 406, and 2001.3 of the Zoning Regulations. For the reasons explained below, the Board voted to approve the revised application, subject to specified conditions.

PRELIMINARY MATTERS

The Application. The application was self-certified pursuant to 11 DCMR § 3113.2 (Exhibit 4), and the Applicant was represented by her architect, Jennifer Fowler. (Exhibit 11.) In addition to the required architectural plans, elevations, site plan, and photographs, the Applicant submitted a sun study to assess the impact of the proposed addition on the light and air at the adjacent 323 5th Street property. (Exhibit 42.) The sun study compares light received with the existing footprint of the dwelling (as if it were enclosed) and the proposed dwelling with the addition. (Transcript of Hearing of April 21, 2015 (Tr.), p. 54-56.)

Notice of Public Hearing. Pursuant to 11 DCMR § 3113.13, notice of the hearing was sent to the Applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (“ANC”) 6B, and the District of Columbia Office of Planning (“OP”). The Applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. (Exhibit 40.)

¹ The matter originally appeared on the Expedited Review Calendar of February 3, 2015. However, upon learning of opposition to the application, the Applicant requested that the matter be removed from the Expedited Calendar and continued to another date. As such, the Board continued the matter for a public hearing on April 21, 2015. (11 DCMR § 3113.)

BZA APPLICATION NO. 18938**PAGE NO. 2**

ANC Report. In its report dated April 20, 2015, ANC 6B indicated that, at a regularly scheduled monthly meeting with a quorum present, the ANC voted to support the special exception application. (Exhibit 49.)

Requests for Party Status. ANC 6B was automatically a party to this proceeding. The Board received and granted requests for party status in opposition from Robert Shelton (Exhibit 26) and Mark (Clarence) Flynn (Exhibit 27), both of whom own and reside at 323 5th Street, S.E., the adjacent row dwelling to the north. They each assert, among other things, that the proposed addition will limit access to light and air, and will affect the general ambiance at the rear of their home. The two requests for party status were consolidated by the Board, and Mr. Shelton and Mr. Flynn will hereinafter be referred to collectively as “the Opposition Party” or the “Opposition”.

The Opposition submitted filings in support of its position (Exhibit 46), and was represented during the proceedings by Claude Bailey, Esq. (Exhibit 48.) The Opposition Party claims in those filings, among other things, that the scale and massing of the proposed addition is not compatible with the block, and will result in a 22-foot long “mass of masonry” along their property line. (Exhibit 46.)

Other Persons in Support/Opposition. No persons appeared at the hearing to testify in support of the application, or in opposition to the application. However, the Board received letters in support of the application from several nearby neighbors, including the other abutting property owner. (Exhibits 33-39.)

OP Report. OP prepared a written report supporting the application. (Exhibit 45.) OP noted that, although the proposed addition would result in additional shadows being cast on the Opposition’s rear yard, the impact would be of limited duration on a daily and an annual basis, and that the proposed addition would not unduly affect light and air to any neighboring properties. (Exhibit 45.) The report concluded that the Applicant’s shadow studies demonstrate that, while some additional shadow would likely be cast on the rear of yard of the lot to the north, the impact would be of limited duration on both a daily and annual basis, and should not unduly impact the light and air available to the north-adjacent property. Further, the proposed addition could lessen an intrusion on privacy at the first floor level, as an open porch would be replaced by a wall that would screen reciprocal views between the Applicant’s and the neighbor’s property. Steve Cochran, the OP representative who prepared the report, also testified at the hearing. Mr. Cochran suggested at the hearing that the Applicant might install a “green screen wall” on the north side of the addition, so as to mitigate the impact of the addition on their neighbor to the north. (Tr., April 21, 2015, p. 28.)

Architect of the Capitol (“AOC”) Report. Pursuant to § 1202 of the Zoning Regulations, the AOC reviewed the application to determine that the proposed relief would not be inconsistent with the intent of the Capitol Hill Overlay (CAP). The AOC conducted its review and determined that it had no objection to the application. (Exhibit 29.)

BZA APPLICATION NO. 18938
PAGE NO. 3

District of Columbia Department of Transportation (“DDOT”) Report. DDOT submitted a report stating that it had no objection to the application. (Exhibit 28.)

District Department of Housing and Community Development (“DHCD”) Report. DHCD submitted a report recommending approval of the application. (Exhibit 32.)

FINDINGS OF FACT

The Site and Surrounding Area

1. The subject property is located at 325 5th Street, S.E. in the R-4 District and the Capitol Hill Overlay (CAP).
2. The neighborhood consists mostly of row dwellings, with some apartment houses.
3. The lot is improved with a two-story one-family row dwelling with a two-story rear open porch addition.
4. The row dwelling to the south, located at 331 5th Street, S.E., is approximately two feet deeper than the Applicant’s row dwelling. (Exhibit 45, OP Report, p. 3 Drawing.)
5. The row dwelling to the north, located at 323 5th Street, S.E. (the Opposition property), is approximately 12 feet shallower than the Applicant’s row dwelling. (Exhibit 45, OP Report, p. 3 Drawing.)

The Addition

6. The Applicant proposes to demolish the existing two-story rear open porch addition and build an enclosed first floor addition and, above that, a new covered porch.
7. The Applicant proffered that it would eliminate the planned windows on the north wall of the addition.
8. Following the public hearing, the Applicant revised its plans to change the material of the addition from brick to siding. The purpose of this revision was to differentiate the addition from the original brick wall. (Exhibit 54.)
9. Following the public hearing, the Applicant revised its plans to change the second floor deck guardrail from a solid brick wall to an open guardrail. The purpose of this revision was to alleviate concerns of the Opposition Party regarding the height of the wall. (Exhibit 54.)
10. Following the public hearing, the Applicant revised its plans to add a wall trellis on the face of the addition of the north wall. The trellis will allow plants to be grown on the surface of the wall in order to soften its appearance. (Exhibit 54.)

BZA APPLICATION NO. 18938**PAGE NO. 4****Zoning Relief**

11. Section 403 of the Zoning Regulations requires that each structure in an R-4 zone have maximum lot occupancy of 60%. The proposed addition will increase the existing lot occupancy from 60.8% to 63.6%. Therefore, the proposal requires relief from the requirements of § 403.
12. Section 406 of the Zoning Regulations requires that an open court in an R-4 zone have a minimum width of six feet. The existing open court width is only 4½ feet and the proposed addition will result in an open court width that varies between 4½ feet and five feet. Therefore, the proposal requires relief from the requirements of § 406.
13. Subsection 2001.3 of the Zoning Regulations prohibits additions that extend or increase existing nonconformities. Both the existing lot occupancy of 60.8% and the existing open court width of 4½ feet are nonconforming. Therefore, the proposal requires relief from the requirement of § 2001.3.

The Impact of the Addition

14. The architectural plans and elevations, photographs, and site plan filed with the application show the proposed addition and its surroundings. (Exhibits 6, 7, and 44.)
15. The proposed addition will not be visible from the street. Nor is there an alley from which the proposed addition will be visible.
16. The Applicant filed revised site plans (Exhibit 43) and revised architectural plans (Exhibit 53) to correct certain measurements in the original drawings that understated the length of the planned addition relative to the adjacent property at 523 5th Street. The proposed addition will extend the length of the dwelling 21 feet 11 inches beyond the rear of the adjacent property at 523 5th Street, owned by the Opposition Party.
17. Because an open porch at the first floor level of the addition will be replaced by a wall that will screen reciprocal views, there will likely be less intrusion on the privacy of adjacent property owners as a result of the proposed addition.
18. As conditioned in this Order, the elimination of windows on the north side of the proposed addition will mitigate any impacts to the privacy of the Opposition Party.
19. As conditioned in this Order, the trellis wall (constructed of siding instead of masonry) on the north side of the addition, will soften the appearance as viewed by the Opposition Party.
20. The Applicant's sun study demonstrated that there would only be slight increases to the shadow cast on the rear of the property to the north that would be of limited duration on both a daily and annual basis. (Exhibit 45.)

BZA APPLICATION NO. 18938
PAGE NO. 5

CONCLUSIONS OF LAW

The Applicant is seeking a special exception pursuant to 11 DCMR §§ 223 and 3104.1 to construct an addition to a one-family dwelling in a CAP/R-4 District, where the proposal will not comply with the lot occupancy requirements, the open court requirements, and the nonconforming structure requirements. (§§ 403, 406 and 2001.3.)

As stated in § 3104.1 of the Zoning Regulations (Title 11 DCMR), 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 this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title.” In this case, the “special conditions” are those specified in §§ 223.2 through 223.5.

As noted by the Court of Appeals:

In evaluating requests for special exceptions, the BZA is limited to a determination of whether the applicant meets the requirements of the exception sought. “The applicant has the burden of showing that the proposal complies with the regulation; but once that showing has been made, the Board ordinarily must grant the application.” *National Cathedral Neighborhood Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 753 A.2d 984, 986 n. 1 (D.C.2000) (quoting *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1032-33 (D.C.1995)).

Georgetown Residents Alliance v. District of Columbia Bd. of Zoning Adjustment, 802 A.2d 359, 363 (D.C. 2002).

In this case, the Board concludes that the Applicant has satisfied the two general tests stated in § 3104.1 and the specific conditions contained in § 223.

As to the general test, the Board concludes that the requested special exception will “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” (11 DCMR § 3104.1.) The proposed addition will not change the residential use of the dwelling and will be in harmony with the existing residential neighborhood. With respect to whether the special exception will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, the Board concludes that this standard is satisfied if the specific conditions of § 223 are met. These will be discussed in the section below entitled “The ‘special conditions’ for an addition under § 223.1”.

The “special conditions” for an addition under § 223.1

Under § 223.1 of the Zoning Regulations, an addition to a one-family dwelling shall be permitted even though it does not comply with applicable area requirements if approved by the Board as a

BZA APPLICATION NO. 18938**PAGE NO. 6**

special exception, subject to its not having a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

223.2(a). The light and air available to neighboring properties shall not be unduly affected. The Applicant's sun study (Ex. 42) conclusively demonstrated that the proposed addition would only have an intermittent and negligible impact on the light and air of adjacent properties. (Finding of Fact 20.) The Office of Planning concurred with that analysis. (Exhibit 45.)

223.2(b). The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. With the elimination of the proposed windows, the privacy of use and enjoyment of neighboring properties will not be significantly affected. As conditioned by this Order, there will be no windows from which to view the abutting property owners to the north. (Finding of Fact 18.) In fact, the demolition of the "open porch" at the ground level and its replacement with an enclosed addition may increase the amount of privacy for neighbors, at least at the ground level. (Finding of Fact 17.) Furthermore, the installation of the trellis wall, also a condition of this Order, will mitigate the visual impact of a solid wall. (Finding of Fact 19.)

223.2(c). The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. As OP also noted, the addition will not be viewed from the street and the dwelling has no alley access. (Finding of Fact 15).

223.3. The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts. The subject property is in the R-4 zone (Finding of Fact 1). With the proposed addition, the lot occupancy will be less than 70%. (Finding of Fact 11.) Therefore, this condition will be met.

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; D.C. Official Code § 1-9.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. In this instance, the ANC 6B's report stated its support for the Application, without identifying any issues or concerns. Nevertheless, the Board interprets the ANC's vote of support as its recommendation that the Application be granted. For the reasons stated above, the Board finds that advice to be persuasive.

In reviewing a special exception application, the Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For reasons discussed in this Decision and Order, the Board finds OP's advice also to be persuasive.

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For the reasons stated above, the Board concludes that the applicant has satisfied the burden of proof with respect to the application for a special exception under § 223 to allow the issuance of a building permit authorizing the construction of a two story rear addition with cellar.

Therefore, for the reasons stated above, the application for a special exception is **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7, AS AMENDED BY REVISED PLANS AS SHOWN ON EXHIBIT 53, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant, in consultation with the party in opposition, shall provide suitable screening on the first floor that is acceptable to the Office of Planning.
2. There will be no windows on the north wall of the addition.

VOTE: **3-0-2** (Lloyd J. Jordan, Marcie I. Cohen, and Jeffrey L. Hinkle to Approve; Marnique Y. Heath not present, not voting; 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: October 15, 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

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ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 15-24

**(Gallaudet University and The JBJ Companies – First-Stage PUD and Related Map
Amendment @ Square 3591, Lot 4 & Parcels 129/70, 129/103, 129/106, and 129/112)
October 19, 2015**

THIS CASE IS OF INTEREST TO ANC 5D and 6C

On October 15, 2015, the Office of Zoning received an application from Gallaudet University and The JBG Companies (together, the “Applicant”) for approval of a first-stage planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of four development parcels: two parcels, Parcels 1 and 2 (comprised of D.C. Parcels 129/103 and 129/70) immediately abut Gallaudet University’s campus and are located to the east of 6th Street, N.E.; and the remaining two parcels, Parcels 3 and 4 (comprised of D.C. Parcels 129/106, 129/112, and Square 3591, Lot 4) are located between 5th and 6th Street, N.E. The Applicant seeks to rezone, for the purposes of this project, Parcels 1 and 2 from the C-M-1 Zone District to the C-3-A Zone District and Parcels 3 and 4 from the C-M-1 Zone District to the C-3-C Zone District.

The Applicant proposes to develop a mixed-use project to include residential, institutional, office, and retail uses. The maximum building height for Parcels 1 and Parcel 2 will be 70 feet, and the maximum density will be 2.6 floor area ratio (“FAR”) and 2.70 FAR, respectively. The maximum building height for Parcels 3 and 4 will be 120 feet, and the maximum density will be 7.7 FAR and 7.4 FAR, respectively.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF SPECIAL PUBLIC MEETINGS**

The Zoning Commission of the District of Columbia, in accordance with § 3005 of the District of Columbia Municipal Regulations, Title 11, Zoning, hereby gives notice that it has scheduled Special Meetings for **October 26, 2015 at 5:30 p.m. and November 16 2015 at 6:00 P.M.**, to consider various items.

For additional information, please contact Sharon Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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