



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 20-566, Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014
- D.C. Council schedules a public hearing on Bill 21-023, Marijuana Legalization and Regulation Act of 2015
- D.C. Council schedules a public oversight roundtable on the responses of the Washington Metropolitan Area Transit Authority and Public Safety Agencies to the January 12, 2015, incident at L'Enfant Plaza Metro Station
- Department of Motor Vehicles revises rules for providing identification documents
- Metropolitan Police Department proposes clarifications to the regulations for issuing a concealed pistol carry license
- Office of the State Superintendent of Education announces funding availability for the 2015-2016 DC Physical Activity for Youth Grant
- Department of Health announces funding availability for the FY 2015 Tobacco Prevention and Control Grant

# DISTRICT OF COLUMBIA REGISTER

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The “DC ACTS” section of the Table of Contents of the D.C. Register, Volume 62, No. 3, dated January 16, 2015 references incorrect Bill numbers for Acts 20-553 through 20-563.

The correct bill numbers are:

- A20-553 Closing of a Portion of Manchester Lane, N.W., adjacent to Square 2742, S.O. 08-3083, Act of 2014 [B20-955]
- A20-554 Turkey Bowl Revenue Generation and Sponsorship Act of 2014 [B20-966]
- A20-555 Fiscal Year 2015 Budget Support Clarification Temporary Amendment Act of 2014 [B20-958]
- A20-556 Soccer Stadium Development Amendment Act of 2014 [B20-805]
- A20-557 Soccer Stadium Development Emergency Amendment Act of 2014 [B20-1059]
- A20-558 Small and Certified Business Enterprise Waiver and Recertification Amendment Act 2014 [B20-892]
- A20-559 Insurance Holding Company and Credit for Reinsurance Modernization Amendment Act of 2014 ] [B20-537]
- A20-560 Sex Trafficking of Children Prevention Amendment Act of 2014 [B20-714]
- A20-561 Firefighter Retirement While Under Disciplinary Investigation Amendment Act of 2014 [B20-890]
- A20-562 Inspector General Qualifications Amendment Act of 2014 [B20-951]
- A20-563 Not-For-Profit Hospital Corporation Certificate of Need Exemption Emergency Amendment Act of 2014[B20-1021]

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-537**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 23, 2014**

To establish, on a temporary basis, the Pepco Cost-Sharing Fund for DC PLUG, into which the District Department of Transportation shall deposit funds received from Potomac Electric Power Company, to be used solely for purposes authorized by the Electric Company Infrastructure Improvement Financing Act of 2014 for the District of Columbia Power Line Undergrounding initiative.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pepco Cost-Sharing Fund for DC PLUG Establishment Temporary Act of 2014".

Sec. 2. Pepco Cost-Sharing Fund for DC PLUG.

(a) There is established as a special fund the Pepco Cost-Sharing Fund for DC PLUG ("Fund"), which shall be administered by the Director of the District Department of Transportation in accordance with subsection (c) of this section.

(b) The Fund shall consist of transfers from the Potomac Electric Power Company to facilitate cost-sharing for the District of Columbia Power Line Undergrounding ("DC PLUG") initiative.

(c) The Fund shall be used to pay for any purpose authorized by the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), for the DC PLUG, initiative.

(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time.

Sec. 3. Fiscal impact statement.

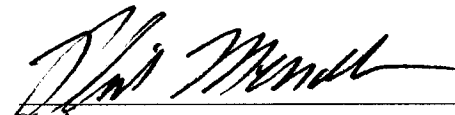
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

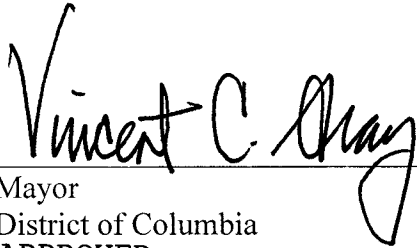
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
December 23, 2014

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-564**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 6, 2015**

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to permit a person to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception for pistol registration information, to specify application requirements for applying for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while consuming alcohol or while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board, to provide a Freedom of Information Act exception for license information, to specify penalties for violations, and to require the Mayor to issue rules; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to authorize the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "License to Carry a Pistol Second Emergency Amendment Act of 2014".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 201(b)(4) (D.C. Official Code § 7-2502.01(b)(4)) is amended by striking the phrase "the home" and inserting the phrase "the home or place of business" in its place.

(b) Section 202(a)(4)(C) (D.C. Official Code § 7-2502.02(a)(4)(C)) is amended to read as follows:

"(C) Any person who seeks to register a pistol:

"(i) For use in self-defense within that person's home or place of business; or

"(ii) As part of the application process for a license to carry a concealed pistol pursuant to section 902; or".

(c) Section 203(a)(4) (D.C. Official Code § 7-2502.03(a)(4)) is amended as follows:

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

(2) Subparagraph (E) is amended by adding the word "or" at the end.

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

“(F) Violation of section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133);”.

(d) A new section 211a is added to read as follows:

“Sec. 211a. Freedom of information exception.

“Any record regarding a person who has applied for, received, or had revoked any registration issued pursuant to this title shall not be made available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).”.

(e) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended by striking the phrase “Except as provided in sections 205, 208, 702, and 807” and inserting the phrase “Except as provided in sections 205, 208, 702, 807, and Title IX” in its place.

(f) A new Title IX is added to read as follows:

“TITLE IX – LICENSES TO CARRY A PISTOL.

“Sec. 901. Definitions.

“For the purposes of this title, the term:

“(1) “Child” means a person under 18 years of age.

“(2) “Concealed pistol” means a loaded or unloaded pistol carried on or about a person entirely hidden from view of the public, or carried on or about a person in a vehicle in such a way as it is entirely hidden from view of the public.

“(3) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or of any other law enforcement agency operating and authorized to make arrests in the District of Columbia, and includes an MPD reserve officer, a special police officer appointed pursuant to section 202 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and a campus and a university special police officer appointed pursuant to the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*).

“(4) “License” means a license to carry a concealed pistol issued pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(5) “Licensee” means a person who has been issued a license pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(6) “MPD” means the Metropolitan Police Department.

“(7) “Section 6 of the Pistols and Other Dangerous Weapons Act” means section 6 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4506).

## ENROLLED ORIGINAL

“Sec. 902. Application requirements.

“(a) A person who submits an application pursuant to section 6 of the Pistols and Other Dangerous Weapons Act shall certify and demonstrate to the satisfaction of the Chief that he or she:

“(1) Is at least 21 years of age;

“(2) Meets all of the requirements for a person registering a firearm pursuant to this act, and has obtained a registration certificate for the pistol that the person is applying to carry concealed;

“(3)(A) Does not currently suffer from any mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others; or

(B) If he or she has suffered in the previous 5 years from a mental illness or condition that created a substantial risk that he or she was a danger to himself or herself or others, no longer suffers from a mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others;

“(4) Has completed a firearms training course or combination of courses, conducted by an instructor (or instructors) certified by the Chief, which includes at least 16 hours of training, and covers the following:

“(A) Firearm safety;

“(B) Firearm nomenclature;

“(C) Basic principles of marksmanship;

“(D) Care, cleaning, maintenance, loading, unloading, and storage of pistols;

“(E) Situational awareness, conflict management, and use of deadly force;

“(F) Selection of pistols and ammunition for defensive purposes; and

“(G) All applicable District and federal firearms laws, including the requirements of this act, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), and District law pertaining to self-defense;

“(5) Has completed at least 2 hours of range training, conducted by an instructor certified by the Chief, including shooting a qualification course of 50 rounds of ammunition from a maximum distance of 15 yards (45 feet); and

“(6) Has complied with any procedures the Chief may establish by rule.

“(b) An applicant shall satisfy the requirements of subsection (a)(4) and (a)(5) of this section with a certification from a firearms instructor that the applicant:

“(1) Demonstrated satisfactory completion of the requirements of subsection (a)(4) and (a)(5) of this section; and

“(2) Possesses the proper knowledge, skills, and attitude to carry a concealed pistol.

“(c) An applicant may be exempt from some or all of the requirements of subsection (a)(4) and (a)(5) of this section if the applicant has submitted evidence that he or she has received firearms training in the United States military or has otherwise completed firearms



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training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required under subsection (a)(4) and (a)(5) of this section.

“(d) An applicant for a license may satisfy any component of the requirements of subsection (a)(4) and (a)(5) of this section by demonstrating to the satisfaction of the Chief that the applicant has met that particular component as part of a successful application to carry a concealed pistol issued by the lawful authorities of any state or subdivision of the United States.

“(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the information required by section 6 of the Pistols and Other Dangerous Weapons Act and this section.

“(2) Any declaration, certificate, verification, or statement made for purposes of an application for a license to carry a concealed pistol pursuant to this act shall be made under penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402).

“(f) An applicant is required to appear for an in-person interview at the MPD headquarters for purposes including verification of the applicant’s identity and verification of the information submitted as part of the application process for a license.

“(g) Any person whose application has been denied may, within 15 days after the date of the notice of denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 903. Expiration and renewal of licenses.

“(a) A license shall expire no later than 2 years after the date of issuance unless revoked by the Chief or renewed pursuant to this title.

“(b)(1) A license shall be eligible for renewal if:

“(A) The licensee continues to meet the requirements of section 6 of the Pistols and Other Dangerous Weapons Act and section 902, except that:

“(i) With regard to section 902(a)(4), only 4 hours of such training shall be required for renewal; and

“(ii) With regard to section 902(a)(5), the licensee shall provide proof of 2 hours of range practice within the previous 12 months; and

“(B) The licensee follows any procedures the Chief may establish by rule.

“(2) Timely renewal shall be the responsibility of the licensee, pursuant to any procedures the Chief may establish by rule.

“(c) Any person whose renewal application has been denied may, within 15 days after the date of the notice of denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 904. Duties of licensees.

“(a) A licensee shall comply with all limits and conditions of the license.

“(b) A licensee shall notify the Chief in writing:

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“(1) Immediately upon discovery of the loss, theft, or destruction of the license and include the circumstances of the loss, theft, or destruction, if known; and

“(2) Within 30 days after a change in the licensee’s name or address as it appears on the license.

“(c) A licensee shall have on or about his or her person each time the pistol is carried in the District:

“(1) The license; and

“(2) The registration certificate for the pistol being carried, issued pursuant to this act.

“(d) If a law enforcement officer initiates an investigative stop of a licensee carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, the licensee, and any other licensee carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act who is with the stopped licensee at the time of the investigative stop, shall:

“(1) Disclose to the officer that he or she is carrying a concealed pistol;

“(2) Present the license and registration certificate;

“(3) Identify the location of the concealed pistol; and

“(4) Comply with all lawful orders and directions from the officer, including allowing a pat down of his or her person and permitting the law enforcement officer to take possession of the pistol for so long as is necessary for the safety of the officer or the public.

“(e) The duties set forth in this section are in addition to any other requirements imposed by this act or applicable law.

“(f) In addition to any other penalty provided by law, a person who violates this section shall be subject to revocation of his or her license.

“Sec. 905. Revocation and suspension of licenses.

“(a)(1) The Chief may limit or revoke a license upon a finding that the licensee no longer meets the requirements of section 6 of the Pistols and Other Dangerous Weapons Act and this title, or as a penalty as specified in this act.

“(2) The United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, or any person may apply to the MPD at any time for limitation or revocation of a license.

“(3) Any person having knowledge that a licensee no longer meets the requirements of this act or the requirements of section 6 of the Pistols and Other Dangerous Weapons Act may so notify the Chief or any other law enforcement officer who may take such action as may be appropriate.

“(4) Before a limitation or revocation taking effect, the Chief shall serve a notice of intent to limit or revoke the license. The limitation or revocation shall take effect unless the licensee requests an appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 no later than 15 days after the date of the notice of intent.

“(b)(1) The Chief may summarily suspend or limit, without a hearing, a license, when the Chief has determined that the conduct of a licensee presents an imminent danger to the health

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and safety of a person or the public.

“(2) At the time of the summary suspension or limitation of a license, the Chief shall provide the licensee with written notice stating the action that is being taken, the basis for the action, and the right of the licensee to request a hearing.

“(3) A licensee shall have the right to request a hearing within 72 hours after service of notice of the summary suspension or limitation of the license. The Concealed Pistol Licensing Review Board shall hold a hearing within 72 hours after receipt of a timely request, and shall issue a written decision within 72 hours after the hearing.

“Sec. 906. Carrying a pistol while impaired.

“(a) A licensee shall not carry a pistol while he or she is consuming alcohol.

“(b) A licensee shall not carry a pistol while impaired.

“(c) Upon establishing reasonable suspicion that a licensee has been consuming drugs or alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or urine tests, administered to determine whether the licensee is impaired while carrying a pistol, shall be grounds for summary suspension of the license pursuant to section 905(b).

“(d) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

“(e) For the purposes of this section, the term “impaired” means a licensee has consumed alcohol or other drug or drugs and that it has affected the licensee’s behavior in a way that can be perceived or noticed.

“Sec. 907. Prohibitions on carrying licensed pistols.

“(a) No person holding a license shall carry a pistol in the following locations or under the following circumstances:

“(1) A building or office occupied by the District of Columbia, its agencies, or instrumentalities;

“(2) The building and grounds, including any adjacent parking lot, of a childcare facility, preschool, public or private elementary or secondary school; or a public or private college or university;

“(3) A hospital, or an office where medical or mental health services are the primary services provided;

“(4) A penal institution, secure juvenile residential facility, or halfway house;

“(5) A polling place while voting is occurring;

“(6) A public transportation vehicle, including the Metrorail transit system and its stations;

“(7) Any premises, or portion thereof, where alcohol is served, or sold and consumed on the premises, pursuant to a license issued under Title 25 of the District of Columbia Official Code; provided, that this prohibition shall not apply to premises operating under a temporary license issued pursuant to D.C. Official Code § 25-115, a C/R, D/R, C/H, D/H, or caterer license issued pursuant to D.C. Official Code § 25-113, or premises with small-

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sample tasting permits issued pursuant to D.C. Official Code § 25-118, unless otherwise prohibited pursuant to subsection (b)(3) of this section;

“(8) A stadium or arena;

“(9) A gathering or special event open to the public; provided, that no licensee shall be criminally prosecuted unless:

“(A) The organizer or the District has provided notice prohibiting the carrying of pistols in advance of the gathering or special event and by posted signage at the gathering or special event; or

“(B) The licensee has been ordered by a law enforcement officer to leave the area of the gathering or special event and the licensee has not complied with the order;

“(10) The public memorials on the National Mall and along the Tidal Basin, and any area where firearms are prohibited under federal law or by a federal agency or entity, including U.S. Capitol buildings and grounds;

“(11) The area around the White House between Constitution Avenue, N.W., and H Street, N.W., and between 15<sup>th</sup> Street, N.W., and 17<sup>th</sup> Street, N.W.;

“(12) The U.S. Naval Observatory and its grounds, and from the perimeter of its fence to the curb of Massachusetts Avenue, N.W., from 34<sup>th</sup> Street, N.W., south on Massachusetts Avenue, N.W., to Observatory Circle, N.W.;

“(13)(A) When a dignitary or high-ranking official of the United States or a state, local, or foreign government is moving under the protection of the MPD, the U.S. Secret Service, the U.S. Capitol Police, or other law enforcement agency assisting or working in concert with MPD, within an area designated by the Chief, the Chief of the U.S. Secret Service, or the Chief of the U.S. Capitol Police, or a designee of any of the forgoing, that does not include any point at a distance greater than 1,000 feet from the moving dignitary or high-ranking official; provided, that no licensee shall be criminally prosecuted unless:

“(i) The law enforcement agency provides notice of the designated area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to make the designated area of protection obvious;

“(ii) The District or federal government has provided notice prohibiting the carrying of pistols along a designated route or in a designated area in advance of the event, if possible, and by posted signage along a route or in a designated area; or

“(iii) The licensee has been ordered by a law enforcement officer to leave the designated area and the licensee has not complied with the order.

“(B) For the purposes of this paragraph, the term “moving” shall include any planned or unplanned stops, including temporary stops, in locations open to the public.

“(14) When demonstration in a public place is occurring, within a perimeter designated by the Chief or his or her designee, or other law enforcement agency, that does not include any point at a distance great than 1,000 feet from the demonstration; provided, that no licensee shall be criminally prosecuted unless:

“(A) The law enforcement agency provides notice of the designated area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to make the designated area of the demonstration obvious;

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“(B) The District or federal government has provided notice prohibiting the carrying of pistols along or within a demonstration route or designated area in advance of the event, if possible, and by posted signage along a demonstration route or designated area; or

“(C) The licensee has been ordered by a law enforcement officer to leave the designated area and the licensee has not complied with the order;

“(15) Any prohibited location or circumstance that the Chief determines by rule; provided, that for spontaneous circumstances, no criminal penalty shall apply unless the licensee has notice of the prohibition and has failed to comply.

“(b)(1) The carrying of a concealed pistol on private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property.

“(2) The carrying of a concealed pistol in a church, synagogue, mosque, or other place where people regularly assemble for religious worship shall be presumed to be prohibited unless the property is posted with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized agent communicates such allowance personally to the licensee in advance of entry onto the property; provided, that such places may not authorize the carrying of a concealed pistol where services are conducted in locations listed in subsection (a) of this section.

“(3) The carrying of a concealed pistol on private property that is not a residence shall be presumed to be permitted unless the property is posted with conspicuous signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent communicates such prohibition personally to the licensee.

“(c) Whenever a licensee carries a concealed pistol and approaches any prohibited location, or is subject to any prohibited circumstance, under subsection (a) or (b) of this section, the licensee shall:

“(1) If the licensee is in a vehicle or if a vehicle is readily available, immediately secure the pistol in the manner prescribed in section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)); or

“(2) If the licensee does not have a vehicle available, immediately leave the prohibited location or circumstance.

“(d) A licensee shall not be in violation of this section:

“(1) While he or she is traveling along a public street, road, or highway, including an adjacent public sidewalk that touches the perimeter of any of the premises where the carrying of a concealed pistol is prohibited under subsection (a) or (b) of this section if the concealed pistol is carried on his or her person in accordance with this act, or is being transported by the licensee in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02); or

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“(2) While driving a vehicle into and immediately parking at any location listed in subsection (a)(2) of this section for the purpose of picking up or dropping off a student or a child; provided, that the licensee shall secure the concealed pistol in accordance with section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)), before leaving the parked vehicle.

“(e) A licensee shall not carry a pistol openly or otherwise in a manner that is not concealed.

“(f) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

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

“(1) “Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers. The term “demonstration” does not include the casual use of property by visitors or tourists that does not have the effect, intent, or propensity to attract a crowd or onlookers.

“(2) “Public place” means a place to which the general public has access and a right to occupy for business, entertainment, or other lawful purpose. The term “public place” is not limited to a place devoted solely to the uses of the public, and includes:

“(A) The front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

“(B) A public building, including its grounds and curtilage;

“(C) A public parking lot;

“(D) A public street, sidewalk, or right-of-way;

“(E) A public park; and

“(F) Other public grounds.

“(3) “Public transportation vehicle” means any publicly owned or operated commercial vehicle, including any DC Circulator bus, DC Streetcar, MetroAccess vehicle, Metrobus, or Metrorail train.

“(4) “Residence” means a building wholly or partly used or intended to be used for living and sleeping by human occupants, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to the building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which such a building is located, but does not include adjacent common areas or commercial property contained in any part of the building.

“Sec. 908. Concealed Pistol Licensing Review Board.

“(a) There is established a Concealed Pistol Licensing Review Board (“Board”) for the purpose of hearing appeals from:

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“(1) A denial of an application or renewal application for a license to carry a concealed pistol in the District pursuant to this act;

“(2) A summary suspension or limitation of a license to carry a concealed pistol;  
or

“(3) A limitation or revocation of a license to carry a concealed pistol.

“(b)(1) The Board shall consist of 7 members as follows:

“(A) The United States Attorney (“USAO”) for the District of Columbia or his or her designee; provided, that if the USAO declines to provide a representative, the Mayor shall appoint a person who is a former employee of the USAO;

“(B) The Attorney General for the District of Columbia or his or her designee;

“(C) A mental health professional employed by the Department of Behavioral Health, appointed by the Mayor;

“(D) A former sworn officer of a law enforcement agency other than the MPD, appointed by the Mayor;

“(E) Three public members appointed by the Mayor, as follows:

“(i) One mental health professional; and

“(ii) Two District residents with experience in the operation, care, and handling of firearms.

“(2) The appointment of members designated by subsection (b)(1)(D) and (b)(1)(E) of this section shall be made in accordance with the following provisions:

“(A) Each member shall be appointed for a term of 4 years, and shall continue to serve during that time as long as the member remains eligible for the appointment;

“(B) A member may be reappointed;

“(C) A Board member whose term has expired may continue to serve as a member until a replacement member has been appointed;

“(D) A person appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of the term or until a successor has been appointed; and

“(E) A member may be removed by the appointing authority only for incompetence, neglect of duty, or misconduct.

“(3) The Mayor shall select a chairperson.

“(4) Members shall serve without compensation, but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

“(c) Four members of the Board shall constitute a quorum, except that 2 members shall be a quorum when hearing panels of 3 members are assigned by the Board to conduct a hearing and make a final decision required by this section. Each hearing panel shall contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.

“(d)(1) Within 30 days after the effective date of the License to Carry a Pistol Second Emergency Amendment Act of 2014, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045), the Mayor, by rule, shall establish hearing procedures for a contested case review of any appeal, including the manner and time of appeals, and procedures

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for the Board to assign panels of 3 Board members to conduct such hearings and issue final decisions, pursuant to subsection (c) of this section.

“(2) The rules shall include that the burden of production of evidence, and the burden of persuasion, at a hearing before the Board shall be upon the applicant or licensee that is challenging a denial of an application or renewal application or limitation or revocation of a license.

“(e) The meetings and hearings conducted by the Board shall be confidential and not open to the public.

“(f) Any person, including the Chief, aggrieved by a final action of the Board may file an appeal in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“Sec. 909. Freedom of information exception; report.

“(a) Any record regarding a person who has applied for, received, or had revoked a license shall not be made available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532); provided, that aggregate data, excluding any personal identifying information, may be used for the purposes of the public report in subsection (b) of this section.

“(b) Every 2 years, the Metropolitan Police Department shall make public a report that includes the following information:

“(1) The total number of valid licenses; and

“(2) For the most recent 2-year period:

“(A) The number of applications for a license received;

“(B) The number of licenses issued;

“(C) The number of licenses renewed, suspended, revoked, or denied;

“(D) The number of licensees convicted of a crime involving a pistol, classified by type of crime;

“(E) The number of pistols for which a license was issued that were reported lost or stolen; and

“(F) The number of pistols for which a license was issued that were found or recovered as stolen that were unreported by a licensee as lost or stolen.

“Sec. 910. Penalties.

“(a)(1) Except as otherwise provided in this title, a person convicted of a violation of a provision of this title, or rules or regulations issued under the authority of this title, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisoned for not more than 180 days.

“(2) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title, or any rules or regulations issued under the authority of this title.



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“(b) All prosecutions for violations of this title shall be brought in the name of the District of Columbia and prosecuted by the Office of the Attorney General for the District of Columbia.

“Sec. 911. Rules.

“The Chief of the MPD, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the License to Carry a Pistol Second Emergency Amendment Act of 2014, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045), including rules:

“(1) To establish criteria for determining when an applicant has, pursuant to section 6 of the Pistols and Other Dangerous Weapons Act:

“(A) Demonstrated a good reason to fear injury to his or her person, which shall at a minimum require a showing of a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks that demonstrate a special danger to the applicant’s life;

“(B) Demonstrated any other proper reason for carrying a concealed pistol, which shall at a minimum include types of employment that require the handling of cash or other valuable objects that may be transported upon the applicant’s person; and

“(C) Demonstrated the applicant’s suitability to carry a concealed pistol, which shall at a minimum include evidence that the applicant meets the requirements of section 902;

“(2) To establish the type and amount of ammunition that may be carried concealed by a licensee;

“(3) To establish the methods by which a pistol may be carried, including any standards for safe holstering;

“(4) To establish all application forms, investigation procedures, background checks, and fees necessary to process an application for a license to carry a concealed pistol;

“(5) To specify any procedures or requirements specific to non-residents who apply to carry a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, with regard to the registration requirements in this act;

“(6) To specify requirements for signage on any private premises where the owner or person in control of the premises prohibits the carrying of a concealed pistol pursuant to section 907(b); and

“(7) To establish procedures for the renewal of licenses.”.

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended as follows:

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

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(A) Strike the phrase “a pistol” and insert the phrase “a pistol, without a license issued pursuant to District of Columbia law” in its place.

(B) Strike the phrase “capable of being so concealed”.

(2) Paragraph (1) is amended by striking the phrase “a pistol” and inserting the phrase “a pistol, without a license issued therefor pursuant to District of Columbia law” in its place.

(b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-447; 61 DCR 10765), and is amended to read as follows:

“Sec. 6. Issuance of a license to carry a pistol.

“(a) The Chief of the Metropolitan Police Department (“Chief”) may, upon the application of a person having a bona fide residence or place of business within the District of Columbia, or of a person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue, if it appears that the applicant has good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol, and that he or she is a suitable person to be so licensed.

“(b) A non-resident who lives in a state that does not require a license to carry a concealed pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue; provided, that he or she meets the same reasons and requirements set forth in subsection (a) of this section.

“(c) For any person issued a license pursuant to this section, or renewed pursuant to section 903 of the Firearms Control Regulations Act of 1975, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045), the Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which the license is effective, and may subsequently limit, suspend, or revoke the license as provided under section 905 of the Firearms Control Regulations Act of 1975, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045).

“(d) The application for a license to carry shall be on a form prescribed by the Chief and shall bear the name, address, description and photograph of the licensee.

“(e) Except as provided in section 905(b) of the Firearms Control Regulations Act of 1975, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045), any person whose application has been denied or whose license has been limited or revoked may, within 15 days after the date of the notice of the denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045).”.

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Sec. 4. Repealers.

(a) Section 101 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2511), is repealed.

(b) The License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-447; 61 DCR 10765), is repealed.

(c) The License to Carry a Pistol Temporary Amendment Act of 2014, enacted on October 31, 2014 (D.C. Act 20-462; 61 DCR 11814), is repealed.

Sec. 5. Rules.

The rules issued under the authority of the License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-447; 61 DCR 10765), shall remain in effect until repealed or superseded.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the License to Carry a Pistol Amendment Act of 2014, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), 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), 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  
January 6, 2015

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**D.C. ACT 20-565**

**DECEMBER 3, 2014**

**INITIATIVE MEASURE**

**NO. 71**

**SHORT TITLE**

**“LEGALIZATION OF POSSESSION OF MINIMAL AMOUNTS OF MARIJUANA FOR PERSONAL USE INITIATIVE OF 2014”**

**SUMMARY STATEMENT**

This initiative changes the laws of the District of Columbia to make it lawful under District of Columbia law for a person 21 years of age or older to:

- possess up to 2 ounces of marijuana for personal use;
- grow no more than 6 cannabis plants with 3 or fewer being mature, flowering plants, within the person's principal residence;
- transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older; and
- use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis.

**LEGISLATIVE TEXT**

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014".

Sec. 2. Section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)), is amended as follows:

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

"(a)(1) Except as authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code §

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7-1671.01 *et seq.*), it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance. Notwithstanding any provision of this act to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person 21 years of age or older to:

"(A) Possess, use, purchase, or transport marijuana weighing 2 ounces or less;

"(B) Transfer to another person 21 years of age or older, without remuneration, marijuana weighing one ounce or less;

"(C) Possess, grow, harvest, or process, within the interior of a house or rental unit that constitutes such person's principal residence, no more than 6 cannabis plants, with 3 or fewer being mature, flowering plants; provided, that all persons residing within a single house or single rental unit may not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants;

"(D) Possess within such house or rental unit the marijuana produced by such plants; provided that, nothing in this subsection shall make it lawful to sell, offer for sale, or make available for sale any marijuana or cannabis plants."

(b) New paragraphs (1A), (1B), (1C), (1D), (1E), and (1F) are added to read as follows:

"(1A)(A) The terms "controlled substance" and "controlled substances," as used in the District of Columbia Official Code, shall not include:

"(i) Marijuana that is or was in the personal possession of a person 21 years of age or older at any specific time if the total amount of marijuana that is or was in the possession of that person at that time weighs or weighed 2 ounces or less;

"(ii) Cannabis plants that are or were grown, possessed, harvested, or processed by a person 21 years of age or older within the interior of a house or rental unit that constitutes or at the time constituted, such person's principal residence, if such person at that time was growing no more than 6 cannabis plants with 3 or fewer being mature flowering plants and if all persons residing within that single house or single rental unit at that time did not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants; or

"(iii) The marijuana produced by the plants which were grown, possessed, harvested, or processed by a person who was, pursuant to sub-subparagraph (ii) of this subparagraph, permitted to grow, possess, harvest, and process such plants, if such marijuana is or was in the personal possession of that person who is growing or grew such plants, within the house or rental unit in which the plants are or were grown.

"(B) Notwithstanding the provisions of this paragraph, the terms "controlled substance" and "controlled substances," as used in the District of Columbia Official Code, shall include any marijuana or cannabis plant sold or offered for sale or made available for sale.

"(1B) Notwithstanding any other provision of the District of Columbia Official Code, no District government agency or office shall limit or refuse to provide any facility service, program, or benefit to any person based upon or by reason of conduct that is made lawful by this subsection.

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"(1C) Nothing in this subsection shall be construed to require any District government agency or office, or any employer, to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of any such agency, office, or employer to establish and enforce policies restricting the use of marijuana by employees.

"(1D) Nothing in this subsection shall be construed to permit driving under the influence of marijuana or driving while impaired by use or ingestion of marijuana or to modify or affect the construction or application of any provision of the District of Columbia Official Code related to driving under the influence of marijuana or driving while impaired by marijuana.

"(1E) Nothing in this subsection shall be construed to prohibit any person, business, corporation, organization, or other entity, or District government agency or office, who or which occupies, owns, or controls any real property, from prohibiting or regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

"(1F) Nothing in this subsection shall be construed to make unlawful any conduct permitted by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*)."

Sec. 3. Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

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

"(a)(1) Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code § 7-1671.01 *et seq.*), it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person 21 years of age or older to use, or possess with intent to use, drug paraphernalia to possess or use marijuana if such possession or use is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)), or to use, or possess with intent to use, drug paraphernalia to grow, possess, harvest, or process cannabis plants, the growth, possession, harvesting or processing of which is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)).

"(2) Whoever violates this subsection shall be imprisoned for not more than 30 days or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both."

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

"(b)(1) Except as authorized by the Legalization of Marijuana for Medical Treatment

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Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code § 7-1671.01 *et seq.*), it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia under circumstances in which one knows or has reason to know that such drug paraphernalia will be used solely for use of marijuana that is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)), or that such drug paraphernalia will be used solely for growing, possession, harvesting, or processing of cannabis plants that is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)).

“(2) Whoever violates this subsection shall be imprisoned for not more than 6 months or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this act, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.”

Sec. 4. The amounts of the fines set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), and section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), shall be adjusted through implementing or amending legislation enacted by the Council of the District of Columbia to the extent necessary to ensure that this act does not negate or limit any act of the Council of the District of Columbia pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

Sec. 5. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

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AN ACT

**D.C. ACT 20-566**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 9, 2015**

To enact and amend, on an emergency basis, due to congressional review, provisions of law necessary to support the Fiscal Year 2015 budget.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014".

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

Sec. 1001. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Congressional Review Emergency Act of 2014".

Sec. 1002. Bonus and special pay limitations.

(a) For Fiscal Year 2015, no funds may be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;
- (5) Employee awards pursuant to section 1901 of the District of Columbia

Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01);

- (6) Safe driving awards;
- (7) Gainsharing incentives in the Department of Public Works;
- (8) Suggestion or invention awards;
- (9) Quality Steps;
- (10) Salary incentives negotiated through collective bargaining; or
- (11) Any other award or bonus required by an existing contract or collective

bargaining agreement that was entered into before the effective date of this subtitle.

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

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in Fiscal Year 2015 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students.

(d) Notwithstanding this subtitle or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO, for the period from October 1, 2013, through September 30, 2017.

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**SUBTITLE B. ELECTED ATTORNEY GENERAL IMPLEMENTATION AND LEGAL SERVICE ESTABLISHMENT TECHNICAL AMENDMENT**

Sec. 1011. Short title.

This subtitle may be cited as the "Elected Attorney General Implementation and Legal Service Establishment Technical Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1012. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 862(5) (D.C. Official Code § 1-608.62(5)) is amended by striking the year "2014" and inserting the year "2018" in its place.

(b) Section 863 (D.C. Official Code § 1-608.63) is amended by striking the year "2014" and inserting the year "2018" in its place.

(c) Section 864 (D.C. Official Code § 1-608.64) is amended by striking the year "2014" wherever it appears and inserting the year "2018" in its place.

Sec. 1013. Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-60; 60 DCR 15487), is amended by striking the year "2014" and inserting the year "2018" in its place.

Sec. 1014. (a) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), as amended by section 1012, is amended as follows:

(1) Section 862(5) (D.C. Official Code § 1-608.62(5)) is amended by striking the year "2018" and inserting the year "2014" in its place.

(2) Section 863 (D.C. Official Code § 1-608.63) is amended by striking the year "2018" and inserting the year "2014" in its place.

(3) Section 864 (D.C. Official Code § 1-608.64) is amended by striking the year "2018" wherever it appears and inserting the year "2014" in its place.

(b) Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-60; 60 DCR 15487), as amended by section 1013, is amended by striking the year "2018" and inserting the year "2014" in its place.

(c)(1) This section shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

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

**SUBTITLE C. PUBLIC SECTOR WORKERS' COMPENSATION BUDGET SAVINGS**

Sec. 1021. Short title.

This subtitle may be cited as the "Public Sector Workers' Compensation Budget Savings Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1022. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new section designation after "SEC. 2306a. PERIOD OF DISABILITY PAYMENTS" to read as follows:

"SEC. 2306b. REPORT OF EARNINGS".

(b) Title XXIII is amended as follows:

(1) Section 2306(b) (D.C. Official Code § 1-623.06(b)) is repealed.

(2) A new section 2306b is added to read as follows:

"Sec. 2306b. Report of earnings.

"(a) The Mayor shall require each employee receiving benefits under this subtitle to report his or her earnings from employment or self-employment by affidavit, including by providing copies of tax returns and authorizing the Mayor to obtain copies of tax documents, within 30 days of a written request for a report of earnings.

"(b) An employee shall forfeit his or her right to workers' compensation with respect to any period for which the report of earnings was required if the employee:

"(1) Fails to file a complete report of earnings within 30 days of a written request for a report of earnings; or

"(2) Knowingly omits or understates any part of his or her earnings.

"(c) Workers' compensation forfeited under this section, if already paid, may be recovered by a deduction from future workers' compensation payments owed to the employee or otherwise recovered under section 2329.

"(d) The Mayor shall notify any employee receiving workers' compensation benefits, on forms prescribed by the Mayor, of that employee's affirmative duty to report earnings and shall specifically notify the employee that a failure to report earnings may subject him or her to termination from the program and civil or criminal liability. The notice by the Mayor may be satisfied by printing the notice on the employee payee statement portion of the indemnity check sent to the employee.

"(e) For the purposes of this section, the term "earnings" includes any cash, wages, or salary received from self-employment or from any other employment aside from the employment

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in which the worker was injured. The term "earnings" also includes commissions, bonuses, and the cash value of all payments and benefits received in any form other than cash. Commissions and bonuses earned before disability but received during the time the employee is receiving workers' compensation benefits do not constitute earnings that must be reported."

(3) Section 2307 (D.C. Official Code § 1-623.07) is amended as follows:

(A) Subsection (a)(3) is amended to read as follows:

"(3) In addition to compensation for temporary total or temporary partial disability; provided, that:

"(A) A claimant who has received compensation for temporary total or temporary partial disability under this title shall be eligible for compensation payable under this section only after compensation for the temporary total or temporary partial disability has ceased;

"(B) A claimant shall not receive any further compensation for a single injury for temporary total or temporary partial disability after receiving compensation for the injury under this section; and

"(C) A claimant shall not be entitled to receive multiple awards of compensation under this section for the same permanent disability, but shall only be entitled to receive one award of compensation payable under this section per permanent disability."

(B) Subsection (b) is repealed.

(4) Section 2333(b)(1)(A) (D.C. Official Code § 1-623.33(b)(1)(A)) is amended by striking the phrase "before reaching age 60".

**SUBTITLE D. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES**

Sec. 1031. Short title.

This subtitle may be cited as the "Technology Services Support Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1032. Section 1003(a) of the Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1432(a)), is amended as follows:

(a) Strike the phrase "health care or education".

(b) Strike the phrase "and any open-access" and insert the phrase "any open-access" in its place.

(c) Strike the phrase "neighborhoods in the District of Columbia" and insert the phrase "neighborhoods in the District, and entities designated by the Mayor as necessary to support economic development initiatives of the District government" in its place.

**SUBTITLE E. CAPITAL POLICY AND RESERVE ACCOUNT**

Sec. 1041. Short title.

This subtitle may be cited as the "Capital Policy and Reserve Account Second Congressional Review Emergency Amendment Act of 2014".



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Sec. 1042. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

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

"(2) Beginning with the Fiscal Year 2017 budget, and for each subsequent year, the annual proposed budget and financial plan submitted to the Council and the approved budget and financial plan submitted to the Congress of the United States shall include a Pay-as-you-go Capital Account."

(2) Paragraph (3) is amended by striking the phrase "May, 2015" and inserting the phrase "in May of the previous year" in its place.

(b) Subsection (j-1)(2) is amended to read as follows:

"(2) The Fiscal Stabilization Reserve Account may be used by the Mayor for the following purposes:

"(A) Those purposes permitted for use of the Contingency Reserve Fund, specified in § 1-204.50a(b)(4), as certified by the Chief Financial Officer, with approval of the Council by act; and

"(B) Funding for locally approved expenditures during a lapse in regular appropriations; provided, that any amounts used must be replenished immediately at the conclusion of the lapse."

(c) Subsection (j-2) is amended as follows:

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

"(2) The Cash Flow Reserve Account may be used by the Chief Financial Officer to cover the following:

"(A) Cash-flow needs; provided, that any amounts used must be replenished to the Cash Flow Reserve Account in the same fiscal year; and

"(B) Funding for locally approved expenditures during a lapse in regular appropriations; provided, that any amounts used must be replenished immediately at the conclusion of the lapse."

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

"(4) If at the close of a fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes:

"(A) 50% shall be deposited in the Housing Production Trust Fund; and

"(B) 50% shall be reserved for Pay-as-you-go capital projects."

Sec. 1043. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-308.04. Replacement schedule for capital assets."

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(b) A new section 47-308.04 is added to read as follows:

“§ 47-308.04. Replacement schedule for capital assets.

"The Chief Financial Officer of the District of Columbia shall develop a 15-year replacement schedule for the capital assets of the District government. The schedule shall be prepared in a form that reflects both the adopted capital improvements plan and a replacement schedule for District capital assets. The Chief Financial Officer shall report to the Council and the Mayor on the replacement schedule on an annual basis, with the initial report due on October 1, 2015. All agencies shall cooperate with any requests made by the Chief Financial Officer related to this section."

(c) Section 47-335.01 is amended by striking the word "borrowings." and inserting the phrase "borrowings. In determining the amounts to be financed, the Mayor shall consult with the Chief Financial Officer to determine if any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements are available to reduce the amount of borrowing for the next bond issuance." in its place.

(d) Section 47-362 is amended by adding a new subsection (f) to read as follows:

“(f) Notwithstanding § 47-363, any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements:

“(1) May not be reprogrammed, unless the Council approves the reprogramming request by resolution; and

“(2) At the end of a fiscal year, any excess shall be transferred equally among the Local Streets Ward-Based Capital Projects. For the purposes of this paragraph, the term “Local Streets Ward Based Capital Projects” shall have the same meaning as provided in § 50-921.51(4).”.

#### **SUBTITLE F. GOVERNMENT FAMILY LEAVE PROGRAM**

Sec. 1051. Short title.

This subtitle may be cited as the "Government Family Leave Program Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1052. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

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

"SEC. 1203a. UNIVERSAL LEAVE PROGRAM

“SEC. 1203b. DONOR LEAVE

“SEC. 1203c. FAMILY LEAVE".

(b) A new section 1203c is added to read as follows:

"Sec. 1203c. Family leave.

"(a) An eligible employee shall receive leave with pay for family leave of not more than 8 workweeks within a 12-month period for a single qualifying event.

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"(b) Leave authorized by this section for a single qualifying event:

"(1) May be exercised by an eligible employee only within the 12-month period following the qualifying event;

"(2) May be used in no less than one-day increments, either consecutively or intermittently; and

"(3) Shall count against the 16 workweeks of family leave provided under section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-502) ("D.C. FMLA").

"(c) If an employee using leave under this section is serving in a probationary capacity, the employee's probationary period shall be extended by the duration of the leave used.

"(d) An eligible employee using leave under this section shall enjoy the same employment and benefit protections afforded to an employee under section 6 of the D.C. FMLA; provided, that section 6(f) of the D.C. FMLA shall not apply under this section.

"(e) An agency may require that a request for leave under this section be supported by appropriate certification or other supporting documentation. An agency shall keep any information regarding the family relationship confidential.

"(f) Each agency shall maintain an accounting of leave used under this section and any records related to its use.

"(g) For the purposes of this section, the term:

"(1) "Child" means:

"(A) A person under 21 years of age;

"(B) A person, regardless of age, who is substantially dependent upon the employee by reason of physical or mental disability; or

"(C) A person who is under 23 years of age who is a full-time student at an accredited college or university.

"(2) "Eligible employee" means a District government employee; provided, that the term "eligible employee" does not include:

"(A) A temporary employee appointed for less than 90 days; or

"(B) An intermittent employee.

"(3) "Family member" means:

"(A) A person to whom the employee is related by blood, legal custody, domestic partnership, or marriage;

"(B) A foster child;

"(C) A child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility; or

"(D) A person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship.

"(4) "Qualifying event" means one of the following:

"(A) The birth of a child of the employee;

"(B) The legal placement of a child with the employee (such as through adoption, guardianship, or foster care);

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"(C) The placement with the employee of a child for whom the employee permanently assumes and discharges parental responsibilities; or

"(D) The care of a family member of the employee who has a serious health condition.".

**SUBTITLE G. OFFICE OF CONTRACTING AND PROCUREMENT SURPLUS PERSONAL PROPERTY SALES FUND ESTABLISHMENT**

Sec. 1061. Short title.

This subtitle may be cited as the "Office of Contracting and Procurement Surplus Personal Property Fund Establishment Second Congressional Review Emergency Act of 2014".

Sec. 1062. Surplus Personal Property Sales Fund.

(a) There is established as a special fund the Surplus Personal Property Sales Fund ("Fund"), which shall be administered by the Chief Procurement Officer in accordance with subsection (c) of this section:

(b) Except as provided in subsection (d) of this section, proceeds from the sale of surplus personal property shall be deposited into the Fund.

(c) Money in the Fund shall be used to pay for the cost of online auction contracts for surplus personal property.

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

**SUBTITLE H. COMMISSION ON FATHERS, MEN, AND BOYS**

Sec. 1071. Short title.

This subtitle may be cited as the "Commission on Fathers, Men, and Boys Establishment Second Congressional Review Emergency Act of 2014".

Sec. 1072. Commission on Fathers, Men, and Boys.

The Commission on Fathers, Men, and Boys ("Commission") is established to advise the Mayor, the Council, and the public on issues and needs of fathers, men, and boys in the District of Columbia.

Sec. 1073. Commission members; qualifications; terms of office; removal.

(a) The Commission shall consist of 12 members nominated by the Mayor and subject to the consent of the Council in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)). The makeup of the Commission shall reflect the demographics of the District and shall include prominent business and community leaders and individuals certified in fatherhood training or having documented experience working directly with issues of particular interest and concern to fathers, men, and boys.

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(b) Members of the Commission shall be residents of the District.

(c) Members shall be appointed to serve terms of 4 years and shall serve until their successors are appointed. A member of the Commission may be reappointed but may serve no more than 2 consecutive terms.

(d) Whenever a vacancy occurs on the Commission, the Mayor shall, within 90 business days of the vacancy, appoint a successor to fill the unexpired portion of the term.

(e) The Mayor shall designate, from among the members appointed, the Chairman, who shall serve in that capacity at the pleasure of the Mayor.

(f) All members of the Commission shall serve without compensation except that expenses incurred by the Commission as a whole, or by a group of its members, shall become an obligation against appropriated District funds designated for that purpose.

(g) The Mayor may remove, after notice and hearing, any member of the Commission for neglect of duty, incompetence, misconduct, or malfeasance in office.

Sec. 1074. Duties of the Commission.

(a) The Commission shall:

(1) Serve as an advocate for fathers, men, and boys residing in the District by advising and making recommendations to the Mayor and the Council concerning the needs of District residents related to or concerning fathers, men, and boys;

(2) Research, review, maintain, and disseminate empirical data, statistics, and facts concerning or attributable to fatherhood and family social economic issues;

(3) Stimulate and encourage the dialogue of responsible fatherhood and spur community initiatives to combat fatherlessness;

(4) Prepare and recommend to the Mayor and the Council an annual plan of programs and services focused on issues directly related to fathers, men, and boys;

(5) Work with District agencies, the private sector, and local communities to promote a healthier societal impact on fathers, men, and boys; and

(6) Nominate special advisors to serve and provide technical and expert advice on specific and particular matters relevant to the functions of the Commission.

(b) The Commission shall devise policies and procedures that will effectively address the social economic concerns of fathers, men, and boys, including:

(1) Employment;

(2) Poverty;

(3) Fatherlessness and responsible fatherhood;

(4) Family law;

(5) Health and well-being; and

(6) Rehabilitation and reintegration.

(c) The Commission may apply for and receive grants to fund programs and initiatives in accordance with procedures relating to grants management, District government statutes, regulations, Mayor's Orders, and procedures as specified by the Office of the Chief Financial Officer, the Office of Partnerships and Grant Services, and the Office of Contracting and

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Procurement and to recommend to the Mayor and Council applications for federal grants-in-aid for fatherhood, children, and family initiatives.

(d) The Commission may accept private gifts and donations to carry out the purposes of this subtitle in compliance with the procedures and requirements of the Office of Partnerships and Grant Services.

Sec. 1075. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(1) Paragraph (48) is amended by striking the word "and".

(2) Paragraph (49) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (50) is added to read as follows:

"(50) The Commission on Fathers, Men, and Boys established pursuant to section 1072 of the Commission on Fathers, Men, and Boys Establishment Act of 2014, passed on 2<sup>nd</sup> reading on June 24, 2014 (Enrolled version of Bill 20-750)."

**SUBTITLE I. GRANTS ADMINISTRATION**

Sec. 1081. Short title.

This subtitle may be cited as the "Grants Administration Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1082. Section 1093 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61, D.C. Official Code § 1-328.12), is amended by striking the phrase "shall be administered" and inserting the phrase "or the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), shall be administered" in its place.

**SUBTITLE J. WORKPLACE WELLNESS**

Sec. 1091. Short title.

This subtitle may be cited as the "Workplace Wellness Second Congressional Review Emergency Act of 2014".

Sec. 1092. Workplace wellness policy.

(a) The Mayor shall develop and adopt a workplace wellness policy for the District government no later than one year following the effective date of this act. The workplace wellness policy shall be reviewed and updated annually.

(b) The workplace wellness policy required by subsection (a) of this section shall apply to all District agencies, including independent District agencies and the Council of the District of Columbia, but excluding boards and commissions, Advisory Neighborhood Commissions, and the Courts.

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(c) The workplace wellness policy required by subsection (a) of this section shall include initiatives that:

- (1) Establish measurable goals for improving the health of District government employees;
- (2) Improve nutrition in the workplace, including:
  - (A) Expanding opportunities for employees to store lunches and foods in District buildings; and
  - (B) Promoting the availability and consumption of water throughout the day;
- (3) Improve the physical fitness of employees and physical activity during the work day, including:
  - (A) Providing opportunities for employees to exercise at their desks and offices; and
  - (B) Ensuring that staircases are accessible and their use is encouraged;
- (4) Promote healthy living and educate employees about physical activity, healthy eating, stress management, and disease prevention;
- (5) Provide for early detection and screening for key health indicators; and
- (6) Support changes in the work environment to encourage healthy behaviors and breastfeeding and promote occupational safety and health.

(d) Each agency shall designate one employee as the agency's wellness coordinator who shall have the responsibility of implementing the wellness policy in the agency and promoting wellness programs.

(e) It is the goal of the District for each agency to achieve the American Heart Association's gold-level designation as a "Fit-Friendly" workplace or other evidence-based workplace initiatives of national or local health organizations.

Sec. 1093. Healthy food and beverage standards for District government property.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.*), shall issue rules establishing healthy food and beverage nutrition and procurement standards that are guided by the General Services Administration document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations" for all District agencies no later than one year following the effective date of this act.

(b) The standards shall consider both positive and negative contributions of nutrients, ingredients, and foods to diets, including calories, portion size, saturated fat, trans fat, sodium, sugar, and the presence of fruits, vegetables, whole grains, and nutrients of concern in Americans' diets.

(c) The standards shall apply to foods and beverages purchased or served by District agencies, including at meetings, events, in vending machines, and through on-site vendors, with the exception of food served by the Department of Corrections and the Department of Behavioral Health to persons who reside at their institutions or are in their direct custody. No less than 50%

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of all foods and beverages shall be healthy, as guided by the General Services Administration document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations".

(d) The standards shall not apply to food to be served to children in schools, but may apply to food served to adults in schools if that food is separate and different from the food served to children.

(e) Exemptions may be allowed for those circumstances in which the individuals consuming the food have specific dietary needs.

Sec. 1094. Section 601(b)(2) of the Omnibus Spending Reduction Act of 1993, effective November 25, 1993 (D.C. Law 10-65; D.C. Official Code § 10-1301(b)(2)), is amended as follows:

(a) Subparagraph (B) is amended by striking the word "and".

(b) Subparagraph (C) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(D) Enter into lease or other agreements, with or without monetary consideration, with entities of the District government and with private entities for establishing healthy food retail opportunities within the Property."

#### **SUBTITLE K. EMANCIPATION DAY.**

Sec. 1101. Short title.

This subtitle may be cited as the "Emancipation Day Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1102. The District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 16, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 1-182) is amended by adding a new sentence at the end to read as follows: "For Fiscal Year 2015 only, the Council committee with oversight related to the District of Columbia Emancipation Day shall continue to coordinate the District of Columbia Emancipation Day activities in consultation with the Office of the Mayor."

(b) Section 4 (D.C. Official Code § 1-183) is amended by adding a new subsection (e) to read as follows:

"(e) Each agency, including the Metropolitan Police Department, the District Department of Transportation, the Department of Public Works, and the Department of Parks and Recreation, shall absorb permitting, staffing, and related costs associated with the conduct of the Emancipation Day Parade."



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**SUBTITLE L. STATEHOOD INITIATIVES BUDGETING**

Sec. 1111. Short title.

This subtitle may be cited as the "Statehood Initiatives Budgeting Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1112. Beginning in Fiscal Year 2015, the Chief Financial Officer shall assign an individual agency-level code for Statehood Initiatives in the District's financial system. The agency-level code shall be used to track the operating budget for the District's efforts to achieve statehood and any funds that are appropriated for that purpose.

Sec. 1113. Section 47-1812.11c is revived as of January 1, 2009, and amended to read as follows:

“§ 47-1812.11c. Statehood Delegation Fund tax check-off

“(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum donation or gift of \$ 1 to the Statehood Delegation Fund ("Fund"), established by § 1-129.08. The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Chief Financial Officer in collecting, processing, accounting for, or disbursing the funds generated by the tax check-off shall be reimbursed to the Chief Financial Officer from the funds generated by the tax check-off.

“(b) Except as provided in subsection (c) of this section, the funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Fund pursuant to rules issued by the Chief Financial Officer that establish timetables and procedures for transfer of the funds. Check-off funds shall be transferred to the Fund only after the costs to the Chief Financial Officer described in subsection (a) of this section have been reimbursed.

“(c)(1) Until the District of Columbia Statehood Delegation Fund Commission, established by § 1-129.02, convenes, the funds generated by the tax check-off shall be deposited in equal amounts in the District of Columbia statehood funds established pursuant to § 1-123(g).

“(2) Semiannually, each Representative and Senator shall submit to the Mayor, the Chairman of the Council, and the Chairman of the District of Columbia Board of Elections and Ethics an accounting of the expenditures made with the tax check-off funds.

“(d)(1) Except as provided in paragraph (2) of this subsection, any unpaid District tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Fund shall be used first to satisfy any unpaid tax liability, in whole or in part.

“(2) If there is any amount that remains after satisfaction of the unpaid tax liability, the amount shall be transferred to the Fund.”.

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**SUBTITLE M. HOME RULE ACT 40TH ANNIVERSARY CELEBRATION AND  
COMMEMORATION COMMISSION EXTENSION**

Sec. 1121. Short title.

This subtitle may be cited as the “Home Rule Act 40th Anniversary Celebration and Commemoration Commission Extension Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 1122. Section 1089 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-137.08), is amended by striking the phrase “October 1, 2014” and inserting the phrase “January 31, 2015” in its place.

**SUBTITLE N. PAY-FOR-SUCCESS CONTRACT AUTHORIZATION**

Sec. 1131. Short title.

This subtitle may be cited as the “Pay-for-Success Contract Authorization Second Congressional Review Emergency Act of 2014”.

Sec. 1132. Definitions.

For the purposes of this subtitle, the term:

(1) “Pay-for-success contract” means a contract between the District and a social service intermediary that establishes outcome-based performance standards for social programs performed by nonprofit service providers and initially funded by private investors through a social impact funding instrument and provides a mechanism by which investors shall receive a return of their investment and earnings thereon only if outcome-based performance standards are met by the social service intermediary.

(2) “Social service intermediary” means an organization that is organized and operated pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), or an affiliated legal entity thereof that is so organized and operated and that is capable of entering into a pay-for-success contract with the District that sets forth outcome-based performance standards, contracting with service providers to deliver social services, raising capital to finance the delivery of social services via a social impact funding instrument, and administering the social impact funding instrument by providing ongoing investor relations and project management.

(3) “Social impact funding instrument” means an investment product established by a social service intermediary to raise private investment capital for social programs.

Sec. 1133. Authorization of pay-for-success contracts.

Notwithstanding any other law, the Mayor may enter into pay-for-success contracts. Each contract shall include:

(1) A requirement that payment from the District be conditioned on the achievement of specific outcomes based on defined performance targets;

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- (2) An objective process by which an independent evaluator will determine whether the performance targets have been achieved;
- (3) A detailed scope of the social service intermediary's service under the contract;
- (4) A calculation of the amount and timing of payments to the social service intermediary during each year of the contract if performance targets are achieved as determined by the independent evaluator;
- (5) A requirement that the social service intermediary create a social impact funding instrument to obtain the funds required for the social program;
- (6) A sinking fund requirement under which the Mayor shall request a multiyear appropriation for every fiscal year that the contract is in effect, in an amount equal to the expected payments that the District would ultimately be obligated to pay in the future based upon service provided, if performance targets were achieved pursuant to the terms of the contract;
- (7) A process for the District to review payments made by the social service intermediary through reporting requirements pursuant to the contract; and
- (8) A determination by the Mayor that the contract will result in significant performance improvements and budgetary savings to the District across all impacted areas if the performance targets are achieved.

**Sec. 1134. Pay-for-Success Contract Fund.**

(a) There is established as a special fund the Pay-for-Success Contract Fund ("Fund") which shall be administered by the Mayor or his or her designee in accordance with subsection (c) of this section.

(b) Each fiscal year there shall be deposited into the Fund the amount of the annual appropriation estimated to be paid in the next fiscal year for any pay-for-success contract.

(c) The Fund shall be used to fund payments to be made pursuant to pay-for-success contracts. The Chief Financial Officer shall create separate accounts within the Fund for each pay-for-success contract entered into by the District.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

**SUBTITLE O. FINANCIAL REPORTING****Sec. 1141. Short title.**

This subtitle may be cited as the "Financial Reporting Second Congressional Review Emergency Act of 2014".

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Sec. 1142. (a) No later than December 1, 2014, and on a quarterly basis thereafter, until the approval of the Fiscal Year 2016 budget and financial plan, the Chief Financial Officer shall provide a report to the Council on the following subjects:

(1) Progress toward ensuring that the Fiscal Year 2016 budget will be balanced, including:

- (A) Savings achieved to date;
- (B) Additional revenue certified through revised revenue estimates; and
- (C) Additional revenue that may be certified through revenue

enhancements;

(2) An analysis of procurement reform efforts in Fiscal Year 2014, including:

- (A) Contracts reviewed for potential cost savings;
- (B) Savings secured through the renegotiation of existing contracts; and
- (C) A report from the Office of Contracting and Procurement to the Chief

Financial Officer regarding subparagraphs (A) and (B) of this paragraph;

(3) An analysis of personnel review efforts, including:

- (A) Positions left vacant or eliminated as a result of cost-savings

initiatives; and

- (B) Savings secured through personnel savings; and

(4) Any other operating budget savings achieved or targeted in Fiscal Year 2014.

(b) Agencies shall report on their progress toward limiting personal and nonpersonal expenditures whether one-time or recurring.

#### **SUBTITLE P. BEGA ESTABLISHMENT AND COMPREHENSIVE ETHICS REFORM AMENDMENT**

Sec. 1151. Short title.

This subtitle may be cited as the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 1152. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 224(a) (D.C. Official Code § 1-1162.24(a)) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)” and inserting the phrase “Advisory Neighborhood Commissioners, members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved

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November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and candidates for nomination for election, or election, to public office, who are not otherwise required to file pursuant to this paragraph” in its place.

(B) Subparagraph (G)(iv) is amended by striking the phrase “been offered or”.

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

“(3)(A) An Advisory Neighborhood Commissioner who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year.

“(B) Effective January 1, 2015, a candidate for nomination for election, or election, to public office who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year.

“(C) A candidate for nomination for election, or election, to public office who, as of May 15, 2014, had not filed a report for calendar year 2013 required by this section and who was not otherwise required to file a report pursuant to paragraph (1) of this subsection shall not be required to do so.”.

(b) Section 225(a) (D.C. Official Code § 1-1162.25(a)) is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors” and inserting the phrase “members of the Washington Metropolitan Area Transit Authority Board of Directors” in its place.

#### **SUBTITLE Q. ATTORNEY GENERAL ELECTION**

Sec. 1161. Short title.

This subtitle may be cited as the "Attorney General 2014 Special Election Authorization Clarification Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1162. Section 8 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 701; D.C. Official Code § 1-1001.08), is amended by adding a new subsection (j-1) to read as follows:

“(j-1) Notwithstanding any other provision of law, and pursuant to the June 4, 2014 Order of the District of Columbia Court of Appeals in *Zukerberg v. D.C. Board of Elections and Ethics, et al.*, No. 14-CV-222, the Board shall conduct the 2014 election of the Attorney General consistent with the procedural requirements for a special election under this act, and shall have the election of the Attorney General coincide with the November 4, 2014, general election.”.

Sec. 1163. Section 102(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.82(a)), is amended by striking the phrase “which time shall not be before January 1, 2018.”.

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**SUBTITLE R. COMMISSION ON THE ARTS AND HUMANITIES**

Sec.1171. Short title.

This subtitle may be cited as the "Commission on the Arts and Humanities Term Limit Second Congressional Review Emergency Amendment Act of 2014".

Sec. 1172. Section 4(b) of the Commission on Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203(b)), is amended by striking the phrase "but may not serve more than 2 consecutive terms".

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION****SUBTITLE A. MANUFACTURER TASTING PERMIT**

Sec. 2001. Short title.

This subtitle may be cited as the "Manufacturer Tasting Permit Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2002. Title 25 of the District of Columbia Official Code is amended as follows:

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

"25-126. On-site sales consumption permit."

(b) Section 25-110(a)(2)(B) is amended by striking the phrase "The licensee may sell beer to the consumer only in barrels, kegs, and sealed bottles," and inserting the phrase "Except as provided in § 25-126, the licensee may sell beer to the consumer only in barrels, cans, kegs, and sealed bottles," in its place.

(c) A new section 25-126 is added to read as follows:

"§ 25-126. On-site sales consumption permit.

"(a) The holder of a manufacturer's license, class B, may apply for an on-site sales and consumption permit in order to use a portion of the licensed premises for the on-premises sale, service, and consumption of beer brewed by the brewery and purchased by the customer.

"(b) The holder of an on-site sales and consumption permit shall only sell, serve, and permit the consumption of beer brewed by the brewery and purchased by the customer between the hours of 1 p.m. and 9 p.m., 7 days a week.

"(c) The on-premises sales and consumption permit shall not obviate the requirement of the holder of a manufacturer's license, class B, to obtain a tasting permit pursuant to § 25-118, to be authorized to provide samples of beer to a customer at no cost.

"(d) A violation of this section shall constitute a primary tier violation."

(d) Section 25-508 is amended by adding a phrase at the end to read as follows:

"On-site sales and consumption permit \$1,000/year."

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**SUBTITLE B. CONSUMER PROCEDURES AND PROTECTIONS ENFORCEMENT**

Sec. 2011. Short title.

This subtitle may be cited as the "Consumer Procedures and Protections Enforcement Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2012. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3903(a) is amended as follows:

(1) Paragraph (14) is amended by striking the word "and" at the end.

(2) Paragraph (16) is amended by striking the period and inserting the phrase "and" in its place.

(3) A new paragraph (17) is added to read as follows:

"(17) impose civil fines, pursuant to Chapter 18 of Title 2, as alternative sanctions for any violation of the provisions of this chapter or of any rules issued under the authority of this chapter. Any violation of this chapter, or of any rule issued under the authority of this chapter, shall be a Class 2 infraction pursuant to 16 DCMR § 3200.1(b), unless the violation is classified otherwise pursuant to rules issued by the Department."

(b) Section 28-3904(m) is amended to read as follows:

"(m) harass or threaten a consumer with any act other than legal process, either by telephone, cards, letters, or any form of electronic or social media;"

(c) Section 28-3905(i)(3)(A) is amended to read as follows:

"(3)(A) Any person found to have executed a trade practice in violation of a law of the District within the jurisdiction of the Department may be liable for a civil penalty not exceeding \$1,000 for each failure to adhere to a provision of an order described in subsection (f), (g), or (j) of this section, or a consent decree described in subsection (h) of this section."

**SUBTITLE C. SOLAR PERMITTING FEES**

Sec. 2021. Short title.

This subtitle may be cited as the "Solar Permitting Fees Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2022. Chapter 101.1(a) of Title 12-K of the District of Columbia Municipal Regulations (12-K DCMR § 101.1(a)) is amended by inserting a phrase between the fees for "sign" and "swimming pool" to read as follows:

"Solar Photovoltaic	Less than 15 kilowatts	\$250 Residential; \$300 Commercial
"15 - 99 kilowatts	\$300 for first 15 kilowatts and \$11.25 per additional kilowatt	
"100 - 199 kilowatts	\$1,250 for the first 100 kilowatts and \$2.5 per additional kilowatt	
"200 kilowatts or more kilowatt	\$1,250 for the first 200 kilowatts and \$1 per additional	

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	"Solar Thermal	Fewer than 10 panels	\$250 Residential; \$300 Commercial
panel	"10 - 24 panels	\$300 for first 10 panels and	\$25 per additional
panel	"25 - 49 panels	\$650 for the first 25 panels and	\$15 per additional
	"50 panels or more	\$1,010 for the first 50 panels \$10 per additional panel."	

**SUBTITLE D. PUBLIC UTILITIES REIMBURSEMENT FEE AMENDMENT**

Sec. 2031. Short title.

This subtitle may be cited as the "Public Utilities Reimbursement Fee Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2032. Paragraph 42(b)(1), (2), and (3) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code §§ 34-912(b)(1), (2), and (3)), is amended to read as follows:

"(b)(1) All amounts appropriated for the Public Service Commission and the Office of the People's Counsel for each fiscal year shall be repaid during such fiscal year by the public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers as a reimbursement fee.

"(2) The Public Service Commission shall annually determine the amount of the reimbursement fee to be paid by each natural gas supplier, electricity supplier, and telecommunications service provider authorized to provide service in the District, excluding the local exchange carrier, and the formula by which the amount shall be determined.

"(3)(A) The amount of the reimbursement fee to be paid by each public utility other than those subject to paragraph (2) of this subsection shall be equal to the amounts appropriated, less the amount to be reimbursed by the providers subject to paragraph (2) of this subsection, multiplied by the fraction, as determined by the Mayor, represented by the gross revenues of the public utility derived from utility operations in the District of Columbia that are regulated by the Public Service Commission during the immediately preceding fiscal year (or other 12-month period as the Mayor may designate), divided by the gross revenues of all public utilities from utility operations in the District of Columbia during such period. The fee shall be paid by the public utilities during such fiscal year to the Treasurer of the District of Columbia, at such time or times and in such manner as the Mayor by regulation may require.

"(B) If the total amount paid or obligated by the Public Service Commission and the People's Counsel during such fiscal year pursuant to appropriations for such fiscal year is less than the amounts appropriated by more than 5%, the Mayor shall refund to or credit each public utility, natural gas supplier, electricity supplier, and telecommunications



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service provider subject to subparagraph (A) of this paragraph and paragraph (2) of this subsection a portion of the difference, rounded to the nearest dollar, as equals the difference multiplied by the fraction, representing the gross revenues of the public utility, natural gas supplier, electricity supplier, or telecommunications service provider, divided by the gross revenues of all public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers.

"(C) Subparagraph (B) of this paragraph shall apply as of Fiscal Year 2012."

**SUBTITLE E. DC FILM INCENTIVE FUND**

Sec. 2041. Short title.

This subtitle may be cited as the "DC Film Incentive Fund Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2042. Section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501), is amended as follows:

(a) The section heading is amended by striking the phrase "Film DC Economic Incentive Fund" and inserting the phrase "DC Film Incentive Fund" in its place.

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

"(a)(1) There is established as a special fund the DC Film Incentive Fund ("Fund"). The Fund shall appear as a separate program line within the budget of the Office of Motion Picture and Television Development. The Fund shall be funded by annual appropriations.

"(2)(A) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

**SUBTITLE F. FREE TRANSPORTATION FOR SUMMER YOUTH**

Sec. 2051. Short title.

This subtitle may be cited as the "Free Transportation for Summer Youth Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2052. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (g) to read as follows:

"(g)(1) Participants in the Summer Youth Employment Program ("SYEP") administered by the Department of Employment Services pursuant to section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), shall be eligible for a summer youth transit subsidy program ("Program") as established by the Mayor.

"(2) The Program shall allow qualified SYEP participants to travel on Metrobus,

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Metrorail, and public transportation services offered by the District at subsidized or reduced fares.

“(3) The subsidized or reduced fares established pursuant to this subsection shall be valid only for the transportation of SYEP participants to and from their internships and related activities for the first 3 weeks of the summer 2015 SYEP.”.

**SUBTITLE G. FOOD STAMP EXPANSION**

Sec. 2061. Short title.

This subtitle may be cited as the "Food Stamp Expansion Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2062. The Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code §§ 4-261.01 *et seq.*), is amended by adding a new section 5084 to read as follows:

"Sec. 5084. Locally funded minimum benefit.

"Beginning on or after January 1, 2015, but beginning no later than October 1, 2015, a family participating in the food stamp program whose federally funded household benefit is less than \$30 per month shall receive locally funded benefits to bring the household's total benefit to \$30 per month."

**SUBTITLE H. CABLE TELEVISION O-TYPE TRANSFER**

Sec. 2071. Short title.

This subtitle may be cited as the "Cable Television O-Type Transfer Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2072. Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds \$1.8 million of Fiscal Year 2014 Cable Television Franchise Fee revenues.

**SUBTITLE I. HOME PURCHASE ASSISTANCE PROGRAM**

Sec. 2081. Short title.

This subtitle may be cited as the "Home Purchase Assistance Program Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2082. The lead-in language of section 14-2503.1(b) of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2503.1(b)) is amended to read as follows:

"(b) Downpayment Assistance for eligible very low, low, and moderate income applicants shall be in an amount equal to the Desired Purchasing Power less the Standard Mortgage Qualification Level for each eligible applicant, subject to the Per-Client Downpayment Assistance Cap, and adjusted for household size. The maximum amount of Downpayment

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Assistance for the lowest income applicant shall be \$50,000 and shall be adjusted based on the applicant's income according to subparagraph (1) of this paragraph."

**SUBTITLE J. RETAIL PRIORITY AREA**

Sec. 2091. Short title.

This subtitle may be cited as the "Retail Priority Area Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2092. Section 2(5) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171(5)), is amended by striking the phrase "beginning point" and inserting the phrase "beginning point, and, after October 1, 2014, the Bladensburg Road, N.E., Retail Priority Area, as defined in section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73)," in its place.

Sec. 2093. Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended to read as follows:

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

Sec. 2094. Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), is amended as follows:

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

"(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection

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of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E. to Oklahoma Avenue, N.E.; thence southwest on Oklahoma Avenue, N.E. to Clagett Place, N.E.; thence northwest on Clagett Place, N.E. to 20th Street, N.E.; thence northwest along the rear boundaries of all properties with frontage along the southwest side of Benning Road, N.E. to 19th Street, N.E.; thence south on 19th Street, N.E. to Gales Street, N.E.; thence northwest on Gales Street, N.E. to 15th Street, N.E.; thence west on G Street, N.E. to 14th Street, N.E.; thence north on 14th Street, N.E. to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.”

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

“(k) There is established the New York Avenue, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of New York Avenue, N.E., and Florida Avenue, N.E.; thence southeast on Florida Avenue, N.E., to West Virginia Avenue, N.E.; thence northeast on West Virginia Avenue, N.E. to 17th Street, N.E.; thence southeast on 17th Street, N.E.; thence continuing northeast on 17th Street, N.E. to Montana Avenue, N.E., thence southeast on Montana Avenue, N.E. to Bladensburg Road, N.E.; thence northeast on Bladensburg Road, N.E. to New York Avenue, N.E.; thence east on New York Avenue, N.E.; thence continuing northeast on New York Avenue, N.E.; thence continuing southeast on New York Avenue, N.E. to Fort Lincoln Drive, N.E.; thence north on Fort Lincoln Drive, N.E.; thence continuing northwest on Fort Lincoln Drive, N.E.; thence continuing southwest on Fort Lincoln Drive, N.E. to 33rd Place, N.E.; thence continuing southwest on 33rd Place, N.E. to South Dakota Avenue, N.E.; thence northwest on South Dakota Avenue, N.E. to Channing Place, N.E.; thence west on Channing Place, N.E. to Bladensburg Road, N.E.; thence southwest on Bladensburg Road, N.E. to Queens Chapel Road, N.E.; thence northwest on Queens Chapel Road to Channing Street, N.E.; thence west on Channing Street, N.E. to 21st Place, N.E., thence south on 21st Place, N.E. to Bryant Street, N.E., thence west on Bryant Street, N.E. to Lawrence Street, N.E., then southwest on Lawrence Street, N.E. to Edwin Street, N.E., thence northwest on Edwin Street, N.E.; thence continuing southwest on Edwin Street, N.E. to Montana Avenue, N.E., thence continuing northwest on Montana Avenue, N.E. to W Street, N.E., thence southwest on W Street, N.E., thence west along a line extending W Street, N.E., west to the continuation of W Street, N.E., and continuing west along W Street, N.E., to Brentwood Road, N.E.; thence southwest along Brentwood Road, N.E., to its end at T Street, N.E.; thence southwest to the intersection of a line extending Fourth Street, N.E., south and a line extending R Street, N.E., east; thence west on R Street, N.E. to Eckington Place, N.E., thence southwest on Eckington Place, N.E., to Florida Avenue, N.E., thence southeast on Florida Avenue, N.E. and continuing southeast until the point of beginning.”

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

“(l) There is established the Good Hope Road, S.E. Retail Priority Area, which shall consist of the parcels, squares, and lots abutting the following line: Beginning at the intersection

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of Anacostia Drive and Good Hope Road S.E.; thence southeast on Good Hope Road to Naylor Road S.E.”.

**SUBTITLE K. RESIDENTIAL ESSENTIAL SERVICE SUBSIDY STABILIZATION**

Sec. 2101. Short title.

This subtitle may be cited as the "Residential Essential Service Subsidy Stabilization Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2102. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code §§ 8-1773.01 *et seq.*), is amended as follows:

(a) Section 101(6) (D.C. Official Code § 8-1773.01(6)) is amended to read as follows:

"(6) "Existing low-income program" means the program operated under the name "LIHEAP Expansion and Energy Education"."

(b) Section 211 (D.C. Official Code § 8-1774.11) is amended as follows:

(1) Subsection (b)(1) is amended by striking the number ".006" and inserting the number ".0051" in its place.

(2) Subsection (c) is amended by striking the phrase "programs in the amount of \$2.409 million in fiscal year 2011, and \$2.6 million annually thereafter" and inserting the phrase "program in the amount of \$2.33 million annually, and the Mayor shall have the fund audited every 2 years to ensure that the assessment imposed pursuant to subsection (b)(1) of this section is appropriately set to fund the low-income program funded by the EATF" in its place.

(c) A new section 215 is added to read as follows:

"Sec. 215. Discount program for low-income gas customers.

"The Commission shall establish, by order, a discount program for low-income gas customers in the District. The Commission shall establish the eligibility, funding, and administrative guidelines for the program; provided, that the program shall not be funded from existing District funds, District revenue sources, or District assessments."

**SUBTITLE L. RENEWABLE ENERGY PORTFOLIO STANDARD**

Sec. 2111. Short title.

This subtitle may be cited as the "Renewable Energy Portfolio Standard Second Congressional Review Emergency Amendment Act of 2014".

Sec. 2112. Section 11(b) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1439(b)), is amended by striking the phrase "April 1" and inserting the phrase "May 1" in its place.

**SUBTITLE M. ADULT LITERACY TASK FORCE**

Sec. 2121. Short title.

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This subtitle may be cited as the “Adult Literacy Task Force Second Congressional Review Emergency Act of 2014”.

Sec. 2122. Establishment of Adult Career Pathways Task Force.

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

(1) “Basic skills program” means a secondary, post-secondary, or alternative education or training program that helps individuals enhance the reading, writing, math, English language, digital literacy, or problem-solving skills that adults need to succeed in a job, occupational training, or postsecondary education.

(2) “Career pathways” means an approach to connecting progressive levels of basic skills and postsecondary education, training, and supportive services in specific sectors or cross-sector occupations in a way that optimizes the progress and success of individuals (including those with limited education, English skills, or work experience) in securing marketable credentials, family-supporting employment, and further education and employment opportunities.

(3) “High-demand occupations or sectors” means occupations or sectors consistent with the Workforce Investment Council’s current Workforce Investment Act of 1998 Demand Occupation List.

(4) “Task Force” means the Adult Career Pathways Task Force established in subsection (b) of this section.

(b) Beginning October 1, 2014, the Mayor shall establish an Adult Career Pathways Task Force that shall have as its purpose development of a city-wide strategic plan for connecting adult basic skills programs administered in the District to career pathways.

(c) The Task Force shall be convened by the Workforce Investment Council, and shall consist of the following 13 members:

- (1) The Chairman of the Council, or his or her designee;
- (2) The Chair of the Workforce Investment Council, or his or her designee;
- (3) The Deputy Mayor for Education, or his or her designee;
- (4) The State Superintendent of Education, or his or her designee;
- (5) The Chancellor of the District of Columbia Public Schools, or his or her designee;
- (6) The Chair of the Public Charter School Board, or his or her designee;
- (7) The Director of the Department of Employment Services, or his or her designee;
- (8) The Director of the Department of Human Services, or his or her designee;
- (9) The Executive Director of the D.C. Public Library, or his or her designee;
- (10) A representative of the University of the District of Columbia Community College, appointed by the President of the University of the District of Columbia; and
- (11) Three community representatives, appointed by the Mayor, as follows:
  - (A) A representative of a District organization engaged in the direct provision of a basic skills program;

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(B) A representative of a District school engaged in the direct provision of a basic skills program; and

(C) A representative of a District job training provider.

(d) No later than June 1, 2015, the Task Force shall submit to the Council and the Mayor the city-wide strategic plan required under this section. In developing the strategic plan, the Task Force shall:

(1) Review best practices for improving literacy, numeracy, and technology skills for adults;

(2) Review and analyze adult basic skills programs currently administered by the Office of the State Superintendent of Education, the District of Columbia Public Schools, the District of Columbia Public Charter Schools, the University of the District of Columbia Community College, the District of Columbia Public Library, and other agencies identified by the Task Force, with focus provided to the missions and goals of the various programs, the types of credentials offered, the degree of funding levels, the age and educational functioning level of students at time of program entry and the rates of gains upon completion, and the degree to which the program partners with job training providers, postsecondary education programs, or employers;

(3) Consult with stakeholders, including the following:

(A) Organizations with research or policy expertise in adult basic skills programs and career pathways;

(B) Organizations focused on adult education and workforce development research or service provision;

(C) Representatives of the District's business community in high-demand occupations or sectors that the Task Force has identified for potential career pathways; and

(D) Representatives from the philanthropic community;

(4) Perform an analysis of evidence-based approaches for helping adult learners with different needs and skill levels advance in career pathways, with special attention paid to practices for adult learners with basic skills below the 6th grade level;

(5) Develop a city-wide mission statement for ensuring that adult learners have access to career pathways by 2020 and annual benchmarks for measuring progress toward that goal;

(6) Analyze the high-demand occupations or sectors in which career pathways can be developed;

(7) Develop responsibilities among the Task Force agencies for meeting the city-wide goals, including recommendations to better align policies and practices around support services;

(8) Develop common performance definitions and measures that adult basic skills programs will use to track progress, including educational gains, GED or secondary school diploma attainment, employment placement and retention, entrance into postsecondary education or training, and other credential completion; and

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(9) Analyze existing professional development opportunities for adult educators and develop a strategy for addressing any identified gaps.

(e) Following the completion of the city-wide strategic plan, the Workforce Investment Council shall convene the Task Force on a quarterly basis to track implementation of the strategy.

**TITLE III. PUBLIC SAFETY AND JUSTICE**  
**SUBTITLE A. MPD ESCORT AND REIMBURSEMENT**

Sec. 3001. Short title.

This subtitle may be cited as the "Police Escort Reimbursement Second Congressional Review Emergency Amendment Act of 2014".

Sec. 3002. Reimbursable police escorts and other law enforcement services.

(a) The Chief of Police may charge and collect reimbursement fees, as set forth in the fee schedule established pursuant to subsection (b) of this section, for providing police escorts that are necessary to protect public health and safety. All reimbursement fees collected under this subsection shall be deposited into the fund established by D.C. Official Code § 47-2826(d).

(b) The Chief of Police, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules setting forth a reimbursement fee schedule.

(c) For the purposes of this subtitle, the term "police escort" shall include the assignment of law enforcement personnel and vehicles as necessary to ensure the preservation of public safety, typically either at a specified location or from a point of origin to a specified destination, in a manner consistent with the nature of the persons, material, and the threat posed by the movement or event.

Sec. 3003. Section 47-2826 of the District of Columbia Official Code is amended as follows:

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

"(b) The Mayor may adjust the license fee set in subsection (a) of this section to cover the costs to the District of providing police, fire, and other public services that are necessary to protect public health and safety."

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

"(d)(1) There is established as a special fund the MPD Overtime Reimbursement Fund ("Fund"), which shall be administered by the Metropolitan Police Department ("MPD") in accordance with paragraph (3) of this subsection.

"(2) Except as provided in § 1-325.81, revenue from the following sources shall be deposited in the Fund:

"(A) Fees paid pursuant to this section related to police services; and

"(B) Fees paid pursuant to section 3002 of the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750).



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"(3) Money in the Fund shall be used for the purpose of reimbursing MPD for the cost of overtime needed to:

"(A) Staff special events such as parades, carnivals, and movie productions; and

"(B) Provide security details to establishments, such as bars, nightclubs, and sports teams, that pay for extra police coverage."

Sec. 3004. Conforming amendment.

Section 3052(a) of the FEMS Special Events Fee Fund Establishment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.81(a)), is amended by striking the phrase "all fees assessed and collected" and inserting the phrase "all fees assessed and collected relating to Fire and Emergency Medical Services Department service delivery" in its place.

**SUBTITLE B. STATE SAFETY OVERSIGHT AGENCY ESTABLISHMENT**

Sec. 3011. Short title.

This subtitle may be cited as the "State Safety Oversight Agency Establishment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 3012. Section 1a of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401.01), is amended to read as follows:

"Sec. 1a. State safety oversight agency for DC Streetcar.

"(a) For the purposes of this section, the term "DC Streetcar" means the rail-fixed guideway public transportation system operated by the District Department of Transportation pursuant to section 2 of the Department of Transportation Establishment Act of 2002, effective March 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), or any future rail-fixed guideway public transportation system operated by the District, whichever exists.

"(b) The Fire and Emergency Medical Services Department is designated as the state safety oversight agency, as required by 49 U.S.C. § 53 *et seq.* and implementing regulations, as they may be amended from time to time (hereinafter referred to as "applicable federal law").

"(c) There is established, within the Fire and Emergency Medical Services Department, a state safety office. The state safety office shall be headed by a Program Manager. The Program Manager shall not be supervised by, or under the direction or control of, any District officer or employee, anyone acting on their behalf, responsible for any aspect of the operation of the DC Streetcar.

"(d) The Program Manager of the state safety office, or his or her designee, shall, in accordance with applicable federal or District law:

"(1) Oversee the operations of the DC Streetcar insofar as those operations affect, or could affect, the safe operation of the DC Streetcar;

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“(2) Conduct, or cause to be conducted, investigations, independently or in cooperation with federal or District offices or agencies, into the operations of the DC Streetcar, including any accident or incident involving the operations or assets of the DC Streetcar, insofar as those operations affect, or could affect, the safe operation of the DC Streetcar;

“(3) Audit the DC Streetcar system for compliance with safety-related plans, or for any other purpose the Program Manager concludes would promote the safe operation of the DC Streetcar;

“(4) Issue reports and findings regarding all aspects of the safety and security of the DC Streetcar, including operations and accidents, when:

“(A) The issuance of reports and findings is required by federal or District law; or

“(B) The Program Manager determines that such action would promote the safe operation of the DC Streetcar;

“(5) Require the DC Streetcar to develop and submit safety-related plans to the Program Manager for review. After review, the Program Manager shall approve or disapprove the safety-related plans as appropriate;

“(6) Enforce statutes, regulations, and executive orders related to the safe operation of the DC Streetcar. If the Program Manager concludes that enforcement is required in order to protect or promote public safety, the Program Manager may:

“(A) Order the partial or complete cessation of an activity undertaken by the District government, or any entity acting on the District government’s behalf, in connection with the operation of the DC Streetcar; and

“(B) Take any other enforcement actions that are consistent with federal or District requirements related to the safe operation of the DC Streetcar;

“(7) Conduct any other activity and take any other action necessary to implement federal or District laws or regulations related to the functions and responsibilities of a state safety oversight agency;

“(8) Execute and file an application on behalf of the District with the Federal Transit Administration (“FTA”) for federal assistance authorized by 49 U.S.C. §53 *et seq.*, Title 23 of the United States Code, or other federal statutes authorizing a project administered by the FTA;

“(9) Execute and file with its application for federal assistance submitted under paragraph (8) of this subsection the annual certifications, assurances, and other documents required by the FTA to award a federal assistance grant or cooperative agreement; and

“(10) Execute grant and cooperative agreements with the FTA on behalf of the District.

“(e) Pursuant to Title I of the District of Columbia Administrative Procedure Act approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Program Manager may issue rules to implement the provisions of this section.”

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**SUBTITLE C. MICROSTAMPING IMPLEMENTATION**

Sec. 3021. Short title.

This subtitle may be cited as the "Microstamping Implementation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 3022. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 408(b) (D.C. Official Code § 7-2504.08(b)) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place.

(b) Section 503 (D.C. Official Code § 7-2505.03) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place.

**SUBTITLE D. ACCESS TO JUSTICE**

Sec. 3031. Short title.

This subtitle may be cited as the "Access to Justice Initiative Administrative Costs Second Congressional Review Emergency Amendment Act of 2014".

Sec. 3032. The Access to Justice Initiative Establishment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 4-1702.01) is amended as follows:

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

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

“(b) The provisions of this act shall be exempt from the requirements of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)”.

(b) Section 301(b) (D.C. Official Code § 4-1703.01(b)) is amended as follows:

(1) Designate the existing text as paragraph (1).

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

“(2) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under paragraph (1) of this subsection.”.

(c) Section 401 (D.C. Official Code § 4-1704.01) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

“(3) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under subsection (c) of this section.”.

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

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(A) Paragraph (3) is amended by striking the phrase “The Administer may use” and inserting the phrase “Except as provided in paragraphs (3) and (4) of this subsection, the Administrator may use” in its place.

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

“(4) If the Deputy Mayor has designated the Bar Foundation as Administrator, the Bar Foundation may, in lieu of using a percentage of LRAP grant funding under paragraph (3) of this subsection, use a portion of funds authorized under section 301(b) of this section for reasonable administrative expenses associated with administering the LRAP.”.

**SUBTITLE E. DEPUTY CHIEF MEDICAL EXAMINER**

Sec. 3041. Short title.

This subtitle may be cited as the “Deputy Chief Medical Examiner Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 3042. Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(b)), is amended by striking the phrase “Deputy CME” and inserting the phrase “Deputy CME, to be paid at an annual rate of \$206,000,” in its place.

**SUBTITLE F. FEMS OVERTIME LIMITATION**

Sec. 3051. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Overtime Limitation Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 3052. Section 1103(f) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1 611.03(f)), is amended as follows:

(a) Paragraph (2)(B) is amended by striking the phrase “2011, 2012, 2013, and 2014” and inserting the phrase “2011, 2012, 2013, 2014, and 2015” in its place.

(b) Paragraph (4)(A) is amended as follows:

(1) The existing text is designated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) For Fiscal Year 2015, and except as provided in subparagraph (B) of this paragraph, no officer or member of the Fire and Emergency Medical Services Department who is authorized to receive overtime compensation under this subsection may earn overtime in excess of \$ 30,000 in a fiscal year.”.

Sec. 3053. Section 2 of An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), is amended as follows:

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

“(f)(1) Except as provided in paragraph (2) of this subsection and in subsection (h) of this section, for Fiscal Years 2011, 2012, 2013, and 2014, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods.

“(2) For Fiscal Year 2015, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 228 hours in 2 consecutive pay periods.”.

(b) Subsection (g) is amended by striking the phrase “2011, 2012, 2013, and 2014” and inserting the phrase “2011, 2012, 2013, 2014, and 2015” in its place.”.

**SUBTITLE G. MARIJUANA POSSESSION DECRIMINALIZATION EVIDENCE**

Sec. 3061. Short title.

This subtitle may be cited as the “Marijuana Possession Decriminalization Evidence Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 3062. Section 203(e) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; 61 DCR 3482), is amended by striking the phrase “a statement from a law enforcement officer on the weight of the seized marijuana,”.

**TITLE IV. PUBLIC EDUCATION**

**SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS**

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Second Congressional Review Emergency Amendment Act of 2014".

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

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$9,306 per student for fiscal year 2014" and inserting the phrase "\$9,492 per student for Fiscal Year 2015" in its place.

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

Grade Level	Weighting	Per Pupil Allocation in FY 2015
Pre-Kindergarten 3	1.34	\$12,719
Pre-Kindergarten 4	1.30	\$12,340
Kindergarten	1.30	\$12,340

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Grades 1-5	1.00	\$9,492
Grades 6-8	1.08	\$10,251
Grades 9-12	1.22	\$11,580
Alternative program	1.44	\$13,668
Special education school	1.17	\$11,106
Adult	0.89	\$8,448

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

"(c)(1) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
"Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,207
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.2	\$11,390
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$18,699
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$33,127
"Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per student basis for Blackman Jones compliance.	0.069	\$655
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney's fees.	0.089	\$845
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$15,852

"General Education Add-ons:

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Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
ELL	Additional funding for English Language Learners	0.49	\$4,651
At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0.219	\$2,079

"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
Level 1: Special Education – Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,493
Level 2: Special Education – Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$12,691
Level 3: Special Education – Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$27,438
Level 4: Special Education – Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.874	\$27,280
LEP/NEP –Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter	0.668	\$6,341

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	school that provides students with room and board in a residential setting		
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" Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$598
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,155
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.491	\$4,661
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.489	\$4,642

"(2) Pursuant to section 106a, allocations in addition to the grade level and supplemental allocations provided pursuant to section 105 and this section shall be provided in accordance with section 106a for students identified as at-risk."

(d) Section 106a(c) (D.C. Official Code § 38-2905.01(c)) is amended by striking the period at the end and inserting the phrase "; provided, that for students identified as both as at-risk and as participating in an alternative program or as adult learners, only the alternative program weighting shall apply." in its place.

**SUBTITLE B. ALTERNATIVE SCHOOLS**

Sec. 4011. Short title.

This subtitle may be cited as the "Alternative Education Second Congressional Review Emergency Amendment Act of 2014".



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Sec. 4012. Section 102(1B) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(1B)), is amended to read as follows:

"(1B) "Alternative program" means specialized instruction for students under court supervision or who have a history of being on short- or long-term suspension or who have been expelled from school, or who meet other criteria as defined by the State Education Office through rulemaking. To qualify as an alternative program, a school must meet the criteria and rules set by the State Education Office. An alternative program may describe an entire school or a specialized program within a school."

**SUBTITLE C. DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD FUNDING**

Sec. 4021. Short title.

This subtitle may be cited as the "District of Columbia Public Charter School Board Funding Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4022. Section 2211(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.11(b)(2)), is amended by striking the phrase "one-half of one percent" and inserting the phrase "1%" in its place.

**SUBTITLE D. PREFERENCES IN ADMISSION FOR PUBLIC CHARTER SCHOOL APPLICANTS.**

Sec. 4031. Short title.

This subtitle may be cited as the "Preferences in Admission for Public Charter Schools Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4032. Section 2206(c) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code, § 38-1802.06(c)), is amended to read as follows:

"(c) Random selection. - - If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process; except, that a preference in admission may be given to an applicant who is a:

"(1) Sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment;

"(2) Child of a member of the public charter school's founding board; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less; and

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"(3) Child of a full-time employee of the public charter school who is a District resident; provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment."

**SUBTITLE E. RESIDENCY EXEMPTION FOR WARDS OF THE STATE**

Sec. 4041. Short title.

This subtitle may be cited as the "Educational Continuity Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4042. Section 2 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302), is amended by adding a new subsection (e) to read as follows:

"(e) Notwithstanding the provisions of subsection (a) of this section, a child in the care and custody of the District pursuant to D.C. Official Code § 16-2320(a)(3) who, while attending a DCPS or public charter school, ceases to be in that care and custody as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia shall be considered a resident of the District of Columbia for the purpose of school attendance and shall be exempt from the requirement to pay tuition for the period of time until the child completes the educational program offered at the school the child currently attends."

**SUBTITLE F. ESTABLISHMENT OF THE COMMON LOTTERY BOARD**

Sec. 4051. Short title.

This subtitle may be cited as the "Common Lottery Advisory Board Establishment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4052. The Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191 *et seq.*), is amended as follows:

(a) Section 202(b) (D.C. Official Code § 38-191(b)) is amended as follows:

(1) Paragraph (7) is amended by striking the word "and" at the end.

(2) Paragraph (8) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (9) is added to read as follows:

"(9) Provide administrative and technical support for the Common Lottery Board."

(b) New sections 205 and 206 are added to read as follows:

"Sec. 205. Common Lottery Board.

"(a)(1) There is established a Common Lottery Board ("CLB") within the Department of Education. The purpose of the CLB shall be to develop and maintain a common lottery system for admission to public schools in the District of Columbia and shall:

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"(A) Adopt policies and procedures to govern the common lottery system, to be implemented by the Department of Education;

"(B) Develop a 5-year strategic plan for the continuous improvement of the common lottery system;

"(C) Develop an annual budget for the common lottery system;

"(D) Promote participation of local educational agencies in the common lottery system;

"(E) Identify critical entities with which to partner that will enable the CLB to further develop the common lottery system; and

"(F) Solicit input from a Parent Advisory Council as established by the CLB;

"(2) The CLB shall be funded through local appropriations and any private funding that it receives. The CLB may solicit, accept, and use private gifts, grants, or donations to further its stated purposes.

"(3) The CLB shall adopt its own by-laws and rules of procedure.

"(4) The CLB may utilize District public space for its official duties.

"(5) Subject to the availability of appropriations, the Chairperson shall appoint, terminate, and fix the pay of an Executive Director of the CLB; provided, that the CLB shall approve the appointment and termination of the Executive Director.

"(b) The CLB shall consist of the following 10 members:

"(1) Seven voting members as follows:

"(A) The Deputy Mayor for Education, or designee, who shall serve as Chairperson of the CLB;

"(B) The Chancellor of the District of Columbia Public School ("DCPS"), or designee;

"(C) Two representatives from DCPS, as appointed by the Chancellor; and

"(D) Three representatives from public charter schools, each appointed by a vote among charter schools as organized by the Public Charter School Board ("PCSB"); and

"(2) Three non-voting members as follows:

"(A) The State Superintendent of Education, or designee;

"(B) The Chair of the Public Charter School Board ("PCSB"), or designee;

and

"(C) The Executive Director of the CLB.

"(c)(1) Except as provided in paragraph (2) of this subsection, the representatives appointed by DCPS and by a vote organized by the PCSB ("termed members") shall serve 2-year terms and may be reappointed without limitation.

"(2) The initial appointment of the termed members shall be as follows:

"(A) One member appointed by DCPS and one member appointed by a vote organized by the PCSB to serve terms of 2 years, with the term to begin on July 1 and end on June 30; and

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"(B) One member appointed by DCPS and 2 members appointed by a vote organized by the PCSB to serve terms of one year, with the term to begin on July 1 and end on June 30.

"(3) When a vacancy occurs in the membership of the CLB for reasons other than the expiration of a term, an appointment to fill the remainder of the vacated term shall be made in the same manner as prescribed in subsection (b)(1)(C) or (D) of this section, whichever is applicable.

"Sec. 206. Common Lottery Board Fund.

"(a) There is established as a special fund the Common Lottery Board Fund ("Fund"), which shall be administered by the Deputy Mayor for Education in accordance with subsections (c) and (d) of this section.

"(b) Deposits into the Fund shall include:

"(1) Appropriated funds;

"(2) Gifts,

"(3) Grants; and

"(4) Donations.

"(c) Money in the Fund shall be used for the continued development and improvement of the common lottery system.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

**SUBTITLE G. EDUCATION FUNDING FORMULA EQUITY**

Sec. 4061 Short title.

This subtitle may be cited as the "Education Funding Formula Equity Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4062. Section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913), is amended by striking the phrase "fiscal year 2015" and inserting the phrase "Fiscal Year 2016" in its place.

**SUBTITLE H. HEALTHY TOTS**

Sec. 4071. Short title.

This subtitle may be cited as the "Healthy Tots Second Congressional Review Emergency Act of 2014".

Sec. 4072. Definitions.

For the purposes of this subtitle, the term:

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(1) "Child and Adult Care Food Program" or "CACF Program" means the program authorized by section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766).

(2) "Child development facility" means 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.

(3) "Eligible child" means a child who is a District resident who occupies a slot funded in whole or in part by the childcare subsidy program, 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.

(4) "Farm-to-preschool programs" means programs at child development facilities that connect early care and education settings to local food producers, as an extension of the farm-to-school model, which connect children to local foods through meals and snacks, taste tests, lessons, farmer visits, cooking, field trips, growing food, and community and parent engagement.

(5) "Infant" means a child younger than 12 months of age.

(6) "Locally grown" shall have the same meaning as provided in section 101(3) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(3)).

(7) "OSSE" means 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).

(8) "Preschool" or "preschooler" means a child older than 24 months of age but younger than compulsory school attendance age, who is not enrolled in a public, charter, or private school.

(9) "Sustainable agriculture" shall have the same meaning as provided in section 101(9) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(9)).

(10) "Toddler" means a child between 12 months of age and 24 months of age.

(11) "Unprocessed" shall have the same meaning as provided in section 101(10) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(10)).

(12) "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children, as provided in section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786).

Sec. 4073. Healthy Tots Fund.

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(a) There is established as a special fund the Healthy Tots Fund ("Fund"), which shall be administered by OSSE in accordance with this section.

(b)(1) The Fund shall be funded by annual appropriations, which shall be deposited into the Fund. The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

(c) OSSE shall make funds from the Fund available for the following purposes:

(1) To provide additional funding for healthy meals served by child development facilities participating in the CACF Program by reimbursing the child development facility for each meal that meets the rules issued pursuant to this subtitle as follows:

(A) For meals eligible for reimbursement through the CACF Program served to an eligible child:

- (i) Ten cents for each breakfast;
- (ii) Ten cents for each lunch; and
- (iii) Ten cents for each supper;

(B) For breakfasts served to any child attending the child development facility but not eligible for reimbursement through the CACF Program because child development facilities have maximized the number of allowable reimbursable meals, an amount of local funding equal to the free federal rate as established under the CACF Program; provided, that the breakfasts meet the rules issued pursuant to this subtitle; provided further, that at least 75% of the children attending the child development facility are District residents and at least 50% are eligible to receive free or reduced meals.

(2)(A) To provide additional funding to child development facilities participating in the Child and Adult Care Food Program that use local foods by reimbursing the child development facility an additional \$0.05 per lunch or supper that meets the rules issued pursuant to this subtitle served to eligible children and at least one component of a meal is comprised entirely of locally grown and unprocessed foods; provided, that the child development facility reports to OSSE the name and address of the local farms where the foods were grown.

(B) For the purposes of this paragraph, the term "locally grown and unprocessed foods" shall not include milk.

(3) To provide funding to child development facilities that have partnerships with the Office of the State Superintendent of Education and that follow Early Headstart Standards as defined by 45 C.F.R. § 1304 and that provide comprehensive services, including health, mental health, nutrition, and family services; provided, that the funds shall be used for recruitment into or administration of the Child and Adult Care Food Program, including meal planning and nutrition education to children and their families.

(d) In addition to the requirements set forth in subsection (c) of this section, and subject to available funding, OSSE shall make funds from the Fund available:

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(1) To make competitive grants available to child development facilities participating in the Child and Adult Care Food Program to support physical activity, nutrition, gardens, natural play areas, and farm-to-preschool programs; and

(2) As an incentive to increase participation in the Child and Adult Care Food Program, provide a \$300 grant per year to a child development home that participates in the Child and Adult Care Food Program to help pay for costs associated with licensing, renewal, and other related expenses.

(e) A child development facility receiving a reimbursement or other funding pursuant to this section shall provide the meals at no charge to participating infants, toddlers, and preschoolers.

(f)(1) OSSE may, by rule, increase the amount of reimbursements, grants, or other funding provided by this section to further improve the quality and nutrition of meals provided by a child development facility.

(2) OSSE may withhold reimbursements or other funding authorized by this section from a child development facility that does not meet the requirements of this subtitle, or rules issued pursuant to this subtitle.

Sec. 4073a. Child development facility requirements.

(a) If 50 % or more children in a licensed child development facility are eligible to participate in the CACF Program, the facility shall participate in the program unless OSSE grants it an exemption pursuant to subsection (b) of this section.

(b) To be eligible for an exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship. OSSE will determine whether good cause exists and provide notice to the child development facility that it is excused from participating in the CACF Program for one year from the date of the notice. To the extent possible, OSSE shall work with excused child development facilities to address barriers to participating in the CACF Program.

Sec. 4074. OSSE requirements.

(a) The OSSE shall:

(1) Provide training to support the efforts of a child development facility to meet the requirements of this subtitle;

(2) Monitor the progress of a child development facility in complying with this subtitle during the facility's licensing process and record collected data in each facility's compliance history;

(3) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission an annual evaluation of the effect of the implementation of this subtitle on the health, well-being, and school-readiness of participating District children; and

(4) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report listing the names and locations of licensed child development facilities with 50 % or more eligible children enrolled, whether the

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facility participates in the CACF Program, and whether and why the facility was excused from participation.

(b) Within 60 days of the effective date of this subtitle, the OSSE shall add participation in the Child and Adult Care Food Program to the searchable criteria on the website for the OSSE Child Care Connections, which is the District's child care resource and referral center.

(c) No later than December 30 of each year, the OSSE shall submit, in conjunction with the Department of Health, a report to the Council and the Mayor on the efforts to promote WIC in child development facilities, including data on:

- (1) Identifying opportunities to better promote WIC at child development facilities;
- (2) The feasibility of the development of a breastfeeding-friendly rating for child development facilities; and
- (3) Whether data matching or other means tested programs can be used to identify families receiving child-care subsidies and connect them to WIC if they are eligible for WIC benefits and are not receiving them.

(d) Within 120 days of the effective date of this subtitle, pursuant to the authority granted by section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2602(b)(11)), the OSSE shall issue rules to implement this subtitle, which, at a minimum, shall:

- (1) Establish nutritional standards for meals and snacks served at child development facilities;
- (2) Establish physical activity standards for child development facilities;
- (3) Improve the environmental sustainability of child development facilities;
- (4) Increase the use of locally grown and unprocessed foods from growers engaged in sustainable agriculture practices;
- (5) Enhance nutrition and healthy eating education programming for infants, toddlers, and preschoolers at child development facilities, including farm-to-preschool programs; and
- (6) Ensure that child development facilities provide sufficient training to staff on improving nutrition and increasing the level of physical activity of participating infants, toddlers, and preschoolers.

Sec. 4075. Use of Department of Parks and Recreation facilities.

The Department of Parks and Recreation shall, to the extent feasible, partner with child development facilities to allow the facilities to use District recreation centers, fields, playgrounds, and other facilities on occasions that do not conflict with the Department of Parks and Recreation's existing programming or with on-going community obligations.

Sec. 4076. Conforming amendment.

Section 3b of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2602(b)), is amended as follows:



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(a) Paragraph (20)(O)(vi) is amended by striking the word "and" at the end.  
(b) Paragraph (21) is amended by striking the period and inserting a semicolon in its place.

(c) New paragraphs (22) and (23) are added to read as follows:

"(22) Administer the Healthy Schools Fund and fulfill its other responsibilities under the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*); and

"(23) Administer the Healthy Tots Fund and fulfill its other responsibilities under the Healthy Tots Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750).".

**SUBTITLE I. CHARTER SCHOOL FACILITIES ALLOTMENT**

Sec. 4081. Short title.

This subtitle may be cited as the "Charter School Facilities Allotment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4082. Section 109 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2908), is amended by adding a new subsection (b-2) to read as follows:

"(b-2)(1) For Fiscal Years 2015 and 2016, the per pupil facility allowance for Public Charter Schools shall be \$3072.

"(2) For Fiscal Year 2017 and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be \$3100.

"(3) The facility allowance set forth in paragraphs (1) and (2) of this subsection shall be multiplied by the number of students estimated to attend each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School.".

**SUBTITLE J. PCSB DONATIONS**

Sec. 4091. Short title.

This subtitle may be cited as the "Public Charter School Board Donation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4092. Section 115 of the Consolidated Appropriations Resolution, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01), is amended as follows:

(a) Subsection (d) is repealed.

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

"(d-1) This section shall not apply to the Public Charter School Board, which may accept and use gifts to the Public Charter School Board without prior approval by the Mayor.".

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**SUBTITLE K. DEPUTY MAYOR FOR EDUCATION GRANT-MAKING****AUTHORITY**

Sec. 4101. Short title.

This subtitle may be cited as the "Deputy Mayor for Education Limited Grant-Making Authority Second Congressional Review Emergency Act of 2014".

Sec. 4102. Deputy Mayor for Education limited grant-making authority.

For Fiscal Year 2015, the Deputy Mayor for Education shall have grant-making authority solely to provide:

(1) An operational grant of \$2 million for the development of a language immersion public charter school campus serving middle- and high-school students; provided, that the grant shall not be used for the lease, renovation, or development costs of a temporary location; and

(2) An operational grant of \$2 million to support the project development and management of an athletic and community meeting space on the grounds of a public charter school that provides a classical education to students in grades 5 through 12.

Sec. 4103. Grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

**SUBTITLE L. JOINTLY OPERATED PUBLIC CHARTER SCHOOL**

Sec. 4111. Short title.

This subtitle may be cited as the "Jointly Operated Public Charter School Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4112. Section 2201 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.01), is amended by adding a new subsection (c-1) to read as follows:

“(c-1) *Jointly Operated School* – The Public Charter School Board shall have the authority to approve one joint program for applicants seeking to establish a jointly operated school where 2 or more public charter schools that have adopted, for the combined program, identical mission statements, goals, curricula and educational philosophy (“member schools”) may combine to create a jointly operated middle and high school. Notwithstanding any other law, the jointly operated school shall have the same duties, powers and responsibilities of a public charter school, shall be funded as if a public charter school, and shall be treated as a single local educational agency under federal and local law. Students matriculating directly from the highest grade of a member school into the entry grade of the jointly operated school shall be exempt from the requirements of section 2206(c).”.

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**SUBTITLE M. PUBLIC EDUCATION REFORM EVALUATION**

Sec. 4121. Short title.

This subtitle may be cited as the "Public Education Reform Evaluation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 4122. Section 204 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-193), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "On September 30, 2014" and inserting the phrase "No later than June 1, 2015" in its place.

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

"(e)(1) There is established as a special fund the PERAA Evaluation Fund ("Fund"), which shall be administered by the Office of the District of Columbia Auditor in accordance with paragraph (3) of this subsection.

"(2) The following shall be deposited in the Fund:

"(A) All excess monies, not to exceed \$600,000, remaining in the local funds operating budget for the Office of the District of Columbia Auditor at the end of each fiscal year; and

"(B) Any interest earned from the monies deposited into the Fund.

"(3) Money in the Fund shall be used for the purpose of contracting for the remaining reports with NRC as required by this section.

"(4) The money deposited in the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(5) This subsection shall expire on September 30, 2015".

**TITLE V. HEALTH AND HUMAN SERVICES****SUBTITLE A. DEVELOPMENTAL DISABILITY SERVICE MANAGEMENT REFORM**

Sec. 5001. Short title.

This subtitle may be cited as the "Department on Disability Services Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5002. The Department on Developmental Disabilities Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-761.02) is amended as follows:

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

"(3A) "DHCF" means the Department of Health Care Finance as established by section 3 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.02)."

(2) Paragraph (8) is repealed.

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(3) Paragraph (9) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place.

(b) Section 105(4) (D.C. Official Code § 7-761.05(4)) is amended by striking the acronym "MAA" and inserting the acronym "DHCF" in its place.

(c) Section 106(c) (D.C. Official Code § 7-761.06(c)) is amended by striking the phrase "action," and inserting the phrase "action, including issuing grants and stipends," in its place.

(d) Section 107 (D.C. Official Code § 7-761.07) is amended as follows:

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

"(a) The Department and DHCF shall enter into an agreement for the Department to direct: policy development and design of services, rate-setting, and support provided under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities or any other waiver targeted for people with intellectual and developmental disabilities and their families that is approved under section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1369n); and policies, services, and supports related to the operation of intermediate care facilities for individuals with intellectual disabilities."

(2) Subsection (b) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place.

(e) A new section 112 is added to read as follows:

"Sec. 112. Family Support Council.

"(a) The Director shall establish a Family Support Council to assist, within available appropriations, the Department and other agencies to develop systems of support for families throughout the lifespans of their family members with intellectual and developmental disabilities.

"(b) The Family Support Council shall be composed of 11 members, of whom the majority shall be people with developmental disabilities and their family members.

"(c) No later than one year following the effective date of the Department on Disability Services Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department shall publish operating procedures for the Family Support Council, and the Director shall appoint the initial Family Support Council members."

#### **SUBTITLE B. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION AMENDMENTS**

Sec. 5011. Short title.

This subtitle may be cited as the "Department of Health Functions Clarification Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5012. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended as follows:

(a) Section 4907a (D.C. Official Code § 7-736.01) is amended by adding new subsections (e), (f), and (g) to read as follows:

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"(e)(1) Through Fiscal Year 2015, the Director of the Department of Health may issue grants totaling \$1,550,000 to District of Columbia HIV prevention programs for a combination of HIV prevention interventions. These interventions shall include HIV screening in clinical and non-clinical settings and effective behavioral programs.

"(2) Through Fiscal Year 2015, the Director of the Department of Health may issue HIV prevention grants for a combination of HIV prevention interventions that include:

"(A) HIV screening;

"(B) Harm reduction;

"(C) Social network HIV screening;

"(D) Partner services;

"(E) Faith-based initiatives;

"(F) Youth peer education; and

"(G) Other health-education services for adolescents and older adults.

"(3) For the purposes of this subsection, the term "faith-based initiative" means a program to encourage and support places of worship in delivering HIV prevention messages that promote safe-sex practices, educate people about HIV, and promote HIV screening.

"(4) In Fiscal Year 2015, the Director of the Department of Health shall issue a competitive grant totaling \$480,000 to a qualified community-based nonprofit corporation or organization for the creation of a comprehensive concussion care protocol for children.

"(f) For Fiscal Year 2015, the Director of the Department of Health may issue grants to qualified community organizations to provide:

"(1) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases;

"(2) Ambulatory health services;

"(3) Poison control hotline and prevention education services;

"(4) Operations and primary care services for school-based health clinics; and

"(5) A teen pregnancy prevention program.

"(g)(1) All grants issued pursuant to subsections (e) and (f) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsections (e) and (f) of this section."

(b) New sections 4907b and 4907c are added to read as follows:

"Sec. 4907b. Communicable and Chronic Disease Prevention and Treatment Fund.

"(a) There is established as a special fund the Communicable and Chronic Disease Prevention and Treatment Fund ("Fund"), to be administered by the Department of Health in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from the following sources related to the prevention and treatment of communicable and chronic diseases by the Department of Health:

"(1) Third-party payors;

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"(2) Sliding-fee scale collections; and

"(3) Other collections.

"(c) The Fund shall be used for operations necessary to provide communicable and chronic disease prevention and treatment services.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

"Sec. 4907c. Communicable disease fees.

"(a) The Director of the Department of Health may establish a schedule of fees for the prevention and treatment of communicable diseases, including HIV/AIDS, hepatitis, sexually transmitted diseases, and tuberculosis to be provided to any individual who presents for prevention or treatment services, regardless of health insurance coverage or ability to pay. The Director may periodically revise the schedule of fees and may establish a sliding fee scale, based on income, for uninsured individuals. The fees, including any sliding fee scale, shall be published in the District of Columbia Register.

"(b) The Director may seek reimbursement from any third-party payor for services provided relating to the prevention and treatment of communicable diseases."

**SUBTITLE C. MEDICAL ASSISTANCE PROGRAM AMENDMENTS**

Sec. 5021. Short title.

This subtitle may be cited as the "Medical Assistance Program Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5022. Section 1 of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (8) to read as follows:

"(8) Review and approval by the Council of the Fiscal Year 2015 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

"(A) Implement needed amendments to the Elderly and Individuals with Physical Disabilities waiver to ensure compliance with federal law and promote best practices;

"(B) Establish new payment rates for Federally-Qualified Health Centers;

"(C) Establish a new payment method and make other improvements to the payment methodology for hospital inpatient treatment;

"(D) Establish a new payment method and make other improvements to the payment methodology for hospital outpatient services;

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"(E) Implement needed amendments to the Intellectual Disabilities/Developmental Disabilities waiver to ensure compliance with federal law and promote best practices;

"(F) Align specialty hospital payments with the complexity of their patient mixes and national best practices and to describe payment standards for sub-acute services for children who are inpatients in private psychiatric specialty hospitals; and

"(G) Update transplantation coverage standards and provide coverage for lung transplantation and autologous bone marrow transplantation."

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

"(e)(1) The District state plan required under Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), may provide for reimbursement of chiropractic services.

"(2) The Mayor may develop and implement a reimbursement methodology for chiropractic services."

#### **SUBTITLE D. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT AMENDMENT**

Sec. 5031. Short title.

This subtitle may be cited as the "Department of Behavioral Health Establishment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5032. Section 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.07), is amended as follows:

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

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

"(b) The following powers, duties, functions, and responsibilities are hereby transferred to the Department of Health, effective October 1, 2014:

"(1) All property, Career and Excepted Service, Management Supervisory Service, and trainee positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds available or to be made available to the Tobacco Control Program.

"(2) The Mayor shall coordinate, as necessary, the transfer from the Department to the Department of Health of any property, positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Tobacco Control Program."

#### **SUBTITLE E. DEPARTMENT OF BEHAVIORAL HEALTH ENTERPRISE FUND**

Sec. 5041. Short title.

This subtitle may be cited as the "Department of Behavioral Health Enterprise Fund Second Congressional Review Emergency Act of 2014".

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Sec. 5042. Department of Behavioral Health Enterprise Fund.

(a) There is established as a special fund the Department of Behavioral Health Enterprise Fund ("Fund"), which shall be administered by the Department of Behavioral Health ("Department") in accordance with subsection (c) of this section.

(b) The Fund shall consist of revenue from the following fees, proceeds, and revenues collected from the following activities and operations:

(1) Proceeds from the cafeteria managed and operated by the Department on the St. Elizabeths Hospital Campus;

(2) Fees charged for trainings and Continuing Education Units by the Department's Organizational Development- DMH Training Institute; and

(3) Recoupment and collection of housing bridge subsidy payments from individual consumers, representative payees, and landlords by the Department's Adult Services Supported Housing program.

(c) The Fund shall be used for the management and operation of the food cafeteria, DMH Training Institute, and Supported Housing programs managed and operated by the Department.

**SUBTITLE F. LIHEAP HEAT AND EAT ELIGIBILITY PRESERVATION**

Sec. 5051. Short title.

This subtitle may be cited as the "LIHEAP Heat and Eat Eligibility Preservation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5052. Section 5083(c) of the Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.03(c)), is amended by striking the phrase "\$1" and inserting the phrase "\$20.01" in its place.

**SUBTITLE G. HEALTH SERVICES PLANNING AND DEVELOPMENT**

Sec. 5061. Short title.

This subtitle may be cited as the "Health Services Planning and Development Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5062. Section 2(12) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401(12)), is amended as follows:

"(12) "Health service" means any medical or clinical related service, including services that are diagnostic, curative, or rehabilitative, as well as those related to inpatient mental health services, home health care, hospice care, medically supervised day care, and renal dialysis. The term "health service" shall not include those outpatient behavioral health services subject to the exclusive regulatory authority of the Department of Behavioral Health and services provided by physicians, dentists, HMOs, and other individual providers in individual or group practice."



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**SUBTITLE H. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES COST-OF-LIVING ADJUSTMENT**

Sec. 5071. Short title.

This subtitle may be cited as the "Temporary Assistance for Needy Families Cost-of-Living Adjustment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5072. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 511b (D.C. Official Code § 4-205.11b) is amended by striking the phrase "in the District".

(b) Section 552 (D.C. Official Code § 4-205.52) is amended by adding a new subsection (d-1) to read as follows:

"(d-1)(1) Effective October 1, 2014, the payment levels issued pursuant to section (c) of this subsection shall be adjusted annually for the rate of inflation, except for Fiscal Year 2017, for which the payment level shall be increased by 46%.

"(2) To adjust for the rate of inflation each year, the payment levels from the immediately preceding year shall be multiplied by the CPI percentage increase from the preceding calendar year, as determined by the United States Department of Labor Bureau of Labor Statistics in the Consumer Price Index for Urban Consumers (CPI-U) for all items."

(c) Section 572a(b) (D.C. Official Code § 4-205.72a(b)) is amended to read as follows:

"(b) An assistance unit's eligibility for POWER pursuant to subsection (a) of this section shall be subject to periodic review and redetermination as determined by the Mayor or the Mayor's designee."

(d) Section 575 (D.C. Official Code § 4-205.75) is amended by adding a new subsection (c) to read as follows:

"(c) A POWER recipient who is determined eligible for continuation of one year due to incapacity under section 572(b)(2) shall be informed by the Mayor or the Mayor's designee about the recipient's potential eligibility for Social Security Disability Insurance ("SSDI") or Supplemental Security Income ("SSI"). If appropriate, the POWER recipient shall submit an application for SSDI or SSI benefits as part of the recipient's self-sufficiency plan. The Mayor or the Mayor's designee shall offer application and advocacy assistance."

**SUBTITLE I. INSURANCE REGULATORY TRUST FUND**

Sec. 5081. Short title.

This subtitle may be cited as the "Insurance Regulatory Trust Fund Bureau Second Congressional Review Emergency Amendment Act of 2014".

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Sec. 5082. The Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1201 *et seq.*), is amended as follows:

(a) Section 4(b) (D.C. Official Code § 31-1203(b)) is amended by adding a new sentence at the end to read as follows: "The assessment shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158.221(c) and 158.161(b)."

(b) Section 9 (D.C. Official Code § 31-1208) is amended as follows:

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

(2) The newly designated subsection (a) is amended to read as follows:

"(a) All insurers and health maintenance organizations subject to assessments in accordance with this act shall be members of an Insurance Regulatory Trust Fund Bureau, organized and maintained by such insurers and health maintenance organizations at their own expense, for the purpose of advising the Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority as to the need for the proposed assessments, including the assessment of health carriers in section 4(f) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.03(f)), the fairness of the proposed assessments, and any other matters with respect to the administration of the Insurance Regulatory Trust Fund. The Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority shall submit to the Insurance Regulatory Trust Fund Bureau annually, in advance of the Mayor's budget submission to the Council, a detailed budget showing how the proposed assessments are to be expended."

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

"(b) The board of directors of the Insurance Regulatory Trust Fund Bureau shall consist of no fewer than 15 members and shall include at least a majority of the health carriers issuing qualified health plans and some representation from health carriers issuing qualified dental plans as defined in section 2 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01)."

(c) Section 10 (D.C. Official Code § 31-1209) is amended to read as follows:

"Sec. 10. Annual audit of Insurance Regulatory Trust Fund or District of Columbia Health Benefit Exchange Authority Fund.

"Upon a vote of the Insurance Regulatory Trust Fund Bureau taken in accordance with its bylaws, the Insurance Regulatory Trust Fund Bureau, at its own expense, may annually arrange for an independent audit of the expenditures made in any fiscal year by the Insurance Regulatory Trust Fund or the District of Columbia Health Benefit Exchange Authority Fund established in section 4(a) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.03(a)). The Commissioner, the Department of Insurance, Securities, and Banking, the Executive Director of the District of Columbia Health Benefit Exchange Authority, and all other elements of the District of Columbia government shall cooperate with such an audit and shall make available all documents and records reasonably necessary to the conduct of the audit."

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Sec. 5083. Section 4(e) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.03(e)), is amended by adding a new paragraph (3) to read as follows:

"(3) The assessment on health carriers pursuant to subsection (f) of this section shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158.221(c) and 158.161(b).".

**SUBTITLE J. POWER EXPANSION**

Sec. 5091. Short title.

This subtitle may be cited as the "POWER Expansion Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5092. Section 572a(a) of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.72a(a)), is amended by adding a new paragraph (1A) to read as follows:

"(1A) Is a single custodial parent or caretaker with a child under 6 months old; provided, that no parent or caretaker may remain eligible under this paragraph for more than 12 months;".

**SUBTITLE K. END YOUTH HOMELESSNESS**

Sec. 5101. Short title.

This subtitle may be cited as the "End Youth Homelessness Second Congressional Review Emergency Amendment Act of 2014".

Sec. 5102. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 5(b)(9) (D.C. Official Code § 4-752.02(b)(9)) is amended to read as follows:

"(9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate to provide hypothermia shelter, identifying the specific sites that will be used as hypothermia shelters, and including protocols on how to provide shelter services for unaccompanied minors; and".

(b) A new section 5a is added to read as follows:

"Sec. 5a. Plan to end youth homelessness in the District by 2020.

"(a) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Interagency Council, working jointly with organizations providing service to homeless youth within the Continuum of Care as well as homeless or formerly homeless youth and their advocates, shall prepare, publish, and submit to the Council a comprehensive Plan to End Youth Homelessness in the District by 2020.

"(b) The plan required by this section shall:

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“(1) Include a community-wide needs assessment that takes into account existing data, including the results of the extended youth count required in section 7(h);

“(2) Include an analysis of strategies that have been successful in reducing youth homelessness;

“(3) Be developed pursuant to a process that includes public hearings and that will identify, prioritize, and target needs for services for homeless youth within the Continuum of Care;

“(4) Include specific recommendations for eradicating youth homelessness in the District by 2020, including recommendations for:

“(A) A grant-based family reunification program, a host-home program, and additional cultural competency training for youth homeless service workers, including intake and drop-in center workers, designed to inform such workers adequately concerning the developmental needs of homeless youth; and

“(B) Other specific culturally-competent and language-accessible programs designed to prevent youth from becoming homeless, identify youth that are homeless or at risk of becoming homeless, and provide counseling, shelter, and appropriate services to the youth so identified (including minor heads of households and minors temporarily without parental supervision); and

“(5) Include estimates of the costs of carrying out various components of the plan.

“(c) The plan required by this section shall identify any new legislation that is necessary to implement its recommendations, and provide recommendations concerning how to fund the provisions of the plan without reducing funding for other social programs.

“(d) The Interagency Council shall revise and submit to the Council the strategic plan required by section 5(b)(2) no later than 390 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), incorporating the provisions of the plan required by this section.”.

(c) Section 7 (D.C. Official Code § 4-753.01) is amended by adding new subsections (h) and (i) to read as follows:

“(h) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department of Human Services shall establish a program of street outreach to youth which shall be competitively granted.

“(i) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), and annually thereafter, the Department of Human Services, in coordination with the Interagency Council, shall conduct a youth census, separate from the annual Point-in-Time survey, to determine the needed scale and scope of a comprehensive program to end youth homelessness in the District. The youth census shall:

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“(1) Count all children and youth under 18 years of age who are living apart from a parent or guardian, excluding those who are in the physical custody of the District, and all youth between the ages of 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street;

“(2) For each child or youth counted, record basic demographic information including age, race, and gender identification, the location where the child or youth stayed the night before the count, the child or youth’s education and employment status, and membership in pertinent subgroups based on sexual orientation, gender orientation, pregnancy or parenting status, or involvement in the foster care or juvenile or adult criminal justice systems;

“(3) Identify patterns in responses describing factors leading to homelessness;

“(4) Identify patterns in responses describing services used and gaps in service;

“(5) Be conducted over a period of at least one week, controlling for duplication by assigning each child or youth a unique identifier; and

“(6) Include multiple strategies and entry points to identify homeless children and youth.”.

(d) Section 8(c) (D.C. Official Code § 4-753.02(c)) is amended by adding a new paragraph (1C) to read as follows:

“(1C)(A) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Mayor shall issue a grant to a community-based organization to establish one or more intake and drop-in center for youth, including minors and youth-headed families, for the purposes of:

“(i) Assessing the eligibility of youth for services within the Continuum of Care and making referrals, including to the Child and Family Services Agency as appropriate; provided, that homelessness alone is not a valid reason for an allegation of abuse or neglect;

“(ii) Coordinating as necessary with the intake centers for families operated pursuant to paragraph (1) of this subsection;

“(iii) Contacting the parent or guardian of an unaccompanied minor within 72 hours of the minor’s request for services within the Continuum of Care; and

“(iv) Tracking outcomes, utilization rates, and turn-aways of youth across service providers.

“(B) Grants issued pursuant to this paragraph shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).”.

(e) Section 28 (D.C. Official Code § 4-755.01) is amended by adding a new subsection (d) to read as follows:

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“(d)(1) Notwithstanding subsections (a) and (b) of this section, the Mayor shall fund a minimum of 5 additional shelter beds for homeless youth up to 24 years of age and additional transitional housing capacity for 10 youth 18 to 24 years of age.

“(2) Homeless services for youth shall be provided through 2-year grants to eligible community organizations based in the District with expertise in systems of care for homeless youth.

“(3) Recipients of grants shall establish, maintain, or expand facilities through these grants that protect the safety of homeless youth through facilities that are specifically for homeless youth and separate from any existing homeless services for the general population.

“(4) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)”.

**SUBTITLE L. HOMELESS PREVENTION PROGRAM ESTABLISHMENT**

Sec. 5111. Short title.

This subtitle may be cited as the “Homeless Prevention Program Establishment Second Congressional Review Emergency Act of 2014”.

Sec. 5112. Homeless Prevention Program.

(a) There is established within the Department of Human Services (“Department”) a Homeless Prevention Program (“Program”) to conduct community outreach and provide services to families at risk of becoming homeless.

(b) The Department may contract with a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program. The Department shall establish the criteria that an entity must meet to be selected to operate the Program. If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program.

(c) The Program shall be administered by the Department in consultation with the Interagency Council on Homelessness.

(d) The Program shall:

(1) Use an evidence-based assessment and evaluation method to target and identify families most at risk of becoming homeless;

(2) Connect individuals and families at risk of becoming homeless with housing and financial assistance programs that provide short- and long-term assistance to allow households to remain in their current housing situation, if appropriate;

(3) Have multiple locations in communities identified as being at-risk of homelessness;

(4) Conduct educational campaigns and outreach to inform District residents about the services available to prevent homelessness;

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(5) Conduct family or tenant-landlord mediation to assist families in remaining in their current housing situation or provide referrals to other organizations that can provide this assistance, if appropriate;

(6) Provide classes in skills critical to maintaining housing, including household budgeting, financial management, and financial literacy, or provide referrals to other organizations that can provide this assistance;

(7) Provide job training and placement referrals to employment services or provide referrals to other organizations that can provide this assistance, including connecting families with resources available at District agencies;

(8) Assist families in applying for public benefits, including child care, SNAP, tax credits, and Medicaid or provide referrals to other organizations that can provide this assistance; and

(9) Provide other counseling, case management, or services, including mental or behavioral health services or referrals to mental or behavioral health programs, to assist families in preventing homelessness.

(e) No later than January 1, 2016, and annually thereafter, the Program shall submit a report to the Council on the operations and services of the Program during the preceding fiscal year.

Sec. 5113. Section 5 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.02), is amended by adding a new subsection (e) to read as follows:

“(e) The Department of Human Services shall administer the Homeless Prevention Program, established pursuant to the Homeless Prevention Program Establishment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), in consultation with the Interagency Council on Homelessness.”

**SUBTITLE M. TOBACCO PRODUCT MANUFACTURER RESERVE FUND**

Sec. 5121. Short title.

This subtitle may be cited as the “Tobacco Product Manufacturer Reserve Fund Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 5122. Section 6(b) of the Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004, effective April 22, 2004 (D.C. Law 15-150; D.C. Official Code § 7-1803.05(b)), is amended as follows:

(a) Strike the phrase “Corporation Counsel” wherever it appears and insert the phrase “Attorney General” in its place.

(b) A new sentence is added at the end to read as follows:

“The Attorney General may also disclose the information received under this act with the data clearinghouse created to implement the term sheet agreed to by the District and Participating Manufacturers, and given effect by a March 12, 2013, arbitral award.”

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**SUBTITLE N. SOAR PILOT PROGRAM ESTABLISHMENT**

Sec. 5131. Short title.

This subtitle may be cited as the “SSI/SSDI Outreach, Access, and Recovery (“SOAR”) Pilot Program Establishment Second Congressional Review Emergency Act of 2014”.

Sec. 5132. SOAR Pilot Program.

(a) There is established within the Department of Human Services (“Department”) a SSI/SSDI Outreach, Access, and Recovery, or SOAR Pilot Program (“Program”) to provide application assistance for individuals applying to receive Supplemental Security Income (“SSI”) and Social Security Disability Insurance (“SSDI”).

(b)(1) The Department may contract with, or provide a grant to, a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program. The Department shall establish the criteria that an entity must meet to be selected to operate the Program. If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program.

(2) A grant issued under this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(c) The Program shall conduct outreach to homeless individuals to provide intensive assistance and support with completing an SSI or SSDI application with the federal Social Security Administration.

**SUBTITLE O. TEEN PREGNANCY PREVENTION FUND**

Sec. 5141. Short title.

This subtitle may be cited as the “Teen Pregnancy Prevention Fund Establishment Second Congressional Review Emergency Act of 2014”.

Sec. 5142. Definitions.

For the purposes of this subtitle, the term:

(1) "Fund" means the Teen Pregnancy Prevention Fund established in section 5143.

(2) "Grant-managing entity" means the DC Campaign to Prevent Teen Pregnancy, as authorized by section 5146.

Sec. 5143. Teen Pregnancy Prevention Fund.

(a) There is established a Teen Pregnancy Prevention Fund to provide subgrants to nonprofit organizations.



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(b) The Department of Health shall make a grant to a single grant-managing entity of which at least 90% shall be used to make subgrants for the purpose of teen pregnancy prevention. The remaining 10% shall be utilized for administrative expenses and evaluation of the Fund. The grant-managing entity is limited to spending any funds received from the Fund on administrative costs only, and not any substantive work related to teen pregnancy prevention.

(c) The Fund is designed to provide subgrants to nonprofits in health services for teens, reproductive health education, professional development and training, research and policy development, and public education and awareness. The funds shall be available for conveyance to a grant-managing entity for the purposes identified in subsection (b) of this section.

(d) Subgrants shall be awarded, subject to the availability of funding, as follows:

(1) All subgrants shall be awarded on a competitive basis;

(2) The subgrants shall not exceed \$100,000 per year;

(3) Subgrants are one-time;

(4) The subgrant funds shall be used exclusively to serve District of Columbia residents; and

(5) All subgrants shall be subject to District transparency requirements, such as Freedom of Information Act requests.

(e) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

Sec. 5144. Required information before approval.

(a) To be eligible to receive a subgrant from the grant-managing entity pursuant to section 5143, a subgrantee shall submit the following required documentation to the grant-managing entity, as well as any additional information required by the grant-managing entity:

(1) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A 24 Stat. 163; 26 U.S.C. § 501(c)(3));

(2)(A) The organization's most recent financial audit, not more than 2 years old;

or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates its:

(i) Existing assets and liabilities;

(ii) Pending lawsuits, if any; and

(iii) Pending and final judgments, if any;

(3) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

(4) A notarized statement from the subgrantee certifying that:

(A) The organization is current on District and federal taxes;

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(B) The grant-managing entity is authorized to verify the organization's tax status with the Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the grant-managing entity;

(C) The grant-managing entity shall have access to the subgrantee's financial, administrative, and operational records, including specific consent for the grant-managing entity to access its books, accounts, records, findings, and documents related to the subgrant; and

(D) The subgrantee is registered with the Department of Consumer and Regulatory Affairs; and

(5) A comprehensive program statement that includes a detailed:

(A) Scope of work; and

(B) Budget that describes how the subgrant funds shall be spent.

Sec. 5145. Reporting requirements.

Beginning December 1, 2014, the grant-managing entity shall submit a bimonthly report to the Council of all District funds allocated, which includes:

(1) Detailed subgrantee data;

(2) Performance measures and performance outcomes under each subgrant;

(3) The specific services provided under each subgrant;

(4) The entity providing the services, if one other than the subgrantee;

(5) The time period of delivery of the services;

(6) The type of service provided;

(7) The actual amount paid for the services; and

(8) The amount of other expenditures under the subgrant, if any.

Sec. 5146. Authorization for grant-managing entity.

For Fiscal Year 2015, the DC Campaign to Prevent Teen Pregnancy ("DC Campaign") is designated as the grant-managing entity. The DC Campaign shall be required to enter into a Memorandum of Understanding ("MOU") with the District of Columbia government. The MOU shall set forth certain administrative requirements for the DC Campaign to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the DC Campaign's responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

Sec. 5147. Limitation on duplicative projects.

(a) The grant-managing entity shall take steps to avoid awarding subgrants to a nonprofit that has been awarded or is being awarded funds from another District agency for the same or similar program purposes for which it is applying for funding from the Fund.

(b) Within 30 days after the effective date of the MOU, the grant-managing entity shall provide to the Department of Health and the Council a plan that sets forth procedures for avoiding the award of duplicative funds.

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**SUBTITLE P. UNITED MEDICAL CENTER TRANSFORMATION INITIATIVE**

Sec. 5151. Short title.

This subtitle may be cited as the “United Medical Center Transformation Initiative Second Congressional Review Emergency Act of 2014”.

Sec. 5152. Findings and policy.

(a) It is the policy of the District government that there shall be an enduring, full-service hospital east of the Anacostia River. To effect this policy, the government is committed to improving the United Medical Center (“UMC”) with the expectation that its improved financial condition (i.e., solvency) will enable eventual divestiture of UMC from District ownership and management.

(b) The government recognizes and supports the proposition that maintaining full hospital service may likely entail more than renovation of the current facility on Southern Avenue, S.E.

(c) Substantial funding has been made available to UMC in the Capital Improvement Plan accompanying the Fiscal Year 2015 budget. Although most of these dollars are strategic investment in facilities, equipment, and information technology, the Council would be supportive of utilizing these dollars toward a viable proposal, which may involve a public-private partnership, to construct a new hospital facility rather than renovation of the existing facility.

(d) The Council affirmatively approved a contract in 2012 with Huron Consulting Group (“Huron”) in part to improve the operations of UMC and to assist with the divestiture of UMC from District ownership and management. Huron is urged to solicit bidders for ownership and management without constraint as to a particular business model or financing structure other than to obtain an offer that is both in the best interest of the District government and the policy to maintain an enduring, full-service hospital east of the Anacostia River.

(e) The Executive is urged to move forward expeditiously with improving UMC operations and soliciting proposals for private sector takeover of the ownership and management of the United Medical Center.

**SUBTITLE Q. LOCAL RENT SUPPLEMENT PROGRAM REFERRALS**

Sec. 5161. Short title.

This subtitle may be cited as the “Local Rent Supplement Program Referrals Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 5162. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16- 35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8d to read as follows:

“Sec. 8d. Notwithstanding section 8c, during Fiscal Year 2015, the District of Columbia Housing Authority shall fill 75 tenant-based Rent Supplement Program vouchers, established by section 26c of the District of Columbia Housing Authority Act, effective March 2, 2007 (D.C. Law 13-105; D.C. Official Code § 6-228), through referrals by the Department of Human

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Services. The referrals shall be based on special eligibility criteria established in 29 DCMR § 2557.1, or shall consist of families currently in the Department of Human Services Permanent Supportive Housing Program who the Department determines no longer need intensive services.”.

**TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**  
**SUBTITLE A. VAULT RENT**

Sec. 6001. Short title.

This subtitle may be cited as the "Vault Rent Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6002. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 10-1101.01) is amended as follows:

(1) New paragraphs (1B), (1C), and (1D) are added to read as follows:

"(1B) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

"(1C) "Condominium unit owners' association" shall have the same meaning as the unit owner's association described in section 301 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.01), or a master association as defined in section 102(19A) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.02(19A)), as the context may require.

"(1D) "Declarant" shall have the same meaning as provided in section 102(11) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.02(11)).".

(2) A new paragraph (6A) is added to read as follows:

"(6A) "Responsible condominium unit owners' association" means a condominium unit owners' association if vault rent was an obligation of the condominium as a whole before there was a unit owner other than the declarant, or the condominium unit owners' association or its predecessor entered into an agreement with the Mayor relating to the occupation of vault space.".

(3) A new paragraph (9) is added to read as follows:

"(9) "Vault rent year" means the period beginning July 1st each year and ending June 30th of each succeeding year.".

(b) Section 202 (D.C. Official Code § 10-1102.02) is amended as follows:

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

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

“(b) Notwithstanding the requirements of subsection (a) of this section, the District shall not charge a fee to an organization for occupying public space to operate a farmers market; provided, that it participates in the Supplemental Nutritional Assistance Program and the Women, Infants and Children Farmers Market Nutrition Program.”.

(c) Section 303 (D.C. Official Code § 10-1103.02) is amended to read as follows:

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"Sec. 303. (a)(1) The Chief Financial Officer shall assess and collect rent and charges from the owner or owners of abutting property for any vault located in the public space abutting such property, unless such vault has been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor.

"(2) Bills and notices shall be deemed to be properly served when mailed via first class mail to the abutting property owner's mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(b)(1) Notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.04), or any other provision of law that imposes liability for vault rent that is contrary to this subsection, vault rent shall be assessed against a responsible condominium unit owners' association.

"(2) The responsible condominium unit owners' association shall be billed for vault rent as a separate and distinct taxable entity with its own vault rent account, as designated by the Chief Financial Officer, and, unless the context requires otherwise, for purposes of this title shall be deemed to be the owner of the property abutting public space in which any vault is located.

"(3) A notice of proposed land assessment relating to the vault rent account shall be given to the responsible condominium unit owners' association by March 1st before the beginning of the applicable vault rent year. Only the land values of comparable multi-family residential properties shall only be used in determining land values for vault rent purposes of residential condominiums.

"(4) The assessed value of the land derived for purposes of billing the vault rent may be appealed as provided under D.C. Official Code § 47-825.01a(d), (e), and (g); except, that for the purposes of this section any references in that section to an owner shall be deemed to be references to a responsible condominium unit owners' association.

"(5) The Chief Financial Officer may correct or change any land assessment relating to the vault rent account for which a responsible condominium unit owners' association is responsible as under the circumstances and subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to:

"(A) Tax years shall be deemed to be a reference to vault rent years;

"(B) Owner shall be deemed to be a reference to a responsible condominium unit owners' association; and

"(C) The owner's address of record shall be deemed to be a reference to the responsible condominium unit owners' mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue.

"(c) Where vault rent is assessed against any owner other than a responsible condominium owners' association, the Mayor may adjust any utilization factor or area of the vault level under the circumstances, subject to the conditions in D.C. Official Code § 47-825.01a(f); except, that the reference to tax years shall be deemed to be a reference to vault rent years."

(d) Section 305 (D.C. Official Code § 10-1103.04) is amended as follows:

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(1) Subsection (a) is amended by striking the phrase "shall pay the rent established in accordance with this part for such vault. Such rent shall be payable annually for the year commencing July 1st and ending on the following June 30th, and shall be payable in full prior to the beginning of such year." and inserting the phrase "shall pay the rent established in accordance with this part for such vault and any charges levied under § 308(a). Such rent and charges shall be payable annually for the vault rent year and shall be payable in full on or before the later of 30 days after the date the vault rent bill was mailed or September 15 of the vault rent year." in its place.

(2) Subsection (c) is amended by striking the second sentence.

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

"(c-1) Notwithstanding subsection (c) of this section, rent per fuel oil tank shall be \$100; provided, that the Council may adjust the amount of rent per fuel oil tank pursuant to section 401."

(e) Section 305a (D.C. Official Code § 10-1103.04a) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "Chief Financial Officer" in its place.

(f) Section 308 (D.C. Official Code § 10-1103.07) is amended by adding subsections (c), (d), (e), and (f) to read as follows:

"(c)(1) For vault years beginning after June 30, 2015, the Mayor, in the Mayor's discretion, may seal off, remove in whole or in part, fill, reconstruct, repair, or close a vault or vault opening, or perform any other service in connection with a vault or vault opening that the Mayor considers necessary or appropriate; provided, that should the subject vault contain utility infrastructure, the Mayor shall confer with the affected utility before any modification to the vault about whether the planned activity would compromise the operations of the utility infrastructure system.

"(2) The Chief Financial Officer shall levy a charge against the abutting property for the reasonable cost of action by the Mayor.

"(d)(1) For periods beginning after June 30, 2015, interest on unpaid vault rent and the charges authorized under subsection (a) of this section shall accrue at the rate set forth in D.C. Official § 47-811(c) per month or part thereof after the due date prescribed in section 305.

"(2) Except as provided in subsection (f) of this section, the abutting property for any vault located in the public space shall be sold by the Chief Financial Officer at a tax sale held under Chapter 13A of Title 47 of the District of Columbia Official Code for vault rent, charges, and interest that are delinquent as of the October 1st before the tax sale.

"(3) Notwithstanding any other provision of law, delinquent vault rent, charges, and interest shall not be required to be certified for purposes of the tax sale and the lien priority of vault rents, charges, and interest shall be immediately junior to real property taxes.

"(e) Payments shall be applied to the oldest vault year owed, and within such year first to interest, then to charges, and then to rent.

"(f)(1) When a responsible condominium unit owners' association is billed for vault rent, charges, and interest and the rent, charges, and interest are not timely paid, the rent, charges, and interest shall constitute a delinquent tax to be collected against the responsible condominium unit

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owners' association in accordance with Chapter 44 of Title 47 of the District of Columbia Official Code, notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.04), or any other provision to the contrary. Liability shall follow to any subsequent or successor responsible condominium unit owners' association or the resulting owners of any termination of the condominium, as the case may be, notwithstanding any other law to the contrary."

(g) A new subsection 308a is added to read as follows:

"Sec. 308a. Waiver and compromise; authority of the Chief Financial Officer.

"The Chief Financial Officer may:

"(1) Waive, in whole or in part, interest assessed pursuant to this act in the interest of equity or in the public interest; or

"(2) Compromise any charge or vault rent assessed pursuant to this act when, in the Chief Financial Officer's judgment, there is reasonable doubt as to the liability of the owner against whom the vault rent was assessed or the collectability of the tax."

(h) A new section 311 is added to read as follows:

"Sec. 311. Rules.

"The Chief Financial Officer, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title."

## **SUBTITLE B. CAPITAL BIKESHARE CORPORATE SPONSORSHIP ESTABLISHMENT**

Sec. 6011. Short title.

This subtitle may be cited as the "Private Sponsorship of Capital Bikeshare Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6012. Section 5(a) 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(a)), is amended as follows:

(a) Paragraph (4)(G)(iv) is amended by striking the period and inserting the phrase "; provided, that proceeds related to advertisements on bicycles, equipment, or facilities used for the purposes of the Bicycle Sharing program shall be deposited into the Bicycle Sharing Fund established by section 9h." in its place.

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

"(4A) Rights-of-Way Management Administration may enter into agreements to allow the private sponsorship of bicycles, equipment, and facilities used in the Bicycle Sharing program, the placement of a corporate logo, slogan, or other indicia on the bicycles or facilities, and on related websites and social media; provided, that that an agreement that would modify the name or design of any part of the Capital Bikeshare system, including equipment, or facilities, shall be submitted to the Council for a 30-day period of passive review before execution. The

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agreement submitted to the Council shall include detailed information about a proposed name or design. All proceeds collected from a private sponsorship agreement shall be deposited into the Bicycle Sharing Fund established by section 9h."

**SUBTITLE C. DDOT MANAGED LANE AUTHORIZATION**

Sec. 6021. Short title.

This subtitle may be cited as the "District Department of Transportation Managed Lane Authorization Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6022. Section 5(a)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(a)(2)), is amended as follows:

(a) Subparagraph (M) is amended by striking the word "and" at the end.

(b) Subparagraph (N) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new subparagraph (O) is added to read as follows:

"(O) Implement managed lane policies, including lane pricing, vehicle eligibility, and access control; provided, that at least one lane of traffic on a street with managed lanes shall be free of charge; provided further, that the Department shall submit to the Council any policy created pursuant to this subparagraph for approval by act before implementation."

**SUBTITLE D. INTEGRATED PREMIUM TRANSIT SYSTEM AMENDMENT**

Sec. 6031. Short title.

This subtitle may be cited as the "Integrated Premium Transit System Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6032. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 50-921.04) is amended as follows:

(1) The lead-in language is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

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

(i) Subparagraph (C) is amended by striking the word "and" at the end.

(ii) Subparagraph (D) is amended by striking the period and inserting the phrase "; and" in its place.

(iii) A new subparagraph (E) is added to read as follows:

"(E) Plan, manage, and contract for all, or any part of, the design, engineering, construction, operation, and maintenance of any element of the Integrated Premium Transit System."

(B) Paragraph (2) is amended as follows:



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(i) Subparagraph (L) is amended by striking the phrase "Operate, develop, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place.

(ii) Subparagraph (N) is amended by striking the phrase "Operate, develop, regulate, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place.

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

"(b) For the purposes of this section, the term:

"(1) "DC Streetcar" means a fixed guideway transit network offering rail passenger service operated by the District government or its agent.

"(2) "Integrated Premium Transit System" means an integrated transit system composed of any or all of the DC Streetcar, bus service operated or managed by, or on behalf of, the District government consistent with the Washington Metropolitan Area Transit Regulation Compact, and facilities including buildings, other structures, and parking areas appurtenant to the DC Streetcar and bus service."

(b) Section 11n (D.C. Official Code § 50-921.72) is amended as follows:

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

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

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

"(3) Enter into contracts with third parties for the design, construction, operation, and maintenance of the DC Streetcar."

Sec. 6033. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

(1) Paragraph (5)(A) is amended by striking the phrase "Beginning in the fiscal year following the completion of the capital construction of the Streetcar Project," and inserting the phrase "Beginning in Fiscal Year 2045," in its place.

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

"(6) All funds in the Pay-as-you-go Capital Account shall be budgeted for the Integrated Premium Transit System until Fiscal Year 2045."

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

"(l) For the purposes of this section, the term:

"(A) "DC Streetcar" shall have the same meaning as provided in section 5(b)(1) 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(b)(1)).

"(B) "Integrated Premium Transit System" shall have the same meaning as provided in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(b)(2))."

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Sec. 6034. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 2-351.04) is amended as follows:

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

"(2A) "Alternative technical concept" means a proposed change to an agency-supplied base design configuration, project scope, design criterion, or construction criterion that the agency determines is equal to or better than a requirement in a request for proposals."

(2) Paragraph (13) is amended to read as follows:

"(13) "Construction" means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility. The term "construction" does not include the routine operation, routine repair, or routine maintenance of an existing public infrastructure facility."

(3) A new paragraph (37A) is added to read as follows:

"(37A) "Public infrastructure facility" includes any public structure, public building, any element of the Integrated Premium Transit System, as that term is defined in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(b)(2)), and other public improvements of any kind to real property."

(b) Section 201(d) (D.C. Official Code § 2-352.01(d)) is amended by striking the phrase "roads and bridges" and inserting the phrase "roads, bridges, other transportation systems, and facilities and structures appurtenant to roads, bridges, and other transportation systems" in its place.

(c) Section 403 (D.C. Official Code § 2-354.03) is amended by adding a new subsection (d-1) to read as follows:

"(d-1) An RFP for the construction of a road, bridge, other transportation system, or a facility or structure appurtenant to a road, bridge, or other transportation system, may allow prospective offerors or contractors to submit alternative technical concepts as a part of their proposals. The agency's determination on the alternative technical concepts may be considered by the contracting officer as part of the evaluation and ranking of proposals."

#### **SUBTITLE E. PESTICIDE REGISTRATION FUND AMENDMENT**

Sec. 6041. Short title.

This subtitle may be cited as the "Pesticide Registration Fund Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6042. Section 9a(c) of the Pesticide Education and Control Amendment Act of 2012, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 8-438.01(c)), is amended by striking the word "pesticide" and inserting the phrase "pesticide, chemical, tank, land remediation, and wildlife protection" in its place.

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**SUBTITLE F. DISTRIBUTED GENERATION AMENDMENT**

Sec. 6051. Short title.

This subtitle may be cited as the "Distributed Generation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6052. Section 4(e) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1432(e)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "serving the District" and inserting the phrase "serving the District; provided, that renewable energy credits from solar energy systems larger than 5MW in capacity located on property owned by the District, or by any agency or independent authority of the District, may be used to meet the solar requirement" in its place.

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

"(2) As of January 1, 2015, notwithstanding paragraph (1) of this subsection, an electricity supplier may meet the remaining non-solar tier one renewable source requirement of the renewable energy portfolio standard by obtaining the equivalent amount of renewable energy credits from solar energy systems that do not satisfy the requirements under paragraph (1) of this subsection."

**SUBTITLE G. CLEAN AND AFFORDABLE ENERGY AMENDMENT**

Sec. 6061. Short title.

This subtitle may be cited as the "Clean and Affordable Energy Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6062. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 201(d)(4) (D.C. Official Code § 8-1774.01(d)(4)) is amended to read as follows:

"(4) Improve the energy efficiency or increase the renewable energy generating capacity of low-income housing, shelters, clinics, or other buildings serving low-income residents in the District of Columbia;"

(b) Section 202(a) (D.C. Official Code § 8-1774.02(a)) is amended by striking the phrase "5 years" and inserting the phrase "5 years. Upon the expiration of the initial SEU contract, including any option years, subsequent SEU contracts shall be multiyear contracts of not less than 4 years. If options to extend the SEU contract are included in subsequent SEU contracts, the option periods shall be for not less than 2 years" in its place.

(c) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

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

(A) Paragraph (1) is amended by striking the word "nonlapsing" and inserting the word "special" in its place.

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

"(2) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

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

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

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

(A) Paragraph (1) is amended to read as follows:

"(1) The SEU contract in an amount of at least \$20 million annually;"

(B) Paragraphs (5), (6), (7), and (8) are repealed.

Sec. 6063. Section 8 of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "shall receive" and inserting the phrase "may receive" in its place.

(b) Subsection (c) is amended by adding a new sentence at the end to read as follows: "The Fund may be used to supplement programs supporting the creation of new solar energy sources in the District of Columbia through the Sustainable Energy Utility contract established by the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*)".

#### **SUBTITLE H. ATHLETIC FIELD PERMIT COORDINATION COMMITTEE**

Sec. 6071. Short title.

This subtitle may be cited as the "Athletic Field Permit Coordination Committee Second Congressional Review Emergency Amendment Act of 2014".

Sec. 6072. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended by adding a new section 7b to read as follows:

“Sec. 7b. Athletic Field Permit Coordination Committee.

“(a)(1) Within 90 days of the effective date of the Athletic Field Permit Coordination Committee Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department shall establish an Athletic Field Permit Coordination Committee (“Committee”) to advise the Department on how to develop a collaborative permitting system for athletic fields located on property owned by the District of Columbia.

“(2) The Committee shall include representatives from the following:

“(A) The Department;

“(B) The Department of General Services;

“(C) The District of Columbia Public Schools;

“(D) The District of Columbia Public Charter School Board; and

“(E) The National Park Service.

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“(3) The Department shall assign an employee from the Department to perform duties, including the following:

“(A) Coordinating and securing a location for Committee meetings;

“(B) Ensuring administrative support for the Committee, such as circulating meeting notices and keeping meeting minutes; and

“(C) Developing an agenda for meetings and ensuring that the Committee issues the comprehensive report described in subsection (b) of this section.

“(b) By March 31, 2015, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a comprehensive report containing the following:

“(1) An analysis of public field availability throughout the District;

“(2) An analysis of whether it is feasible to create a singular office for permitting public athletic field space located throughout the District;

“(3) A recommendation of how to proportionately allocate permit revenue to the District government entities whose fields are being used, as opposed to all funds being deposited into the General Fund of the District of Columbia; and

“(4) A list of underutilized public fields that the Department, in collaboration with the Department of General Services, may convert to usable and sustainable fields.

“(c) By March 31, 2016, and each year thereafter, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a report containing the following:

“(1) An update on the progress of the analysis conducted and recommendations provided in previous reports created by the Committee;

“(2) Actions taken by the Committee in the preceding year; and

“(3) Recommendations for methods to develop and provide a collaborative permitting system for athletic fields owned by the District of Columbia.”.

### **SUBTITLE I. COMPETITIVE GRANTS**

Sec. 6081. Short title.

This subtitle may be cited as the "Competitive Grants Second Congressional Review Emergency Act of 2014".

Sec. 6082. In Fiscal Year 2015, the Council shall award a grant on a competitive basis to a regional organization, in an amount not to exceed \$500,000, to produce a comprehensive rail plan for the District, including plans to accommodate future increases in passenger, commuter, and freight rail traffic. The Council shall consult with the Office of Planning and the District Department of Transportation before awarding the grant.

Sec. 6083. In Fiscal Year 2015, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$50,000, for recycling education at public housing.

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Sec. 6084. In Fiscal Year 2015, the Department of Parks and Recreation shall award a grant on a competitive basis, in an amount not to exceed \$250,000, to improve the Kenilworth Parkside Community Park.

Sec. 6085. In Fiscal Years 2015 to 2018, the Office of the State Superintendent of Education shall award a grant on a competitive basis, in an amount not to exceed \$63,000, to one or more nonprofit organizations to support school pantries at low-income schools in the District.

Sec. 6086. In Fiscal Years 2015 to 2018, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$200,000, to provide wildlife rehabilitation services.

Sec. 6087. (a) Of the funds appropriated in Fiscal Years 2015 and 2016 to the Department of Small and Local Business Development for Clean Teams, the amount of \$600,000 shall be awarded as a competitive grant over a 2-year period to include \$300,000 in Fiscal Year 2015 and \$300,000 in Fiscal Year 2016 to a Business Improvement District ("BID") that can provide clean team services to, at minimum, the following areas, with funds divided equally:

- (1) In Ward 7: Pennsylvania Avenue, S.E., from Fairlawn Street, S.E., to Naylor Road, S.E.;
- (2) In Ward 3: Wisconsin Avenue, N.W., from Lowell Street, N.W., to Davenport Street, N.W.; and
- (3) In Ward 5: Penn Street, N.E., between 6th Street, N.E., and 4th Street, N.E.; 4th Street, N.E., between Penn Street, N.E., and New York Avenue, N.E.; New York Avenue, N.E., between 4th Street, N.E., and Fenwick Street, N.E.; Fenwick Street, N.E., between New York Avenue, N.E., and West Virginia Avenue, N.E.; West Virginia Avenue, N.E., between Fenwick Street, N.E., and Mount Olivet Road, N.E.; Capitol Avenue, N.E., between Fenwick Street, N.E., and Mount Olivet Road, N.E.; Gallaudet Street, N.E., between Fenwick Street, N.E., and Corcoran Street, N.E.; Fairview Avenue, N.E., between New York Avenue, N.E., and Gallaudet Street, N.E.; Corcoran Street, N.E., between Gallaudet Street, N.E., and Mount Olivet Road, N.E.; Kendall Street, N.E., between New York Avenue, N.E., and Capitol Avenue, N.E.; Central Place, N.E., between Gallaudet Street, N.E., and West Virginia Avenue, N.E.; Providence Street, N.E., between Gallaudet Street, N.E., and Capitol Avenue, N.E.; Okie Street, N.E., between Fenwick Street, N.E., and Kendall Street, N.E.; and the 1100 block of Okie Street, N.E.

(b) The BID must further have experience in:

- (1) Providing clean team services;
- (2) Providing job training services to its employees;
- (3) Hiring District residents; and
- (4) Providing additional social support services to its Clean Team employees.

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(c) Section 6082 of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12541), is amended by striking the phrase "Cathedral Avenue" and inserting the phrase "'Devonshire Place" in its place.

Sec. 6088. All grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

Sec. 6089. Notwithstanding section 6088 or the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2015, the Deputy Mayor for Planning and Economic Development shall award a grant of \$5 million for the improvement of facilities and operations of the Animal Care and Control Agency selected pursuant to section 3 of the Animal Control Act of 1979, effective October 17, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1802).

**SUBTITLE J. ANACOSTIA RIVER TOXICS REMEDIATION**

Sec. 6091. Short title.

This subtitle may be cited as the "Anacostia River Toxics Remediation Second Congressional Review Emergency Act of 2014".

Sec. 6092. By June 30, 2018, the Director of the District Department of the Environment shall adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River. The remedial choice shall be based on the remedial investigation and feasibility study results and shall be consistent with the National Contingency Plan set forth in 40 C.F.R. Part 300, and with section 121 of the Comprehensive Environmental Response Compensation and Liability Act, approved October 17, 1986 (100 Stat. 1672; 42 U.S.C. § 9621).

**TITLE VII. FINANCE AND REVENUE****SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS**

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7002. Section 47-4304.01(3) of the District of Columbia Official Code is amended to read as follows:

“(3) The tax credit shall be applied over a 4-year period in equal amounts in tax years beginning on or after January 1, 2019.”.

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Sec. 7003. Section 3 of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-89; 61 DCR 317), is repealed.

Sec. 7004. Section 3 of the Minimum Wage Amendment Act of 2013, effective March 11, 2014 (D.C. Law 20-91; 61 DCR 3746), is repealed.

Sec. 7005. Section 4(c) of the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, effective June 10, 2014 (D.C. Law 20-108; 61 DCR 3892), is repealed.

Sec. 7006. Section 5 of the Fair Student Funding and School-Based Budgeting Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-87; 61 DCR 3742), is repealed.

Sec. 7007. Section 4 of the Smoking Restriction Amendment Act of 2013, effective December 13, 2014 (D.C. Law 20-48; 61 DCR 15145), is repealed.

Sec. 7008. Section 13 of the Wildlife Protection Act of 2010, effective March 8, 2011 (D.C. Law 18-289; 57 DCR 11499), is repealed.

Sec. 7009. Section 5 of the Traffic Adjudication Amendment Act of 2014, effective July 23, 2014 (D.C. Law 20-127; 61 DCR 5711), is amended to read as follows:

“Sec. 5. Applicability.

“This act shall apply as of October 1, 2014.”.

Sec. 7010. Section 501 of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), is repealed.

Sec. 7010a. The Retail Incentive Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-288; 60 DCR 2325), is repealed.

Sec. 7010b. Section 701 of the Raising Expectations for Education Outcomes Omnibus Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-757.01), is repealed.

Sec. 7010c. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

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

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



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Sec. 7010d. The Senior Citizen Real Property Tax Relief Act of 2013, effective May 28, 2014 (D.C. Law 20-105; 61 DCR 5897), is repealed.

Sec. 7010e. Section 601(m) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1164.01(m)), is repealed.

**SUBTITLE B. TAX REVISION COMMISSION IMPLEMENTATION**

Sec. 7011. Short title.

This subtitle may be cited as the “Tax Revision Commission Implementation Second Congressional Review Emergency Amendment Act of 2014”.

Sec. 7012. 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:

“1C . Tax Revision Implementation.”

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

“CHAPTER 1C. TAX REVISION IMPLEMENTATION.

Sec.

“47-181. Tax reform procedure and priority.

“§ 47-181. Tax reform procedure and priority.

“(a) If local Fiscal 2015 or Fiscal Year 2016 recurring annual revenues included in the quarterly revenue estimate issued in February 2015 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015:

“(1) The first \$181 million shall be recognized as Fiscal Year 2016 revenue; and

“(2) Any additional recurring revenue remaining after paragraph (1) of this subsection has been addressed shall be used to implement the provisions set forth in the Tax Revision Commission Implementation Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) (“TRC Act”), according to the priority set forth in subsection (c) of this section, for taxable years beginning or deaths occurring, as applicable, after December 31, 2015.

“(b) After the Fiscal Year 2016 budget and financial plan has been approved by the District, any recurring revenues in a February revenue estimate preceding any subsequent fiscal year, net of the dedication required by § 47-392.02(f), that exceed the local revenue incorporated in the approved budget and financial plan for that year shall be used to continue implementation of the TRC Act according to the priority set forth in subsection (c) of this section for taxable years beginning or deaths occurring, as applicable, after December 31 of the year of the applicable February estimate.

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“(c) The tax reform provisions of this section shall be implemented in the following priority:

“(1) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 7.0% to 6.75%;

“(2) Create new individual income tax brackets of \$350,000 to \$1 million at 8.75% and in excess of \$1million at 8.95%;

“(3) Reduce the unincorporated and incorporated business franchise tax from 9.4% to 9.2%;

“(4) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 6.75% to 6.5%;

“(5) Reduce the unincorporated and incorporated business franchise tax from 9.2% to 9.0%:

“(6) Raise the estate tax threshold from \$1 million to \$2 million;

“(7) Raise the standard deduction from \$5,200 for singles, \$6,500 for Head of Household, and \$8,350 for married to \$5650 for singles, \$7,800 for Head of Household, and \$10,275 for married;

“(8) Increase the personal exemption from \$1,675 to \$2,200;

“(9) Raise the standard deduction from \$5,650 for singles, \$7,800 for Head of Household, and \$10,275 for married to conform to the federal level;

“(10) Increase the personal exemption from \$2,200 to \$2,700;

“(11) Reduce the unincorporated and incorporated business franchise tax from 9.0% to 8.75%;

“(12) Increase the personal exemption from \$2,700 to \$3,200;

“(13) Raise estate threshold from \$2 million to conform to the federal level;

“(14) Reduce unincorporated and incorporated business franchise tax from 8.75% to 8.5%;

“(15) Increase the personal exemption from \$3,200 to \$3,700;

“(16) Reduce unincorporated and incorporated business franchise tax from 8.5% to 8.25%; and

“(17) Increase the personal exemption from \$3,700 to conform to the federal level, and repeal the low income credit.

“(d) Except for those provisions of the TRC Act that are funded in the approved budget and financial plan for Fiscal Year 2015, the currently unfunded provisions of the TRC Act shall not apply until their fiscal effect is provided for pursuant to this section.

“(e) The cost of the tax policy reforms authorized by subsections (a) and (b) of this section shall be recalculated on an annual basis and reported in each February revenue estimate.”.

(c) Chapter 18 is amended as follows:

(1) Section 47-1801.04 is amended as follows:

(A) Paragraph (11)(A) is amended by striking the phrase "paragraph (44)(A) and (B)" and inserting the phrase "paragraph (44)(A), (B), and (C)" in its place.

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(B) Paragraph (43) is amended by striking the phrase "section." and inserting the phrase "section. The term "sales" does not include receipts of a taxpayer from hedging transactions and from the maturity, redemption, sales, exchange, loan, or other disposition of cash or securities." in its place.

(C) Paragraph (44) is amended to read as follows:

"(44) "Standard deduction" means:

"(A) In the case of a return filed by a single individual or married individual filing a separate return:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50) for a single individual and one-half of the amount that may be taken by a single individual for a married individual filing a separate return;

"(ii) For taxable years beginning after December 31, 2014, the highest of:

“(I) \$5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

“(II) Subject to availability of funding and in accordance with § 47-181, \$5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(III) Subject to availability of funding and in accordance with § 47-181, the amount of the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

"(B) In the case of a return filed by a head of household:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

“(I) \$6,500 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

“(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(III) Subject to availability of funding and in accordance with § 47-181, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

"(C) In the case of a return filed by married individuals filing a joint return, or a surviving spouse:

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"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

“(I) \$8,350 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

“(II) Subject to availability of funding and in accordance with § 47-181, \$10,275 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(III) The standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986; and

“(D) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraph (A), (B), or (C) of this paragraph prorated by the number of months that the individual was a resident.”.

(2) Section 47-1803.02(a)(2)(N) is amended to read as follows:

“(N)(i) Pension, military retired pay, or annuity income received from the District of Columbia or the federal government by persons who are 62 years of age or older by the end of the taxable year, except that the exclusion shall not exceed the lesser of \$3,000 or the actual amount of the pension, military retired pay, or annuity received during the taxable years; provided, that the pension, military retired pay, or annuity is otherwise subject to taxation under this chapter; provided further, that this sub-subparagraph shall apply for taxable years beginning before January 1, 2015.

“(ii) Survivor benefits received from the District of Columbia or the federal government by persons who are 62 years of age or older by the end of the taxable year.”.

(3) Section 47-1803.03(b-1) is amended by striking the phrase "An individual" and inserting the phrase "For taxable years beginning before January 1, 2015, an individual" in its place.

(4) Section 47-1806.02 is amended as follows:

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

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

(B) Subsection (d) is amended by striking the phrase “There shall” and inserting the phrase “Until § 47-181(c)(I) is implemented, there shall” in its place.

(C) Subsection (e) is amended by striking the phrase “There shall” and inserting the phrase “Until § 47-181(c)(I) is implemented, there shall” in its place.

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(D) Subsection (f)(1)(A) is amended to read as follows:

"(A) Whose gross income for the calendar year in which the year of the taxpayer begins is less than the higher of:

“(i) \$1,675, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(ii) The amount set forth in subsection (i) of this section; or”.

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

"(i) For the purposes of this section, the deduction for personal exemptions shall be:

"(1) For taxable years beginning after December 31, 2012, \$1,675, increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(2) Subject to availability of funding and in accordance with § 47-181, the amount shall be:

“(A) \$2,200;

“(B) \$3,200; or

“(C) The prescribed personal exemption amount in section 151 of the Internal Revenue Code of 1954 without reduction for the phaseout of section 151(d)(3) of the Internal Revenue Code of 1954.”.

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

"(h-1)(1) For tax years beginning after December 31, 2014, the amount of the personal exemption otherwise allowable for the taxable year in the case of an individual whose adjusted gross income exceeds \$150,000 shall be reduced by 2% for every \$2,500 of the excess of the adjusted gross income over \$150,000.

"(2) No amount of the personal exemption in excess of the amount provided in paragraph (1) of this subsection shall be available for an adjusted gross income in excess of \$275,000.”.

(5) Section 47-1806.03(a) is amended as follows:

(A) Paragraph (8)(B) is amended by striking the phrase "January 1, 2016" and inserting the phrase "January 1, 2015" in its place.

(B) New paragraphs (9) and (10) are added to read as follows:

"(9) In the case of the taxable year beginning after December 31, 2014, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:....	The tax is:
"Not over \$10,000	4% of the taxable income.
"Over \$ 10,000 but not over \$ 40,000	\$400, plus 6% of the excess over \$ 10,000.
"Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 7% of the excess over \$ 40,000.
"Over \$ 60,000 but not over \$ 350,000	\$3,600, plus 8.5% of the excess over \$ 60,000.
"Over \$350,000	\$28,250, plus 8.95% of the excess above \$350,000.

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"(10) In the case of taxable years beginning after December 31, 2015, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

	“(A) "If the taxable income is:	The tax is:
"Not over \$ 10,000		4% of the taxable income.
"Over \$ 10,000 but not over \$ 40,000		\$400, plus 6% of the excess over \$ 10,000; and
	“(B) Subject to availability of funding and in accordance with § 47-181, “If the taxable income is:	The Tax is:
"Over \$ 40,000 but not over \$ 60,000		\$2,200, plus 6.5% of the excess over \$ 40,000.
"Over \$ 60,000 but not over \$ 350,000		\$3,500, plus 8.5% of the excess over \$ 60,000.
"Over \$350,000 but not over \$1,000,000		\$28,150, plus 8.75% of the excess above \$350,000.
"Over \$1,000,000		\$85,025, plus 8.95% of the excess above \$1,000,000

“(C) Paragraph (9) of this subsection shall continue to apply for taxable years beginning after December 31, 2015, except where superseded by any funded provision of § 47-181, until subparagraph (B) of this paragraph is fully applicable.”.

(6) Section 47-1806.04 is amended as follows:

(A) Subsection (e) is amended by adding a new paragraph (4) to read as follows:

"(4) The credit provided for in paragraph (1) of this subsection shall no longer be allowed upon the personal exemption being increased to conform to the federal level.”.

(B) Subsection (f) is amended as follows:

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

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

(II) New subparagraphs (B) and (C) are added to read as

follows:

"(B) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual with a qualifying child who is eligible for and claimed an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 shall be allowed a credit against the tax imposed by this chapter for the taxable year in an amount equal to 40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986; provided, that the credit shall not be allowed to a resident who has elected to claim the low income tax credit provided for in subsection (e) of this section.

"(C)(i) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual without a qualifying child who is eligible for an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 (without regard to the limit in section 32(a)(2) of the Internal Revenue Code of 1986) shall be allowed a credit against the tax imposed by this chapter in an amount equal to the credit percentage of so much of a taxpayer's earned income as does not exceed the earned income amount.

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"(ii) The amount of the credit allowable to a taxpayer under subparagraph (i) of this subparagraph for any taxable year shall not exceed the credit percentage of the earned income amount, over the phaseout percentage of 8.48% of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount of \$17,235, increased annually by the cost-of-living adjustment."

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

"(4) For the purposes of this subsection, credit percentage, earned income, earned income amount, and qualifying child shall have the same meanings as provided in section 32 of the Internal Revenue Code of 1986."

(C) Subsection (g)(1) is amended by striking the phrase "under subsection" and inserting the phrase "under subsection (f)(1)(C) of this section or subsection" in its place.

(7) Section 47-1807.02(a) is amended by adding new paragraphs (5) and (6) to read as follows:

"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9.4% upon the taxable income of every corporation, whether domestic or foreign; and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every corporation, whether domestic or foreign, a tax at the rate of 9%, 8.75%, 8.5%, or 8.25%."

(8) Section 47-1808.01 is amended as follows:

(A) Paragraph (4) is amended by striking the word "or" at the end.

(B) Paragraph (5) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(C) A new paragraph (6) is added to read as follows:

"(6) For tax years beginning after December 31, 2014, a trade or business that arises solely by reason of the purchase, holding, or sale of, or the entering, maintaining, or terminating of positions in, stocks, securities, or commodities for the taxpayer's own account; provided, that this paragraph shall not apply to:

"(A) A taxpayer that holds property, or maintains positions, as stock in trade, inventory, or for sale to customers in the ordinary course of the taxpayer's trade or business;

"(B) A taxpayer that acquires debt instruments in the ordinary course of the taxpayer's trade or business for funds loaned or services rendered; or

"(C) A taxpayer that holds any of the following that is not traded on an established securities market:

"(i) Stock in a real estate investment trust; or

"(ii) A partnership interest."

(9) Section 47-1808.03(a) is amended by adding new paragraphs (5) and (6) to read as follows:

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"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9.4% upon the taxable income of every unincorporated business, whether domestic or foreign; and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every unincorporated business, whether domestic or foreign, a tax at the rate of 9%, 8.75%, 8.5%, or 8.25%."

(10) Section 47-1810.02 is amended as follows:

(A) Subsection (d) is amended by striking the phrase "(d-1), all" and inserting the phrase "(d-1) or (d-2), whichever is applicable, all" in its place.

(B) Subsection (d-1)(2) is amended by striking the phrase "beginning after December 31, 2010." and inserting the phrase "beginning after December 31, 2010, and before January 1, 2015." in its place.

(C) A new subsection (d-2) is added to read as follows:

"(d-2) Apportionment of business income.

"(1) All business income shall be apportioned to the District by multiplying the income by the sales factor.

"(2) This subsection shall be applicable for the tax years beginning after December 31, 2014."

(D) Subsection (g)(3) is amended to read as follows:

"(3)(A) Sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District:

"(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District;

"(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District;

"(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District; and

"(iv) In the case of intangible property:

"(I) That is rented, leased, or licensed, if and to the extent the property is used in the District; provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District; and

"(II) That is sold, if and to the extent the property is used in the District; provided, that:

"(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District;

"(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated



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as receipts from the rental, lease, or licensing of such intangible property under sub-sub-subparagraph (I) of this sub-subparagraph; and

"(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor.

"(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated.

"(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor.

"(D) The Chief Financial Officer may prescribe regulations as necessary or appropriate to carry out the purposes of this subsection."

(11) Section 47-1810.04(c) is amended as follows:

(A) The lead-in text is amended by striking the phrase "The taxpayer's share" and inserting the phrase "Except as provided in paragraph (3), the taxpayer's share" in its place.

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

"(3) For taxable years beginning after December 31, 2014, the apportionment provisions of § 47-1810.02(d-2) shall apply."

(d) Section 47-2001 is amended as follows:

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

"(e-1) "e-cigarette" means an electronic vaporizer that produces an aerosol that simulates tobacco smoking."

(2) Subsection (h-3) is amended to read as follows:

"(h-3) "Other tobacco product" means any product containing, made, or derived from tobacco, other than a cigarette or a premium cigar, that is intended or expected to be consumed. The term "other tobacco product" does not include an e-cigarette or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, a tobacco dependence product, or for other medical purposes and is being marketed and sold solely for the approved purpose."

(3) Subsection (n) is amended as follows:

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

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

(ii) Subparagraph (U) is amended by striking the period at the end and inserting a semicolon in its place.

(iii) New subparagraphs (V), (W), (X), (Y), (Z), and (AA) are added to read as follows:

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"(V) The sale by a bottled water delivery service of bottled water by the gallon generally for use with and to be dispensed from a water cooler or similar type of water dispenser;

"(W) The sale of or charge for the service of the storage of household goods through renting or leasing space for self-storage, including rooms, compartments, lockers, containers, or outdoor space, except general merchandise warehousing and storage and coin-operated lockers;

"(X) The sale of or charge for the service of carpet and upholstery cleaning, including the cleaning or dyeing of used rugs, carpets, or upholstery, or for rug repair;

"(Y)(i) The sale of or charge for health-club services or a tanning studio;

"(ii) For the purposes of this subparagraph, the term:

“(I) "Health-club services" includes the use of, access to, or membership to, an athletic club, fitness center, gym, recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities including swimming, skating, or racquet sports, or other facility for the purpose of physical exercise. The term “health club services” does not include the use of facilities for non-fitness-related purposes, including room rentals, or for other services or charges covered by a separate contract with the user, such as a lease or occupancy agreement.

“(II) "Tanning studio" means a business the purpose of which is to provide individuals a manmade tan, including sun tanning salons and spray tanning salons;

"(Z) The sale of or charge for the service of car washing, including cleaning, washing, waxing, polishing, or detailing an automotive vehicle, except not for coin-operated self-service carwashes; or

"(AA)(i) The sale of or charge for the service of a bowling alley or a billiard parlor;

"(ii) For the purposes of this subparagraph, the term:

“(I) "Billiard parlor" means the structure where the game of striking balls on a cloth-covered table with a cue stick for amusement and recreation takes place, including a billiard room, pool room, and pool parlor.

“(II) "Bowling alley" means a structure where the game of rolling a ball down a wooden alley to knock down pins for amusement and recreation takes place, including candle-pin, duck-pin, five-pin, and ten-pin bowling.”.

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

"(J) Sales of cigarettes, as defined in § 47-2401(1A), and other tobacco product, as defined in § 47-2401(5A).".

(d-1) Section 47-2002(a) is amended as follows:

(1) Paragraph (5) is repealed.

(2) Paragraph (6) is repealed.

(e) Chapter 24 is amended as follows:

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(1) The chapter heading is amended by striking the word “CIGARETTE” and inserting the word “TOBACCO” in its place.

(2) Section 47-2401 is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The term “cigar” means any roll for smoking, other than a cigarette, where both the roll and wrapper or cover of the roll are composed entirely of tobacco.”.

(B) Paragraph (2) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

(C) Paragraph (5) is amended by striking the phrase “cigarettes, cigars, or other tobacco products” and inserting the phrase “cigarettes or other tobacco products” in its place.

(D) Paragraph (5A) is amended to read as follows:

“(5A) The term “other tobacco product” means any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed. The term “other tobacco product” does not include an e-cigarette (as that term is defined in § 47-2001(e-1)) or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and that is being marketed and sold solely for such an approved purpose.”.

(E) A new paragraph (7A) is added to read as follows:

“(7A) The term “premium cigar” means any cigar with a retail cost of \$ 2.00 or more, or packaged units of cigars averaging \$ 2.00 or more per packaged cigar at retail.”.

(F) Paragraph (8) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place.

(G) Paragraph (8A) is repealed.

(H) Paragraph (10) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place.

(I) A new paragraph (11) is added to read as follows:

“(11) The term “wholesale price” means the price for which a licensed wholesaler sells other tobacco products. The wholesale price includes the applicable federal excise tax, freight charges, or packaging costs, regardless of whether they were included in the purchase price, but excludes any discount, trade allowance, rebate, or other reduction.”.

(3) Section 47-2402 is amended by striking the word “payment” in the section heading and inserting the phrase “payment of cigarette tax” in its place.

(4) Section 47-2402.01 is amended as follows:

(A) The section heading is amended to read as follows:

“§ 47-2402.01. Tax on other tobacco products.”.

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

“(a)(1)(A) A tax is levied and imposed on the sale or possession of other tobacco products in the District.

“(B)(i) Other tobacco products on which the taxes levied and imposed by

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this section have been paid shall not be subject to additional taxation under this section; provided, that the burden of proof that the taxes levied and imposed by this section have been paid shall be upon the person who sells or possesses other tobacco products in the District, against whom a tax assessment has been made, who has submitted an application for a refund, or whose other tobacco products have been seized.

“(ii) For the purposes of this subparagraph, the term "person" includes any officer or employee of a corporation responsible for payment of the tax, or any member of a partnership or association responsible for the payment of the tax.

“(C) The tax rate for other tobacco products shall be equal to the cigarette tax and surtax under § 47- 2402(a)(1)-(2) on a pack of 20 cigarettes, expressed as a percentage of the average wholesale price of a package of 20 cigarettes, for the March 31 preceding the September 1 announcement of the change in rates, or in the case of retailers upon whom this tax is imposed, at a rate prescribed in regulations promulgated by the Mayor. The first calculation shall be made and applicable for calendar quarters beginning after September 30, 2014.

“(D) The rate shall be applied against gross receipts from sales of or charges for such other tobacco products subject to the tax under this section.

“(2)(A) Beginning as of March 31, 2015, and on March 31 of each year thereafter, the Mayor shall reevaluate the percentage calculation in paragraph (1) of this subsection on the basis of the § 47-2402 cigarette tax and surtax to be effective on the following October 1 on a pack of 20 cigarettes and shall recompute the tax rate on other tobacco product as defined in this chapter.

“(B) The Mayor shall provide notice of any change in the tax rate for other tobacco products on or before September 1 of that year, and the change shall be effective as of the following October 1.”

(5) Section 47-2403 is amended as follows:

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

(i) Paragraph (1) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(ii) Paragraph (4) is amended by striking the word “and” at the end.

(iii) Paragraph (5) is amended as follows:

(I) Strike the word “cigarettes” and insert the phrase “cigarettes or other tobacco products” in its place.

(II) Strike the period and insert the phrase “; and” in its place.

(iv) A new paragraph (6) is added to read as follows:

“(6) Possession of other tobacco product by licensed wholesalers for sale outside of the limits of the District or for sale to other licensed wholesalers as provided for in § 47-2402(f), sales of other tobacco products by licensed wholesalers to other licensed wholesalers as provided for in § 47-2402(f), and possession by authorized licensed retailers and vending machine operators of other tobacco products on which the tax rate for any other state or

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jurisdiction has been paid, for sale in such other state or jurisdiction; provided, that such authorized licensed retailers and vending machine operators are licensed under the laws of such other state or jurisdiction to engage in the business of selling other tobacco products therein.”.

(B) Subsection (b) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(6) Section 47-2404(3)(B) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place.

(7) Section 47-2405 is amended as follows:

(A) The heading is amended by striking the phrase “cigarettes.” and inserting the phrase “cigarettes and other tobacco products.” in its place.

(B) Subsections (a) and (b) are amended to read as follows:

“(a) Any person, other than a consumer, who transports cigarettes not bearing District cigarette tax stamps or other tobacco products over the public highways, roads, streets, waterways, or other public space of the District, shall have in his actual possession invoices or delivery tickets for such cigarettes or other tobacco products, which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes or other tobacco products so transported.

“(b) If the cigarettes or other tobacco products are consigned to or purchased by any person in the District, such purchaser or consignee must be a person authorized by this chapter to possess unstamped cigarettes or untaxed other tobacco products in the District. If the invoice or delivery ticket specifies that the cigarettes or other tobacco products are to be delivered to any person in any state or jurisdiction other than the District, such person must be licensed under the laws of such other state or jurisdiction to engage in the business of selling cigarettes or other tobacco products within that state or jurisdiction. Any cigarettes or other tobacco products transported in violation of any of the provisions of this section shall be deemed contraband cigarettes and other tobacco products and such cigarettes or other tobacco products, the conveyance in which such cigarettes or other tobacco products are being transported, and any equipment or devices used in connection with, or to facilitate, the transportation of such cigarettes or other tobacco products shall be subject to seizure and forfeiture as provided for in § 47-2409.”.

(8) Section 47-2408 is amended as follows:

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

(i) Paragraph (3)(B) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place.

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

“(4) Stop any conveyance that the Mayor has knowledge or reasonable cause to believe is carrying more than 200 cigarettes or other tobacco products with a value exceeding the wholesale price of 200 cigarettes and, upon presenting appropriate credentials to the operator of the conveyance, examine the invoices or delivery tickets for such cigarettes or other tobacco products and inspect the conveyance for contraband cigarettes or other tobacco products.”.

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(B) Subsection (c) is amended by striking the word "cigarettes" wherever it appears and inserting the phrase "cigarettes or other tobacco product" in its place.

(C) Subsection (g) is amended by striking the word "cigarettes" and inserting the phrase "cigarettes or other tobacco product" in its place.

(9) Section 47-2422(a) is amended by striking the word "cigarette" and inserting the phrase "cigarette or other tobacco product" in its place.

(10) Section 47-2425(b) is amended by striking the word "cigarettes" wherever it appears and inserting the phrase "cigarettes or other tobacco products" in its place.

(f) Chapter 37 is amended as follows:

(1) Section 47-3701 is amended as follows:

(A) The lead-in language of paragraph (4)(C) is amended to read follows:

"(C) For a decedent dying after December 31, 2002, but before January 1, 2016:".

(B) Paragraph (6) is amended by striking the period and inserting the phrase "; provided, that if the federal estate tax is not in effect at the time of the decedent's death, it means the Internal Revenue Code as in effect immediately before the federal estate tax ceased to be in effect." in its place.

(C) Paragraph (12) is amended as follows:

(i) Subparagraph (B) is amended by striking the phrase "decedent whose death occurs on or subsequent to January 1, 2008, the meaning defined in section 2501" and inserting the phrase "decedent dying after December 31, 2007, but before January 1, 2015, the meaning defined in section 2051" in its place.

(ii) A new subparagraph (C) is added to read as follows:

"(C) For a decedent dying after December 31, 2014, the meaning defined in section 2051 of the Internal Revenue Code, but without reduction for the deduction provided in section 2058 of the Internal Revenue Code, and calculated as if the federal estate tax recognized a domestic partner in the same manner as a spouse.".

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

"(12A) "Taxable situs" means with regard to:

"(A) Real property, the place where the property is situated;

"(B) Tangible personal property, the place where the property is customarily located at the time of the decedent's death; and

"(C) Intangible personal property, the domicile of the decedent at the time of the decedent's death; provided, that intangible personal property used in a trade or business in the District shall have a taxable situs in the District regardless of the domicile of the owner.".

(E) Paragraph (13) is amended to read as follows:

"(13) "Value" means value as finally determined for federal estate tax purposes, or otherwise defined under the Internal Revenue Code.

(F) A new paragraph (14) is added to read as follows:

"(14) (A) "Zero bracket amount" means, subject to available funding and in accordance with § 47-181:

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“(i) \$2 million; or

“(ii) \$5 million increased by an amount equal to \$5 million multiplied by the cost-of-living adjustment for the calendar year.

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

“(i) "Cost-of-living adjustment" means for a calendar year the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for the calendar year 2010; provided, that for any amount as adjusted under the preceding sentence that is not a multiple of \$10,000, the amount shall be rounded to the nearest \$10,000.

“(ii) "CPI" means the consumer price index as defined in sections 1(f)(4) and (5) of the Internal Revenue Code.”.

(2) Section 47-3702 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "resident dying on or after April 1, 1987, subject" and inserting the phrase "resident decedent dying after March 31, 1987, but before January 1, 2016, subject" in its place.

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

“(a-1) A tax is imposed on the taxable estate of every resident decedent dying after December 31, 2015, as follows:

“(1) The rate of tax shall be 16%; except, that if the taxable estate does not exceed the zero bracket amount, the tax rate shall be 0%, and if the taxable estate exceeds the zero bracket amount, the following tax rates shall be applied to the incremental values of the taxable estate:

“(A) The rate of tax on the taxable estate over \$2 million but not over \$2.5 million shall be 8.0%;

“(B) The rate of tax on the taxable estate over \$2.5 million but not over \$3 million shall be 8.8%;

“(C) The rate of tax on the taxable estate over \$3 million but not over \$3.5 million shall be 9.6%;

“(D) The rate of tax on the taxable estate over \$3.5 million but not exceeding \$4 million shall be 10.4%;

“(E) The rate of tax on the taxable estate over \$4 million but not exceeding \$5 million shall be 11.2%;

“(F) The rate of tax on the taxable estate over \$5 million but not exceeding \$6 million shall be 12%;

“(G) The rate of tax on the taxable estate over \$6 million but not exceeding \$7 million shall be 12.8%;

“(H) The rate of tax on the taxable estate over \$7 million but not exceeding \$8 million shall be 13.6%;

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“(I) The rate of tax on the taxable estate over \$8 million but not exceeding \$9 million shall be 14.4%; and

“(J) The rate of tax on the taxable estate over \$9 million but not exceeding \$10 million shall be 15.2%.

"(2) If any real or tangible personal property of a resident decedent has a taxable situs outside the District, the amount of the tax due under this section shall be reduced by the proportion that the value of the real or tangible property outside the District bears to the amount of the gross estate of the resident decedent."

(C) Subsection (b) is amended by striking the word "If" and inserting the phrase "For a decedent dying before January 1, 2016, if" in its place.

(D) Subsection (c) is repealed.

(3) Section 47-3703 is amended as follows:

(A) Subsection (b) is amended by striking the word "The" and inserting the phrase "For every nonresident decedent dying before January 1, 2016, the" in its place.

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

"(b-1) For every nonresident decedent dying after December 31, 2015, the tax shall be an amount computed by multiplying the tax determined under § 47-3702(a-1) by a fraction, the numerator of which shall be the value of that part of the gross estate that has its taxable situs in the District and the denominator of which shall be the value of the nonresident decedent's gross estate."

(C) Subsection (c) is repealed.

(4) Section 47-3705(a)(2) is amended to read as follows:

"(2) A personal representative shall not be required to file a return if the gross estate does not exceed \$1 million or the zero bracket amount, whichever is higher."

(5) Section 47-3723 is repealed.

Sec. 7013. Section 7 of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2506), is amended by adding a new subsection (c) to read as follows:

"(c) This section shall apply for taxable years beginning after October 1, 2006, through the taxable year ending December 31, 2014."

### **SUBTITLE C. URBAN INSTITUTE REAL PROPERTY TAX REBATE**

Sec. 7021. Short title.

This subtitle may be cited as the "The Urban Institute Real Property Tax Rebate Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7022. Section 47-4624 of the District of Columbia Official Code is amended to read as follows;

"§ 47-4624. The Urban Institute tax rebate.



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"(a) If The Urban Institute leases and occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of this title, The Urban Institute shall receive a rebate of its proportionate share of the real property tax paid with respect to the building, if:

"(1) It is liable under the lease for its proportionate share of the real property tax;

"(2) It applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811; and

"(3) The real property tax was paid.

"(b) The rebate shall be the amount of the portion of the real property tax that was paid, either directly or indirectly, by The Urban Institute under its lease with the lessor.

"(c) The application for the rebate shall include:

"(1) A copy of the lease with the lessor; and

"(2) Documentation that the tax has been paid.

"(d) If a proper application has been made, the Chief Financial Officer shall rebate the tax on or before December 31 of the same calendar year.

"(e) The real property tax rebate established by this section shall begin no earlier than January 1, 2015, and shall be effective for a 10-year period. The first year of the 10-year period shall be the year that The Urban Institute occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of this title pursuant to a signed lease with the lessor of that building or building portion. The amount of the rebate shall not exceed \$1 million per tax year."

**SUBTITLE D. INDUSTRIAL REVENUE BOND SECURITY INTEREST  
INSTRUMENT RECORDATION TAX EXEMPTION**

Sec. 7031. Short title.

This subtitle may be cited as the "Industrial Revenue Bond Security Interest Instrument Recordation Tax Exemption Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7032. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended as follows:

(a) Paragraph (31) is amended by striking the word "and".

(b) Paragraph (32) is amended by striking the period and inserting a semicolon in its place.

(c) A new paragraph (33) is added to read as follows:

"(33) A security interest instrument executed by a borrower in connection with a loan under the Industrial Revenue Bond Forward Commitment Program authorized by Subchapter II-B of Chapter 3 of Title 47 of the District of Columbia Official Code; provided, that unless waived by regulation, a certification by the Mayor that the security interest instrument is entitled to this exemption accompanies the security interest instrument at the time it is presented for recordation; and"

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**SUBTITLE E. FISCAL YEAR 2014 BUDGET SUPPORT ACT AMENDMENTS**

Sec. 7041. Short title.

This subtitle may be cited as the "Fiscal Year 2014 Budget Support Act Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7042. The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472), is amended as follows:

- (a) Section 4092 is repealed.
- (b) Section 4122 is repealed.

Sec. 7043. Title 47 of the District of Columbia Official Code is amended as follows:

- (a) Section 47-2002(c) is repealed.
- (b) Section 47-2402(1) of the District of Columbia Official Code is amended as follows:
  - (1) Paragraph (1) is amended by striking the phrase "Department of Behavioral Health" and inserting the phrase "Department of Health" in its place.
  - (2) Paragraph (2)(A) is amended to read as follows:
    - "(A) Such funds as may be appropriated from time to time; and"
  - (3) Paragraph (4) is repealed.

Sec. 7044. Section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01), is amended as follows:

- (a) Subsection (a-1)(1) is repealed.
- (b) Subsection (a-2) is repealed.
- (c) Subsection (f) is repealed.

**SUBTITLE F. SENIOR CITIZEN REAL PROPERTY TAX RELIEF**

Sec. 7051. Short title.

This subtitle may be cited as the "Senior Citizen Real Property Tax Relief Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7052. Title 47 of the District of Columbia Official Code is amended as follows:

- (a) Chapter 8 is amended as follows:
  - (1) Section 47-845(c) is amended by striking the phrase "interest at the rate of 8% per annum" and inserting the phrase "simple interest at the rate of 1/2% per month or portion of a month until paid" in its place.
  - (2) Section 47-845.02 is amended as follows:
    - (A) Subsection (a)(2) is amended to read as follows:
      - "(2) "Household adjusted gross income" means the adjusted gross income of all persons residing in a household, as determined by each person's federal income tax year ending immediately before the beginning of the real property tax year during which application

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is made under subsection (e) of this section, excluding the adjusted gross income of any person who is a tenant by virtue of a written lease for fair market value.”.

(B) Subsection (c) is amended by striking the phrase “interest at the rate of 8% per annum” and inserting the phrase “simple interest at the rate of 1/2% per month or portion of a month until paid” in its place.

(C) Subsection (d) is amended by striking the phrase “and § 47-845” and insert the phrase “, § 47-845, and § 47-845.03” in its place.

(D) Subsection (h) is amended by adding a new paragraph (5) to read as follows:

“(5)(A) If a filed application is properly completed and not disapproved, taxes deferred shall remain deferred and the taxes from prospective tax years shall continue to be deferred notwithstanding household adjusted gross income applicable to prospective tax years that exceeds the threshold in subsection (a)(1)(B) of this section.

“(B) This paragraph shall not apply if the senior’s household no longer qualifies for the deferral for any other reason.”.

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

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

“(2) “Household adjusted gross income” means the adjusted gross income of all persons residing in a household, as determined by each person's federal income tax year ending immediately before the beginning of the real property tax year during which application is made under subsection (f) of this section, excluding the adjusted gross income of any person who is a tenant by virtue of a written lease for fair market value.”.

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

“(c) Taxes deferred under this section shall bear simple interest at the rate of 1/2% per month or portion of a month until paid; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least the immediately preceding 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section.”.

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

(D) Subsection (i) is amended by adding a new paragraph (5) to read as follows:

“(5) If a filed application is properly completed and not disapproved, taxes deferred shall remain deferred and the taxes from prospective tax years shall continue to be deferred notwithstanding household adjusted gross income applicable to prospective tax years that exceeds the threshold in subsection (a)(4)(D) of this section. This paragraph shall not apply where the senior’s household no longer qualifies for the deferral for any other reason.”.

(b) Section 47-1806.06 is amended as follows:

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

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(A) Paragraph (2)(C) is amended by striking the phrase "for all claimants" and inserting the phrase "for all claimants other than eligible senior claimants" in its place.

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

"(2A) For taxable years beginning after December 31, 2014, the percentage required under paragraph (1) of this subsection to be determined for eligible senior claimants shall be 100% of property tax or of rent constituting property taxes accrued exceeding 3.0% of adjusted gross income of the tax filing unit."

(2) Subsection (b) is amended by adding a new paragraph (9) to read as follows:

"(9) The term "eligible senior claimant" means a claimant who is 70 years or older at any time during the tax year and whose adjusted gross income does not exceed \$60,000."

(3) Subsection (e) is amended by striking the phrase "§ 47-845" and inserting the phrase "§§ 47-845, 47-845.02 and 47-845.03" in its place.

(4) Subsection (r) is amended by striking the phrase "\$50,000 shall be" and inserting the phrase "\$50,000 (\$60,000 for eligible senior claimants) shall be" in its place."

**SUBTITLE G. WHITMAN-WALKER REAL PROPERTY TAX REBATE**

Sec. 7061. Short title.

This subtitle may be cited as the "Whitman-Walker Tax Rebate Second Congressional Review Emergency Act of 2014".

Sec. 7062. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4662. Whitman-Walker Clinic, Inc.; Lot 129, Square 241."

(b) A new section 47-4662 is added to read as follows:

"§ 47-4662. Whitman-Walker Clinic, Inc.; Lot 129, Square 241."

"(a) Real property taxes paid with respect to Lot 129, Square 241 shall be rebated to the Whitman-Walker Clinic, Inc. ("WWC"), to the extent of WWC's proportionate share of the real property tax incurred if:

"(1) The WWC is liable under the lease for its proportionate share of the real property tax;

"(2) The WWC applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811; and

"(3) The real property tax was paid.

"(b) The rebate shall be the amount of the real property tax passed through to WWC under a lease with the lessor that was paid, directly or indirectly, by WWC.

"(c) The application for the rebate shall include:

"(1) A copy of the lease with lessor; and

"(2) Documentation that the real property tax has been paid.

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"(d) If a proper application as required by this section has been submitted, the Chief Financial Officer shall rebate the real property tax on or before December 31 of the same calendar year.

"(e) The rebate provided pursuant to this section shall apply beginning with tax year 2015.

"(f) The rebate provided pursuant to this section shall be in addition to, and not in lieu of, any other tax, financial, or development incentive, or tax credit, or any other type of incentive provided to WWC under any District or federal program."

**SUBTITLE H. ENCOURAGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE INSTALLATION THROUGH TAX INCENTIVES**

Sec. 7071. Short title.

This subtitle may be cited as the "Alternative Fuel Vehicle and Infrastructure Installation Through Tax Incentives Second Congressional Review Emergency Act of 2014".

Sec. 7072. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) New section designations 47-1806.12 and 47-1806.13 are added to Subchapter VI to read as follows:

"47-1806.12. Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit.

"47-1806.13. Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit."

(2) New section designations 47-1807.10 and 47-1807.11 are added to Subchapter VII to read as follows:

"47-1807.10. Tax on corporations — Credits — Alternative fuel infrastructure credit.

"47-1807.11. Tax on corporations – Credits – Alternative fuel vehicle conversion credit."

(3) New section designations 47-1808.10 and 47-1808.11 are added to Subchapter VIII to read as follows:

"47-1808.10. Tax on unincorporated businesses — Credits — Alternative fuel infrastructure credit.

"47-1808.11. Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit."

(b) New sections 47-1806.12 and 47-1806.13 are added to read as follows:

"§ 47-1806.12. Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1806.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or

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charging equipment on a qualified alternative fuel vehicle refueling property or in a qualified private residence; provided, that the credit shall not exceed:

“(1) For a qualified private residence, \$1,000 per vehicle charging station; or

“(2) For a qualified alternative fuel vehicle refueling property, \$10,000 per qualified alternative fuel vehicle refueling property or vehicle charging station.

“(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

“(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

“(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

“(3) Construction or purchase of any structure.

“(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806.03 for that year.

“(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1806.03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

“(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment or charging equipment was no longer used to dispense or sell alternative fuel to the public.

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

“(1) "Alternative fuel" means a fuel used to power a motor vehicle that consists of one or more of the following:

“(A) At least 85% ethanol;

“(B) Natural gas;

“(C) Compressed natural gas;

“(D) Liquefied natural gas;

“(E) Liquefied petroleum gas;

“(F) Biodiesel, excluding kerosene;

“(G) Electricity provided by a vehicle-charging station; or

“(H) Hydrogen.

“(2) "Eligible applicant" means a resident who is an owner or lessee of a qualified alternative fuel vehicle refueling property or a qualified private residence.

“(3) "Qualified alternative fuel vehicle refueling property" means a property in the District that contains equipment available for use by the public for storing and dispensing alternative fuel, including charging electrically.

“(4) "Qualified private residence" means a property that is the dwelling of a person that has a vehicle-charging station.

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"§ 47-1806.13. Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1806.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle.

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806.03 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

(c) New sections 47-1807.10 and 47-1807.11 are added to read as follows:

"§ 47-1807.10. Tax on corporations — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1807.02 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property.

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

"(3) Construction or purchase of any structure.

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807.02 for that year.

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1807.02, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public.

"(f) For the purposes of this section, the term:

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1).

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"(2) "Eligible applicant" means a corporation that is the owner or lessee of a qualified alternative fuel vehicle refueling property.

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806.12(f)(3).

"§ 47-1807.11. Tax on corporations – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1807.02 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle.

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807.02 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

(d) New sections 47-1808.10 and 47-1808.11 are added to read as follows:

"§ 47-1808.10. Tax on unincorporated business — Credits — Alternative fuel infrastructure credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1808.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property, not to exceed \$10,000 per qualified alternative fuel vehicle refueling property or per vehicle-charging station.

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the:

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property;

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property;

or

"(3) Construction or purchase of any structure.

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808.03 for that year.

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1808.03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable.

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel



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storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public.

"(f) For the purposes of this section, the term:

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1).

"(2) "Eligible applicant" means an unincorporated business that is the owner or lessee of a qualified alternative fuel vehicle refueling property.

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806.12(f)(3).

"§ 47-1808.11. Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit.

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1808.03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel.

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808.03 for that year. The credit shall not be refundable.

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806.12(f)(1)."

### **SUBTITLE I. REAL PROPERTY TAX CALCULATED RATE CLARITY**

Sec. 7081. Short title.

This subtitle may be cited as the "Real Property Tax Calculated Rate Clarity Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7082. Section 47-812 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b-8) is amended as follows:

(1) Paragraph (1)(A)(iv) is amended as follows:

(A) Sub-sub-subparagraph (I) is amended by striking the phrase ", as certified in the latest revenue estimate,".

(B) Sub-sub-subparagraph (II) is amended to read as follows:

"(II) By January 5 of the tax year, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph."

(2) Paragraph (2) is repealed.

(b) Subsection (b-9) is amended as follows:

(1) Paragraph (1)(A) is amended to read as follows:

"(A) For the first \$3 million of assessed value, \$1.65 of each \$100 of assessed value; and"

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

(A) Subparagraph (A)(i) is amended to read as follows:

"(i) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph; provided, that for the tax year beginning October 1, 2011, the tax rate shall be \$1.65 of each \$100 of assessed value; and".

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

(i) Sub-subparagraph (ii) is amended as follows:

(I) Sub-sub-subparagraph (I) is amended by striking the word "received" and inserting the phrase "estimated to be received" in its place.

(II) Sub-sub-subparagraph (II) is amended by striking the phrase "for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value" and inserting the phrase "in the tax year based upon the applicable rates in effect for Class 2 Properties during the prior tax year" in its place.

(ii) Sub-subparagraph (iii) is amended by striking the phrase "Before September 16 of each year" and inserting the phrase "By January 5 of each tax year" in its place.

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

"(f)(1) When the last day prescribed under this section for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of the act shall be considered timely if it is performed on the next succeeding day that is not a Saturday, Sunday, or a legal holiday.

"(2) The last day for the performance of any act shall be determined by including any authorized extension of time.

"(3) For the purposes of this subsection, the term "legal holiday" means a legal holiday in the District of Columbia."

#### **SUBTITLE J. CARVER 2000 SENIOR MANSION REAL PROPERTY TAX ABATEMENT**

Sec. 7091. Short title.

This subtitle may be cited as the "Carver 2000 Senior Mansion Real Property Tax Abatement Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7092. Section 47-4605(d) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (2) is amended by striking the number "16".

(b) Paragraph (3) is repealed.

#### **SUBTITLE K. RESIDENTIAL REAL PROPERTY EQUITY AND TRANSPARENCY AMENDMENT**

Sec. 7101. Short title.

This subtitle may be cited as the "Residential Real Property Equity and Transparency Revised Second Congressional Review Emergency Amendment Act of 2014".

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Sec. 7102. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

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

"47-805. Office of Real Property Tax Ombudsman."

(2) Section 47-802(5) is amended as follows:

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

(B) Subparagraph (E) is amended by striking the period and inserting the phrase "; or" in its place.

(C) A new subparagraph (F) is added to read as follows:

"(F) For purposes of appealing the assessment of real property sold under § 47-1353(b), the tax sale purchaser or the purchaser's assignee, as applicable; provided, that the Mayor shall not be required to mail notices or bills issued under this chapter to the tax sale purchaser or assignee; provided further, that the owner of record is not appealing the assessment for the same tax year."

(3) A new section 47-805 is added to read as follows:

"§ 47-805. Office of Real Property Tax Ombudsman.

"(a) There is created within the Office of the Mayor the Office of the Real Property Tax Ombudsman ("Office"), which shall be headed by the Real Property Tax Ombudsman ("Ombudsman"), who shall be appointed by the Mayor pursuant to § 1-523.01(a), as a statutory employee in the Excepted Service pursuant to § 1-609.08. The Ombudsman shall serve for a term of 5 years. The Ombudsman shall serve at the pleasure of the Mayor.

"(b) The Ombudsman shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District.

"(c) The Ombudsman shall:

"(1) Consult with and advise Class 1 real property owners on any real property tax matter arising under Chapter 8 or 13A of this title or under Chapter 31A of Title 42;

"(2) Receive and investigate concerns and complaints from Class 1 real property owners related to real property tax matters;

"(3) Provide counsel and assistance to Class 1 real property owners relating to real property taxes, including referring Class 1 real property owners to appropriate:

"(A) Legal service providers;

"(B) Public interest organizations; and

"(C) Government offices;

"(4) Maintain a list of organizations that provide free or reduced-price legal services to District of Columbia residents and a list of housing counseling agencies approved by the U.S. Department of Housing and Urban Development;

"(5) Protect the confidentiality of records and comply with all applicable confidentiality provisions, including § 47-821(d)(2); and

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"(6) Prepare and submit to the Council and the Mayor an annual report on the activities of the Office that the Mayor shall make available to the public on the Mayor's website.

"(d) The Ombudsman may assist an owner with matters concerning an abutting lot where the abutting lot and the Class 1 property are owned by the same owner.

"(e) The Ombudsman shall not appear on behalf of Class 1 real property owners in any court, administrative, or quasi-judicial proceeding.

"(f) The Office of the Chief Financial Officer may share confidential tax information with the Ombudsman.

"(g) For purposes of this section, the term "Class 1 real property owner" shall have the same meaning as provided in § 47-813(c-3)(1); provided, that the term owner as used in § 47-813(c-3)(1) shall be construed broadly and include the persons defined as owners in § 47-802 as well as other persons with an equitable interest in the property, and any other persons the Ombudsman determines to be appropriate representatives of the property owner (or, if applicable, the property owner's estate), or any other persons the Ombudsman determines to be consistent with the purposes of this section."

(4) Section 47-811(c) is amended by striking the phrase "plus interest on the unpaid amount" and inserting the phrase "plus simple interest on the unpaid amount" in its place.

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

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

"(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid; provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least the immediately preceding 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section."

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

"(g) If a properly completed and approved application is filed, the applicant may choose to have the deferral apply to past years; provided, that the amount deferred shall comply with subsection (d) of this section and the periods of applicability are stated in the application; provided further, that the applicant is responsible for accrued attorneys' fees."

(C) Subsection (p) is repealed.

(6) Section 47-895.31(8) is amended to read as follows:

"(8) "Lot" means real property as defined in § 47-802(1) where such real property for billing and collection purposes under this subchapter shall be further described with the letters "PC" preceding the sequence of square, suffix and lot, or parcel and lot numbers under § 47-802(1)."

(7) Section 47-895.33 is amended by adding a new subsection (b-1) to read as follows:

"(b-1) A notice, bill, or other correspondence under this subchapter or § 47-1336 shall be mailed to the owner's specifically designated mailing address as provided in the energy efficiency loan closing documents and as may be updated from time to time by the Chief

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Financial Officer, which may be different from the general mailing address provided pursuant to § 42-405, or as provided in the transfer and recordation tax return."

(b) Section 47-902 is amended by adding a new paragraph (26) to read as follows:

"(26) Transfers of property transferred to a named beneficiary of a revocable transfer on death deed under Subchapter IV of Chapter 6 of Title 19, by reason of the death of the grantor of the revocable transfer on death deed."

(c) Chapter 13A is amended as follows:

(1) The table of contents is amended as follows:

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

"47-1353.01. Post-sale notice."

(B) A new section designation is added to read as follows:

"47-1382.01. Equity distribution post-judgment – owner-occupant properties."

(2) Section 47-1330 is amended as follows:

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

"(2) "Tax" means unpaid real property tax and vault rent owing as of October 1, and unpaid business improvement district tax owing as of September 1, including penalties, interest, and costs, as calculated by the Mayor. The term "tax" includes an assessment or charge due at any time to the District and certified to the Mayor for collection under this chapter in the same manner as a real property tax, along with permitted penalties, interest, and costs, as calculated by the Mayor."

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

"(2A) "Tax sale date" or "date of the tax sale" means for purposes of the tax sale held under § 47-1346 the date when the tax sale during which the real property was sold concluded."

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

"(4A) "Premises address" means the address, if any, for the square, suffix, and lot numbers, or parcel and lot numbers, of real property as reflected in the records in the Office of Tax and Revenue."

(3) Section 47-1332 is amended to read as follows:

"§ 47-1332. Sale of properties by Mayor; exemptions from sale.

"(a) Except as provided in subsections (c) and (d) of this section or as provided in other law, the Mayor shall sell all real property on which the tax is in arrears.

"(b) The Mayor shall designate a single agency to conduct tax sales.

"(c) The Mayor shall not sell any real property if:

"(1) A forbearance authorization has been approved in writing by the Mayor for the applicable tax sale;

"(2) For improved Class 1 Property, the tax amount to be sold is less than \$2,500;

or

"(3) The real property is a Class 1 Property that is receiving a homestead deduction, with respect to which there is an outstanding non-void certificate of sale; provided,

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that no real property shall be excluded from sale solely pursuant to this paragraph if the non-void certificate of sale has been outstanding for 3 years or more.

"(d) The Mayor, in the Mayor's discretion, may decline to sell any Class 1 Property or any real property for a delinquency in the payment of a non-real property tax that does not have to be certified.

"(e)(1) An application for a forbearance authorization, utilizing the form of application as shall be devised by the Mayor, may be submitted to the Mayor up to 30 days before the first day of the tax sale.

"(2) The Mayor shall review and approve or deny the application within 90 days of receipt of the application.

"(3)(A) The Mayor shall approve an application if the real property receives a homestead deduction and the tax amount to be sold is less than or equal to \$7,500.

"(B) The Mayor, in the Mayor's discretion, may approve an application that does not meet the criteria for demonstrated hardship set forth in subparagraph (A) of this paragraph.

"(4) Upon approving an application for forbearance authorization, the Mayor shall remove the real property from the tax sale to which the forbearance corresponds or, if the tax sale has occurred with respect to the real property, cancel the tax sale pursuant to § 47-1366."

(4) Section 47-1334 is amended to read as follows:

"§ 47-1334. Interest rate.

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

"(b) The purchaser shall receive simple interest of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements."

(5) Section 47-1336 is amended as follows:

(A) Subsection (a) is amended by adding a new sentence at the end to read as follows:

"The special assessment shall be collectible under this chapter notwithstanding any provision of law to the contrary granting a tax exemption, and the real property formerly described under § 47-895.31(8) shall revert to its description under § 47-802(1) for purposes of collection under this chapter."

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

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(i) Strike the word "transaction" and insert the word "sale" in its place.

(ii) Strike the phrase "§§ 47-1341 and 47-1342" and insert the phrase "§§ 47-1341, 47-1342, and 47-1353.01" in its place.

(C) Subsection (e) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase "contrary," and inserting the phrase "contrary, provisions in this section excepted," in its place.

(ii) Paragraph (2) is amended as follows:

(I) The lead-in language is amended by striking the phrase "record owner" and inserting the phrase "record owner at the mailing address provided in § 47-895.33(b-1)" in its place.

(II) Subparagraph (C) is amended by striking the word "and".

(III) Subparagraph (D) is amended to read as follows:

"(D) Once the complaint is filed, expenses under § 47-1377 shall be owed; and".

(IV) A new subparagraph (E) is added to read as follows:

"(E) The real property described under § 47-895.31(8) and billed as such (with account number) for purposes of Subchapter IX of Chapter 8 of this title and the correlating description under § 47-802(1) (with square, suffix, and lot numbers, or parcel and lot numbers, as applicable) is under which the complaint shall be filed."

(6) Section 47-1340 is amended as follows:

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

(i) Strike the phrase "Each of the taxing" and insert the phrase "Subject to the limitation set forth in § 34-2407.02, each of the taxing" in its place.

(ii) Strike the phrase "notice of delinquency required by § 47-1341" and insert the phrase "notices required by § 47-1341 and § 47-1353.01" in its place.

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

"(c) If a taxing agency does not certify a tax that is due to the District as of the date of the Mayor's notice under subsection (a) of this section, the tax shall not be collected through such tax sale."

(C) Subsection (d) is amended by striking the phrase "Unpaid real property taxes" and inserting the phrase "Unpaid real property taxes, business improvement district taxes, and vault rents" in its place.

(D) Subsection (f) is amended to read as follows:

"(f)(1) If a taxing agency certifies taxes (for which real property is offered for sale) to the Mayor under subsection (a) of this section, and the payment of taxes to the Mayor as specified in § 47-1361(a) or by a purchaser under § 47-1382(c) has occurred for the real property, or the amount in the notices under § 47-1341 is paid before the tax sale, the taxing agency may submit an accounting to the designated agency under § 47-1332(b) in the form that the Mayor requires.

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"(2) Upon receipt of the accounting and verification of the payment of taxes to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by a purchaser under § 47-1382(c), or the amount in the notices under § 47-1341 is paid before the tax sale, the amount of taxes collected that are not imposed under Chapter 8 of this title shall be disbursed regardless of lien priority from the General Fund for the purpose designated by, and in accordance with, the law creating the obligation for such taxes; provided, that, in the case of a sale under § 47-1353(b), the disbursement shall be limited to the amount available after application of lien priorities to such taxes before certification."

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

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

"(a)(1) On or before May 1, the Mayor shall send a notice of tax delinquency by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last mailing address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form and may include a payment coupon or enclosed bill:

**"THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS OF TITLE TO THE PROPERTY**

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by May 31, 20\_\_ )

"The amount that you must pay to avoid the tax sale may be less than the total amount owed on the real property account. This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com) or at any District branch of Wells Fargo Bank or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.



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"If payment is not made before May 31, 20\_\_, the amount listed on this notice may no longer be accurate. In that case, you must contact the Office of Tax and Revenue at ..... to obtain an updated payoff amount.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at .....

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

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

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

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

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

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

(B) Subsection (b) is amended by striking the phrase "Failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include" and inserting the phrase "Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notices of delinquency as provided in subsections (a) and (b-1) of this section, or to include" in its place.

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

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"(b-1)(1) At least 2 weeks before real property is offered at a tax sale under this chapter, the Mayor shall send a final notice of delinquency, by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form and may include a payment coupon or enclosed bill:

"THIS IS A NOTICE OF DELINQUENCY. FAILURE TO PAY TAXES IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS OF TITLE TO THE PROPERTY

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by [Last Business Day before tax sale begins]

"The amount that you must pay to avoid the tax sale may be less than the total amount owed on the real property account. This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D.C. Code § 47-1340.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale.

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com), at any District branch of Wells Fargo Bank, or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

"If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale.

- "You may FAX the receipt to (202) 478-5995; EMAIL the receipt to [email address]; or HAND-DELIVER a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.
- "Do not mail your paid receipt.

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"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at .....

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

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

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

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

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

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

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

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section."

(8) Section 47-1342 is amended as follows:

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

"(a) At any time after 30 days from the mailing of the notice of delinquency required by § 47-1341(a), the Mayor shall, simultaneously:

"(1) Cause to be advertised, at least once in not less than 2 newspapers of general circulation in the District that are published at least once every 2 weeks, a public notice stating

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that listed real property will be sold at public auction because of taxes on the date and at the place named in the public notice; and

"(2) Post the list of real property in the public notice on the Office of Tax and Revenue's website."

(B) Subsection (b)(1)(A) is amended by striking the phrase "by taxation square," and inserting the phrase "by premises address, taxation square," in its place.

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

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section."

(9) Section 47-1343 is amended to read as follows:

"§ 47-1343. Real property to be sold in its entirety.

"Subject to § 47-1345, each real property for sale shall be sold in its entirety, which shall be the parcel of real property as assessed in the assessment records under § 47-802(1) or as described under § 47-895.31(8) as related to a sale under § 47-1336."

(10) Section 47-1345 is amended to read as follows:

"§ 47-1345. Sale of real property subject to possessory interest.

"(a) Whether or not any real property subject to sale under this chapter is subject to an estate for life, or a lease or ground rent for a term (with renewals) that is at least 30 years, the Mayor shall sell the entire fee simple estate; provided, that after the judgment of foreclosure of the right of redemption, no claim for rent unpaid, due, or accruing before the date of the judgment of foreclosure of the right of redemption shall be made by the purchaser (or assignee).

"(b) Notwithstanding subsection (a) of this section or any other provision to the contrary, when a real property subject to sale under this chapter is subject to a ground lease and the ground lessor is the District of Columbia, or an instrumentality of the District, the Washington Metropolitan Area Transit Authority, or an entity whose real property is exempt from real property taxation or the enforced collection thereof under the laws of the United States of America, the Mayor shall sell the real property's improvements only. Any additional representation related to what is being sold shall be ineffectual and shall not affect the validity of the sale.

"(c) The termination of claims on real property sold under this section shall not foreclose any personal claims against previous holders of the interest sold for any damages including rent unpaid, due, or accruing before the date of the judgment of foreclosure."

(11) Section 47-1346(a)(5) is amended to read as follows:

"(5)(A) A potential purchaser, including a natural person or business entity, who is delinquent in payment of in rem taxes to the District or who has been convicted of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior may not bid on real property offered at a sale held under this chapter or otherwise acquire an interest in real property sold under this chapter.

"(B) A potential purchaser, including a natural person or business entity, shall certify under oath, subject to the penalties of perjury, that the potential purchaser is not more than one year in arrears in any jurisdiction in payment of in rem taxes not being contested

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in good faith and has not been convicted in any jurisdiction of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior.

"(C) A certificate of sale held by a purchaser that willfully and materially violates the provisions of this paragraph shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate is no longer voidable. A certificate that is voided by the Mayor pursuant to this subparagraph shall be subject to the provisions of § 47-1355(b).

"(D) The intent of this paragraph shall not be circumvented by a purchaser through the use of one or more business entities to avoid its intended application.

"(E) For the purposes of this paragraph, a potential purchaser shall include a person owning a 10% or more equity interest in, or an officer of, an entity that owns a 10% or more equity interest in real property on which taxes are delinquent."

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

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

“(i) Paragraph (3) is amended by striking the phrase "date of the original public tax sale" and inserting the phrase "date of the tax sale" in its place.

“(ii) Paragraph (4) is amended by striking the phrase "purchaser;" and inserting the phrase "purchaser, which shall be the same date as in paragraph (3) of this subsection, if the purchaser purchased the real property at the tax sale held under § 47-1346;" in its place.

“(iii) Paragraph (10) is amended to read as follows:

"(10)(A) A statement that the rate of simple interest, upon redemption, shall be 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor.

"(B) This paragraph shall apply upon its fiscal effect being included in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register."

(B) Subsection (b) is repealed.

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

(i) Strike the phrase "telephone number." and insert the phrase "telephone number. If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor." in its place.

(ii) Strike the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus." and insert the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the

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purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus." in its place.

(13) Section 47-1349(c) is amended by adding a new sentence at the end to read as follows:

"If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor; provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall no longer be voidable. A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of § 47-1355(b)."

(14) Section 47-1352(a) is amended by striking the phrase "from the date the real property was bid off," and inserting the phrase "thereon accruing from the first day of the month following the date of the tax sale where the real property was bid off," in its place.

(15) Section 47-1353 is amended as follows:

(A) Subsection (a)(1)(B) is amended by striking the word "May" both times it appears and inserting the word "Mayor" in its place.

(B) Subsection (b)(1)(G) is amended by striking the phrase "by square," and inserting the phrase "by premises address, taxation square," in its place.

(C) Subsection (c)(2) is amended by striking the phrase "date of the original tax sale" and inserting the phrase "applicable date of the tax sale" in its place.

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

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus."

(16) A new section 47-1353.01 is added to read as follows:

"§ 47-1353.01. Post-sale notice.

"(a) Within 30 days after the date of the tax sale, the Mayor shall send notice of the sale by first class mail, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner."

"(b) The notice required pursuant to subsection (a) of this section shall be in substantively the following form:

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“[Date]

"ATTENTION: YOUR PROPERTY WAS SOLD AT TAX SALE

"Subject Property: [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address]

"Tax Sale Date: [July \_\_, 20\_\_]

“If you do not pay all amounts due, the purchaser will have the right to file a lawsuit to foreclose on the property and you may lose title.

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Please follow the below instructions to redeem your property from tax sale and prevent a foreclosure lawsuit.

- "To redeem your property from the tax sale, you must pay all taxes owed, as well as any legal fees and expenses that may become due.
- "A tax bill is mailed to you during the month of August. You should pay the bill in full and on time.
- "If you are receiving this notice after October 31, 20\_\_, or if you have not already paid your tax bill in full, you should contact the Office of Tax and Revenue ("OTR") at ..... for a current tax bill and up-to-date payoff amount.
- "After you have paid your taxes, you should call OTR to confirm that you have redeemed your property. Keep a copy of your proof of payment in case there is a later dispute about the payment.
- "If you have not paid all taxes within four months after the Tax Sale Date stated above, an additional \$381.50 may be added to reimburse the purchaser for some costs.
- "If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property.
- "If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property.
- "For further information on how to redeem, please read our Real Property Owner's Guide to the Tax Sale Redemption Process, available on our Web site at [www.taxpayerservicecenter.com](http://www.taxpayerservicecenter.com) by clicking on "Real Property." You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

"YOU MAY BE ELIGIBLE FOR FREE LEGAL SERVICES OR OTHER ASSISTANCE. SEE THE NEXT PAGE FOR MORE INFORMATION.

"Should you have additional questions, please call OTR's Customer Service Center at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS  
IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at .....

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

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

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

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

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

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

"(c) The tax sale purchaser shall cause a copy of the notice referred to in subsection (b) of this section to be posted on a place on the premises of the real property where it may be conveniently read. The copy of the notice shall be posted no sooner than 4 months after the date of the tax sale but at least 45 days before the filing of a complaint under § 47-1370.

"(d) Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice as provided in subsections (a) and (b) of this section, or to include any tax amounts in the notice, shall not:

"(1) Invalidate or otherwise affect a tax;

"(2) Invalidate or otherwise affect a sale made under this chapter to enforce payment of taxes;

"(3) Prevent or stay any proceedings under this chapter; or

"(4) Affect the title of a purchaser.

"(e) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section."

(17) Section 47-1354(b) is amended to read as follows:

"(b) Upon payment as specified in § 47-1361(a) or by another purchaser under § 47-1382(c), the purchaser shall receive a refund of its payment made under this section, with interest as required to be paid by the redeemer or such other purchaser. The purchaser shall receive interest only on the principal tax amount paid and not on the interest or penalties paid. The



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purchaser is entitled to the refund only if the purchaser's certificate of sale is not void and the purchaser provides proof satisfactory to the Mayor that the purchaser made the payment.”.

“(18) Section 47-1355(a)(2) is repealed.

“(19) Section 47-1361 is amended as follows:

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

(i) The lead-in text is amended by striking the phrase "the Mayor, for deposit" and inserting the phrase "the Mayor, except as set forth in paragraph (6A) of this subsection, for deposit" in its place.

“(ii) Paragraphs (2) and (3) are amended to read as follows:

"(2) If the real property was bid off to the District, the sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off;

"(3) If the real property was bid off to the District and subsequently sold or the certificate of sale assigned to a purchaser:

(A) The original sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off; plus

(B) Interest accruing thereafter on the sale amount in subparagraph (A) of this paragraph from the first day of the month following the date the real property was subsequently sold or the certificate of sale assigned to the purchaser;".

“(iii) Paragraph (4) is amended by striking the phrase "taxes provided, that the certificate of sale of the purchaser is not void;" and inserting the phrase "taxes;" in its place.

“(iv) Paragraph (5) is amended to read as follows:

"(5) All other real property taxes, business improvement district taxes, and vault rents to bring the real property current; provided, that any such amounts that become due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;".

“(v) A new paragraph (5A) is added to read as follows:

"(5A) Any delinquent special assessment owed pursuant to an energy efficiency loan agreement under Subchapter IX of Chapter 8 of Title 47; provided, that any such assessment that becomes due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property;".

“(vi) Paragraph (6) is amended to read as follows:

"(6) All expenses for which each purchaser is entitled to reimbursement under § 47-1377(a)(1)(A); and".

“(vii) A new paragraph (6A) is added to read as follows:

"(6A) Where an action to foreclose the right of redemption has been properly filed, the person redeeming shall pay directly to the applicable purchaser all expenses to which the purchaser is entitled to reimbursement under § 47-1377(a)(1)(B); and".

“(viii) Paragraph (7) is repealed.

“(B) New subsections (b-1) and (b-2) are added to read as follows:

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"(b-1) The redeeming party shall not be required to pay any tax that is required to be certified by § 47-1340 unless the tax has been certified by a taxing agency and sold as a lien at a tax sale.

"(b-2) Notwithstanding subsection (a) of this section, the remaining amounts that are payable to the Mayor, including tax, interest, penalties, and expenses, for the real property shall be deemed to have been brought current for purposes of redemption if, at any time, the balance falls below \$100; provided, that the remaining balance shall remain due and owing and any remaining expense shall be thereafter deemed a real property tax."

“(C) Subsection (c) is amended by striking the second sentence.

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

"(d)(1) Subject to the liability threshold set forth in subsection (b-2) of this section, after receipt of the payment set forth in subsection (a)(1) through (6) of this section, the Mayor shall notify the purchaser of the payment. The purchaser shall receive from the Mayor the refund to which the purchaser is entitled, subject to the purchaser's compliance with all procedures for issuance of the refund, as may be established by the Mayor.

"(2) If a complaint under § 47-1370 has been properly filed, a purchaser may continue to prosecute the complaint until receipt of the expenses owed to the purchaser and payable to the purchaser by the redeeming party as set forth in subsection (a)(6A) of this section, but shall dismiss the complaint upon receipt thereof.

"(3) A complaint to foreclose the right of redemption shall not be maintained solely to await the administrative refund under this subsection.

"(4) Notification by the Mayor under this subsection may be accomplished by making the information publicly available through an electronic medium, including by posting on a website."

“(E) Subsection (e) is amended as follows:

“(i) Strike the phrase "Upon request and subject to the payment of a fee," and insert the phrase "Upon request, within 60 days of the request," in its place.

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

"The Recorder of Deeds shall waive all fees relating to the recordation of a certificate of redemption."

“(F) A new subsection (f) is added to read as follows:

"(f) The Mayor may abate interest or penalties or compromise taxes, whether arising before or after the tax sale, in the same manner as set forth in § 47-811.04; provided, that the abatement or compromise shall not affect the refund due to the purchaser."

“(20) Section 47-1362 is amended as follows:

“(A) Subsection (a) is amended by striking the phrase "If the real property is redeemed after an action to foreclose the right of redemption is filed and there is a dispute regarding redemption, the" and inserting the phrase "If there is a dispute regarding redemption after an action to foreclose the right of redemption is filed, the" in its place.

“(B) Subsection (c) is repealed.

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“(21) Section 47-1363(a) is amended by striking the phrase "date of the sale" and inserting the phrase "date of the tax sale" in its place.

“(22) Section 47-1366 is amended to read as follows:

"§ 47-1366. Cancellation of sale by Mayor.

"(a) The Mayor, in the Mayor's discretion, may cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption to prevent an injustice to the owner or person with an interest in the real property.

"(b) The Mayor shall cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption where:

"(1) The record owner or other interested party timely pays the amount set forth in the notice of delinquency to avoid the tax sale as required under § 47-1341(a) or otherwise pays the outstanding taxes before the tax sale;

"(2) The real property meets the qualifications to be exempt from sale under § 47-1332(c);

"(3) In a sale involving Class 1 property with 5 or fewer units that a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if the record owner is deceased) occupies as his or her principal residence, the record owner or other interested person proves:

"(A) A failure of the Mayor to mail any of the notices required by §§ 47-1341(a), 47-1341(b), or 47-1353.01; or

"(B) That the mailing address of the person who last appears as the record owner of the real property on the tax roll, as properly updated by the record owner by the filing of a change of address with the Office of Tax and Revenue in accordance with § 42-405, was not correctly or substantively updated by the Office of Tax and Revenue notwithstanding proper filing; or

"(4) A properly filed application for a forbearance authorization was filed at least 30 days before the sale and was approved within 60 days after the sale.

"(c) Subject to the limitations set forth in § 47-1377(b), (c), (d), and (e), if the Mayor cancels a sale pursuant to this section, the Mayor shall pay to the purchaser the amount that the purchaser would have received if the real property had been redeemed, but no part of the amount shall be considered a payment of tax on behalf of the real property. A certificate of redemption, if necessary, shall be executed and filed by the Mayor with the Recorder of Deeds for no fee."

“(23) Section 47-1370 is amended as follows:

"(A) Subsection (a) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place.

"(B) Subsection (c) is amended by adding a new paragraph (4) to read as follows:

"(4) Proof of the posting required under § 47-1353.01 shall be attached to and made part of the complaint. The posting shall be held to the same standard as the proof of posting required under § 47-1372(f)."

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

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"(e) The purchaser shall immediately notify the Chief Financial Officer and the Real Property Tax Ombudsman, established by § 47-805, upon the filing of a complaint under this section."

"(24) Section 47-1371(b) is amended by adding a new paragraph (2A) to read as follows:

"(2A) The plaintiff shall certify to the Superior Court of the District of Columbia, under penalties of perjury, that a search was conducted for the record owner in bankruptcy records."

"(25) Section 47-1372(a)(1)(C) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place.

"(26) Section 47-1374 is amended as follows:

"(A) Subsection (c) is amended to read as follows:

"(c) This subsection applies only if a last known address for a defendant is obtained as provided under subsections (a) and (b) of this section. The plaintiff shall cause a copy of the order of publication to be mailed by first class, certified mail, postage prepaid, to each defendant's address as determined by the provisions of subsections (a) and (b) of this section."

"(B) Subsection (e) is amended to read as follows:

"(e)(1) A final judgment may not be entered earlier than the later of:

"(A) One year following the initial scheduling conference in the foreclosure action; or

"(B) Four months following the completion of service on the owner and all parties identified as defendants in § 47-1371.

"(2) Paragraph (1) of this subsection shall not apply to any final judgment in which all interested parties have disclaimed any interest in the property subject to the judgment or in a case where a real property was sold under § 47-1353(a)(3) or (b)."

(27) Section 47-1377 is amended to read as follows:

"§ 47-1377. Purchaser reimbursed by redeeming party for expenses.

"(a)(1) Except as provided in subsection (b) of this section, upon redemption, a purchaser is entitled to be reimbursed by the redeeming person for the following expenses incurred in an action, or in preparation for an action, to foreclose the right of redemption:

"(A) If an action to foreclose the right of redemption has not been filed and the property is redeemed more than 4 months after the applicable tax sale's tax sale date, the purchaser may be reimbursed for the following pre-complaint legal expenses:

"(i) The cost of \$50 for any posting required by § 47-1353.01;

"(ii) Costs for recording the certificate of sale; and

"(iii) The cost of a title search, not to exceed \$300.

"(B) If an action to foreclose the right of redemption has been filed, the purchaser may also be reimbursed for:

"(i) Reasonable attorneys' fees as follows:

"(I) In a case in which the property is redeemed before the 5th status hearing, reasonable attorneys' fees not to exceed \$1,500;

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"(II) In a case requiring 5 or more status hearings, reasonable attorneys' fees not to exceed \$1,500, plus \$75 for the 5th status hearing and each additional status hearing thereafter; and

"(III) In a case in which a motion for judgment is filed with the court, additional attorneys' fees in the amount of \$300;

"(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, in cases requiring prolonged or complex representation not typically necessary to resolve an action filed under this chapter, including cases in which the purchaser incurs attorneys' fees and expenses under § 47-1382.01(a), other reasonable attorneys' fees incurred and specifically requested by the purchaser and approved by the court, on a case-by-case basis; provided, that additional attorneys' fees shall not be awarded if a tax sale is cancelled by the Mayor under § 47-1366, or where a purchaser is required to show good cause under subsection (c) of this section; and

"(iii) Expenses actually incurred as follows:

"(I) Filing fee charged by the Superior Court of the District of Columbia;

"(II) Service of process fee, including fees incurred attempting to serve process;

"(III) If a 2nd title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed \$75;

"(IV) Publication fee charged by a newspaper of general circulation in the District;

"(V) Posting fees;

"(VI) Postage and certified mail costs;

"(VII) Substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair; and

"(VIII) Any court approved expense for stabilization or conversion of, or to make safe and compliant with Chapter 31A of Title 42, the property under § 47-1363 or to comply with an action taken against the property by the Mayor in accordance with the applicable building, fire, health, or safety code.

"(2)(A) In calculating the number of hearings in a case for the purposes of paragraph (1)(B)(i) of this subsection, any status hearing held before the redeeming party was served shall be excluded from the calculation.

"(B) For purposes of paragraph (1)(B)(i) of this subsection, an initial scheduling conference shall be deemed a status hearing.

"(C) Nothing in paragraph (1) of his subsection shall be construed as prohibiting the purchaser from settling attorneys' fees in a lesser amount than the purchaser may be eligible for under this section.

"(b) No purchaser of a certificate of sale shall be reimbursed for expenses incurred within 4 months after the date of the tax sale. A purchaser other than the District shall not be reimbursed for any expenses if the certificate becomes void under this chapter.

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"(c) The purchaser shall not be entitled to be reimbursed for any expenses or attorney's fees not included in this section. Expenses or attorneys' fees incurred by a purchaser who appeals the assessment or the vacant status of the property are not reimbursable.

"(d) If the purchaser fails to satisfy the requirements for posting under § 47-1353.01 or fails to provide proof of posting required under § 47-1370(c)(4), the purchaser shall not be entitled to collect the legal expenses set forth in subsection (a) of this section; provided, that upon a showing to the Superior Court of the District of Columbia of good cause for the failure to meet the posting requirements of § 47-1353.01 or § 47-1370(c)(4), the purchaser shall be entitled to collect those expenses, not to exceed the amounts set forth in subsection (a) of this section, that the Superior Court of the District of Columbia considers reasonable.

"(e) Notwithstanding subsection (d) of this section, if the tax sale is cancelled by the Mayor under § 47-1366, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(1)(B) of this section if the purchaser fails to specifically disclose to the Mayor, at least 45 days before the filing of a complaint to foreclose the right of redemption, information that is obtained or should have been obtained from the pre-complaint investigation, including the title examination and review of bankruptcy records under § 47-1371(b)(2) and § 47-1371(b)(2A), that evidences a violation of § 47-1332(c), a violation of a bankruptcy stay, or errors, as prescribed by the Mayor through regulation."

(28) Section 47-1380(d) is amended by striking the phrase "the sale." and inserting the phrase "the sale and the purchaser shall not receive any amounts otherwise due under this chapter." in its place.

(29) Section 47-1382(a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "A final" and inserting the phrase "Except as provided in § 47-1382.01, a final" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) A taxing agency lien that is recorded in the Office of the Recorder of Deeds;"

(C) Paragraph 4 is amended by striking the word "and".

(D) Paragraph (5) is amended by striking the period and inserting the phrase "; and" in its place.

(E) A new paragraph (6) is added to read as follows:

"(6) A ground lease described in § 47-1345(b), any recorded covenant, agreement, or other instrument, and any other document incorporated by reference into a recorded covenant, agreement, or other instrument, to which a ground lessor as described in § 47-1345(b) is a party or beneficiary."

(30) A new section 47-1382.01 is added to read as follows:

"§ 47-1382.01. Equity distribution post-judgment – owner-occupant properties.

"(a) This section shall apply to any Class 1 property with 5 or fewer units in which a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if deceased), was occupying as his or her principal residence when the complaint to

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foreclose the right of redemption was filed. The purchaser shall bear the burden of establishing that this section is not applicable to the real property.

"(b) Upon issuing a final judgment foreclosing the right of redemption, the Superior Court of the District of Columbia shall appoint a trustee and shall order that the trustee sell the property pursuant to Rule 308 of the Superior Court of the District of Columbia Rules of Civil Procedure, or its equivalent.

"(c) The trustee shall sell a fee simple interest in the property, subject to the encumbrances set forth in § 47-1382(a).

"(d) The court shall order the trustee to distribute the proceeds of the sale in priority order as follows:

"(1) Reasonable compensation and reasonable expenses due to the trustee or to any other person (including an auctioneer) who provided services relating to the sale of the property, and all other payments the court deems to have been necessary to effect the sale of the real property, including recordation and transfer taxes;

"(2) Payment to the Mayor of:

"(A) All amounts payable to the Mayor for deposit into the General Fund of the District of Columbia under § 47-1361 as of the date of the court's order regarding distribution;

"(B) Any promissory note executed pursuant to § 47-1353(a)(3); and

"(C) Any lien certified under § 47-1340;

"(3) Payment to the purchaser of all amounts provided for in § 47-1377, as fixed by the court; and

"(4) Any remaining amounts as follows:

"(A) Ten percent or \$20,000, whichever is less, to the purchaser; and

"(B) The remainder to the person or persons (including, when appropriate, a decedent's estate) entitled to the balance, in proper proportion as determined by the trustee, or, when necessary, a court.

"(e)(1) The trustee shall notify the purchaser once payment is made to the Mayor pursuant to subsection (d)(2) of this section, at which time the purchaser shall surrender the certificate of sale and receive from the Mayor the amount to which the purchaser would have been entitled had redemption occurred in accordance with § 47-1361.

"(2) For purposes of calculating the refund due to the purchaser, the date of the court's order providing for distribution or the sale proceeds in accordance with subsection (d) of this section shall be deemed the date of redemption.

"(f)(1) If the trustee in the trustee's best judgment determines that a sale of the real property will not generate proceeds sufficient to fund the distributions required under subsection (d)(1) and (2) of this section, the trustee shall timely inform the court of that determination.

"(2) Upon receipt of the trustee's determination as described in paragraph (1) of this subsection, the court shall:

"(A) Rescind the trustee's appointment and the order to sell the real property;

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"(B) Issue a final judgment foreclosing the right of redemption in accordance with the provisions of § 47-1382; and

"(C) Require the purchaser to pay such fees and expenses of the trustee as the court determines appropriate."

(31) Section 47-1384 is amended by striking the phrase "Notwithstanding any other law, the provisions of this chapter" and inserting the phrase "Notwithstanding any other law, if a court determines that any provision of this chapter is ambiguous, the provision" in its place."

Sec. 7103. Conforming amendments.

(a) Section 908 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.08), is amended as follows:

(1) Paragraph (15) is amended by striking the word "and" at the end.

(2) Paragraph (16) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (17) is added to read as follows:

"(17) The Real Property Tax Ombudsman of the Office of the Real Property Tax Ombudsman."

(b) Section 15(f) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.15(f)), is amended by striking the phrase "plus interest on the unpaid amount at the rate of 1 1/2%" and inserting the phrase "plus simple interest on the unpaid amount at the rate of 1%" in its place.

(c) Section 499d of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D.C. Law 12-34; D. C. Official Code § 42-405), is amended to read as follows:

"Sec. 499d. Notice of address and name change.

"(a) Any owner, as defined under D.C. Official Code § 47-802(5), of real property entitled to receive notices under Chapter 8 of Title 47 shall notify the Office of Tax and Revenue of a name change or address change within 30 days.

"(b) Any name change shall be evidenced by the recording of a confirmatory deed with the Recorder of Deeds and submission of supporting documents with and as required by the Recorder of Deeds relating to the applicable property.

"(c) Any address change shall be filed with the Office of Tax and Revenue on the form and in the manner as may be prescribed.

"(d) The Chief Financial Officer may issue rules to implement the provisions of this section."

(d) The District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(1) Section 302 (D.C. Official Code § 42-1102) is amended by adding a new paragraph (34) to read as follows:



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"(34) Deeds to property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012, effective March 19, 2013 (D.C. Law 19-230; D.C. Official Code § 19-604.01 *et seq.*), by reason of the death of the grantor of the revocable transfer on death deed."

(2) Section 303(a-4) (D.C. Official Code § 42-1103(a-4)) is amended by striking the word "transferred" and inserting the phrase "transferred by deed of title" in its place.

(e) Section 5(4) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.05(4)), is amended by striking the phrase "Office of Tax and Revenue" and inserting the phrase "Office of Tax and Revenue, and a tax sale purchaser under D.C. Official Code § 47-1353(b) or the purchaser's assignee, as applicable, except where the owner of record is challenging or appealing the vacant status of the real property for the same period" in its place.

Sec. 7104. Repealer.

The Residential Real Property Equity and Transparency Amendment Act of 2014, enacted on July 15, 2014 (D.C. Act 20-378; 61 DCR 7763), is repealed.

**SUBTITLE L. KELSEY GARDENS REDEVELOPMENT**

Sec. 7111. Short title.

This subtitle may be cited as the "Kelsey Gardens Redevelopment Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7112. Section 47-4625(a)(2) of the District of Columbia Official Code is amended to read as follows:

"(2) Contain approximately 13,363 square feet of ground-level retail space; and".

**SUBTITLE M. UNDERPAYMENT OF ESTIMATED TAX**

Sec. 7121. Short title.

This subtitle may be cited as the "Underpayment of Estimated Tax Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7122. Chapter 42 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“Subchapter I-A. Underpayment  
“47-4203. Underpayment of estimated tax by individuals.

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“47-4204. Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses.”.

(b) A new Subchapter I-A is added to read as follows:

“Subchapter I-A. Underpayment.

“§ 47-4203. Underpayment of estimated tax by individuals.

“(a) An individual shall pay 4 installments of estimated tax on the dates as provided in § 47-1812.08(i)(4) in the amounts provided under subsection (b) of this section.

“(b)(1) The amount of each installment of estimated tax shall be the lesser of:

“(A) The amount required under the annualized income method under paragraph (2) of this subsection, or

“(B) Twenty-five percent of the lesser of:

“(i) Ninety percent of the tax shown on the return for the taxable year (or, if no return is filed, 90% of the tax for the taxable year);

“(ii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

“(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

“(iii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax computed on the basis of the facts shown on the individual’s return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

“(II) For tax years beginning after December 31, 2011, 110% of the tax computed on the basis of the facts shown on the individual’s return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months.

“(2)(A) The required payments under the annualized income method shall be, on a cumulative basis, as follows:

“(i) On the first installment date, 22.5% of the tax for the taxable year based upon the annualized income of the individual for the first 3 months of the taxable year;

“(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the individual for the first 5 months of the taxable year;

“(iii) On the third installment date, 67.5% of the tax for the taxable year based upon the annualized income of the individual for the first 8 months of the taxable year; and

“(iv) On the fourth installment date, 90% of the tax for the taxable year.

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"(B) The annualized income method shall not apply to individuals filing a return for part of a taxable year except under regulations as the Mayor may prescribe.

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by an individual, there shall be added to the tax imposed under § 47-1806.03(a) an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment.

"(2) For the purposes of this subsection:

"(A) The amount of the underpayment shall be the excess of the required installment, over the amount, if any, of the installment paid on or before the due date for the installment; and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 4th month following the close of the taxable year or the date on which the amount of the underpayment is made; provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month.

"(d) For the purposes of this section:

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

"(2) The term "tax" means the tax imposed by § 47-1806.03, less the amount of credit allowed against the tax (other than the credit under § 47-1806.04(b) for withholding of wages).

"(3) The amount of the credit allowed under § 47-1806.04(b) for withholding of wages shall be deemed a payment of estimated tax. An equal part of such amount shall be deemed paid on each due date for the payment of estimated tax for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld.

"(4) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax.

"(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if:

"(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax), reduced by applicable credits and payments of estimated tax that are timely made, is less than \$ 100;

"(2) The individual did not have any liability for tax for the preceding taxable year;

"(3) The Mayor determines that:

"(A) The taxpayer retired after having attained 62 years of age or developed a disability in the taxable year for which estimated payments were required to be made or in the taxable year preceding such taxable year; and

"(B) The underpayment was due to reasonable cause and not to willful neglect;

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"(4) The Mayor determines that, by reason of casualty, disaster, or other unusual circumstances, the imposition of the addition to tax would be against equity and good conscience; or

"(5) The taxpayer dies during the taxable year.

"§ 47-4204. Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses.

"(a) A corporation, financial institution, or unincorporated business shall pay 4 installments of estimated tax as provided in § 47-1812.14 in the amount provided under subsection (b) of this section.

"(b)(1) The amount of each installment of estimated tax shall be the lesser of:

"(A) The amount required under the annualized income method under paragraph (2) of this subsection; or

"(B) Twenty-five percent of the lesser of:

"(i) Ninety percent of the tax shown on the return of the entity for the taxable year (or, if no return is filed, 100% of the tax for the taxable year); or

"(ii)(I) Except as provided in sub-sub-subparagraph (II) of this subparagraph, 100% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months; or

"(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months.

"(2) (A) The required payments under the annualized income method shall be, on a cumulative basis, as follows:

"(i) On the first installment date, 22.5% of the tax for the taxable year based upon the annualized income of the entity for the first 3 months of the taxable year;

"(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the entity for the first 5 months of the taxable year;

"(iii) On the third installment date, 67.5% of the tax for the taxable year based upon the annualized income of the entity for the first 8 months of the taxable year; and

"(iv) On the fourth installment date, 90% of the tax for the taxable year based upon the annualized income of the entity for the first 9 months of taxable year.

"(B) The annualized income method shall not apply to entities filing a return for part of a taxable year except under regulations as the Mayor may prescribe.

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by a corporation, financial institution, or unincorporated business, there shall be added to the tax imposed under Chapter 18 of this title an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment.

"(2) For the purposes of this subsection:

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"(A) The amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment; and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 3rd month following the close of the taxable year or the date on which the amount of the underpayment is made; provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month.

"(d) For the purposes of this section:

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

"(2) The term "tax" means the tax imposed by § 47-1807.02 or § 47-1808.03, less the amount of credit allowed against the tax (other than the credit with respect to payments of tax).

"(3) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax.

"(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if:

"(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax) reduced by applicable credits and estimated payments that are made timely, is less than \$1,000; or

"(2) The preceding taxable year was a taxable year of 12 months, and the entity did not have any liability for tax for the preceding taxable year."

(c) Sections 47-4214 and 47-4215 are repealed.

Sec. 7123. Applicability.

This subtitle shall be applicable for tax years beginning after December 31, 2014.

#### **SUBTITLE N. TAX TRANSPARENCY AND EFFECTIVENESS**

Sec. 7131. Short title.

This subtitle may be cited as the "Tax Transparency and Effectiveness Second Congressional Review Emergency Act of 2014".

Sec. 7132. Definitions.

For the purposes of this subtitle, the term:

(1) "Categorical preference" means a tax preference that sets eligibility criteria and is potentially available to all entities that meet the criteria, subject to any funding limitations.

(2) "CFO" means the Chief Financial Officer of the District of Columbia.

(3) "Economic development purpose" means a goal to increase or retain business activity, including attracting new businesses or retaining existing ones, encouraging business expansion or investment, increasing or maintaining hiring, or increasing sales.

(4) "Individual preference" means a tax preference, such as a tax abatement, applied to one entity, project, or associated projects.

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(5) "On-cycle tax preference" means a tax preference being reviewed in a current year.

(6) "Tax preference" shall have the same meaning as the phrase "tax expenditures" as defined in D.C. Official Code § 47-318(6).

Sec. 7133. Tax preference review.

(a) The CFO shall review all locally adopted tax expenditures on a 5-year cycle and publish annually a report complying with the requirements of this section.

(b) By October 1, 2015, and by October 1 of every year thereafter, the CFO shall submit for publication in the District of Columbia Register a report for on-cycle tax preferences that complies with the requirements of this section.

(d) An on-cycle individual preference shall be analyzed and reported in the following manner:

(1) An individual preference shall be analyzed and reported in groupings of similarly purposed preferences, with the report focusing on collective effects or trends that emerge.

(2) The report shall include the stated purpose of the of tax preferences within the grouping, if clarified in the authorizing legislation.

(3) The report shall include the amount of lost revenue due to the tax preferences within the grouping.

(4) The report shall include an assessment of the general effects on the District resulting from the preferences.

(5) The report on groupings of individual preferences shall include recommendations on how to improve similar preferences in the future.

(6) For groupings of individual tax preferences with an economic development purpose, the analysis shall consider the economic impact of the preferences, and where sufficient data are available, take into account factors including:

(A) Whether the economic impact of the tax preferences would have been expected without the preferences;

(B) The extent to which the economic impact of the tax preferences was offset by economic losses elsewhere;

(C) The average economic impact for a level of direct expenditures equal to the cost of the tax preferences;

(D) The indirect economic impact of the tax preferences;

(E) The number of jobs created by the preference;

(F) The wages of the jobs created;

(G) The percentage of jobs filled by District residents; and

(H) Whether any terms of the tax preferences have been or are being satisfied.

(e) Except as provided in subsection (f) of this section, on-cycle categorical preferences shall receive a full review that, where sufficient data are available, includes:

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- (1) The purpose of the tax preference, if clarified in the authorizing legislation;
- (2) The tax preference's cost in terms of lost revenue;
- (3) An assessment of whether the tax preference is meeting its goals;
- (4) An assessment of whether the tax preference is achieving other goals;
- (5) Recommendations for improving the effectiveness of the tax preference;
- (6) Recommendations for whether the tax preference should be modified, discontinued, or remain in its existent state; and
- (7) For tax preferences with an economic development purpose, an analysis that measures the economic impact of the preference, including:
  - (A) Whether the economic impact of the tax preference would have been expected without the preference;
  - (B) The extent to which the economic impact of the tax preference was offset by economic losses elsewhere;
  - (C) The average economic impact for a level of direct expenditures equal to the cost of the tax preference; and
  - (D) The indirect economic impact effect of the tax preference.
- (f) For on-cycle categorical tax preferences that the CFO determines do not merit a full review, the CFO shall instead perform a summary review. In determining which tax preferences are appropriate for a summary review, the CFO shall consider factors including, at a minimum:
  - (1) The revenue lost due to the tax preference and the number of potential or actual claimants;
  - (2) Whether the revenue lost due to the preference has increased or decreased since the preference was last reviewed;
  - (3) Whether the preference has been included in legislative or administrative proposals to modify or repeal; and
  - (4) Whether the preference is required by the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code §1-201.01 *et seq.*).
- (g) A report on a categorical preference designated for summary review shall include:
  - (1) A narrative summary of the preference, including its purpose;
  - (2) The source and year of statutory authorization;
  - (3) The fiscal impact of the preference; and
  - (4) A description of the beneficiaries of the tax preference.
- (h) All District agencies, offices, and instrumentalities shall cooperate with the CFO and shall provide any records, information, data, and data analysis needed to complete the reviews and reports required by this section.

**SUBTITLE O. LOW-INCOME HOUSING TAX CREDIT**

Sec. 7141. Short title.

This subtitle may be cited as the "Low-Income Housing Tax Credit Second Congressional Review Emergency Act of 2014".

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Sec. 7142. 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:

"48. District of Columbia Low-Income Housing Tax Credit."

(b) A new Chapter 48 is added to read as follows:

"CHAPTER 48. DISTRICT OF COLUMBIA LOW-INCOME HOUSING TAX CREDIT.

Sec.

"47-4801. Definitions.

"47-4802. Credit established.

"47-4803. Eligibility.

"47-4804. Recapture.

"47-4805. Additional filings.

"47-4806. Transfer, sale or assignment.

"47-4807. Compliance.

"47-4808. Expiration of credits.

"47-4809. Efficiency.

"47-4810. Fees.

"47-4811. Look-back requirement.

"47-4812. Rules.

"§ 47-4801. Definitions.

"For the purposes of this chapter, the term:

"(1) "Administrative costs" means the costs of the Department to administer, manage, and monitor the Low-Income Housing Tax Credit Program, including personnel costs.

"(2) "Department" means the Department of Housing and Community Development, or its successor agency.

"(3) "Developer" means a person or entity that proposes to cause the construction of affordable housing using tax credits provided under the District of Columbia's Low-Income Housing Tax Credit Program.

"(4) "Director" means the Director of the Department.

"(5) "District of Columbia low-income housing tax credit" means the tax credit established by § 47-4802 pursuant to the Low-Income Housing Tax Credit Program.

"(6) "Low-Income Housing Tax Credit Program" means the program authorized by section 42 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 42) ("1986 Internal Revenue Code").

"(7) "Pilot period" means the initial year of the credit program established under this chapter.

"(8) "Qualified project" means a rental housing development that receives an allocation of federal Low-Income Housing Tax Credits from the Department.



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"(9) "User fee" means a fee charged by the Department to a developer in connection with the District of Columbia's Low-Income Housing Tax Credit Program, including application, reservation, allocation, and monitoring fees.

"§ 47-4802. Credit established.

"(a)(1) There is established a District of Columbia low-income housing tax credit. Subject to available funds, the Department may authorize annually under this chapter total tax credits equal to the credit ceiling allocated to the District of Columbia by the federal Internal Revenue Service in accordance with 26 U.S.C. § 42(h)(3)(c).

"(2) For the pilot period, the Department shall make available \$1 million in credits in tax year 2015.

"(b) Unless otherwise provided in this section, the Department shall authorize, allocate, administer, and determine eligibility for the District of Columbia low-income housing tax credit and allocate the credit in accordance with the standards and requirements as set forth in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year; provided, that the combined federal and District of Columbia low-income housing tax credit shall be the least amount necessary to ensure financial feasibility of a project.

"(c) The Department shall allocate the total available District of Columbia low-income housing tax credit among as many qualified District of Columbia projects as fiscally feasible, with the goal of increasing the stock of affordable housing units.

"(d) Only qualified projects are eligible for a District of Columbia low-income housing tax credit award.

"§ 47-4803. Eligibility.

"(a) A taxpayer may receive a District of Columbia low-income housing tax credit with respect to a qualified project; provided, that the Department issues an eligibility statement for that qualified project.

"(b) The total District of Columbia low-income housing tax credit available to a qualified District of Columbia project shall be authorized and allocated by the Department based on the qualified project's need for the credit for economic feasibility.

"(c) The District of Columbia low-income housing tax credit shall be taken against the income, insurance premium, or franchise taxes imposed under this title, claimed equally for 10 years, subtracted from the amount of District of Columbia tax otherwise due for each taxable period and shall not be refundable; provided, that the credit may not be taken against any tax that is dedicated in whole or in part to the Healthy DC and Health Care Expansion Fund established by § 31-3514.02. Any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years.

"(d)(1) All or any portion of District of Columbia tax credits issued in accordance with the provisions of this section may be allocated to parties who are eligible under the provisions of subsection (a) of this section.

"(2) An owner of a qualified project shall certify to the Chief Financial Officer the amount of credit allocated to the owner. The owner of the qualified project shall provide to the

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Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated.

"(e) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804(a) or (b), any statement submitted to the Chief Financial Officer as provided in this section shall include the:

“(1) Proportion of the District of Columbia credit required to be recaptured;

“(2) Identity of each taxpayer subject to the recapture; and

“(3) Amount of credit previously allocated to such taxpayer.

"(f)(1) A tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified project merely by reason of a right of first refusal held by the tenants, in cooperative form or otherwise, or resident management corporation of such building or by a qualified nonprofit organization, as defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or government agency to purchase the qualified District of Columbia project after the close of the compliance period for a price which is not less than the minimum purchase price determined under paragraph (2) of this subsection.

"(2) The minimum purchase price shall be an amount equal to the sum of the principal amount of outstanding indebtedness secured by the building, other than indebtedness incurred within the 5-year period ending on the date of the sale pursuant to paragraph (1) of this subsection, and all federal and District taxes attributable to the sale.

"§ 47-4804. Recapture.

"(a) The owner of a qualified project eligible for the District of Columbia low-income housing tax credit shall submit a copy of the eligibility statement issued by the Department with respect to the qualified project at the time of filing the project owner's state tax return. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified project for that year until the copy is provided to the Office of Tax and Revenue.

"(b) If under section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a portion of any federal low-income housing tax credits taken on a low-income qualified project is required to be recaptured, the District of Columbia low-income housing tax credit authorized by this chapter with respect to such qualified District of Columbia project shall also be recaptured. The District of Columbia recapture amount shall be equal to the amount of the District of Columbia low-income housing tax credits previously claimed times a fraction, the numerator of which shall be the amount of recaptured federal low-income housing tax credits and the denominator of which shall be the amount of federal low-income housing tax credits previously claimed.

"§ 47-4805. Additional filings.

"The Chief Financial Officer or the Department may require the filing of additional documentation necessary to determine the eligibility or accuracy of a tax credit claimed under the provisions of this chapter through the promulgation of regulations.

"§ 47-4806. Transfer, sale, or assignment.

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"(a) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold, or assigned.

"(b) An owner or transferee desiring to make a transfer, sale, or assignment shall submit to the Chief Financial Officer a statement that describes the amount of District of Columbia low-income housing tax credit for which such transfer, sale, or assignment of District of Columbia low-income housing tax credit is eligible. The owner shall provide to the Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated.

"(c) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804, any statement submitted to the Chief Financial Officer as required in subsection (b) of this section shall include the:

“(1) Proportion of the District of Columbia low-income housing tax credit required to be recaptured;

“(2) Identity of each transferee subject to recapture; and

“(3) Amount of credit previously transferred to such transferee.

"§ 47-4807. Compliance.

"(a) The Department, in consultation with the Chief Financial Officer, shall monitor and oversee compliance with the District of Columbia's Low-Income Housing Tax Credit Program and may promulgate regulations requiring the filing of additional documentation considered necessary to determine continuing eligibility for the District of Columbia low-income housing tax credit.

“(b) The Department or the Chief Financial Officer shall report specific occurrences of noncompliance to appropriate state, federal, and local authorities.

"§ 47-4808. Expiration of credits.

"Except for unused credits carried forward pursuant to § 47-4803(c) and for credits claimed under regulations promulgated by the Department consistent with the special rule set forth in section 42(f)(2) of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a qualified District of Columbia project shall not be eligible for any District of Columbia low-income housing tax credits for more than 11 taxable years.

"§ 47-4809. Efficiency.

"The Department may pursue methods of enhancing the efficiency of the District of Columbia low-income housing tax credit program, including,

“(1) Pursuing opinions from the United States Department of Treasury's Internal Revenue Service in the form of:

“(A) General Counsel memoranda;

“(B) Private letter rulings and other notices,;

“(C) Rulings; or

“(D) Guidelines; and

“(2) Reviewing other state low-income housing tax programs that have an option for taxpayers to receive such tax credit in the form of a loan generated by transferring the credit to a designated state entity.

"§ 47-4810. Fees.

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"The Department may charge a user fee equal to up to 1% of the District of Columbia low-income housing tax credits awarded to a qualified project to pay for the administrative costs associated with the establishment of a District of Columbia low-income housing tax credit. The user fee shall be deposited into the Low-Income Housing Tax Credit Fund, as established in § 42-2853.02.

"47-4811. Look-back requirement.

"As soon as practicable after the first tranche of credits is sold during the pilot period, the Department shall provide a report to the Mayor and the Council on the credit program, including:

"(1) A list of projects financed with the low-income housing tax credits;

"(2) The number of affordable units per transaction and the level of affordability per unit;

"(3) Copies of the basic development budget or budgets, also known as the "DHCD 202"; and

"(4) The syndication rate for each credit sold.

"§ 47-4812. Rules.

"(a) The Mayor shall issue rules to implement the provisions of this chapter.

"(b) The Chief Financial Officer shall issue rules to implement § 47-4805."

#### **SUBTITLE P. IPW FUND, DESTINATION DC MARKETING FUND, AND WMATA MOMENTUM FUND ESTABLISHMENT**

Sec. 7151. Short title.

This subtitle may be cited as the "IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Second Congressional Review Emergency Act of 2014".

Sec. 7152. IPW Fund.

(a) There is established as a special fund the IPW Fund ("Fund"), which shall be administered by Destination DC in accordance with subsection (c) of this section.

(b) The following funds shall be deposited into the Fund:

(1) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309 and subject to subsection (d) of this section, \$3.5 million from the \$60.9 million settlement the District obtained; and

(2) In private-sector matching funds, \$3.5 million to be raised by Destination DC.

(c) Money in the Fund shall be used to pay for the costs associated with hosting the U.S. Tourism Association's annual international tourism conference, known as the IPW.

(d) The portion of the Fund described in subsection (b)(1) of this section shall be available for expenditure only if Destination DC raises private-sector matching funds on a one-to-one basis. Destination DC shall return to the District any settlement funds for which a private-sector match is not secured.

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(e) Destination DC shall submit an annual report by the end of each fiscal year to the Mayor and Council, which shall include the amount of private-sector matching funds raised and the amount expended from the Fund.

(f)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

Sec. 7153. Destination DC Marketing Fund.

(a) There is established as a special fund the Destination DC Marketing Fund ("Fund"), which shall be established under the auspices of and administered by Destination DC, and which shall be used by Destination DC for the purposes of marketing the District.

(b) The amount of \$1.5 million shall be deposited into the Fund from the \$60.9 million settlement the District obtained with online travel companies to recover unpaid hotel-room taxes, only upon approval of the settlement by the District of Columbia Court of Appeals, *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309.

(c)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

Sec. 7154. WMATA Momentum Support Fund.

(a) There is established as a special fund the WMATA Momentum Support Fund ("Fund"), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309, \$55.9 million from the \$60.9 million settlement the District obtained shall be deposited in the Fund.

(c) Upon execution of an inter-jurisdiction funding agreement for implementation of the Washington Metropolitan Area Transit Authority Momentum Strategic Plan ("Momentum"), any monies in the Fund shall be made available to finance the District's share of the implementation costs of Momentum.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

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**SUBTITLE Q. LAHDO ESTOPPELS**

Sec. 7161. Short title.

This subtitle may be cited as the "LAHDO Estoppels Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7162. Section 47-1005.01(c-1) of the District of Columbia Official Code is amended to read as follows:

"(c-1)(1) Effective June 9, 2001, an existing or future lease entered into under the provisions of the Land Acquisition for Housing Development Opportunities Program, set forth in Chapter 45 of Title 10 of the District of Columbia Municipal Regulations (10 DCMR § 45) ("LAHDO"), shall be exempt from all taxes, assessments, and public charges related to the leased land, including any possessory interest tax, for periods for which the Department of Housing and Community Development ("DHCD") certifies in writing to the lessee and the Chief Financial Officer that the lessee is in compliance with its LAHDO lease and the lessee is in good standing with DHCD.

"(2) As to any property for which a written certification of compliance is issued, DHCD shall notify the lessee and the Chief Financial Officer if the lessee no longer is in compliance with its lease or is not in good standing with DHCD.

"(3) The exemption provided in this subsection shall end at the beginning of the first month following the date that the lessee did not comply with its lease or was not in good standing with DHCD, whichever occurs first."

**SUBTITLE R. QUALIFIED HIGH TECHNOLOGY CLARIFICATION**

Sec. 7171. Short title.

This subtitle may be cited as the "Qualified High Technology Clarification Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7172. Section 47-1817.01(5) of the District of Columbia Official Code is amended as follows:

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

(1) Sub-subparagraph (i) is amended by striking the phrase "maintaining an office, headquarters, or base of operations" and inserting the phrase "leasing or owning an office" in its place.

(2) Sub-subparagraph (ii) is amended by striking the word "employees" and inserting the phrase "qualified employees" in its place.

(3) Sub-subparagraph (iii) is amended as follows:

(A) Sub-sub-subparagraph (II) is amended by striking the phrase "digital media. Such technologies shall include" and inserting the phrase "digital media, including" in its place.

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(B) Sub-sub-subparagraph (III) is amended by striking the phrase “medical processes. Such materials and technologies shall include” and inserting the phrase “medical processes, including” in its place.

(C) Sub-sub-subparagraph (IV) is amended as follows:

(i) Strike the word “biotechnology” and insert the phrase “biotechnology,” in its place.

(ii) Strike the phrase “or propulsion” and insert the word “propulsion” in its place.

(iii) Strike the phrase “equipment. Such technologies shall include” and insert the phrase “equipment, including” in its place.

(D) Sub-sub-subparagraph (V) is amended by striking the phrase “media content. Such technologies shall include” and inserting the phrase “media content, including” in its place.

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

(1) Sub-sub-subparagraph (I) is amended to read as follows:

“(I) An on-line or brick and mortar retail store;”.

(2) Sub-sub-subparagraph (II) is amended by striking the phrase “facility;” and inserting the phrase “facility; or” in its place.

(3) A new sub-sub-subparagraph (III) is added to read as follows:

“(III) A building or construction company.”.

Sec. 7173. Applicability.

This subtitle shall be applicable for tax years beginning after December 31, 2014.

**SUBTITLE S. EMERGING BUSINESS DISTRICT DEMONSTRATION**

Sec.7181. Short title.

This subtitle may be cited as the "Emerging Business District Demonstration Second Congressional Review Emergency Act of 2014".

Sec. 7182. Emerging Business District Demonstration Projects.

(a) The Mayor shall authorize the creation of Emerging Business District Demonstration Projects for business development purposes and provide financial assistance, beginning in Fiscal Year 2016, for up to 5 years while a business tax base is further established. These funds shall be distributed through a grant program by the Office of the Deputy Mayor for Planning and Economic Development.

(b)(1) To be eligible for these funds, applicants must demonstrate property owner commitment to the program through matching grants of at least 25% of the proposed program's total budget.

(2) Business Improvement Districts with budgets under \$1 million as well as eligible 501(c)(3) and 501(c)(6) organizations may apply and be awarded these funds.

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(c) Within 45 days of the effective date of this subtitle, the Mayor shall publish draft regulations regarding the criteria and awarding of grants; provided, that if no regulations are published, organizations will be entitled to apply as of November 1, 2015.

(d) Regulations shall include:

- (1) The ability to establish and assemble a panel of reviewers for applications;
- (2) A formula to determine what level of seed funding is sufficient to establish operations and allows the pursuit of matching funds from the private sector or otherwise;
- (3) The ability for applicants to be eligible for technical assistance, training, and mentoring opportunities; and
- (4) Eligible uses of funds, which shall include:
  - (A) Economic research; or
  - (B) Community or business outreach.

Sec. 7183. The grant program established by this subtitle shall not prevent an entity or a neighborhood from receiving any other form of District or federal assistance, including loans or other grants.

Sec. 7184. The Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; 60 DCR 992), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Applicability.

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

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

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

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

Sec. 7185. The grant program established by this subtitle shall be funded by the savings realized from section 7184.

#### **SUBTITLE T. SOUTHWEST WATERFRONT PROJECT CLARIFICATION**

Sec. 7191. Short title.

This subtitle may be cited as the "Southwest Waterfront Project Clarification Second Congressional Review Emergency Amendment Act of 2014".



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Sec. 7192. Section 101(3) of the Southwest Waterfront Bond Financing Act of 2008, effective October 22, 2008 (D.C. Law 17-252, D.C. Official Code § 2-1217.131(3)), is amended to read as follows:

“(3) “Available Sales Tax Revenues” means the revenues in excess of \$208,549 generated in the Southwest Waterfront PILOT/TIF Area in any fiscal year of the District commencing on the Commencement Date resulting from the imposition of the sales tax under Chapter 20 of Title 47, including penalty and interest charges, exclusive of the portion required to be deposited in the Washington Convention Center Fund established pursuant to the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08). The term "Available Sales Tax Revenues" includes sales tax revenues from any business existing in the Southwest Waterfront PILOT/TIF Area on October 22, 2008, only after the business has re-opened as a result of the development of any portion of the project.”.

**SUBTITLE U. NON-DEPARTMENTAL FUND ADMINISTRATION**

Sec. 7201. Short title.

This subtitle may be cited as the “Non-Departmental Fund Administration Second Congressional Review Emergency Act of 2014”.

Sec. 7202. In Fiscal Year 2015, of the funds allocated to the Non-Departmental agency, an amount up to \$1 million shall be transferred to the University of the District of Columbia (“UDC”) if, by January 1, 2015, UDC raises the amount of \$1 million from private donations for the purpose of meeting accreditation standards. The amount transferred under this section shall be matched dollar-for-dollar from the amount raised up to \$1 million.

Sec. 7203. In Fiscal Year 2015, and beginning no later than the effective date of the Transportation Reorganization Act of 2014, as introduced on April 8, 2014 (Bill 20-759) (“Act”), the City Administrator shall convene and lead a multi-agency working group to plan for and implement the agency restructuring required by the Act. The City Administrator may use up to \$500,000 from the Non-Departmental agency for this process.

**SUBTITLE V. UNITED HOUSE OF PRAYER FOR ALL PEOPLE EQUITABLE REAL PROPERTY TAX RELIEF**

Sec. 7211. Short title.

This subtitle may be cited as the “United House of Prayer for All People Equitable Real Property Tax Relief Second Congressional Review Emergency Act of 2014”.

Sec. 7212. United House of Prayer for All People equitable real property tax relief.

The Council orders that:

(1) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lots 88 and 982, Square 5861, and paid by the

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United House of Prayer for All People, for tax years 2001 through 2013, shall be forgiven and refunded; and

(2) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lot 988, Square 5861, for the first 2 months of tax year 2014, shall be forgiven and any payments by the United House of Prayer for All People shall be refunded.

**SUBTITLE W. MERIDIAN INTERNATIONAL CENTER REAL PROPERTY  
TAX EXEMPTION ACT**

Sec. 7221. Short title.

This subtitle may be cited as the “Meridian International Center Real Property Tax Exemption Second Congressional Review Emergency Act of 2014”.

Sec. 7222. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1092. Meridian International Center.”.

(b) A new section 47-1092 is added to read as follows:

“§ 47-1092. Meridian International Center.

“(a)(1) Beginning on the effective date of this section, the real property designated as Lots 806, 808, and 809 in Square 2568, known as the Meridian House and the White-Meyer House, and Lots 2369 through 2401, 2413 through 2417, 2423, 2441, and 2442 in Square 2567, together with any improvements and furnishings (“Property”) shall be exempt from all taxation; provided, that the Property is:

“(A) Owned by the Meridian International Center, a District of Columbia nonprofit corporation;

“(B) Used for the purposes and activities of the Meridian International Center; and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section.

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section.

“(b) Section 47-1005 shall apply with respect to the Property; provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property.

“(c) Meridian International Center shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009.”.

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Sec. 7223. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded.

**SUBTITLE X. SCOTTISH RITE TEMPLE REAL PROPERTY TAX ACT**

Sec. 7231. Short title.

This subtitle may be cited as the “Scottish Rite Temple Real Property Tax Second Congressional Review Emergency Act of 2014”.

Sec. 7232. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1094. Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States; Lot 108, Square 192.”.

(b) A new section 47-1094 is added to read as follows:

“§ 47-1094. Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States; Lot 108, Square 192.

“The real property described as Lot 108 in Square 192 shall be exempt from real property taxation so long as the real property is owned by The Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-Third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (“Supreme Council”) or its subsidiaries, including the House of the Temple Historic Preservation Foundation, Inc., and is used by the Supreme Council or its subsidiaries to carry on their purposes and activities, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively under this chapter.”.

**SUBTITLE Y. AMERICAN ACADEMY OF ACHIEVEMENT REAL PROPERTY TAX EXEMPTION ACT**

Sec. 7241. Short title.

This subtitle may be cited as the “American Academy of Achievement Real Property Tax Exemption Second Congressional Review Emergency Act of 2014”.

Sec. 7242. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1093. American Academy of Achievement.”.

(b) A new section 47-1093 is added to read as follows:

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“§ 47-1093. American Academy of Achievement.

“(a)(1) Beginning on the effective date of this section, the real property designated as Lot 0829 in Square 0182, known as the American Academy of Achievement building, together with any improvements and furnishings (“Property”) shall be exempt from all taxation; provided, that the Property is:

“(A) Owned by the American Academy of Achievement, a nonprofit corporation;

“(B) Used for the purposes and activities of the American Academy of Achievement; and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section.

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section.

“(b) Section 47-1005 shall apply with respect to the Property; provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property.

“(c) The American Academy of Achievement shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009.”.

Sec. 7243. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded.

**SUBTITLE Z. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF**

Sec. 7251. Short title.

This subtitle may be cited as the "Affordable Housing Real Property Tax Relief Second Congressional Review Emergency Act of 2014".

Sec. 7252. Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is amended by striking the phrase “and for which an exemption was granted;” and inserting a semicolon in its place.

Sec. 7253. Applicability.

This subtitle shall apply with respect to renewal contracts entered into before, on, or after the effective date of the Fiscal Year 2015 Budget Support Emergency Act of 2014, effective July 14, 2014 (D.C. Act 20-377; 61 DCR 7598).

**ENROLLED ORIGINAL****SUBTITLE AA. TANF CONTINGENCY APPROPRIATION**

Sec. 7261. Short title.

This subtitle may be cited as the "TANF Contingency Appropriation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 7262. Pursuant to the Fiscal Year 2015 Budget Request Act of 2014, passed on final reading on May 28, 2014 (Enrolled version of Bill 20-749), \$5,771,880.64 of local revenues certified in the June 2014 revenue estimate that exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015 shall be allocated to the Department of Human Services to expand POWER eligibility, for Fiscal Year 2015, to include families who have been on TANF longer than 60 months, are enrolled with a TANF Employment Program vendor, and are not the subject of a sanction as of October 1, 2014, pursuant to section 7263.

Sec. 7263. (a) Section 572a(a)(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.72a(A)(6)), is amended to read as follows:

"(6) Is the head of an assistance unit who is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which he or she is working towards the attainment of a degree, certificate, or official credential, or for fiscal year 2015, has been on TANF over 60 months, is enrolled with a TANF Employment Program vendor, and is not the subject of a sanction as of October 1, 2014."

(b) Subsection (a) of this section shall apply upon an allocation of \$5,771,880.64 made pursuant to section 7262.

**TITLE VIII. CAPITAL BUDGET****SUBTITLE A. DDOT CAPITAL BUDGET ALLOCATION AUTHORITY**

Sec. 8001. Short title.

This subtitle may be cited as the "Department of Transportation Capital Budget Allocation Authority Second Congressional Review Emergency Amendment Act of 2014".

Sec. 8002. Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended by adding a new paragraph (3) to read as follows:

"(3) The Director may submit requests to OBP to re-allocate funds from any Related Project to the applicable capital project created in Fiscal Year 2012 or later funded from the District of Columbia Highway Trust Fund. The Director, following re-allocation of funds by OBP from a Related Project to its applicable capital project, shall have the authority to submit requests to OBP to allocate these funds to another Related Project."

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**SUBTITLE B. DDOT CAPITAL PROJECT REVIEW AND RECONCILIATION**

Sec. 8011. Short title.

This subtitle may be cited as the "Department of Transportation Capital Project Review and Reconciliation Second Congressional Review Emergency Amendment Act of 2014".

Sec. 8012. Section 11j(a) of Title IV of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.53(a)), is amended to read as follows:

"(a) Funds resulting from the closure of a capital project pursuant to section 11i(a) shall be allocated to restore funding to the Pedestrian and Bicycle Safety Enhancement Fund, established by section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131), up to an annual level of \$1.5 million and then equally among the Local Streets Ward-based capital projects; provided, that funds specific to non-participating costs shall be allocated to the non-participating Highway Trust Fund Support project."

**SUBTITLE C. FISCAL YEAR 2015 CAPITAL PROJECT FINANCING REALLOCATION APPROVAL**

Sec. 8021. Short title.

This subtitle may be cited as the "Fiscal Year 2015 Capital Project Reallocation Approval Second Congressional Review Emergency Act of 2014".

Sec. 8022. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$84,463,423 in general obligation bond proceeds from District capital projects listed in Table A to the District capital projects, in the amounts specified, listed in Table B.

(b) The current allocations were made pursuant to the Fiscal Year 2009 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2009, effective March 3, 2009 (Res. 18-0034; 56 DCR 2082), the Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009, effective December 4, 2009 (D.C. Act 18-240; 56 DCMR 9265), the Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2010, effective November 17, 2010 (D.C. Act 18-607; 57 DCR 11054), and the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-0315; 58 DCR 10556).

**TABLE A.**

<b>Owner Agency Title</b>	<b>Project Number</b>	<b>Implementing Agency</b>	<b>Project Title</b>	<b>Bond Issuance Series</b>	<b>Amount</b>
Department of General Services	EA7	DGS	Neighborhood Revitalization	2009E	9,629
Office of the Attorney	EN2	OAG	Child Support	2009D	20,885

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General			Enforcement System - CSED		
Metropolitan Police Department	FRI	MPD	Base Building Renovation	2009D	4,848,843
Metropolitan Police Department	ITI	MPD	Information Technology Initiative - MPD	2010A	11,039
Department of General Services	AA9	DGS	Procurement of 225 Virginia Avenue	2011A - IT	13,792
DC Public Library	CWM	DCPL	African American Civil War Memorial	2011A - IT	1,118,561
Deputy Mayor for Economic Development	AWT	DMPED	Walter Reed Redevelopment	2011A - IT	402,214
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2009D	4,066
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2010A	787
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2010A	6,321
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2011A - IT	7,337
District of Columbia Public Schools	GM0	DGS	Woodrow Wilson Natatorium/Pool	2009E	4,039,764
University of the District of Columbia	ET9	UDC	Higher Education Back Office - Banner	2011A - IT	302,363
Department of Parks and Recreation	QK1	DPR	Renovation Of The S & T St NW Park	2010A	425,476
Department of Parks and Recreation	QS6	DPR	Renovation Of The S & T St NW Park	2009D	73,312
Department of Human Services	SH1	DGS	Oak Hill Youth Facility	2010A	501
District Department of Transportation	GFL	DDOT	SE Salt Dome	2010A	21,288
District Department of Transportation	BRI	DDOT	Pedestrian Bridge	2010A	4,987,554

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Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2010A	472,381
Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2011A - IT	3,351
DC Public Library	NL6	DCPL	Reconstruction/Renovation Neighborhood Libraries	2012 FG	3,955,680
Fire and Emergency Medical Services	LC4	FEMS	Engine Company 22 Replacement	2012 FG	1,525,115
Fire and Emergency Medical Services	LE5	FEMS	Engine Company 27 Renovation	2012 FG	1,956,335
Fire and Emergency Medical Services	LE7	FEMS	Engine Company 27 Renovation	2012 FG	1,000,000
District of Columbia Public Schools	PR3	DGS	Ron Brown ES Modernization	2012 FG	4,050,000
Department of Parks and Recreation	QJ8	DPR	Friendship Park	2012 FG	1,629,830
Mass Transit Subsidies	SA4	WMATA	Metrorail Construction	2012 FG	53,577,000
<b>TOTAL</b>					<b>\$84,463,423</b>

TABLE B.

Agency	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Mass Transit Subsidies	TOP	WMATA	Transit Operations & Dedicated Facilities	N/A	25,787,055
District of Columbia Public Schools	MH1	DGS	Dunbar SHS Modernization	N/A	29,453,153
District of Columbia Public Schools	NX3	DGS	Cardozo HS Modernization	N/A	29,223,215
<b>TOTAL</b>					<b>\$84,463,423</b>



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**SUBTITLE D. H STREET STREETCAR PRIORITY**

Sec. 8031. Short title.

This subtitle may be cited as the "H Street Streetcar Priority Second Congressional Review Emergency Act of 2014".

Sec. 8032. (a) The Mayor shall include the full replacement of the H Street Bridge in the region's Transportation Improvement Program for completion before Fiscal Year 2018.

(b) The Mayor and the District Department of Transportation ("DDOT") shall prioritize the full replacement of the H Street Bridge under DDOT capital project SA306C, H Street/Benning/K Street Line. The full replacement of the bridge shall be completed before Fiscal Year 2018.

**TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND  
AMENDMENTS AND TRANSFERS****SUBTITLE A. LOCAL AND O-TYPE FUND AMENDMENTS**

Sec. 9001. Short title.

This title may be cited as the "Local and Special Purpose Revenue Fund Second Congressional Review Emergency Amendment Act of 2014".

Sec. 9002. RFK & DC Armory Maintenance Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1440 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9003. Facilities Service Request Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1500 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9004. Distribution Fees.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1243 within the Office of the Secretary shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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## Sec. 9005. Copy Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0651 within the Public Service Commission shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9006. DCPS PEPCO.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0604 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9007. DCPS Security.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0609 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9008. DCPS Custodial.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0607 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9009. DPR Enterprise Fund.

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as fund 0602 within the Department of Parks and Recreation shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9010. Pedestrian and Bicycle Safety and Enhancement Fund.

Section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place.

(b) Subsection (c)(1) is amended to read as follows:

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"(c)(1) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9011. DMV Out-of State Vehicle Registration Fee.

Section 3a(a) of the District of Columbia Revenue Act of 1937, effective March 28, 2008 (D.C. Law 17-130; D.C. Official Code § 50-1501.03a(a)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place.

(b) Paragraph (3) is amended to read as follows:

"(3) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9012. OCTO SERVUS Program.

Section 1004(d) of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1433(d)), is amended to read as follows:

"(d) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia."

Sec. 9013. Healthcare Forfeiture.

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as the Healthcare Forfeiture fund shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9014. Child SPT – Title IV Incentive Fees.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Child SPT – Title IVC Incentive Fees fund within the Office of the Attorney General shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9015 Adult Training Fund.

Section 2261 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 32-1671), is repealed.

Sec. 9016. Youth Jobs Fund.

Section 1009 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 2-1516.01), is repealed.

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## Sec. 9017. Neighborhood Investment Fund.

(a) The Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), is repealed

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

(1) Subparagraph (A) is amended by adding the word "or" at the end.

(2) Subparagraph (B) is repealed.

(c) Section 2(16)(C)(i) of the Certified Capital Companies Act of 2003, effective March 10, 2004 (D.C. Law 15-87; D.C. Official Code § 31-5231(16)(C)(i)), is repealed.

(d) Section 2172 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 38-1011.02), is repealed.

## Sec. 9018. Senior Citizens Housing Modernization Grant Fund.

The Senior Housing Modernization Grant Fund Act of 2010, effective August 12, 2010 (D.C. Law 18-218; D.C. Official Code § 1-325.161 *et seq.*), is repealed

## Sec. 9019. Shaw Community Development Fund.

Section 204(l) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.04(l)), is repealed.

## Sec. 9020. AWC Integration.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0626 within the Deputy Mayor for Planning and Economic Development shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9021. Commercial Revitalization Assistance Fund.

(a) Section 2376 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 2-218.76), is repealed.

(b) Section 20(b) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.20(b)), is repealed.

## Sec. 9022. TDL Career Cluster.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the TDL Career Cluster fund

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within the District of Columbia Public Schools shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9023. Pre-k for All.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Pre-k for All fund within the Office of the State Superintendent of Education shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9024. Air Quality Construction Permits.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Air Quality Construction Permits fund within the Department of Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9025. DDOT Operating (Unified) Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6900 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

Sec. 9026. Parking Meter Fund.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6906 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

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## Sec. 9027. Prison Diversion.

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Prison Diversion fund within the Department of Behavioral Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

## Sec. 9028. Integrated Service Fund.

The Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.01 *et seq.*), is repealed.

**SUBTITLE B. LOCAL AND O-TYPE FUND TRANSFERS**

## Sec. 9031. Short title.

This subtitle may be cited as the "Local and Special Purpose Revenue Fund Transfer Second Congressional Review Emergency Act of 2014".

Sec. 9032. Before the end of Fiscal Year 2014, the Chief Financial Officer shall transfer the following amounts from the accounts listed below to the Contingency Cash Reserve Fund, established by section 450A(b) of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a(b)):

Agency Code	Agency	Fund Name	Amount
AM0	DGS	Fixed Cost Commodity Reserve	\$22,288,649
CF0	DOES	Adult Training Fund	\$10,156,624
CF0	DOES	Youth Jobs Fund	\$6,431,374
EB0	DMPED	Neighborhood Investment Fund	\$60,226
EB0	DMPED	Senior Housing Modernization grant Fund Act of 2010	\$100,000
EB0	DMPED	AWC Integration	-\$6,146
EN0	DSLBD	Commercial Revitalization Assistance Fund	\$1,245,199
HT0	DHCF	Hospital Assessment Tax	\$715,707
KA0	DDOT	DDOT Operating (Unified) Fund	\$65,084
KA0	DDOT	Parking Meter Fund	\$534,282
RM0	DBH	Prison Diversion	\$128,000
XXX	OCFO	Integrated Service Fund	\$4,576,805
GD0	OSSE	Healthy Schools Act	\$4,349,170
XXX	OCFO	Healthcare Forfeiture	\$1,176,069
TOTAL			\$51,821,042

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Sec. 9033. Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds revenue \$3 million of fund balance from the Recorder of Deeds Automation and Infrastructure Improvement Fund.

**TITLE X. REPORTING REQUIREMENTS**

Sec. 10001. Short title.

This title may be cited as the “Council Reporting Requirements Second Congressional Review Emergency Act of 2014”.

Sec. 10002. For purposes of this title, unless otherwise provided, reports made to the Council shall be made to the Secretary to the Council.

**PUBLIC EDUCATION**

Sec. 10003. State Board of Education reporting requirements.

By October 1, 2014, the State Board of Education shall submit to the Council:

- (1) An implementation plan for the establishment of the Office of the Student Advocate, which is to be fully operational by January 1, 2015;
- (2) A report on the accomplishments of the Office of the Ombudsman for Public Education during Fiscal Year 2014 and a strategic plan for the Office for Fiscal Year 2015; and
- (3) A report on the status of development and approval of high school graduation requirements for District of Columbia students, including the proposed standard diploma, diploma of distinction, a career credential aligned with CTE standards, and an achievement diploma for students with severe cognitive disabilities.

Sec. 10004. Office of the State Superintendent of Education reporting requirements.

By October 1, 2014, the Office of the State Superintendent of Education (“OSSE”) shall submit to the Council:

- (1) A report on the status of the opening the Youth Re-Engagement Center (“Center”). The report shall include, at a minimum:
  - (A) A summary of activities undertaken during Fiscal Year 2014 in support of the Center;
  - (B) A description of Center programs and activities underway or planned for Fiscal Year 2015 that will support re-engagement of youth; and
  - (C) The name of the staff members working at the Center and their qualifications;
- (2) A report on OSSE’s efforts to improve access to college entrance exams for District of Columbia students. The report shall include, at a minimum:
  - (A) The number of District public school students who took the Scholastic Aptitude Test (“SAT”) and the ACT test during school year (“SY”) 2013-2014, by school and

## ENROLLED ORIGINAL

local education agency (“LEA”), and whether or not those students took advantage of free or reduced-price vouchers;

(B) The average and median score for District public school students on the SAT and ACT in SY2013-2014 by LEA;

(C) The type of preparation courses offered to students free of charge for both the SAT and ACT and the number of students who participated during SY2013-2014; and

(D) Information regarding planned efforts for Fiscal Year 2015, including the projected number of students who will participate in test preparation courses and who will utilize free or reduced vouchers for college entrance exams, and the projected cost;

(3) A report on the development of an information management system to ensure that the District is able to provide necessary services to homeless students;

(4) A report on the identification of at-risk students for the purposes of developing the Fiscal Year 2016 budget, including the methodology that will be used to project the number of at-risk students at each LEA and school and an update on OSSE’s at-risk early warning system, including a timetable for its implementation;

(5) A plan to increase Medicaid reimbursement for services rendered to students with individualized education Programs (“IEP”), including:

(A) A list of all services provided to students with IEPs that the District does not currently include under its Medicaid state plan as an eligible service;

(B) For each of the services identified in subparagraph (A) of this paragraph, the actual Fiscal Year 2014 local expenditures, projected Fiscal Year 2015 local expenditures, and estimated local savings available to the District if the services were included in the Medicaid state plan; and

(C) Recommended amendments to the District Medicaid state plan and other policy options to expand federal reimbursement for services provided to students with IEPs;

(6) A report on the status of centralizing non-resident student investigations within OSSE, including the status of transferring nonresident tuition funds from DCPS to OSSE, as part of the implementation of sections 15a, 15b, and 15c of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.01 *et seq.*); and

(7) The status of the development of a memorandum of understanding with the Department of Employment Services to provide adult workforce training.

Sec. 10005. District of Columbia Public Schools reporting requirements.

By October 1, 2014, the District of Columbia Public Schools (“DCPS”) shall submit to the Council:

(1) A report on efforts to work with youth educators, including the Young Women’s Project, to supplement health-education services, along with a delineation of Fiscal Year 2015 funding dedicated to supporting youth educators;



## ENROLLED ORIGINAL

(2) A report on implementation of a restorative justice pilot program, including a list of participating schools and a Fiscal Year 2015 spending plan;

(3) A report on DCPS' summer school program, including:

(A) The number of students served in Fiscal Year 2014 and total program expenditures;

(B) Projected number of students to be served in Fiscal Year 2015, and the total program budget;

(4) A report on efforts undertaken in Fiscal Year 2014 and planned for Fiscal Year 2015 to ensure full implementation of the Focused Student Achievement Act of 2013, effective February 22, 2014 (D.C. Law 20-84; 61 DCR 178);

(5) All student promotion and attendance data by school and grade for school year 2013-2014;

(6) A report on the current inventory of DCPS library collections and resources available at each DCPS school, and efforts planned for Fiscal Year 2015 to expand access to library materials and resources, including efforts to:

(A) Provide at least 20 library items per student in each DCPS school;

(B) Balance the collections at DCPS Libraries between content areas; and

(C) Ensure that the average age of materials in each DCPS Library is less than 10 years old;

(7) A report on fixed costs, including:

(A) A comparison of projected and actual Fiscal Year 2014 fixed-costs expenditures by DCPS facility;

(B) Projected Fiscal Year 2015 fixed-costs expenditures by DCPS facility and actual fixed-costs expenditures incurred during school year 2014-2015;

(C) Implementation of the Sustainable DC Initiative; and

(D) Efforts to coordinate with the Department of General Services on a regular basis to review fixed costs projections and actual expenditures;

(8) A plan to ensure full implementation of the Fair Funding and Student-Based Budgeting Act of 2013, effective February 22, 2014 (D.C. Law 20-87; 61 DCR 3742) ("Fair Funding Act"), for the Fiscal Year 2016 budget;

(9) A report on the effort undertaken and planned for Fiscal Year 2015 related to the re-opening of Van Ness elementary school and the opening of an application middle school east of the Anacostia River;

(10) A report on implementation of the budget recommendations included in the Committee on Education budget report for Fiscal Year 2015, including detailed information by school of the services or programs each of the allocations supported:

(A) The \$2,563,500 to be used to supplement those schools most impacted by the budgetary discrepancy between DCPS' allocation of at-risk funds and the requirements set forth in the Fair Funding Act; and

**ENROLLED ORIGINAL**

(B) The \$236,500 to augment the at-risk allocation at Anacostia High School, which has the highest percentage of special education students among those schools that did not receive their estimated at-risk allotment pursuant to the Fair Funding Act.

Sec. 10006. Public Charter School Board reporting requirements.

By October 1, 2014, the Public Charter School Board ("PCSB") shall submit to the Council:

(1) Recommendations on how the PCSB will incorporate students' educational and programmatic needs as part of its application review for new and expanding public charter schools in school year 2014-2015. The recommendations may include how the agency and potential applicants are collaborating with the Deputy Mayor for Education, other appropriate agencies, and incorporating school enrollment, demand, and need as part of the application process; and

(2) A report on the current inventory of library collections and resources available at District public charter schools.

Sec. 10007. Deputy Mayor for Education reporting requirements.

By October 1, 2014, the Deputy Mayor for Education shall submit to the Council:

(1) A report on its continued implementation of the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1517.01 *et seq.*), including a Fiscal Year 2015 spending plan;

(2) Recommendations on expanding transportation subsidies to students between the ages of 21-24 years old enrolled in DCPS or a public charter school;

(3) An update on the activities and Fiscal Year 2015 goals of the State Early Childhood Development Coordinating Council; and

(4) A report on implementation of the Graduation Pathways Project and how it will identify students who are off-track, assess current programs, and create or expand programs in both sectors that have demonstrated success at reducing truancy and keeping students on track to graduate on time.

**HEALTH AND HUMAN SERVICES**

Sec. 10008. Feasibility and assessment study.

(a) The Department of Human Services shall commission a feasibility and assessment study to determine the housing and space needs for the residents and service providers within the building located at 425 2nd Street, N.W.

(b) The study shall be conducted by a policy, planning, or design firm.

(c) In keeping with the recommendations of the CCNV Task Force, the study shall:

(1) Consider and address the existence of a need for new facilities to replace the existing building;

(2) Identify the service and support needs of current residents;

## ENROLLED ORIGINAL

- (3) Develop and design shelter for the newly homeless and housing options for current residents based on identified service needs of the population;
  - (4) Identify opportunities for funding for shelter for the newly homeless and housing options for current residents;
  - (5) Propose a timeline for development and provision of shelter for the newly homeless and housing options for current residents;
  - (6) Provide specific recommendations regarding shelter for the newly homeless and housing options for current residents; and
  - (7) Estimate capital and operational costs of completing the recommendations.
- (d) The study shall be completed no later than 180 days from the date that the contract is awarded.

Sec. 10009. Department of Health reporting requirements.

By October 1, 2014, the Department of Health ("DOH") shall submit to the Council:

- (1) A quarterly report on all grants administered by the DOH, which shall include, at a minimum, the:
- (A) Grant title and number;
  - (B) Source of the funding;
  - (C) Approved budget authority;
  - (D) Expenditures, including encumbrances and pre-encumbrances;
  - (E) Purpose of the grant;
  - (F) Name of grantees and subgrantees for each grant;
  - (G) Date of grant funding expiration; and
  - (H) DOH employees responsible for overseeing the grant;
- (2) An annual report on all federal grants for health services that DOH is aware of being in jeopardy of being cut at the conclusion of that fiscal year, when that funding has supported 3 or more community organizations that have history of providing services in the District;
- (3) A biannual report on how existing District teenage pregnancy prevention programs are evaluated. The report should include information regarding the following:
- (A) The rate of teen pregnancy in the wards that the program services;
  - (B) The number of girls served;
  - (C) The number of girls that have successfully completed the program;
- and
- (D) Any other information DOH deems critical to critiquing the success of the program; and
- (4) A bi-monthly report regarding the efficiency of the medical marijuana program in the District, the number of medical marijuana applications received from patients and doctors, the time it took to process each application, the names of the individuals in charge of processing the application, the average overall wait time for processing doctor and patient applications, and any other information critical to analyzing the program's efficiency.

## ENROLLED ORIGINAL

Sec. 10010. Department of Health Care Finance reporting requirements.

(a) By October 1, 2014, the Department of Health Care Finance ("DHCF") shall submit to the Council a report on:

- (1) DHCF's reevaluation of the Alliance recertification process and recommendation for whether recertification rules need to be modified; and
- (2) Description and timeline for implementation of DHCFs coordination of care plan.

(b) Starting on October 1, 2014 and ending on September 31, 2015, DHCF shall submit to the Council a quarterly report on:

(1) The progress of Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") coding changes and provider compliance with EPSDT screens and reporting;

(2) The eligibility and enrollment in the Elderly and Persons with Disabilities ("EPD") waiver including the:

- (A) Number of people currently enrolled in the EPD waiver;
- (B) Number of people currently on the waitlist;
- (C) Number of people who lost the benefit because they did not timely

recertify;

(D) Community engagement activities that are planned for that quarter;

and

(E) Status of implementation of EPD waiver state plan amendments;

(3) Emergency and acute care utilization in the managed care and fee-for-service populations;

(4) Assessing the performance of the long term care contractor, including data on its reduction of fraud and abuse of the Personal Care Aid ("PCA") benefit;

(5) Reflecting PCA benefit utilization and enrollment; and

(6) The performance of each Managed Care Organization ("MCO"), which shall include, at a minimum, the following information:

(A) A listing of the provider network for each MCO identifying each provider by name;

(B) The number of newly eligible beneficiaries auto-assigned to each MCO that quarter, along with the total number of members enrolled in each MCO;

(C) An assessment of each MCO's compliance with each contractual network adequacy requirement and performance objective, including a description of any threatened or assessed corrective action plans or penalties; and

(D) EPSDT data for each MCO, including the following:

- (i) Number of EPSDT providers in each MCO network;
- (ii) Number of screens and percentage of children screened per

quarter;

(iii) Number of mental health screens and percentage of children receiving mental health screens per quarter; and

**ENROLLED ORIGINAL**

(iv) Plans to address unsatisfactory screening rates in the next quarter.

Sec. 10011. Not-For-Profit Hospital Corporation reporting requirements.

By October 1, 2014, the Not-For-Profit Hospital Corporation ("NFPHC") shall submit to the Council a bi-monthly report on the progress made by Huron Healthcare at the NFPHC, including the:

- (1) Milestones completed;
- (2) Scheduled work and the expected completion date of such work;
- (3) Unexpected issues that have arose and plans to address those issues;
- (4) Issues that were scheduled to be completed before the due date of the next report, but were not, and the plan to complete them; and
- (5) Answers to any documented questions sent over by the Council to the NFPHC.

Sec. 10012. Health Benefit Exchange Authority reporting requirements.

(a) By October 1, 2014, the Health Benefit Exchange Authority ("Authority") shall submit to the Council a report on the effectiveness of the In-Person Assistor program, including:

- (1) The number of individuals enrolled by each grantee organization; and
- (2) Recommendations for continuing the program, including potential costs and sources of funding, in Fiscal Year 2015.

(b) By December 31, 2014, the Authority shall submit to the Council a report on the reduction of the uninsured population in the District through enrollment in plans offered through the Authority, including:

- (1) The estimated number of uninsured individuals in the District as of October 1, 2014;
- (2) The number of uninsured individuals who purchased plans between October 1, 2013 and April 30, 2014;
- (3) A comprehensive plan to conduct outreach and enroll the uninsured population in the District in Fiscal Year 2015 and Fiscal Year 2016; and
- (4) A comprehensive plan to monitor fluctuations in uninsured populations in the District in Fiscal Year 2015 and Fiscal Year 2016.

**TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

Sec. 10013. Department of Parks and Recreation reporting requirements.

By October 1, 2014, the Department of Parks and Recreation ("DPR") shall submit to the Council a detailed report on:

- (1) The agency's workforce strategic plan to address the number of critical vacancies within DPR, including a timeline for implementation, recruitment actions, benchmark goals, and strategies for retention;

**ENROLLED ORIGINAL**

(2) The development of a comprehensive complaint in-take database system, which shall include, at a minimum:

(A) A detailed description of the compliant in-take database system;

(B) A timeline for development and the estimated launch date;

(C) A recommendation for a data governance policy; and

(D) A detailed explanation on how the complaint in-take database system will interact with existing systems; and

(3) The development of a comprehensive system for performance metrics that tracks quantitative performance measures, including, at a minimum a timeline for development and the estimated launch date.

**FINANCE AND REVENUE**

Sec. 10014. Office of the Chief Financial Officer reporting requirements.

By October 1, 2014, the Office of the Chief Financial Officer (“OFCO”) shall submit to the Council a report on recommendations for improving transparency of the OCFO agency budget, including a plan for implementing improvements by the submission of the Fiscal Year 2016 budget to the Council.

**TITLE XI. APPLICABILITY, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE**

Sec. 11001. Applicability.

This act shall apply as of December 30, 2014.

Sec. 11002. 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. 11003. Effective date.

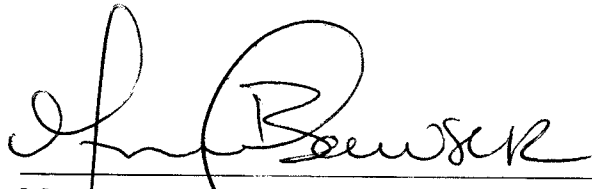
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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  
January 9, 2015

## ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-567**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To approve, on an emergency basis, Purchase Orders PO461297, PO461297-V2, PO485974, PO485974-V2, and PO485974-V3 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS between the Department of Behavioral Health and Clean and Sober Streets, Inc., and to authorize payment for the services received under the purchase orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Purchase Orders to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS Approval and Payment Authorization Emergency Act of 2014".

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) and section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46), the Council approves Purchase Orders PO461297, PO461297-V2, PO485974, PO485974-V2, and PO485974-V3 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-051-BY4-CPS between the Department of Behavioral Health and Clean and Sober Streets, Inc., and authorizes the payment of \$1,101,375.55 for Level III non-hospital residential substance abuse treatment services received under the purchase orders from May 2, 2013 through May 1, 2014.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.


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



ENROLLED ORIGINAL

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 13, 2015

## ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 20-568**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
**JANUARY 13, 2015**

To approve, on an emergency basis, Purchase Orders PO461288, PO461288-V2, PO461288-V3, PO461288-V4, PO485889, PO485889-V2, PO485889-V3, and PO485889-V4 to Human Care Provider Agreement No. RM-14-HCPA-036-BY4-CPS between the Department of Behavioral Health and United Planning Organization, Inc., and to authorize payment for the services received under the purchase orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Purchase Orders to Human Care Provider Agreement No. RM-14-HCPA-036-BY4-CPS Approval and Payment Authorization Emergency Act of 2014".

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) and section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46), the Council approves Purchase Orders PO461288, PO461288-V2, PO461288-V3, PO461288-V4, PO485889, PO485889-V2, PO485889-V3, and PO485889-V4 issued pursuant to Human Care Provider Agreement No. RM-14-HCPA-036-BY4-CPS between the Department of Behavioral Health and United Planning Organization, Inc., and authorizes the payment of \$2,005,914.81 for Level I narcotic/opioid outpatient substance abuse treatment services received under the purchase orders from May 2, 2013 through May 1, 2014.

Sec. 3. Fiscal impact statement.

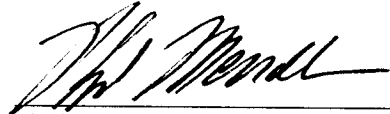
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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

ENROLLED ORIGINAL

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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-569**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nuisance Abatement Notice Emergency Amendment Act of 2014".

Sec. 2. Section 5a of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective August 15, 2008 (D.C. Law 17-216; D.C. Official Code § 42-3131.05a), is amended by striking the phrase "Notice shall also be posted on the vacant building" and inserting the phrase "Notice of the initial vacant or blighted property determination shall also be posted on the vacant building" in its place.

Sec. 3. Fiscal impact statement.


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


Sec. 4. Effective date.

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. 813; D.C. Official Code §1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 13, 2015

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 20-570**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
**JANUARY 13, 2015**

To approve, on an emergency basis, an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-008A with So Others Might Eat, Inc., for Local Rent Supplement Program units at the Benning Road Project, located at 4414-4430 Benning Road, N.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-008A Approval Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Agreement to Enter into a Long Term Subsidy Contract with So Others Might Eat, Inc., for an annual subsidy amount of \$943,116.

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.

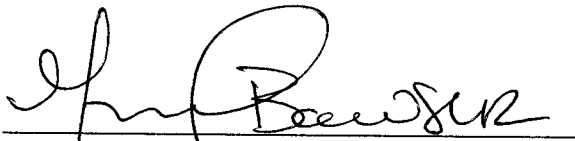
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-571**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To approve, on an emergency basis, an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-007A with Phyllis Wheatley Residential, LP, for Local Rent Supplement Program units at Phyllis Wheatley YWCA, located at 901 Rhode Island Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-007A Approval Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Agreement to Enter into a Long Term Subsidy Contract with Phyllis Wheatley Residential, LP, for an annual subsidy amount of \$827,568.

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.

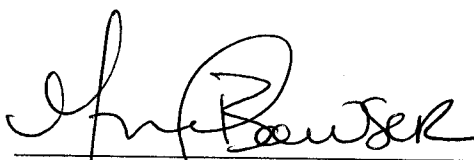
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in



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)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-572**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To approve, on an emergency basis, an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-005A with Open Arms Housing, Inc., for Local Rent Supplement Program units at the Owen House, located at 1256 Owen Place, N.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-005A Approval Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Agreement to Enter into a Long Term Subsidy Contract with Open Arms Housing, Inc., for an annual subsidy amount of \$52,512.

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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-573**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To approve, on an emergency basis, an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-04A with Beacon Center Housing, LLC, for Local Rent Supplement Program units at The Beacon Center, located at 6100 and 6104 Georgia Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-04A Approval Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Agreement to Enter into a Long Term Subsidy Contract with Beacon Housing Center, LLC, for an annual subsidy amount of \$215,352.

Sec. 3. Fiscal impact statement.

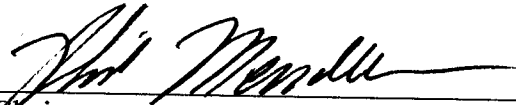
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

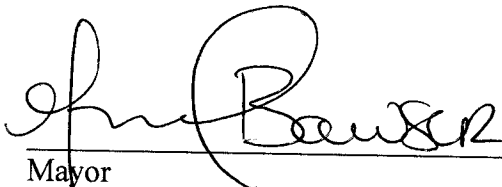
Sec. 4. Effective date.

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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-574**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To approve, on an emergency basis, an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-009A with Jubilee Housing, Inc., for Local Rent Supplement Program units at the Maycroft, located at 1474 Columbia Road, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-009A Approval Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Agreement to Enter into a Long Term Subsidy Contract with Jubilee Housing, Inc., for an annual subsidy amount of \$472,788.

Sec. 3. Fiscal impact statement.

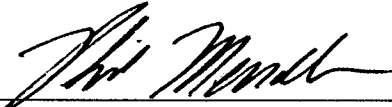
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-575**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2014".

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



## ENROLLED ORIGINAL

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.”.

(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.”.

ENROLLED ORIGINAL

Sec. 3. Applicability.

This act shall apply as of January 5, 2015.

Sec. 4. Fiscal impact statement.

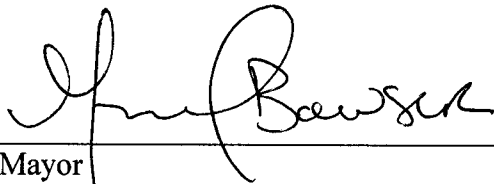
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-576**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007 to clarify the boundaries of the Ward 4 Georgia Avenue Priority Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Georgia Avenue Great Streets Neighborhood Retail Priority Area Congressional Review Emergency Amendment Act of 2014".

Sec. 2. Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended to read as follows:

"(4) Ward 4 Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within and along the boundary of the following area: beginning at the intersection of Kenyon Street, N.W., and Sherman Avenue, N.W.; continuing north along Sherman Avenue, N.W., to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W., to Spring Road, N.W.; then continuing northwest along Spring Road, N.W., to 14<sup>th</sup> Street, N.W.; then continuing north along 14<sup>th</sup> Street, N.W., to Longfellow Street, N.W.; then continuing east along Longfellow Street, N.W., to Georgia Avenue, N.W.; then continuing north along Georgia Avenue, N.W., to Eastern Avenue, N.W.; then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E., to Blair Road, N.W.; then continuing south along Blair Road, N.W., to North Capitol Street, N.E.; then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W.; then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W.; then continuing southwest along Kansas Avenue, N.W., to Varnum Street, N.W.; then continuing east along Varnum Street, N.W., to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to Kenyon Avenue, N.W.; and then continuing west along Kenyon Avenue, N.W., to the beginning point;"

ENROLLED ORIGINAL

Sec. 3. Applicability.

This act shall apply as of January 6, 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  
January 13, 2015

ENROLLED ORIGINAL

## A RESOLUTION

20-694

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the appointment of Ms. Ann Hoffman to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Ann Hoffman Confirmation Resolution of 2014”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ann Hoffman  
2810 McKinley Street, N.W.  
Washington, D.C. 20015  
(Ward 4)

as a neutral public member of the Public Employee Relations Board, established by section 501 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 § 1-605.01), for a term to end December 12, 2016.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-695

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the appointment of Ms. Yvonne T. Dixon to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Yvonne Dixon Confirmation Resolution of 2014”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Yvonne T. Dixon  
4430 7<sup>th</sup> Street, N.E.  
Washington, D.C. 20017  
(Ward 5)

as an ad hoc management member of the Public Employee Relations Board, established by section 501 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 § 1-605.01), for an unexpired term to end December 12, 2014, and for a new term to end December 12, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-696

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the proposed compensation system change submitted by the Mayor to establish an Excepted Service Schedule for medical officer and public safety positions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Excepted Service Public Safety Compensation System Changes Approval Resolution of 2014.”

Sec. 2. (a) Pursuant to sections 1105(d) and 1106 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 § 1-611.05(d) and 1-611.06) (“CMPA”), the Council approves the establishment of an Excepted Service Public Safety Schedule as recommended by the Mayor for Excepted Service positions that require a medical degree or positions that require another advanced health-related degree who perform senior supervisory public safety duties and responsibilities in an agency within the public safety cluster as defined in section 1052a(g) of the CMPA. The proposed compensation system changes include a salary increase of 3% for Fiscal Years 2016 and 2017.

(b) A salary of \$200,000 or more may only be awarded following a national recruitment and when supported by professional compensation and labor market studies.

Sec. 3. The proposed compensation system changes referred to in section 2 are as follows:

ENROLLED ORIGINAL



**District of Columbia Government Salary Schedule: PUBLIC  
SAFETY PAY EXCEPTED SCHEDULE**  
Public Safety and Justice Cluster (Medical  
Services)

**Effective Date:** October 5, 2014      **Fiscal Year:** 2015  
**Nonunion:** Nonunion      **% Increase:**  
**Service Code Definition:**

**CBU/Service Code:** XAA/A80

**Resolution #:**  
**Date of**  
**Resolution#**  
**Peoplesoft**  
**Plan:**

Level	Minimum	Midpoint	Maximum
PS 1	\$164,800	\$189,520	\$214,240
PS 2	\$192,816	\$221,738	\$250,661
PS 3	\$225,595	\$259,434	\$293,273
PS 4	\$263,946	\$303,538	\$343,130

The levels on this pay Schedule are 1, 2, 3, AND 4  
 Levels 1,2,3,and 4 = (fully trained and/or board eligible)/Supervisory Public Safety Positions  
 The following factors will be considered when making salary placements:  
 Area of Specialized Expertise and Education  
 As it pertains to Supervisory Medical Positions only:  
 Board Certified In Primary  
 Board certified in primary specialty and in a subspecialty or a second primary  
 specialty  
 Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training  
 experience"



ENROLLED ORIGINAL



District of Columbia Government Salary Schedule: PUBLIC SAFETY PAY  
EXCEPTED SCHEDULE

Public Safety and Justice Cluster (Medical Officers)

**Effective Date:** October 4, 2015      **Fiscal Year:** 2016  
**Nonunion:** Nonunion      **% Increase:**  
**Service Code Definition:**

**CBU/Service Code:** XAA/A80  
**Resolution #:**  
**Date of Resolution:**  
**Peoplesoft Plan:**

Level	Minimum	Midpoint	Maximum
PS 1	\$169,744	\$195,206	\$220,667
PS 2	\$198,600	\$228,391	\$258,181
PS 3	\$232,363	\$267,217	\$302,071
PS 4	\$271,864	\$312,644	\$353,423

The levels on this pay Schedule are 1, 2, 3, AND 4  
Levels 1,2,3,and 4 = (fully trained and/or board eligible)/Supervisory Public Safety Positions  
The following factors will be considered when making salary placements:  
Area of Specialized Expertise and Education  
As it pertains to Supervisory Medical Positions only:  
Board Certified In Primary  
Board certified in primary specialty and in a subspecialty or a second primary specialty  
Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"

ENROLLED ORIGINAL



District of Columbia Government Salary Schedule: PUBLIC SAFETY PAY  
EXCEPTED SCHEDULE

Public Safety and Justice Cluster (Medical Officers)

**Effective Date:** October 2, 2016      **Fiscal Year:** 2017  
**Nonunion:** Nonunion      **% Increase:**  
**Service Code Definition:**

**CBU/Service Code:** XAA/A80  
**Resolution #:** :  
**Date of Resolution:**  
**Peoplesoft Plan:**

Level	Minimum	Midpoint	Maximum
PS 1	\$174,836	\$201,062	\$227,287
PS 2	\$204,558	\$235,242	\$265,926
PS 3	\$239,333	\$275,233	\$311,133
PS 4	\$280,020	\$322,023	\$364,026

The levels on this pay Schedule are 1, 2, 3, AND 4  
Levels 1,2,3,and 4 = (fully trained and/or board eligible)/Supervisory Public Safety Positions  
The following factors will be considered when making salary placements:  
Area of Specialized Expertise and Education  
As it pertains to Supervisory Medical Positions only:  
Board Certified In Primary  
Board certified in primary specialty and in a subspecialty or a second primary specialty  
Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"

Sec. 4. The compensation system changes delineated in section 3 shall become effective October 5, 2014.

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-697

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare that the District-owned real property located on the 4200 block of Barnaby Road, S.E., between Bonini Road and Chesapeake Street, S.E., in Washington, D.C., known for tax and assessment purposes as Parcel 238/40, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Barnaby Road Parcel 238/40 Surplus Property Declaration Resolution of 2014”.

## Sec. 2. Findings.

(a) The District is the owner of real property located on the 4200 block of Barnaby Road, S.E., in Washington, D.C., known for tax and assessment purposes as Parcel 238/40 (“Property”). The Property consists of 1.08 acres of unimproved land.

(b) The Property is no longer required for public purposes because the Property is an odd-shaped tract of land that is zoned R-5-A. The Property does not meet the size and zoning criteria for developing and establishing a government center or administrative offices at this location. The Property also does not meet the zoning criteria for developing office or retail buildings. Further, no requests or plans are forthcoming to develop the Property into a park or recreational site. Therefore, the District has determined that the highest and best use of the property is to assemble the property with the adjacent parcels, which are owned by the proposed buyer, for the purposes of completing a residential development for single family homes. A residential development will significantly increase the amount of new housing stock built within the neighborhood. Declaring that the Property is no longer required for public purposes and disposing of it by selling to a third party is the most expedient and cost effective solution to reactivate the property. This transaction will enable a local community development corporation to complete its plans to develop new workforce housing, thus providing new revenue for the District and removing blight from the community.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) (“Act”), by holding the required public hearings on July 9 and October 7, 2013.

**ENROLLED ORIGINAL**

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-698

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the disposition of District-owned real property located in the 4200 block of Barnaby Road, S.E., between Bonini Road, S.E., and Chesapeake Street, S.E., in Washington, D.C., and known for tax and assessment purposes as Parcel 238/40.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Barnaby Road Parcel 238/40 Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement governing certain obligations of the Purchaser or the Developer under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser or the Developer of the Property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) “Property” means the real property located in the 4200 block of Barnaby Road, S.E., in Washington, D.C., and known for tax and assessment purposes as Parcel 238/40.

(5) “Purchaser” means Way of the Word Community Development Corporation, which has a primary address of 700 Southern Avenue, S.E., c/o Temple of Praise, Washington, D.C., 20032, its successor, or one of its affiliates or assignees approved by the Mayor.

## ENROLLED ORIGINAL

## Sec. 3. Approval of disposition.

(a) Pursuant to subsections 1(b) and (b-1) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b) and (b-1)) (“Act”), the Mayor transmitted to the Council a request for approval to dispose of the Property through the sale of the Property to the Purchaser.

(b) The Property is adjacent to property owned by the Purchaser, a subsidiary of the Temple of Praise Church organization. The Purchaser is a faith-based not-for-profit organization and leader in development of workforce and transitional housing within Ward 8, and the sale to the Purchaser has been negotiated for the specifically designated purpose of such development.

(c) The proposed disposition shall include the following terms and conditions, in addition to such other terms and conditions as the Mayor deems necessary or appropriate:

(1) The Purchaser shall acquire the Property in its “as is” condition for the sum of \$300,000.

(2) The Purchaser shall enter into an agreement requiring the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(3) The Purchaser shall enter into a First Source Agreement with the District.

(d) All documents that are submitted with this resolution shall be consistent with the real property purchase agreement term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act (D.C. Official Code § 10-801(b-1)(2)).

(e) The Council finds that the Property is no longer required for public purposes.

(f) The Council finds that the Mayor’s analysis of economic and other policy factors supporting the disposition of the Property justifies the sale proposed by the Mayor.

(g) The Council approves the disposition of the Property.

## Sec 4. Transmittal.

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

## Sec. 5. Fiscal impact statement.

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

## Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-699

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the reappointment of Mr. Peter Szegedy-Maszak to the Rental Housing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rental Housing Commission Peter Szegedy-Maszak Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Peter Szegedy-Maszak  
5050 MacArthur Boulevard, N.W.  
Washington, D.C. 20016  
(Ward 3)

as a member of the Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01), for a term to end July 18, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

20-700

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the reappointment of Mr. Derek Ford to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Board of Directors Derek Ford Confirmation Resolution of 2014”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Derek Ford  
4508 B Street, S.E. #8  
Washington, D.C. 20019  
(Ward 7)

as a member, with experience in mortgage lending, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), for a term to end June 28, 2016.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-701

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the reappointment of Ms. Oramenta F. Newsome to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Housing Production Trust Fund Board Oramenta F. Newsome Confirmation Resolution of 2014”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Oramenta F. Newsome  
9308 Spring Water Path  
Jessup, Maryland 20794

as a member, representing an organization that advocates for the production, preservation, and rehabilitation of affordable housing for lower-income households, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-702

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the reappointment of Mr. David J. Roodberg to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board David J. Roodberg Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. David J. Roodberg  
9483 Coral Crest Lane  
Vienna, Virginia 22182

as a member, representing the for-profit housing production industry, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-703

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To confirm the reappointment of Ms. Sue Ann Marshall to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Sue Ann Marshall Confirmation Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Sue Ann Marshall  
3426 16<sup>th</sup> Street, N.W. #104  
Washington, D.C. 20010  
(Ward 1)

as a member, representing the nonprofit housing production community, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2019.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-704

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare that the District-owned real property located at 2501 1<sup>st</sup> Street, N.W., formerly the McMillan Sand Filtration Site, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “McMillan Surplus Property Declaration Resolution of 2014”.

Sec. 2. Findings.

(a) The District is the owner of the real property located at 2501 1<sup>st</sup> Street, N.W., known for tax and assessment purposes as Lot 0800 in Square 3128 (“McMillan site”). The McMillan site consists of approximately 1,075,496 square feet of land, of which approximately 453,614 square feet of land will be reserved by the District for a community center, open space, parks, and landscaped areas, as determined by the Mayor. The remaining 621,882 square feet of land (“Property”) are the subject of this resolution.

(b) The Property is no longer required for public purposes because the Property’s condition cannot viably accommodate a District agency use or other public use without cost prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code 10-801(a-1)(4)) (“Act”), by holding a public hearing on June 6, 2013, at the All Nations Baptist Church located at 2001 North Capitol Street, N.E.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

**ENROLLED ORIGINAL**

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the disposition of District-owned real property located at 2501 1st Street, N.W., formerly the McMillan Sand Filtration Site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “McMillan Residential Townhomes Parcel Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Act” means the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Townhomes Parcel.

(4) “McMillan Sand Filtration Site” means the real property located at 2501 1st Street, N.W., known for tax and assessment purposes as Lot 0800 in Square 3128, that consists of approximately 1,075,496 square feet of land as shown in the documents submitted to the Council with this resolution.

(5) “Purchaser” means Vision McMillan Partners, LLC, a District of Columbia limited liability company with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and comprised of Trammel Crow Company, with a business address of 1055 Thomas Jefferson Street, N.W., Suite 600, Washington, D.C. 20007, EYA, with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and JAIR LYNCH Development Partners, with a business address of 1508 U Street, N.W., Washington, D.C., 20009, its successor, or one of its affiliates or assignees approved by the Mayor.

(6) “Townhomes Parcel” means the area that includes approximately 252,687 square feet of land located in the McMillan Sand Filtration Site that is planned for residential development, as may be further defined by the Mayor.

## ENROLLED ORIGINAL

## Sec. 3. Findings.

(a) The intended use of the McMillan Sand Filtration Site is a mixed-use redevelopment (“Project”) that will include the Townhomes Parcel as one component.

(b) The Townhomes Parcel will be developed into approximately 350,000 square feet for residential townhomes and any ancillary uses allowed under applicable law.

(c) The Project’s other components will be 1,030,000 square feet of healthcare facilities, 41,250 square feet of retail, 50,000 square feet of open space and landscaped areas, 52,920 square feet intended to be a full-service grocery store, and 566,930 square feet of gross floor area devoted to multi-family residential units.

(d) The remaining portion of the McMillan Sand Filtration Site will be retained by the District of Columbia government, as determined by the Mayor, and the proposed uses will include approximately 17,500 square feet of gross floor area devoted to a community center and approximately 444,056 square feet of land area devoted to parks and landscaped areas.

(e) The Project shall contain affordable housing as described in the term sheet submitted with this resolution.

(f) The Purchaser shall enter into an agreement that shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(g) The Purchaser shall enter into a First Source Agreement with the District.

(h) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) (“Act”), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(i) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

## Sec. 4. Approval of disposition.

(a) Pursuant to the Act the Mayor transmitted to the Council a request for approval of the disposition of the Townhomes Parcel to the Purchaser.

(b) The Council approves the disposition of the Townhomes Parcel.

## Sec. 5. Transmittal.

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

## Sec. 6. Applicability.

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



**ENROLLED ORIGINAL**

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

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

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

**Sec. 7. Fiscal impact statement.**

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

**Sec. 8. Effective date.**

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-706

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the disposition of District-owned real property located at 2501 1st Street, N.W., formerly the McMillan Sand Filtration Site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “McMillan Residential Multifamily Parcels Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Act” means the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Multifamily Parcel.

(4) “McMillan Sand Filtration Site” means the real property located at 2501 1st Street, N.W., known for tax and assessment purposes as Lot 0800 in Square 3128, that consists of approximately 1,075,496 square feet of land as shown in the documents submitted to the Council with this resolution.

(5) “Multifamily Parcel” means the area that includes approximately 162,638 square feet of land located in the McMillan Sand Filtration Site that is planned for residential and retail development, as may be further defined by the Mayor.

(6) “Purchaser” means Vision McMillan Partners, LLC, a District of Columbia limited liability company with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and comprised of Trammel Crow Company, with a business address of 1055 Thomas Jefferson Street, N.W., Suite 600, Washington, D.C. 20007, EYA, with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and JAIR LYNCH Development Partners, with a business address of 1508 U Street, N.W., Washington, D.C., 20009, its successor, or one of its affiliates or assignees approved by the Mayor.

## ENROLLED ORIGINAL

## Sec. 3. Findings.

(a) The intended use of the McMillan Sand Filtration Site is a mixed-use redevelopment (“Project”) that will include the Multifamily Parcel as one component.

(b) The Multifamily Parcel will developed into approximately 566,930 square feet for multifamily residential properties, 52,920 square feet intended to be a full-service grocery store, and any ancillary uses allowed under applicable law.

(c) The Project’s other components will be 1,030,000 square feet of healthcare facilities, 41,250 square feet of retail, 50,000 square feet of parks, landscaping, or open area, and 350,000 square feet devoted to residential townhomes.

(d) The remaining portion of the McMillan Sand Filtration Site will be retained by the District of Columbia government, as determined by the Mayor, and the proposed uses will include approximately 17,500 square feet of gross floor area devoted to a community center and approximately 444,056 square feet of land area devoted to parks and landscaped areas

(e) The Project will contain affordable housing as described in the term sheet submitted with this resolution.

(f) The Purchaser shall enter into an agreement that shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(g) The Purchaser shall enter into a First Source Agreement with the District.

(h) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) (“Act”), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(h) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

## Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b)(8)(F) of the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Multi-Family Parcel to the Purchaser.

(b) The Council approves the disposition of the Multi-Family Parcel.

## Sec. 5. Transmittal.

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

## Sec. 6. Applicability.

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

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

**ENROLLED ORIGINAL**

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

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

**Sec. 7. Fiscal impact statement.**

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

**Sec. 8. Effective date.**

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-707

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve the disposition of District-owned real property located at 2501 1st Street, N.W., formerly the McMillan Sand Filtration Site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “McMillan Commercial Parcel Disposition Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Act” means the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “Commercial Parcel” means the area that includes approximately 206,557 square feet of land located in the McMillan Sand Filtration Site and that is planned for future commercial development, as may be further defined by the Mayor.

(4) “First Source Agreement” means an agreement with the District governing certain obligations of the Purchaser pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Commercial Parcel.

(5) “McMillan Sand Filtration Site” means the real property located at 2501 1st Street, N.W., known for tax and assessment purposes as Lot 0800 in Square 3128, and that consists of approximately 1,075,496 square feet of land as shown in the documents submitted to the Council with this resolution.

(6) “Purchaser” means the Vision McMillan Partners, LLC, a District of Columbia limited liability company with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and comprised of Trammel Crow Company, with a business address of 1055 Thomas Jefferson Street, N.W., Suite 600, Washington, D.C. 20007, EYA, with a business address of 4800 Hampden Lane, Suite 300, Bethesda, MD 20814, and JAIR LYNCH Development Partners, with a business address of 1508 U Street, N.W., Washington, D.C., 20009, its successor, or one of its affiliates or assignees approved by the Mayor.

## ENROLLED ORIGINAL

## Sec. 3. Findings.

(a) The intended use of the McMillan Sand Filtration Site is a mixed-use redevelopment (“Project”) that will include the Commercial Parcel as one component.

(b) The Commercial Parcel will be developed into approximately 1,030,000 square feet of healthcare facilities, 41,250 square feet of retail, 50,000 square feet of open space and landscaped areas, and any ancillary uses allowed under applicable law.

(c) The Project’s other components will be 52,920 square feet intended to be a full-service grocery store, 566,930 square feet of gross floor area devoted to multi-family residential units, and 350,000 square feet devoted to residential townhomes.

(d) The remaining portion of the McMillan Sand Filtration Site will be retained by the District of Columbia government, as determined by the Mayor, and the proposed uses will include approximately 17,500 square feet of gross floor area devoted to a community center and approximately 444,056 square feet of land area devoted to parks and landscaped areas.

(e) The Project will contain affordable housing as described in the term sheet submitted with this resolution.

(f) The Purchaser shall enter into an agreement that shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(g) The Purchaser shall enter into a First Source Agreement with the District.

(h) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) (“Act”), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(i) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

## Sec. 4. Approval of disposition.

(a) Pursuant to section 1(b)(8)(F) of the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Commercial Parcel to the Purchaser.

(b) The Council approves the disposition of the Commercial Parcel.

## Sec. 5. Transmittal.

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

## Sec. 6. Applicability.

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

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

**ENROLLED ORIGINAL**

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

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

**Sec. 7. Fiscal impact statement.**

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

**Sec. 8. Effective date.**

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare that the District-owned real property, formerly the Stevens School, located at 1050 21st Street, N.W., and known for tax and assessment purposes as Lot 0876 in Square 0073, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Stevens School Surplus Property Declaration Resolution of 2014".

Sec. 2. Findings.

(a) The District is the owner of the real property located at 1050 21st Street, N.W., known for tax and assessment purposes as Lot 0876 in Square 0073 (the "Property"). The Property consists of a building containing approximately 41,800 square feet situated on approximately 30,620 square feet of land.

(b) The Property is no longer required for public purposes because the condition of the vacant building cannot viably accommodate a District agency use or other public use without cost-prohibitive rehabilitation of the historic structure and new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) ("Act"), by holding a public hearing on March 12, 2014, at the Charles Sumner School Museum and Archives located at 1201 17th Street, N.W.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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



**ENROLLED ORIGINAL**

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

21-2

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2015

To appoint the Chairperson Pro Tempore and chairpersons and members of each standing committee of the Council of the District of Columbia during Council Period 21.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 21 Appointment of Chairperson Pro Tempore, Committee Chairpersons, and Committee Membership Resolution of 2015".

Sec. 2. Pursuant to section 212 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 21, effective January 2, 2015 (Res. 21-1; \_\_\_ DCR \_\_\_) ("Rules"), the Council appoints Kenyan McDuffie as Chairperson Pro Tempore.

Sec. 3. Pursuant to section 221 of the Rules, the Council appoints the following committee chairpersons and members:

(1) The chairperson of the Committee on Business, Consumer, and Regulatory Affairs, established by section 232 of the Rules, shall be Vincent Orange, and its members shall be Charles Allen, Brianne Nadeau, and Elissa Silverman.

(2) The chairperson of the Committee on Education, established by section 233 of the Rules, shall be David Grosso, and its members shall be Yvette Alexander, Charles Allen, and Anita Bonds.

(3) The chairperson of the Committee on Finance and Revenue, established by section 234 of the Rules, shall be Jack Evans, and its members shall be David Grosso, Kenyan McDuffie, Vincent Orange, and Elissa Silverman.

(4) The chairperson of the Committee on Health and Human Services, established by section 235 of the Rules, shall be Yvette Alexander, and its members shall be Mary Cheh, David Grosso, and Brianne Nadeau.

(5) The chairperson of the Committee on Housing and Community Development, established by section 236 of the Rules, shall be Anita Bonds, and its members shall be Brianne Nadeau, Vincent Orange, and Elissa Silverman.

(6) The chairperson of the Committee on the Judiciary, established by section 237 of the Rules, shall be Kenyan McDuffie, and its members shall be Anita Bonds, Mary Cheh, and Jack Evans.

(7) The chairperson of the Committee on Transportation and the Environment, established by section 238 of the Rules, shall be Mary Cheh, and its members shall be Charles Allen, Jack Evans, and Kenyan McDuffie.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2015

To reappoint Mr. V. David Zvenyach as General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “General Counsel to the Council of the District of Columbia V. David Zvenyach Reappointment Resolution of 2015”.

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

Mr. V. David Zvenyach  
707 10th Street, N.E.  
Washington, D.C. 20002  
(Ward 6)

as General Counsel to the Council of the District of Columbia, beginning January 2, 2015.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2015

To reappoint Ms. Jennifer Budoff as the Budget Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Budget Director to the Council of the District of Columbia Jennifer Budoff Reappointment Resolution of 2015”.

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

Ms. Jennifer Budoff  
4410 49th Street, N.W.  
Washington, D.C. 20016  
(Ward 3)

as Budget Director to the Council of the District of Columbia, beginning January 2, 2015.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 2, 2015

To reappoint Ms. Nyasha Smith as the Secretary to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Secretary to the Council of the District of Columbia Nyasha Smith Reappointment Resolution of 2015”.

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

Ms. Nyasha Smith  
6101 16th Street, N.W.  
Washington, D.C. 20011  
(Ward 4)

as Secretary to the Council of the District of Columbia, beginning January 2, 2015.

Sec. 3. This resolution shall take effect immediately.

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

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

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

**Councilmember Jack Evans, Chair  
Committee on Finance and Revenue**

**and**

**Councilmember Kenyan McDuffie, Chair  
Committee on the Judiciary**

**Announce a Joint Public Hearing**

**on**

- **B21-023, the “Marijuana Legalization and Regulation Act of 2015”**
- **B21-025, the “Prohibition of Pre-Employment Marijuana Testing Act of 2015”**

**Monday, February 9, 2015, 10:00 A.M.  
John A. Wilson Building, Room 500  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004**

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Councilmembers Vincent B. Orange, Sr., Jack Evans, and Kenyan McDuffie announce the scheduling of a joint public hearing by the Committee on Business, Consumer, and Regulatory Affairs, the Committee on Finance and Revenue, and the Committee on the Judiciary on B21-023, the “Marijuana Legalization and Regulation Act of 2015” and B21-025, the “Prohibition of Pre-Employment Marijuana Testing Act of 2015”. The public hearing is scheduled for Monday, February 9, 2015 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B21-023, the “Marijuana Legalization and Regulation Act of 2015”, would legalize the possession, consumption, display, purchasing, or transporting of marijuana and marijuana-infused products for personal use, not in public, for persons over the age of 21. The bill would amend Title 25 of the District of Columbia Official Code to establish the licensing and regulation infrastructure for the production and sale of marijuana, useable marijuana, and marijuana-infused products in the District of Columbia. In addition, the bill would establish a dedicated marijuana fund, which shall consist of marijuana excise taxes, license fees, penalties, forfeitures, and all other monies, income, or revenue received by the Alcoholic Beverage Regulation Administration from marijuana-related activities. Furthermore, the bill amends Title 18 of D.C. Municipal Regulation to adjust allowances of THC concentration while operating a motor vehicle.

B21-025, the “Prohibition of Pre-Employment Marijuana Testing Act of 2015”, would prohibit employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

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

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Tuesday, February 24, 2015. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON FINANCE AND REVENUE  
NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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

**AND**

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

**ANNOUNCE A JOINT PUBLIC OVERSIGHT ROUNDTABLE ON**

**THE RESPONSES OF THE WASHINGTON METROPOLITAN AREA TRANSIT  
AUTHORITY AND PUBLIC SAFETY AGENCIES TO THE JANUARY 12, 2015,  
INCIDENT AT L'ENFANT PLAZA METRO STATION**

**Thursday, February 5, 2015, 2:00 p.m.  
Room 412, John A. Wilson Building  
1350 Pennsylvania Ave., N.W.  
Washington, D.C. 20004**

On Thursday, February 5, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, and Councilmember Jack Evans, Chairperson of the Committee on Finance and Revenue, will hold a joint public oversight roundtable to examine the responses of the Washington Metropolitan Area Transit Authority and public safety agencies to the January 12, 2015, incident at L'Enfant Plaza Metro Station.

The public oversight roundtable will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., at 2:00 p.m. The Committees invite the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact Kate Mitchell, Committee Director for the Committee on the Judiciary, at (202) 727-8275, or via e-mail at [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us), and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, February 2, 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. The Chairpersons reserve the right to modify the time allocations afforded to witnesses in order to permit all witnesses to testify. Witnesses should bring



ten copies of their written testimony and, if possible, also submit a copy of their testimony electronically to [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us).

If you are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee on the Judiciary 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 Tuesday, February 10, 2015.

**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 reprogramming requests are available in Legislative Services, Room 10.  
Telephone: 724-8050

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**Reprog. 21-01:** Request to reprogram \$2,000,000 of Capital funds budget authority and allotment from the Office of the Deputy Mayor for Planning and Economic Development (DMPED) to the Reverse Pay-As-You-Go (Paygo) capital project and subsequently to the Local funds budget of the Department of General Services (DGS) was filed in the Office of the Secretary on January 15, 2015. This reprogramming will support the Local funds budget cost of improvements to the Lincoln Theater.

RECEIVED: 14 day review begins January 16, 2015

**Reprog. 21-02:** Request to reprogram \$27,316,000 of Capital funds budget authority and allotment of the Department of Health Care Finance (DHCF), the Fire and Emergency Medical Services Department, and the Office of the Chief Financial Officer to DHCF and the Department of General Services (DGS) was filed in the Office of the Secretary on January 15, 2015. This reprogramming request is necessary so that DHCF and DGS can implement capital and operating improvements to the existing United Medical Center as well as construct ambulatory medical care centers in Wards 7 and 8.

RECEIVED: 14 day review begins January 16, 2015

**Reprog.21-03:**

Request to reprogram \$5,000,000 of Capital funds budget authority and allotment within the Department of General Services (DGS) was filed in the Office of the Secretary on January 15, 2015. This reprogramming is necessary to support the cost of phase 1 exterior restoration critical to the integrity of the historic John A. Wilson Building. This includes critical renovations needed to the building's roof.

RECEIVED: 14 day review begins January 16, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICE

POSTING DATE: 1/23/2015
PETITION DATE: 03/09/2015
HEARING DATE: 03/23/2015

License Number: ABRA-086470

Applicant: F & A, Inc.

License Class/Type: B Retail - Class B

Trade Name: Anacostia Market

SMD: 8A06

Premise Address: 1303 GOOD HOPE RD SE

Endorsements:

Table with 3 columns: Days, Hours of Operation, Hours of Sales/Service. Rows include SUN, MON, TUE, WED, THU, FRI, SAT.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC NOTICE**

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

**RENEWAL NOTICES**

**POSTING DATE: 1/23/2015  
PETITION DATE: 3/09/2015  
HEARING DATE: 3/23/2015**

**License Number: ABRA-060167**

**Applicant: Whole Foods Market Group Inc**

**License Class/Type: B Retail - Grocery**

**Trade Name: Fresh Fields Whole Foods Market**

**SMD: 2F02**

**Premise Address: 1440 P ST NW**

**Endorsements: Tasting**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
<b>SUN:</b>	<b>9 am - 12 am</b>	<b>9 am - 12 am</b>
<b>MON:</b>	<b>7 am - 12 am</b>	<b>9 am - 12 am</b>
<b>TUE:</b>	<b>7 am - 12 am</b>	<b>9 am - 12 am</b>
<b>WED:</b>	<b>7 am - 12 am</b>	<b>9 am - 12 am</b>
<b>THU:</b>	<b>7 am - 12 am</b>	<b>9 am - 12 am</b>
<b>FRI:</b>	<b>7 am - 12 am</b>	<b>9 am - 12 am</b>
<b>SAT:</b>	<b>8 am - 12 am</b>	<b>9 am - 12 am</b>

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC NOTICE**

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

**RENEWAL NOTICES**

**POSTING DATE: 1/23/2015  
PETITION DATE: 3/09/2015  
HEARING DATE: 3/23/2015**

**License Number: ABRA-086746**

**Applicant: Open Door Market, Inc.**

**License Class/Type: B Retail – Class B**

**Trade Name: Open Door Market**

**SMD: 2D02**

**Premise Address: 2160 CALIFORNIA ST NW**

**Endorsements:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
<b>SUN:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>MON:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>TUE:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>WED:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>THU:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>FRI:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>
<b>SAT:</b>	<b>9 am - 10 pm</b>	<b>9 am - 10 pm</b>

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 23, 2015
Petition Date: March 9, 2015
Roll Call Hearing Date: March 23, 2015

License No.: ABRA-097074
Licensee: DeSales Restaurant Group, LLC
Trade Name: Parlay
License Class: Retailer's Class "C" Tavern
Address: 1827 M Street, N.W.
Contact: Chrissie Chung: 703-992-3994

WARD 2

ANC 2B

SMD 2B06

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

NATURE OF SUBSTANTIAL CHANGE

Requesting to change hours of operation/sales/live entertainment.

APPROVED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION:

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

APPROVED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday: 6pm-10pm, Friday & Saturday: 6pm-11pm

PROPOSED HOURS OF OPERATION

Sunday through Thursday: 10:30am-2am, Friday and Saturday: 10:30am-3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday: 11:30am-2am, Friday and Saturday: 11:30am-2:45am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday: 8pm-2am, Friday & Saturday: 8pm-2:30am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: January 23, 2015  
Petition Date: March 9, 2015  
Hearing Date: March 23, 2015  
Protest Date: June 3, 2015

License No.: ABRA-097774  
Licensee: TG Cigars, Inc.  
Trade Name: TG Cigars  
License Class: Retailer’s Class “C” Tavern  
Address: 1118 9<sup>th</sup> Street, N.W.  
Contact: Paul L. Pascal: 202-544-2200

WARD 2

ANC 2F

SMD 2F06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2<sup>nd</sup> Floor, Suite 400 S, 2000 14<sup>th</sup> Street, NW, 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 June 3, 2015 at 4:30 pm.

**NATURE OF OPERATION**

Cigar lounge serving causal, light American food. Recorded Music. Seating for 40 patrons and total occupancy load of 80.

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

Sunday 12 pm - 11 pm, Tuesday through Thursday 12 pm – 12 am, and Friday & Saturday 12 pm – 2 am



**NOTICE OF PUBLIC NOTICE**

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

**RENEWAL NOTICES**

**POSTING DATE: 1/23/2015  
PETITION DATE: 3/09/2015  
HEARING DATE: 3/23/2015**

**License Number: ABRA-080595**

**Applicant: Travel Traders Retail, Inc**

**License Class/Type: B Retail – Class B**

**Trade Name: Travel Traders**

**SMD: 6C02**

**Premise Address: 400 NEW JERSEY B AVE NW**

**Endorsements:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
<b>SUN:</b>	<b>6 am - 11 pm</b>	<b>7 am -10 pm</b>
<b>MON:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>TUE:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>WED:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>THU:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>FRI:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>
<b>SAT:</b>	<b>6 am - 11 pm</b>	<b>7 am - 10 pm</b>

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 1/23/2015  
PETITION DATE: 3/09/2015  
HEARING DATE: 3/23/2015

License Number: ABRA-095921

Applicant: Addisu Teddy LLC

License Class/Type: B Retail - Grocery

Trade Name: Upshur Grocery

SMD: 4C10

Premise Address: 233 UPSHUR ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	10 am - 9 pm
MON:	9 am - 10 pm	9 am - 9 pm
TUE:	9 am - 10 pm	9 am - 9 pm
WED:	9 am - 10 pm	9 am - 9 pm
THU:	9 am - 10 pm	9 am - 9 pm
FRI:	9 am - 10 pm	9 am - 9 pm
SAT:	9 am - 10 pm	9 am - 9 pm

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

**TIME AND PLACE:**            **Thursday, March 19, 2015, @ 6:30 P.M.**  
                                 **Office of Zoning Hearing Room**  
                                 **441 4<sup>th</sup> Street, N.W. Suite 220-S**  
                                 **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 14-20 (ANC 6A – Map Amendment for a Portion of Square 1070)**

**THIS CASE IS OF INTEREST TO ANC 6A**

On November 28, 2014, the Office of Zoning received a petition from Advisory Neighborhood Commission (ANC) 6A requesting amendments to the Zoning Map to rezone Lots 38, 39, 73-76, 80-86, and 94 on Square 1070 from C-2-A to the R-4 Zone District.

At a properly noticed public meeting on December 8, 2014, the Zoning Commission set down this case for a public hearing.

The proposed amendment to the Zoning Map is as follows:

Rezone Lots 38, 39, 73-76, 80-86 and 94 on Square 1070, from the C-2-A Zone District to the R-4 Zone District.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Zoning Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon S. Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

## 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 (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 adoption, of a new Section 937 (Transplantation Services) under Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking is being promulgated to: (1) establish standards governing Medicaid reimbursement of transplantation services; (2) identify the types of transplantation services available under the Medicaid program; (3) authorize Medicaid coverage for two new transplantation procedures—lung and autologous hematopoietic stem cell transplantation; and (4) establish provider participation standards. Expanding coverage of transplantation services will allow the District's Medicaid program to focus on the patient's severity of illness, needed resources and risk of mortality. This will ensure that District residents have continued access to quality transplantation services.

The State Plan Amendment (SPA), which authorized the creation of this rulemaking, was approved by the Council through the Medical Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014)); and subsequently approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) with an effective date of October 1, 2014. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 5, 2014 at 61 DCR 012509. No comments were received. No substantive changes have been made. The Director adopted these rules as final on January 8, 2015 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**A new Section 937 of Chapter 9, MEDICAID PROGRAM, of Title 29, PUBLIC WELFARE, DCMR, entitled ORGAN TRANSPLANT SERVICES, is added to read as follows:**

**937 ORGAN TRANSPLANT SERVICES**

937.1 The purpose of this section is to establish standards governing Medicaid reimbursement of transplantation services, identify types of transplantation services offered under the Medicaid program, authorize Medicaid coverage for two new transplantation procedures—lung and autologous hematopoietic stem cell transplantation; and to establish conditions of participation for Medicaid-enrolled providers.

- 937.2 Medicaid reimbursement shall be provided for transplantation services performed on a person who is currently enrolled in the District's Medicaid program and continues to be eligible throughout the period of hospitalization and follow-up treatment.
- 937.3 In order to qualify for reimbursement of transplantation services, the following criteria shall be used:
- (a) The recipient is or has been diagnosed and recommended by his/her physician(s) for an organ or stem cell transplantation as the medically necessary treatment for the patient's survival;
  - (b) There is a reasonable expectation by the physician that the recipient possesses sufficient mental capacity and awareness to undergo the mental and physical rigors of post-transplantation rehabilitation, with adherence to the long-term medical regimen that may be required;
  - (c) There is a reasonable expectation that the recipient shall recover sufficiently to resume physical and social activities of daily living;
  - (d) Alternative medical and surgical therapies that might be expected to yield both short and long term survival have been tried or considered and determined not sufficient to prevent progressive deterioration and death; and
  - (e) The recipient is diagnosed as having no other system disease, major organ disease, or condition considered likely to complicate, limit, or preclude expected recuperation and rehabilitation after transplantation.
- 937.4 The types of transplants eligible for reimbursement under the Medicaid program are the following:
- (a) Liver transplantation;
  - (b) Heart transplantation;
  - (c) Lung transplantation;
  - (d) Kidney transplantation;
  - (e) Allogeneic stem cell transplantation; and
  - (f) Autologous hematopoietic stem cell transplantation.
- 937.5 In order to receive Medicaid reimbursement, transplantation services shall be performed by a transplant program or center.

- 937.6 In order to be eligible for Medicaid reimbursement of transplant services, transplant centers shall meet the following requirements:
- (a) Be located in a Medicare-enrolled hospital;
  - (b) Be certified and is a member in good standing by the Organ Procurement and Transplantation Network (OPTN) for the specific organ/organs being transplanted consistent with 42 C.F.R §§ 482.72, 482.74, and 482.76;
  - (c) If located in the District, maintain the applicable Certificate of Need (CON) issued by the State Health Planning and Developmental Agency (SHPDA) in accordance with D.C. Official Code § 44-406;
  - (d) If located outside of the District of Columbia, maintain any requirements of that particular state or jurisdiction for transplant program/centers; and
  - (e) Be enrolled in the D.C. Medicaid program.
- 937.7 All transplantation procedures shall be “prior authorized” by the Department of Health Care Finance, or its designee, and performed in accordance with the clinical standards established under the State Plan for Medical Assistance consistent with 42 C.F.R § 441.35.
- 937.8 Standards governing Medicaid reimbursement of liver transplantation are as follows:
- (a) Diagnosis/clinical conditions which shall include but are not limited to cirrhosis with hepatic decompensation, primary biliary cirrhosis (PBC), primary sclerosing cholangitis (PSC), fulminant hepatic failure, cirrhosis with hepatocellular carcinoma (HCC); and
  - (b) D.C. Medicaid beneficiaries with hepatocellular carcinoma (HCC) initially staged outside of the Milan Criteria or “downstaged” to within the Milan Criteria by locoregional therapy(ies) shall not be eligible for liver transplantation services.
- 937.9 In order to be eligible for Medicaid reimbursement for heart transplantation services, each recipient shall have a diagnosis/clinical condition that include end-stage heart disease.
- 937.10 Standards governing Medicaid reimbursement of lung transplantation are as follows:

- (a) Diagnosis/clinical conditions which shall include chronic, irreversible, progressively disabling, end-stage lung disease who is failing medical therapy, or for whom no effective medical therapy exists; and
- (b) The recipient has been diagnosed with one or more of the following conditions:
  - (1) Alpha-1 antitrypsin deficiency;
  - (2) Bilateral bronchiectasis;
  - (3) Bronchiolitis obliterans;
  - (4) Bronchopulmonary dysplasia;
  - (5) Chronic obstructive pulmonary disease;
  - (6) Cystic fibrosis;
  - (7) Eisenmenger's syndrome;
  - (8) Emphysema;
  - (9) Idiopathic pulmonary fibrosis;
  - (10) Lymphangiomyomatosis;
  - (11) Primary pulmonary hypertension;
  - (12) Pulmonary fibrosis;
  - (13) Pulmonary hypertension due to cardiac disease;
  - (14) Recurrent pulmonary embolism;
  - (15) Sarcoidosis; or
  - (16) Scleroderma.

937.11 Standards governing Medicaid reimbursement of lung transplants for recipients with a contraindication are as follows:

- (a) A recipient with a contraindication shall be considered to be a poor candidate for a lung transplant under the Medicaid Program, but shall not be automatically denied coverage if based on the assessment of the patient's total clinical condition and co-morbidities, it is determined by

their treating physician that the patient's condition would not compromise a successful transplant outcome; and

- (b) Contraindications for lung transplant shall include but are not limited to the following:
- (1) Malignancy in the last two (2) years, with the exception of cutaneous squamous and basal cell tumors; in general, a five (5) year disease-free interval is prudent;
  - (2) Untreatable advanced dysfunction of another major organ system (*e.g.*, heart, liver, or kidney), including coronary artery disease not amenable to percutaneous intervention or bypass grafting, or associated with significant impairment of left ventricular function;
  - (3) Non-curable chronic extrapulmonary infection including chronic active viral hepatitis B, hepatitis C, and human immunodeficiency virus;
  - (4) Significant chest wall/spinal deformity;
  - (5) Documented nonadherence or inability to follow through with medical therapy or office follow-up, or both;
  - (6) Untreatable psychiatric or psychologic condition associated with the inability to cooperate or comply with medical therapy;
  - (7) Absence of a consistent or reliable social support system;
  - (8) Substance addiction (*e.g.*, alcohol, tobacco, or narcotics) that is either active or within the last six (6) months;
  - (9) Critical or unstable clinical condition (*e.g.*, shock, mechanical ventilation or extra-corporeal membrane oxygenation);
  - (10) Severely limited functional status with poor rehabilitation potential;
  - (11) Colonization with highly resistant or highly virulent bacteria, fungi, or mycobacteria;
  - (12) Severe obesity defined as a body mass index (BMI) exceeding thirty (30) kg/m<sup>2</sup>; or
  - (13) Mechanical ventilation.



937.12 Standards governing Medicaid reimbursement of kidney transplants are as follows:

- (a) The recipient must have:
  - (1) A diagnosis/clinical condition which shall include stage 4 or stage 5 renal disease on chronic dialysis and have a glomerular filtration rate less than or equal to twenty (20) mL/min/1.73 m<sup>2</sup>; or
  - (2) A diagnosis of End-Stage Renal Disease (ESRD).
- (b) The standards under § 937.12(a) shall be documented by one or more of the following:
  - (1) The recipient shall be receiving chronic dialysis and have a Glomerular Filtration Rate (GFR) less than or equal to ( $\leq$ ) 20 mL/min/1.73 m<sup>2</sup>; or
  - (2) The recipient shall have stage IV chronic kidney disease with all of the following:
    - (i) Written documentation from the United Network for Organ Sharing (UNOS) that the recipient has been officially activated on the wait-list as “ACTIVE”;
    - (ii) Clinical documentation that the recipient’s renal failure is rapidly progressing.

937.13 Reimbursement for kidney transplants shall not include recipients diagnosed with one or more of the following conditions:

- (a) Reversible renal failure;
- (b) Active infection including hepatitis, cytomegalovirus, Epstein-Barr virus and Human immunodeficiency virus infections;
- (c) Anatomic anomaly that precludes kidney transplantation;
- (d) Cancer (except for localized non-melanoma skin cancer);
- (e) Advanced or uncorrectable coronary artery disease or congestive heart failure;
- (f) Advanced or severe pulmonary disease;
- (g) Cerebrovascular disease;

- (h) Severe peripheral vascular disease or claudication;
- (i) Other organ system failure.

937.14 Standards governing Medicaid reimbursement of allogeneic stem cell transplantation standards are as follows:

- (a) Diagnosis/clinical conditions include, but are not limited to, Acute Myelogenous Leukemia (AML), Acute lymphocytic leukemia (ALL), Myelodysplastic syndrome (MDS), Chronic Myelogenous Leukemia (CML), Non-Hodgkin's lymphoma (NHL), Chronic lymphocytic leukemia (CLL); and
- (b) The recipient shall not be diagnosed with multiple myeloma.

937.15 Standards governing Medicaid reimbursement of autologous hematopoietic stem cell transplantation standards are as follows:

- (a) Diagnosis/clinical conditions include, but are not limited to, Acute Myelogenous Leukemia (AML), Non-Hodgkins' Lymphoma (NHL), Hodgkin's Lymphoma (HL), Multiple Myeloma (MM), recurrent neuroblastoma with localized brain recurrence after surgical resection (RN); and
- (b) The recipient shall not be diagnosed with one or more of the following conditions:
  - (1) Acute leukemia not in remission;
  - (2) Chronic granulocytic leukemia;
  - (3) Solid tumors (other than neuroblastoma); or
  - (4) Tandem transplantation (multiple rounds of hematopoietic stem cell transplantation) for recipients with multiple myeloma.

## 937.99 DEFINITIONS

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

**Allogeneic stem cell transplantation** – A procedure in which the transplanted stem cells come from a donor whose tissue type closely matches the recipient's.

**Autologous hematopoietic stem cell transplantation** - A procedure in which the recipient's healthy stem cells are harvested and transplanted into the recipient.

**Contraindication** - A specific situation in which a drug, procedure, or surgery is typically not to be used because it may be harmful to the patient.

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

**Period of hospitalization** - The total period of time that the person is receiving medical services related to the transplantation procedure.

**Prior authorization**- The process of obtaining authorization from the Department of Health Care Finance before the beneficiary receives services.

**Recipient** - The Medicaid-enrolled person who is receiving transplantation services.

**Motor Vehicles, Dept. of – 18 DCMR – Ch. 1 - NCDL Driver Instruction & Motorcycle  
Demonstration Course DEPARTMENT OF MOTOR VEHICLES**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Motor Vehicles (Director), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)), and Sections 6 and 7 of the District of Columbia Traffic Act of 1925 (the Act), approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2012 Repl. & 2014 Supp.)), hereby gives notice of the adoption of the following rulemaking that amends Chapter 1 (Issuance of Driver's Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rules require every person who has never had a driver license to successfully complete a driver instruction course prior to issuance of a provisional permit or driver license; and any person eighteen (18) years or older who has been issued a District of Columbia driver license or provisional permit may obtain a motorcycle endorsement upon successful completion of a motorcycle demonstration course.

No comments were received and no changes were made to the text of the proposed rules, as published in the *D.C. Register* as a Notice of Proposed Rulemaking on November 28, 2014 at 61 DCR 12305. The final rules were adopted on December 29, 2014 and will be effective upon publication of this notice in the *D.C. Register*.

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

**Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended as follows:**

**Section 102, DRIVING UNDER INSTRUCTION: LEARNER'S PERMITS, is amended as follows:**

**Subsection 102.10 is amended as follows:**

102.10 [REPEALED].

**Section 103, APPLICATION FOR A DRIVER'S LICENSE OR LEARNER'S PERMIT, is amended as follows:**

**Subsection 103.11 is added as follows:**

103.11 Every person who has never been issued a driver license must provide documentation that he or she has successfully completed any United States' (including territories) or Canadian (including territories) jurisdiction approved course of driver instruction prior to issuance of a provisional permit or driver license.

**Subsection 103.12 is added as follows:**

- 103.12 The course referenced in § 103.11, must consist of at least thirty (30) hours of classroom and eight (8) hours of driving instruction and must have been completed within the last six (6) months.

**Section 104, EXAMINATION OF APPLICANTS FOR DRIVER'S LICENSE, is amended as follows:****Subsection 104 is amended to read as follows:**

- 104.13 Residents over the age of eighteen (18) may be approved for the operation of motorcycles only if they hold a valid driver license or valid provisional permit, passed the written motorcycle knowledge test, and successfully completed a motorcycle demonstration course as set forth in § 107.13 of this title.

**Section 107, LICENSES ISSUED TO DRIVERS, is amended as follows:****Subsection 107.13 is amended to read as follows:**

- 107.13 Any person eighteen (18) years or older who has been issued a District of Columbia driver license or provisional permit may have the license or permit endorsed for the operation of motorcycles, after passing the written motorcycle knowledge test and successful completion of a motorcycle demonstration course in any United States' (including territories) or Canadian (including territories) jurisdiction provided that (1) the course was completed within six (6) months of the person's application for a District of Columbia motorcycle endorsement, and (2) the person presents a certificate of successful completion of the course.

## DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2012 Repl.)), and Sections 6, 7 and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121,1125; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2012 Repl. & 2014 Supp.)), hereby gives notice of the adoption of the following rulemaking that amends Chapter 1 (Issuance of Drivers Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

Upon the advice of the United States Department of Homeland Security and to ensure the District’s compliance with federal requirements relating to issuance of licenses, permits and identification cards, the provision pertaining to submission of an unexpired United States military or dependent identification card as an exception to § 103.4(a) is repealed.

No comments were received and no changes were made to the text of the proposed rules, as published in the *D.C. Register* as a Notice of Proposed Rulemaking on November 28, 2014 at 61 DCR 12307. The final rules were adopted on December 29, 2014 and will be effective upon publication of this notice in the *D.C. Register*.

**Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:****Chapter 1, ISSUANCE OF DRIVER LICENSES, is amended as follows:****Subsection 103.5 is amended to read as follows:**

103.5 If an applicant is unable to comply with the document requirements set forth in § 103.4(a) to show identity or date of birth due to circumstances beyond the applicant's control, the applicant may submit one of the alternate documents and the Department shall indicate in the applicant’s record that an exceptions process was used:

- (a) [REPEALED].
- (b) Department of Motor Vehicles’ approved letter with picture from the Court Services and Offender Supervision Agency (CSOSA) or D.C. Department of Corrections issued within the last sixty (60) days certifying identity and date of birth.

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

**NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2012 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a), 3-1313, 1314, 1315, and 3-1321 (2012 Repl.)); District of Columbia Financial Responsibility and Management Assistance Authority Order, issued September 21, 1996; Office of the Chief Financial Officer Financial Management Control Order No. 96-22, issued November 18, 1996; and Office of the Chief Financial Officer Management & Control Order No. 98-10, issued January 1998; hereby gives notice of amendments to Chapter 7 (Instant Games) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The Agency is repealing and replacing Chapter 7 with new regulations to provide clarity to the roles of the Agency and agents regarding instant game possession, responsibility, type, style, sale, activation, settlement, integrity, security, and conduct.

The Executive Director also gives notice of his 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 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:**

**Chapter 7, INSTANT GAMES, is repealed in its entirety and replaced with the following:**

**700 CONDUCT OF INSTANT GAMES AND AGENTS**

- 700.1 The Agency may operate instant games. Instant games may consist of individual instant tickets. Only the Agency or sales agents who have been licensed by the agency are authorized to sell instant tickets, and a licensed sales agent may only sell instant tickets at the licensed location.
- 700.2 Each instant ticket shall state the overall estimated odds of winning a prize of any kind.
- 700.3 Each instant ticket shall sell for the retail sales price authorized by the Executive Director and stated in the individual game procedures.
- 700.4 Instant games may continue to be sold even when all of the top prizes have been sold.

- 700.5 The number of actual prizes available in a game may vary based on the number of tickets manufactured, tested, distributed, and sold, and on the number of prizes claimed.
- 700.6 Once instant tickets are invoiced, packaged, and shipped to an agent's address or picked up by an agent or agent's representative, the instant tickets are assigned to that agent.
- 700.7 Instant tickets are assigned to a specific licensed sales agent location and shall not be sold, confirmed, or activated from another location.
- 700.8 Once the agent or agent's representative picks up or signs for delivery of instant tickets and until a valid sale of the instant tickets occurs, the agent assumes all legal and financial liability and responsibility for the instant tickets.
- 700.9 Once the agent or agent's representative picks up or signs for delivery of instant tickets and until a valid sale of the instant tickets occurs, the agent is responsible for ensuring the integrity and security of the instant tickets.
- 700.10 It is the agent's responsibility to ensure all signed for or picked up instant tickets are received, accounted for, paid for, organized, secured, confirmed, held, activated, validated, and treated in accordance with the D.C. Official Code and Title 30 of the D.C. Municipal Regulations.
- 700.11 The agent is responsible for ensuring that all instant tickets the agent or agent's representative sign for or pick up are kept in a way that meets the standards of a reasonably prudent business person.
- 700.12 Agents shall report complications or issues with instant ticket deliveries to the Agency within twenty-four (24) hours of signing for delivery of the instant tickets.
- 700.13 Agents shall confirm receipt of instant tickets by scanning the ticket invoice at the agent's retailer terminal within twenty-four (24) hours of signing for delivery or pickup of the instant tickets.
- 700.14 Agents shall activate instant tickets by scanning the instant ticket pack at the agent's retailer terminal within thirty (30) days of signing for delivery or picking up instant tickets. The time by which instant tickets shall be activated may be modified at the Executive Director's discretion.
- 700.15 Agents are responsible for ensuring that instant ticket packs are not activated before receipt is confirmed in accordance with § 700.13 of this chapter.



- 700.16 The agent is responsible for ensuring that all instant tickets the agent or agent's representative sign for or pick up are not lost, stolen, tampered with, compromised, defaced or validated before activation and valid sale.
- 700.17 Agents shall ensure that instant tickets are not scratched or validated until the instant tickets are activated and validly sold.
- 700.18 Agents shall ensure a pack of instant tickets is not opened until the pack of instant tickets is activated.
- 700.19 The Agency has the right to activate instant tickets automatically.
- 700.20 An agent or agent's representative's failure to confirm receipt or activate instant tickets in accordance with this chapter shall not relieve the agent's liabilities or payment obligations under this title, chapter, or any current or future Agency guidelines, or any other law, rule, or regulation of the United States or District of Columbia.
- 700.21 The Agency has the right to collect confirmed or activated instant tickets and redistribute the instant tickets to other agents. Agents may not be charged for tickets that are collected from that agent for redistribution purposes.
- 700.22 A pack of instant tickets shall settle, and payment for tickets shall be due, forty-five (45) days from the date of activation or when eighty percent (80%) of low-tier tickets are claimed, whichever comes first. This settlement scheme may be altered at the Executive Director's discretion with seven (7) days advanced written notice to agents.
- 700.23 The Agency has the right to force settle instant tickets before the settlement date or time described in § 700.20 of this chapter.
- 700.24 Instant tickets shall not be sold after the official end of instant game date.
- 700.25 The Agency reserves the right to seize instant tickets in any status, at any time, and for any reason. If instant tickets are seized to protect the integrity and security of the lottery or due to an actual or perceived violation or transgression of a law or D.C. Municipal Regulation, the agent remains responsible for payment of the instant tickets.
- 700.26 The Agency may allow returns of instant ticket packs if the instant ticket packs are unopened and the instant ticket game has not passed the end of game date. Returns of instant tickets in any other circumstance shall take place at the discretion and with the advanced written approval of the Executive Director.

**701 GAME PROCEDURES**

- 701.1 Before the commencement of a particular instant game, the Executive Director shall approve and issue game procedures. Game procedures shall be made available upon request to the public and may be published on the Agency's web site.
- 701.2 At a minimum, the game procedures for each game shall contain the following information:
- (a) Confirming captions;
  - (b) Game name;
  - (c) Game number;
  - (d) Prize structure;
  - (e) Play style;
  - (f) Play symbols;
  - (g) Ticket order quantity;
  - (h) Retail sales price; and
  - (i) Eligibility requirements for a prize drawing, if any.
- 701.3 The play style for an individual game shall be fully described in the game procedures and may take the form of one of the following methods of play:
- (a) Match up;
  - (b) Add up;
  - (c) Three in a line;
  - (d) Key number/symbol match;
  - (e) Yours beats theirs;
  - (f) Prize legend;
  - (g) Cards;
  - (h) Bingo;
  - (i) Directional arrows through maze;

- (j) Bonus game features; or
- (k) Any other approved play style or bonus game feature developed by the Agency.

**702 DETERMINATION OF PRIZE WINNER.**

702.1 The play symbols shall be used by a player to determine eligibility for instant prizes. Qualifying play symbols are stated in the game procedures.

702.2 A player's eligibility to win a prize is subject to the ticket validation requirements provided in Chapter 600 of this title.

702.3 For each individual game, the player shall rub off the latex covering on the front of the ticket to reveal the play symbols. Eligibility to win a prize is based on the approved play style as follows:

- (a) Match up. If the designated number of identical play symbols is revealed on the ticket, the player shall win the prize indicated.
- (b) Add up. If the player adds up all of the play symbols printed on the ticket and the amount is greater than or equal to the required total amount printed on the ticket, the player shall win the prize indicated.
- (c) Three in a line. If the player reveals three identical play symbols, either diagonally, vertically, or horizontally, on the same ticket, the player shall win the prize indicated.
- (d) Key number/symbol match. If the player reveals a play symbol that matches the designated key play symbol, the player shall win the prize indicated.
- (e) Yours beats theirs. If the player reveals a play symbol designated as yours that is greater than the play symbol(s) designated as theirs, the player shall win the prize indicated.
- (f) Prize legend. If the player reveals the designated number of play symbols, the player wins the prize amount that corresponds to the legend.
- (g) Cards. If the player reveals the play symbol needed for that particular card game in a winning combination, the player shall win the prize indicated.
- (h) Bingo. If the player matches their Bingo card numbers with all of the Caller's Card numbers and reveals certain patterns as specified on the

ticket, the player shall win the prize indicated for that Bingo card and pattern.

- (i) Directional arrows through maze. If the player follows the directional arrows to make a path or paths through a maze and the path(s) leads to a prize amount, the player shall win that prize.
- (j) Bonus game features. These features are added to the game for extra play value and entertainment. The specific variants, as described below, are used for a particular game and are described in the individual game procedures:
  - (1) Doubler. If the player reveals the designated play symbol as part of the winning combination of the game, the player doubles their prize. The player may also reveal the "doubler" play symbol in a prize box, in which case the prize amount that the player won is doubled.
  - (2) Wild card. The player may use this designated play symbol as part of the winning combination of the game.
  - (3) Double and Double Doubler. If the player reveals one of these designated play symbols as part of the winning combination of the game, the player either doubles or quadruples their prize respectfully, as stated in the game card itself. The player may also reveal the "double" or "double doubler" play symbols in a prize box, in which case the prize amount that the player won is either doubled or quadrupled respectfully, as stated in the game card itself.
  - (4) Tripler. If the player reveals the designated play symbol as part of the winning combination of the game, the player triples their prize. The player may also reveal the "tripler" play symbol in a prize box, in which case the prize amount that the player won is tripled.
  - (5) Auto win. If the player reveals the designated play symbol, the player wins the corresponding prize automatically.
  - (6) Entry ticket. If the player reveals the designated play symbol, the player may use the ticket as a means of entering a drawing, subject to the game procedures for each game.
- (k) Any other approved play style or bonus game feature developed by the Agency. If the player reveals the designated play symbols or bonus play features, the player shall win the prize or prizes as indicated.

**703 OFFICIAL END OF INSTANT GAMES**

- 703.1 The official end of game date for any instant game shall be the date announced by the Executive Director.
- 703.2 Instant games may be ended upon the occurrence of any one of the following events:
- (a) The instant game has been available to the public for a minimum of thirteen (13) weeks;
  - (b) Less than fifteen percent (15%) of the instant ticket game remains in the Agency's inventory or warehouse;
  - (c) All of the top prizes have been claimed; or
  - (d) The Executive Director makes a written determination that the game shall be ended immediately in order to ensure the security and integrity of the lottery

**704 PULL TAB LOTTERY GAMES**

- 704.1 The Agency may operate a pull tab lottery game. The rules governing the game shall not apply to "charity game tickets" sold by licensed charitable organizations pursuant to the provisions of § 1409 of this title.
- 704.2 The price of a pull tab ticket shall be fifty cents (50¢) or any other price designated by the Executive Director from a price schedule adopted pursuant to § 500.1 of this title.
- 704.3 All rules of this title governing the instant games shall apply to pull tab lottery games and tickets except as provided in § 703.4 of this chapter.
- 704.4 A pull tab ticket is a bearer instrument whether or not a signature appears on the back of the ticket, and the prize is payable to the person who presents the ticket for payment.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Antar Johnson, Senior Counsel, Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020, or e-mailed to [antar.johnson@dc.gov](mailto:antar.johnson@dc.gov), or filed online at [www.dcregs.gov](http://www.dcregs.gov). Additional copies of these proposed rules may be obtained at the address stated above.

**METROPOLITAN POLICE DEPARTMENT****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief of the Metropolitan Police Department (Chief), pursuant to the authority under Section 911 of the Firearms Regulations Control Act of 1975 (Act), effective January 6, 2015 (D.C. Act 20-0564; 62 DCR \_\_\_\_), and any substantially similar emergency, temporary, or permanent versions of this legislation, hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

Emergency rulemaking action is necessary to clarify that the original intent of Subsection 2334.1 (23 DCMR § 2334.1) was to include as a proper reason for a concealed carry license to be the need for the protection by a family member of another family member who is physically or mentally incapacitated when the incapacitated family member can demonstrate a good reason to fear injury in the manner required by Section 2333.

This rulemaking is part on ongoing process to establish procedures for licensing by the Metropolitan Police Department (MPD) of persons to carry a concealed pistol for self-defense. A recent court decision has determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491).

This rulemaking supersedes the emergency and proposed rule for Section 2334 as published in the *D.C. Register* at 61 DCR 11519 on October 31, 2014.

This emergency rulemaking was adopted on January 20, 2015, became effective immediately, and will remain in effect for up to one hundred twenty (120) days from the date of its adoption, until May 20, 2015, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*. In addition, the Chief gives notice of the 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*.

**Chapter 23, GUNS AND OTHER WEAPONS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:**

**2334 OTHER PROPER REASON FOR CONCEALED CARRY LICENSE**

2334.1 A person may allege any other proper reason that the Chief may accept for obtaining a concealed carry license which may include:

- (a) Employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant's person; or
- (b) The need for a parent, son, daughter, sibling, or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life in the manner described in § 2333.

All persons interested in commenting on these proposed rulemaking action may submit comments in writing to Kelly O'Meara, Executive Director, Strategic Change, Metropolitan Police Department, 300 Indiana Avenue, NW, Suite 5117, Washington, DC 20001, or via e-mail at [Gun.Regulations@dc.gov](mailto:Gun.Regulations@dc.gov). Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-037  
January 14, 2015

**SUBJECT:** Re-Designation of the Summer Youth Employment Program as the Mayor  
Marion S. Barry Summer Youth Employment Program

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422, 422(2) and 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22, § 1-204.22(2) and 1-204.22(11) (2012 Repl.)), it is hereby **ORDERED** that:

**I. PURPOSE:**

The Summer Youth Employment Program (SYEP) was established in 1979 by Mayor Marion S. Barry. Since that time it has served hundreds of thousands of participants and has afforded District youth the opportunity to participate in enriching and constructive summer work experiences through subsidized job placements in community-based, private, and government sectors. The SYEP has served as a catalyst to long-term career opportunities for many youth.

The purpose of this Mayor's Order is to re-designate the SYEP to honor the memory of Mayor Barry and his contributions to the governance and progress of the District of Columbia and the welfare of its citizens, which contributions were particularly significant in the nurturing and development of its youth.

**II. IMPLEMENTATION:**

- a. The Summer Youth Employment Program is re-designated as the Mayor Marion S. Barry Summer Youth Employment Program.
- b. All references in statutes, regulations, rules, and orders to the "Summer Youth Employment Program" shall henceforth refer to the "Mayor Marion S. Barry Summer Youth Employment Program."



III. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER  
MAYOR

ATTEST:



LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

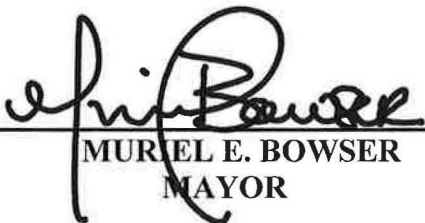
Mayor's Order 2015-038  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, Department of General Services

**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) and (6) 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) and (6) (2012 Repl.), and pursuant to section 1024 of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Official Code § 10-551.03 (2013 Repl.)), it is hereby **ORDERED** that:

1. **JONATHAN KAYNE** is appointed Interim Director, Department of General Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-119, dated August 3, 2012.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST:  \_\_\_\_\_  
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-039  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, Office of Labor Relations and Collective Bargaining

**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) (2012 Repl.), it is hereby **ORDERED** that:

1. **DEN AQUI** is appointed Interim Director, Office of Labor Relations and Collective Bargaining and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-252, dated October 29, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST:  \_\_\_\_\_  
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-040  
January 14, 2015

**SUBJECT:** Appointment – Interim Chief Technology Officer, Office of the Chief Technology Officer

**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) (2012 Repl.), and it is hereby **ORDERED** that:

1. **TAGENE BEHARU** is appointed Interim Chief Technology Officer, Office of the Chief Technology Officer, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-126, dated July 26, 2011.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST:




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LAUREN C. VAUGHAN

ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-041  
January 14, 2015

**SUBJECT:** Reappointment – Interim Director, Department of Human Services

**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) (2012 Repl.), it is hereby **ORDERED** that:

1. **DEBORAH CARROLL, ESQ.** is reappointed Interim Director, Department of Human Services and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-173, dated July 22, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-042  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, District of Columbia Child and Family Services Agency

**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) (2012 Repl.), and the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001, D.C. Law 13-277, D.C. Official Code § 4-1303.02a (2012 Repl.), it is hereby **ORDERED** that:

1. **RAYMOND DAVIDSON** is appointed Interim Director, District of Columbia Child and Family Services Agency and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-59, dated April 25, 2012.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-043  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, Department of Youth Rehabilitation Services

**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. No. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335, D.C. Official Code § 2-1515.01(b) (2012 Repl.)), it is hereby **ORDERED** that:

1. **DIONNE HAYES** is appointed Interim Director, Department of Youth Rehabilitation Services and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-19, dated February 9, 2012.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST:   
 LAUREN C. VAUGHAN  
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-044  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, Department of Employment Services

**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) (2012 Repl.), it is hereby **ORDERED** that:

1. **GERREN PRICE** is appointed Interim Director, Department of Employment Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-095, dated May 1, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-045  
January 14, 2015

**SUBJECT:** Appointment – Interim Director, District of Columbia Department of Human Resources

**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) (2012 Repl.), it is hereby **ORDERED** that:

1. **KARLA KIRBY** is appointed Interim Director, District of Columbia Department of Human Resources, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-123, dated July 20, 2011.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN

ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-046  
January 14, 2015

**SUBJECT:** Appointments – Concealed Pistol Licensing Review Board

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 2 of the License to Carry a Pistol Emergency Second Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-0564), it is hereby **ORDERED** that:


1. **DR. NICOLE R. JOHNSON** is appointed, as a member, as a mental health professional employed by the Department of Behavioral Health, to the Concealed Pistol Licensing Review Board ("**Board**"), for a term to end four years from the date a majority of the members are sworn-in.
2. **ALICIA D. WASHINGTON** is appointed, as a member, as a representative from the Office of the Attorney General for the District of Columbia, to the Board, for a term to end four years from the date a majority of the members are sworn-in.
3. **LAURA INGERSOLL** is appointed, as a member, as a representative from the United States Attorney's Office for the District of Columbia, to the Board, for a term to end four years from the date a majority of the members are sworn-in.
4. **GARY L. ABRECHT** is appointed, as a public member, as a former sworn officer of a law enforcement agency other than the Metropolitan Police Department, to the Board, for a term to end four years from the date a majority of the members are sworn-in.
5. **APPOINTMENT OF CHAIRPERSON:** **ALICIA D. WASHINGTON** is appointed Chairperson of the Board.
6. **RESCISION:** Mayor's Order 2014-276, dated November 17, 2014 is hereby rescinded.

7. **EFFECTIVE DATE:** This Order shall become effective immediately.



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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-047  
January 16, 2015

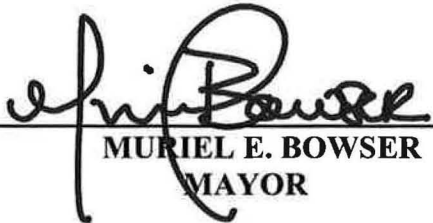
**SUBJECT:** Designation of Special Event Area – BET Honors 2015


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2012 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. The following public space areas as identified below shall be designated as a Special Event Area to accommodate activities associated with the 2015 BET Honors:
  - a. Commencing Friday, January 23, 2015 at 7:00 p.m. until Sunday, January 25, 2015, at 6:00 a.m., the east and west curb lanes, both sidewalks, and all travel lanes of E Street NW between 12<sup>th</sup> and 13<sup>th</sup> Streets.
  - b. Commencing Saturday, January 24, 2015 at 12:00 p.m. until Sunday January 25, 2015, at 6:00 a.m., the north and south curb lanes and all travel lanes of 12<sup>th</sup> Street NW between Constitution Avenue and F Street.
  - c. Commencing Saturday, January 24, 2015 at 12:00 p.m. until Sunday January 25, 2015, at 6:00 a.m., the east sidewalk, east and west curb lanes, and all travel lanes of 13<sup>th</sup> Street NW between Pennsylvania Avenue and F Street.
  - d. Commencing Saturday, January 24, 2015 at 12:00 p.m. until Sunday January 25, 2015, at 6:00 a.m., all westbound lanes of Pennsylvania Avenue NW between 12<sup>th</sup> and 13<sup>th</sup> Streets.
  - e. Commencing Saturday, January 24, 2015 at 12:00 p.m. until Sunday January 25, 2015, at 6:00 a.m., the north and south curb lanes of Pennsylvania Avenue (upper)/E Street NW between 13<sup>th</sup> and 14<sup>th</sup> Streets. (Vehicular access to the National Theater will be maintained via the west curb lane of 13<sup>th</sup> Street NW between Pennsylvania Avenue and F Street.)

- f. Commencing Saturday, January 24, 2015 at 12:00 p.m. until Sunday January 25, 2015, at 6:00 a.m., the south curb lane of F Street NW between 12<sup>th</sup> and 13<sup>th</sup> Streets. (To be used only in the event of a snow emergency.)
- 2. The designated areas shall be operated and overseen by BET Networks and the District of Columbia Office of Motion Picture and Television Development.
- 3. This Order is authorization for the use of the designated streets and curb lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, ADA, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.
- 4. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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 MURIEL E. BOWSER  
 MAYOR

ATTEST:   
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 LAUREN C. VAUGHAN  
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, JANUARY 28, 2015  
2000 14<sup>TH</sup> 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

<b>Show Cause Hearing (Status)*</b>	<b>9:30 AM</b>
Case # 14-251-00347; Washington 009, LLC, t/a McFadden's, 2401 Pennsylvania Ave NW, License #60591, Retailer CR, ANC 2A <b>Follow-up To Summary Suspension Hearing on January 9, 2015</b>	
<b>Fact Finding Hearing*</b>	<b>10:00 AM</b>
Balducci's Holding, LLC, t/a To Be Determined; 3263 M Street NW, License #88667, Retailer B, ANC 2E <b>License in Safekeeping</b>	
<b>Protest Hearing*</b>	<b>4:30 PM</b>
Case # 13-PRO-00090; SJ Enterprises, LLC, t/a Cusbah, 1128 H Street NE License #88779, Retailer CR, ANC 6A <b>Application to Renew the License</b> <b>*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).</b>	

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

**NOTICE OF MEETING  
CANCELLATION AGENDA**

**WEDNESDAY JANUARY 28, 2015  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board will be cancelling the following licenses for the reasons outlined below:

**ABRA-076125 – Sisy’s – Retail – CR – 3911 14<sup>th</sup> STREET NW**

[Establishment appears to have ceased operations. The Licensee was advised via USPS in a letter dated 11/21/2014 to place license in Safekeeping within 10 days and letter was returned undeliverable.]

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**ABRA-060595 – H Street Liquor – Retail – A Liquor Store – 303 H STREET NE**

[Establishment has requested cancellation, as the Establishment is no longer operating.]

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 28 2015  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On January 28, 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#14-AUD-00120 Pasta Italiana, 2623 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060483

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2. Case#14-AUD-00119 Recessions II, 1823 L ST NW Retailer C Restaurant, License#: ABRA-060567

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3. Case#14-AUD-00124 Restaurant Judy, 2212 14TH ST NW Retailer C Restaurant, License#: ABRA-020468

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4. Case#14-AUD-00122 Spaghetti Garden Brass Monkey Peyote Roxanne, 2317 - 2319 18th ST NW Retailer C Restaurant, License#: ABRA-010284

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5. Case#14-AUD-00121 Policy, 1904 14th ST NW Retailer C Restaurant, License#: ABRA-076804

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6. Case#14-CMP-00734 Joint Chiefs, 3400 11TH ST NW Retailer C Tavern, License#: ABRA-083926

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7. Case#14-251-00309 Howard Theatre, 620 T ST NW Retailer C Multipurpose, License#: ABRA-088646

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, JANUARY 28, 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 1B. SMD 1B12. Pending Enforcement Matters: 9/19/14, Case #14-CMP-00538, Board referred to staff for settlement for noise and settlement agreement violations; 8/23/14, Case #14-CMP-00555, Board referred to staff for settlement for a noise violation and issued a warning for a posting violation. There is a pending Show Cause Hearing. No conflict with Settlement Agreement. *New Town Kitchen and Lounge*, 1336 U Street NW, Retailer CR, License No. 093095.

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2. Review Application for Safekeeping of License – Original Request. ANC 6E. SMD 6E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Temporary Works*, 1017 7<sup>th</sup> Street NW, Retailer CR, License No. 090570.

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3. Review Application for Safekeeping of License – Original Request. ANC 6E. SMD 6E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Tel’Veh Café & Wine Bar*, 401 Massachusetts Avenue NW, Retailer CT, License No. 087302.

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4. 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. *Grand Slam*, 1000 H Street NW, Retailer CN, License No. 087638.

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5. Review Application for Safekeeping of License – Original Request. ANC 6E. SMD 6E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The Passenger & Columbia Room*, 1021 7<sup>th</sup> Street NW, Retailer CR, License No. 072746.

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6. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Levante's*, 1320 19th Street NW, Retailer CR, License No. 091129.
- 

7. Review Request for Class Change from C Restaurant to C Tavern. ANC 2B. SMD 2B06. Pending Enforcement Issue: 10/16/14, Case #14-CC-00195, Sale to Minor. This case has yet to go before the Board. No outstanding fines/citations. No Settlement Agreement. *Look*, 1909 K Street NW, Retailer CR, License No. 077812.
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8. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday-Saturday 8am to 3am. *Approved Hours of Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 11am to 2am. *Proposed Hours of Operation*: Sunday-Saturday 8am to 4am. ANC 5C. SMD 5C02. Pending Enforcement Issue: 6/8/14, Case #14-251-00171, Overcrowding. 10/15/14, Board issued a warning for Settlement Agreement not accessible and referred to staff settlement for the violation; Licensee did not attend settlement conference and matter referred to OAG on 12/3/14. No outstanding fines/citations. No conflict with Settlement Agreement. *Eclipse Restaurant & Night Club*, 2820 Bladensburg Road NE, Retailer CN, License No. 075424.
- 

**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY

## Fiscal Year 2015 DC Physical Activity for Youth Grant

Announcement Date: **January 23, 2015**Request for Application Release Date: **February 6, 2015**Pre-Application Question Period Ends: **March 20, 2015**Application Submission Deadline: **April 3, 2015**

The Office of the State Superintendent of Education (OSSE), Wellness and Nutrition Services Division is soliciting grant applications for the District of Columbia Physical Activity for Youth (DC PAY) grant. **The purpose of this grant is to increase the capacity of D.C. schools to provide physical activity to all students before, during, or after the school day.**

**Eligibility:** OSSE will accept applications from Washington D.C. public schools and public charter schools participating in the Healthy Schools Act (2010) and community-based organizations applying on behalf of a school. Past award recipients are eligible; however, a school may only receive the DC PAY Grant three times in a five year period. Community-based organizations may apply on behalf of up to four different schools.

**Length of Award:** The grant award period is one year.

**Available Funding for Award:** The total funding available for this award period is \$200,000. Eligible schools and organizations may apply for an award amount up to \$10,000 per school.

**Anticipated Number of Awards:** OSSE has funding available for at least twenty (20) awards.

The RFA and all supporting documents will be available on February 6, 2015 at <https://osse.mtwgms.org/wdcossesegmsweb/logon.aspx>. For additional information regarding this grant competition, please contact:

Katie Lantuh  
Physical Education & Physical Activity Specialist  
Wellness and Nutrition Services Division  
Office of the State Superintendent of Education  
202.481.3401  
[kathryn.lantuh@dc.gov](mailto:kathryn.lantuh@dc.gov)

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## MONTHLY MEETINGS

Scheduled for the months of January 2015 through December 2015

(All meetings are held at 441 Fourth Street, NW, Room 280 North)

DATE	TIME	ROOM NUMBER
Wednesday, January 7, 2015	10:30 AM	Room 280 North
Wednesday, February 4, 2015	10:30 AM	Room 280 North
Wednesday, March 4, 2015	10:30 AM	Room 280 North
Wednesday, April 1, 2015	10:30 AM	Room 280 North
Wednesday, May 20, 2015	10:30 AM	Room 280 North
Wednesday, June 3, 2015	10:30 AM	Room 280 North
Wednesday, July 1, 2015	10:30 AM	Room 280 North
Wednesday, August 5, 2015	10:30 AM	Room 280 North
Wednesday, September 2, 2015	10:30 AM	Room 280 North
Wednesday, October 7, 2015	10:30 AM	Room 280 North
Wednesday, November 4, 2015	10:30 AM	Room 280 North
Wednesday, December 2, 2015	10:30 AM	Room 280 North

**Please note: Schedule is subject to change.**

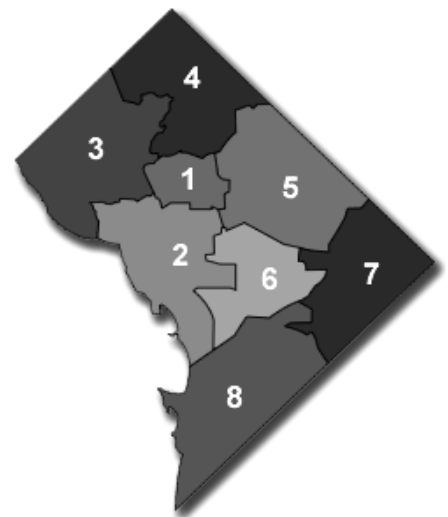
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	44,122	2,800	759	99	135	11,872	<b>59,787</b>
<b>2</b>	30,073	5,775	222	145	119	11,211	<b>47,545</b>
<b>3</b>	37,224	6,917	366	100	111	11,629	<b>56,347</b>
<b>4</b>	48,004	2,255	532	57	135	9,111	<b>60,094</b>
<b>5</b>	50,914	2,089	575	68	153	8,852	<b>62,651</b>
<b>6</b>	52,207	6,451	532	132	174	12,975	<b>72,471</b>
<b>7</b>	50,051	1,296	439	22	122	7,174	<b>59,104</b>
<b>8</b>	43,697	1,181	382	18	155	7,012	<b>52,445</b>
<b>Totals</b>	356,292	28,764	3,807	641	1,104	79,836	<b>470,444</b>
<b>Percentage By Party</b>	<b>75.73%</b>	<b>6.11%</b>	<b>.81%</b>	<b>.14%</b>	<b>.23%</b>	<b>16.97%</b>	<b>100.00%</b>

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS  
AS OF THE END OF DECEMBER 31, 2014**

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
441 4<sup>TH</sup> STREET, NW SUITE 250N  
WASHINGTON, DC 20001  
(202) 727-2525  
<http://www.dcboee.org>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 1 REGISTRATION SUMMARY**  
**As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,436	32	7	2	7	227	1,711
22	3,735	342	30	8	10	1,000	5,125
23	2,827	182	55	9	7	742	3,822
24	2,438	243	34	8	5	778	3,506
25	3,822	410	63	7	6	1,148	5,456
35	3,453	224	64	10	7	981	4,739
36	4,319	271	72	5	10	1,176	5,853
37	3,211	137	54	7	10	753	4,172
38	2,783	135	62	10	11	736	3,737
39	4,179	219	81	6	13	1,039	5,537
40	3,997	205	105	10	17	1,135	5,469
41	3,409	189	71	10	16	1,069	4,764
42	1,811	68	34	3	8	486	2,410
43	1,714	72	19	3	4	381	2,193
137	988	71	8	1	4	221	1,293
<b>TOTALS</b>	<b>44,122</b>	<b>2,800</b>	<b>759</b>	<b>99</b>	<b>135</b>	<b>11,872</b>	<b>59,787</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	768	172	10	9	9	479	<b>1,447</b>
<b>3</b>	1,441	367	14	10	12	657	<b>2,501</b>
<b>4</b>	1,717	489	8	11	5	809	<b>3,039</b>
<b>5</b>	2,207	688	14	12	8	867	<b>3,796</b>
<b>6</b>	2,274	897	22	9	17	1,279	<b>4,498</b>
<b>13</b>	1,363	263	8	2		466	<b>2,102</b>
<b>14</b>	2,829	475	22	15	11	1,025	<b>4,377</b>
<b>15</b>	3,024	346	25	12	11	916	<b>4,334</b>
<b>16</b>	3,567	382	25	11	10	954	<b>4,949</b>
<b>17</b>	4,920	684	40	22	19	1,656	<b>7,341</b>
<b>129</b>	2,055	340	12	14	5	796	<b>3,222</b>
<b>141</b>	2,295	274	12	12	8	693	<b>3,294</b>
<b>143</b>	1,613	398	10	6	4	614	<b>2,645</b>
<b>TOTALS</b>	<b>30,073</b>	<b>5,775</b>	<b>222</b>	<b>145</b>	<b>119</b>	<b>11,211</b>	<b>47,545</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,240	410	19	2	3	570	2,244
8	2,388	625	26	4	8	774	3,825
9	1,139	488	8	9	8	496	2,148
10	1,764	425	16	7	8	659	2,879
11	3,404	966	43	9	11	1,437	5,870
12	469	192	1	0	2	211	875
26	2,903	357	23	5	4	942	4,234
27	2,447	293	16	8	4	615	3,383
28	2,275	529	39	9	6	765	3,623
29	1,225	248	10	2	8	389	1,882
30	1,256	225	15	3	4	284	1,787
31	2,375	325	22	4	8	589	3,323
32	2,716	325	24	4	5	621	3,695
33	2,906	336	31	7	8	749	4,037
34	3,658	481	30	13	9	1,188	5,379
50	2,090	286	17	5	9	492	2,899
136	841	123	6	3	1	323	1,297
138	2,128	283	20	6	5	525	2,967
<b>TOTALS</b>	<b>37,224</b>	<b>6,917</b>	<b>366</b>	<b>100</b>	<b>111</b>	<b>11,629</b>	<b>56,347</b>



**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 4 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,221	77	35	5	6	442	2,786
46	2,871	81	35	5	10	538	3,540
47	2,971	146	40	5	10	722	3,894
48	2,776	133	30	4	6	559	3,508
49	858	37	14	0	4	199	1,112
51	3,292	552	22	5	6	653	4,530
52	1,297	181	5	0	3	224	1,710
53	1,246	74	21	1	5	267	1,614
54	2,342	91	30	1	5	488	2,957
55	2,421	70	25	1	8	444	2,969
56	3,094	90	35	5	11	681	3,916
57	2,523	75	38	4	14	453	3,107
58	2,297	57	18	2	4	369	2,747
59	2,608	89	33	6	10	420	3,166
60	2,161	77	24	3	6	682	2,953
61	1,607	53	12	1	2	289	1,964
62	3,139	123	27	1	2	376	3,668
63	3,511	131	51	1	11	658	4,363
64	2,250	57	16	3	5	331	2,662
65	2,519	61	21	4	7	316	2,928
<b>Totals</b>	<b>48,004</b>	<b>2,255</b>	<b>532</b>	<b>57</b>	<b>135</b>	<b>9,111</b>	<b>60,094</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 5 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,149	195	68	8	6	962	5,388
44	2,897	220	29	4	15	680	3,845
66	4,533	109	40	4	8	515	5,209
67	3,003	99	23	1	6	408	3,540
68	1,924	141	30	8	8	396	2,507
69	2,127	72	16	2	11	271	2,499
70	1,455	68	22	1	3	215	1,764
71	2,397	62	26	1	9	335	2,830
72	4,448	120	26	3	17	761	5,375
73	1,926	87	27	6	5	350	2,401
74	4,250	222	58	6	9	830	5,375
75	3,437	156	65	9	7	807	4,481
76	1,367	61	14	1	4	263	1,710
77	2,829	97	30	4	11	487	3,458
78	2,949	82	34	2	9	462	3,538
79	1,988	74	16	3	10	333	2,424
135	3,037	183	43	4	11	550	3,828
139	2,198	41	8	1	4	227	2,479
<b>TOTALS</b>	<b>50,914</b>	<b>2,089</b>	<b>575</b>	<b>68</b>	<b>153</b>	<b>8,852</b>	<b>62,651</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 6 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>1</b>	4,154	437	45	12	14	1,074	<b>5,736</b>
<b>18</b>	4,424	287	43	12	11	959	<b>5,736</b>
<b>21</b>	1,183	57	18	1	2	265	<b>1,526</b>
<b>81</b>	4,826	381	46	5	18	995	<b>6,271</b>
<b>82</b>	2,620	252	27	6	10	597	<b>3,512</b>
<b>83</b>	4,119	507	41	16	11	1,065	<b>5,759</b>
<b>84</b>	2,051	436	28	6	7	568	<b>3,096</b>
<b>85</b>	2,711	505	24	10	9	737	<b>3,996</b>
<b>86</b>	2,301	280	28	3	11	509	<b>3,132</b>
<b>87</b>	2,773	240	19	2	10	585	<b>3,629</b>
<b>88</b>	2,197	317	15	2	8	560	<b>3,099</b>
<b>89</b>	2,604	665	23	11	7	790	<b>4,100</b>
<b>90</b>	1,636	269	11	4	7	475	<b>2,402</b>
<b>91</b>	4,148	369	42	9	15	1,006	<b>5,589</b>
<b>127</b>	4,023	287	55	10	13	832	<b>5,220</b>
<b>128</b>	2,335	208	34	6	7	641	<b>3,231</b>
<b>130</b>	807	332	9	3	3	302	<b>1,456</b>
<b>131</b>	1,934	456	11	12	6	631	<b>3,050</b>
<b>142</b>	1,361	166	13	2	5	384	<b>1,931</b>
<b>TOTALS</b>	<b>52,207</b>	<b>6,451</b>	<b>532</b>	<b>132</b>	<b>174</b>	<b>12,975</b>	<b>72,471</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 7 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,575	87	15	1	4	273	1,955
92	1,663	39	11	2	6	250	1,971
93	1,621	47	17	2	6	228	1,921
94	2,082	51	18	0	3	299	2,453
95	1,770	44	18	0	2	314	2,148
96	2,447	69	22	0	9	380	2,927
97	1,534	41	17	1	4	206	1,803
98	1,880	45	23	1	6	263	2,218
99	1,476	41	15	1	6	239	1,778
100	2,278	42	16	1	4	289	2,630
101	1,703	32	18	1	5	189	1,948
102	2,554	52	23	0	6	333	2,968
103	3,706	96	40	2	13	589	4,446
104	3,152	84	23	2	12	458	3,731
105	2,444	62	23	3	4	398	2,934
106	3,073	67	23	0	8	459	3,630
107	1,978	61	16	1	5	303	2,364
108	1,143	28	7	0		126	1,304
109	973	33	7	0	1	96	1,110
110	3,833	95	25	3	6	428	4,390
111	2,606	56	27	0	7	387	3,083
113	2,275	63	21	1	3	287	2,650
132	2,285	61	14	0	2	380	2,742
<b>TOTALS</b>	<b>50,051</b>	<b>1,296</b>	<b>439</b>	<b>22</b>	<b>122</b>	<b>7,174</b>	<b>59,104</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 8 REGISTRATION SUMMARY  
As Of DECEMBER 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,078	58	11	0	8	297	2,452
114	3,097	103	24	1	20	503	3,748
115	2,774	65	22	5	10	597	3,473
116	3,758	94	37	1	13	578	4,481
117	1,852	43	16	0	7	296	2,214
118	2,537	58	27	0	8	402	3,032
119	2,784	103	37	0	10	536	3,470
120	1,843	32	14	2	4	277	2,172
121	3,206	75	30	1	8	466	3,786
122	1,675	37	14	0	5	235	1,966
123	2,227	96	26	3	13	349	2,714
124	2,544	56	12	1	5	350	2,968
125	4,527	119	34	1	13	741	5,435
126	3,563	108	35	2	16	665	4,389
133	1,327	40	12	0	3	182	1,564
134	2,106	37	21	1	5	275	2,445
140	1,799	57	10	0	7	263	2,136
<b>TOTALS</b>	<b>43,697</b>	<b>1,181</b>	<b>382</b>	<b>18</b>	<b>155</b>	<b>7,012</b>	<b>52,445</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 11/30/2014 and 12/31/2014*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>354,862</b>	<b>28,526</b>	<b>3,787</b>	<b>603</b>	<b>1,091</b>	<b>79,353</b>	<b>468,222</b>
Board of Elections Over the Counter	54	3	0	0	2	25	<b>84</b>
Board of Elections by Mail	121	11	0	1	2	43	<b>178</b>
Board of Elections Online Registration	3	0	0	0	0	1	<b>4</b>
Department of Motor Vehicle	1,271	215	14	31	13	458	<b>2,002</b>
Department of Disability Services	3	0	0	0	0	1	<b>4</b>
Office of Aging	0	0	0	0	0	0	<b>0</b>
Federal Postcard Application	0	0	0	0	0	0	<b>0</b>
Department of Parks and Recreation	1	0	0	0	0	0	<b>1</b>
Nursing Home Program	0	0	0	0	0	0	<b>0</b>
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	<b>0</b>
Department of Corrections	2	0	0	0	0	0	<b>2</b>
Department of Human Services	9	1	0	0	1	0	<b>11</b>
Special / Provisional	0	0	0	0	0	1	<b>1</b>
All Other Sources	38	3	1	0	0	15	<b>57</b>
<b>+Total New Registrations</b>	<b>1,502</b>	<b>233</b>	<b>15</b>	<b>32</b>	<b>18</b>	<b>544</b>	<b>2,344</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	286	22	5	1	1	57	<b>372</b>
Administrative Corrections	12	3	1	0	23	312	<b>351</b>
<b>+TOTAL ACTIVATIONS</b>	<b>298</b>	<b>25</b>	<b>6</b>	<b>1</b>	<b>24</b>	<b>369</b>	<b>723</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	3	2	0	0	0	0	<b>5</b>
Moved Out of District (Deleted)	1	0	0	0	0	0	<b>1</b>
Felon (Deleted)	0	0	0	0	0	0	<b>0</b>
Deceased (Deleted)	33	2	0	0	0	3	<b>38</b>
Administrative Corrections	575	60	3	31	1	131	<b>801</b>
<b>-TOTAL DEACTIVATIONS</b>	<b>612</b>	<b>64</b>	<b>3</b>	<b>31</b>	<b>1</b>	<b>134</b>	<b>845</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	
+ Changed To Party	497	98	18	41	13	218	
- Changed From Party	-255	-54	-16	-5	-41	-514	
<b>ENDING TOTALS</b>	<b>356,292</b>	<b>28,764</b>	<b>3,807</b>	<b>641</b>	<b>1,104</b>	<b>79,836</b>	<b>470,444</b>

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit #6549-R1 to AT&T Communications of Washington, DC, LLC, to operate one (1) existing diesel-fired emergency generator set located in Washington, DC. The contact person for the facility is Barbara Walden at, Manager, Environment, Health and Safety, at (925) 277-6704.

Emergency Generator to be Permitted:

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
AT&T Facility	725 13 <sup>th</sup> Street NW, Washington, DC 20005	1,750 kW	2,561 bhp	6549-R1

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  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after February 23, 2015 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit #6883 to DC Veterans Affairs Medical Center, to construct and operate one diesel-fired emergency generator set located in Washington, DC. The contact person for the facility is Michael Roth, Chief, Facilities Management, at (202) 215-8988.

Emergency Generator to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Size</b>	<b>Engine Size</b>	<b>Permit No.</b>
North Parking Garage	50 Irving Street NW Washington, DC 20442	80 kW	133 bhp	6883

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

<b>Pollutant Emission Limits (g/kW-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
4.0	5.0	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart 1, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
  - 1. 20 percent during the acceleration mode;
  - 2. 15 percent during the lugging mode;
  - 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*



- d. 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 the emergency generator are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.028
Oxides of Nitrogen (NO <sub>x</sub> )	0.074
Volatile Organic Compounds (VOC)	0.004
Total Particulate Matter (PM Total)	0.004
Oxides of Sulfur (SO <sub>x</sub> )	0.027

The application to construct and operate the emergency generator and the draft 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  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after February 23, 2015 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

**NOTICE OF VACANCY**

Pursuant to D.C. Official Code § 1-1162.03(e), the Board of Ethics and Government Accountability announces a vacancy in the seat held by a member of the minority political party.

Information about the Ethics Board is available on its website at [www.bega-dc.gov](http://www.bega-dc.gov).

Those individuals interested in filling the Ethics Board vacancy should contact the Mayor's Office of Talent and Appointments at (202) 727-1372 or visit its website at [www.mota.dc.gov](http://www.mota.dc.gov).

**FRIENDSHIP PUBLIC CHARTER SCHOOL****NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

**STRATEGIC PLANNING:** Friendship Public Charter School seeks the services of qualified organizations experienced in strategic planning to lead Friendship through a strategic planning process that will result in the creation and implementation of a 5-year strategic plan. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, January 30th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org)

Friendship Public Charter School is seeking an experienced vendor that has the resources, expertise, and knowledge and proven technologies and systems designed to prepare high school students for standardized tests, such as the SAT, ACT and PSAT. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, January 30<sup>th</sup>, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org)

**DEPARTMENT OF HEALTH  
COMMUNITY HEALTH ADMINISTRATION  
NOTICE OF FUNDING AVAILABILITY (NOFA)**

Request for Applications # CHA\_TPCG02.06.15  
**FY 2015 Tobacco Prevention and Control Grants**

The District of Columbia, Department of Health (DOH) Community Health Administration (CHA) is soliciting applications from qualified applicants to implement environmental, systems and programmatic changes aimed at preventing tobacco related deaths in the District of Columbia.

Program areas for this grant support the Tobacco Prevention and Control Goal Objectives of preventing tobacco related deaths in the District of Columbia and helping residents achieve healthier and longer lives. Program areas include: 1) Cessation Support and Health Equity, 2) Smoke-free Public Housing and 3) Faith-Based Methods.

In FY 2015, approximately \$700,000 in Tobacco Prevention and Control funds will be available for up to five awards. The anticipated award period is from date of award to September 30, 2015. Grants will be funded using FY 15 DC appropriated funds. All awards are contingent upon the availability of funds.

The following entities are eligible to apply for grant funds under this RFA: Private non-profit organizations. Private entities include hospitals, community health centers, community-based and faith-based organizations. All organizations must be located within and provide services in the District of Columbia.

**The release date for RFA No. CHA\_TPCG02.06.15 is Friday, February 6, 2015.** The Community Health Administration will have the complete RFA available on the DC Grants Clearinghouse website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> on **Friday, February 6, 2015**. A limited number of copies of the RFA will also be available at the Community Health Administration, 899 North Capitol Street, NE, 3<sup>rd</sup> Floor.

**The Request for Application (RFA) submission deadline is 5:00 pm Tuesday, February 25, 2015.** The Pre-Application conference will be held in the Community Health Administration at 899 North Capitol Street, NE, 3<sup>rd</sup> Floor Conference Room 306, Washington, DC 20002, on **Thursday, February 12, 2015, from 4:00pm-5:30pm.**

If you have any questions, please contact Erin Thomas via e-mail [erin.thomas@dc.gov](mailto:erin.thomas@dc.gov) or by phone at (202) 442.5902.

**DEPARTMENT OF HEALTH CARE FINANCE  
NOTICE OF PUBLIC MEETING**

**Department of Health Care Finance Pharmacy and Therapeutics Committee**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, March 5, 2015, at 2:30pm** in the **11<sup>th</sup> Floor Main Conference Room 1107 at 441 Fourth Street NW, Washington, DC 20001**. Please note that government issued ID is needed to access the building. Use the North Lobby elevators to access the 11<sup>th</sup> 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:

Antiemetics/Antivertigo Agents	Hypoglycemics, Meglitinides
Bladder Relaxants	Hypoglycemics, Metformins
BPH Agents	Hypoglycemics, SGLT2 Inhibitors
Erythropoiesis Stimulating Agents	Hypoglycemics, TZDs
H. Pylori Agents	Proton Pump Inhibitors
Hepatitis C Agents	Irritable Bowel Syndrome Agents
Histamine-2-Receptor Antagonists	Phosphate Binders
Hypoglycemics, Incretin Enhancers/Mimetics Agents	Ulcerative Colitis Agents
Hypoglycemics, Insulins	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Wednesday, February 25, 2015**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)).

An individual wishing to make an 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 written information to the Committee **no later than 4:45pm on February 25, 2015**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information may also be mailed **to arrive no later than February 25, 2015** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
441 4<sup>th</sup> Street NW, Suite 900 South  
Washington, DC 20001

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY  
BOARD OF DIRECTORS**

Notice of the 2015 Public Meeting Schedule

The District of Columbia Housing Finance Agency hereby announces that the District of Columbia Housing Finance Agency Board of Directors will hold regular public meetings in the year 2015, on the second and fourth Tuesday of each month at 5:30 PM on the following dates:

January 13, 2015 Annual Meeting	January 27, 2015 Regular Meeting
February 10, 2015 Regular Meeting	February 24, 2015 Regular Meeting
March 10, 2015 Regular Meeting	March 24, 2015 Regular Meeting
April 14, 2015 Regular Meeting	April 28, 2015 Regular Meeting
May 12, 2015 Regular Meeting	May 26, 2015 Regular Meeting
June 9, 2015 Regular Meeting	June 23, 2015 Regular Meeting
July 14, 2015 Regular Meeting	July 28, 2015 Regular Meeting
August 11, 2015 Regular Meeting	August 25, 2015 Regular Meeting
September 8, 2015 Regular Meeting	September 22, 2015 Regular Meeting
October 13, 2015 Regular Meeting	October 27, 2015 Regular Meeting
November 10, 2014 Regular Meeting	November 24, 2015 Regular Meeting
December 8, 2015 Regular Meeting	December 22, 2015 Regular Meeting

The public meetings shall take place at 815 Florida Avenue, NW, Washington, DC 20001.

For additional information, please visit [www.dchfa.org](http://www.dchfa.org) to view the more detailed agenda two business days, or 48 hours, whichever is greater, prior to the meeting dates listed above. If you should have any questions, please call 202-777-1600.

## DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

**Judicial Tenure Commission Begins Reappointment Evaluations Of  
Judges Thomas J. Motley and John M. Mott**

This is to notify members of the bar and the general public that the Commission has begun inquiries into the qualifications of Judges Thomas J. Motley and John M. Mott of the Superior Court of the District of Columbia, who are declared candidates for reappointment as Associate Judges upon the expiration of their terms on July 6, 2015.

Under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 796 (1973), §443(c) as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §12(1) provides in part as follows:

"...If a declaration (of candidacy) is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written statement of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the nomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court."

The Commission hereby requests members of the bar, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Judges Motley and Mott which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials shall be kept confidential unless expressly authorized by the person submitting the information.

All communications should be received by the Commission no later than **April 1, 2015**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure  
Building A, Room 246  
515 Fifth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 727-1363  
Fax: (202) 727-9718  
E-Mail: dc.cjdt@dc.gov

The members of the Commission are:

Hon. Gladys Kessler, Chairperson  
Jeannine C. Sanford, Esq., Vice Chairperson  
Michael K. Fauntroy, Ph.D.  
Hon. Joan L. Goldfrank  
William P. Lightfoot, Esq.  
David P. Milzman, M.D.  
Anthony T. Pierce, Esq.

BY: /s/ Gladys Kessler  
Chairperson



**MUNDO VERDE PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Custom Apparel**

Mundo Verde PCS seeks bids for custom apparel. The RFP with bidding requirements and supporting documentation can be obtained by contacting Elle Carne at [ecarne@mundoverdepcs.org](mailto:ecarne@mundoverdepcs.org). **All bids not addressing all areas as outlined in the RFP will not be considered.**

**The deadline for application submission is February 6 no later than 5:00pm**

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION  
BOARD OF DIRECTORS  
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00am on Thursday, January 22, 2015. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)). **Note: The Public portion of the meeting will begin at approximately 10:30am.**

**DRAFT AGENDA**

- I. CALL TO ORDER**
  
- II. DETERMINATION OF A QUORUM**
  
- III. APPROVAL OF AGENDA**
  
- IV. CONSENT AGENDA**
  - A. READING AND APPROVAL OF MINUTES**
    - 1. October 23 – Board of Directors General Meeting
    - 2. December 18 – Board of Directors Conference Call
  
  - B. EXECUTIVE REPORTS**
    - 1. Dr. Cyril Allen, Chief Medical Officer
    - 2. Thomas E. Hallisey, Chief Information Officer
    - 3. Jim Hobbs, VP of Business Development & Physician Recruitment
    - 4. Jackie Johnson, VP of Human Resources
    - 5. Pamela Lee, VP of Hospital Operations
    - 6. David Thompson, Director of Public Relations
    - 7. Maribel Torres, VP of Nursing
    - 8. Charletta Washington, VP of Ambulatory & Ancillary Services
  
- V. NONCONSENT AGENDA**
  - A. CHIEF EXECUTIVE REPORTS**

1. David Small, CEO
2. Barbara Roberson-Thomas, Interim CFO

**B. MEDICAL STAFF REPORT**

1. Raymond Tu, Vice Chief of Staff

**C. COMMITTEE REPORTS**

1. Audit Committee
2. Finance Committee Report
3. Governance Committee Report
4. Patient Safety and Quality Report

**D. OTHER BUSINESS**

1. Old Business
2. New Business

**E. ANNOUNCEMENT**

Next Meeting – Thursday, February 26, 2015 at 9:00am in Conference Rooms 2/3.

**F. ADJOURNMENT**

***NOTICE OF INTENT TO CLOSE.*** The NFPHC Board hereby gives notice that it may hold an executive session closed meeting at 9am to discuss contracts, settlements, collective bargaining agreements, personnel, discipline, commercial or financial information from outside the government, and investigations of alleged criminal or civil misconduct. D.C. Official Code §§2-575(b)(2)(4A)(5),(9),(10),(11),(14).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION  
BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

The regular monthly meetings of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, are held at 9:00am in open session of the fourth Thursday of each month.

The following are dates and times for the regular monthly meetings to be held in calendar year 2015. All meetings are held at 1310 Southern Avenue, Southeast, Washington, DC 20032, conference room 2/3, unless otherwise indicated. Notice of a location of a meeting other than 1310 Southern Avenue, Southeast will be published in the D.C. Register and/or posted on the Not-For-Profit Hospital Corporation's website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)).

The Annual Meeting will be held on November 21, 2015 from 12noon-2pm at the R.I.S.E Demonstration Center, located at 2730 Martin Luther King Jr. Avenue, SE, Washington DC 20032 (on the campus of St. Elizabeth East). A notice/draft agenda will be published in the D.C. Register for each meeting.

Thursday, January 22, 2015	9:00am	United Medical Center
Thursday, February 26, 2015	9:00am	United Medical Center
Thursday, March 26, 2015	9:00am	United Medical Center
Thursday, April 23, 2015	9:00am	United Medical Center
Thursday, May 28, 2015	9:00am	United Medical Center
Thursday, June 25, 2015	9:00am	United Medical Center
Thursday, July 23, 2015	9:00am	United Medical Center
Thursday, September 24, 2015	9:00am	United Medical Center
Thursday, October 22, 2015	9:00am	United Medical Center
Thursday, November 21, 2015	12:00pm	R.I.S.E Demonstration Center

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 15, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 23, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public

Effective: February 15, 2015

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Alder	Teresa L.	FTI Consulting, Inc. 1101 K Street, NW	20005
Berkley	Leroy	Self 723 Kennedy Street, NW	20011
Bothwell	Paul William Facey	National Organization for Marriage 2029 K Street, NW, Suite 300	20006
Braggs	Dominique Carmichael	Braggs Law Offices, PLLC  1776 I Street, NW, Suite 900	20006
Burford	Lisa C.	LCB Consulting, LLC 611 Pennsylvania Avenue, SE, Suite 114	20003
Christian	LaShoun	Schiff Hardin LLP 901 K Street, NW, Suite 700	20001
Chui	Elliot Y.	U.S. Department of State 2201 C Street, NW	20520
Cofer	Betty J.	State Farm Insurance 7414 Georgia Avenue, NW, #2	20012
Cranford, Jr.	Kevin	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Diaz Villarroel	Jaime H.	Office of Human Rights 441 4th Street, NW, Suite 570N	20001
Dunmore	Marisa	Office of Tax and Revenue 1101 4th Street, SW	20024
Eatmon	Dexter	Wells Fargo Bank, N.A. 600 Maryland Avenue, SW	20024
Edwards	Erica Lucinda	R&R Janitorial, Painting, and Building Services 2849 Georgia Avenue, NW	20001
Elcock	Benita	3900 Watson Place, NW, Inc. 3900 Watson Place, NW	20016

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Ezeonyebuchi	Kenechukwu	TD Bank, NA 905 Rhode Island Avenue, NE	20018
Fisher	Laurie	Russia Wireless Holdings LLC 1250 H Street, NW, Suite 801	20005
Ford	Carol Owens	Greater Mt. Calvary Holy Church 610 Rhode Island Avenue, NE	20002
Greer	Marian	Jones Lang LaSalle Americas, Inc. 1801 K Street, NW, Suite 1000	20006
Gribbins	James A.	Cap8 Doors and Hardware 5786 2nd Street, NE	20011
Hample	Langdon D.	Congressional Commercial, LLC 3401 8th Street, NE	20017
Harris	Roxanne T.	Ober, Kaler, Grimes & Shriver 1401 H Street, NW, Suite 500	20005
Hayes	Phillip A.	Wells Fargo 1301 Pennsylvania Avenue, NW	20004
Henson	Angela L.	Department of Commerce, Office of General Counsel, Office of Finance and Litigation 14th & Constitution Avenue, NW, Room 5896	20230
Igbo	Adaora	Dantes Partners 701 Lamont Street, NW, Suite 11	20010
Jacobson	Jenna Nicole	S2 Development LLC 1509 Rhode Island Avenue, NE	20018
Jones	Ronald L.	Self 909 Varney Street, SE	20032
Kehinde	Mary	TD Bank 901 7th Street, NW	20001
LaCrosse	Jordan	Avenue Solutions 401 9th Street, NW, Suite 720	20004

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: February 15, 2015****Page 4**

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Lawrence	Helena F.	Department of Justice 555 4th Street, NW, Room 7222	20001
McGrath	Christina	Pike Electric Group 5521 13th Street, NW	20011
Melendez	Elizabeth	Branch Banking & Trust 5200 Wisconsin Avenue, NW	20015
Miller	Mitzi D.	CropLife America 1156 15th Street, NW, Suite 400	20005
Morris	Lolita G.	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Newell	Tina Y.	Council for the Accreditation of Educator Preparation 1140 19th Street, NW, Suite 400	20036
Nudelman	Adam Ross	Gore Brothers 1025 Connecticut Avenue, NW, Suite 1000	20036
O'Connor	Jennifer	Diversified Reporting Services, Inc. 1101 16th Street, NW, 2nd Floor	20036
Oleksiw	Scheherazade	Sol Systems, LLC 1718 Connecticut Avenue, NW, Suite 300	20009
Patel	Priya	Cohen & Cohen 1220 19th Street, NW, Suite 510	20036
Phillips	Tracy	Self 3601 Texas Avenue, SE	20020
Richardson	Dwight	Department of Veterans Affairs 810 Vermont Avenue, NW, Suite 1100	20420
Rollerson	Rhonda D.	Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW	20004



D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public

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Roper	Mary A.	Law Office of Ronald C. Jessamy, PLLC 1090 Vermont Avenue, NW, Suite 920	20005
Rushkowski	Susan J.	Hubbard Radio Washington, D.C. , LLC (WTOP) 3400 Idaho Avenue, NW	20016
Schmerling	Aaron D.	Self 115 New York Avenue, NW, Unit 3	20001
Scott	Karen J.	Gibson and Dunn 1050 Connecticut Avenue, NW	20036
Shannon	Lola M.	LP Title LLC 4725 Wisconsin Avenue, NW, Suite 230	20016
Shreeves	Regina K.	NGP Energy Technology Partners 1700 K Street, NW, Suite 750	20006
Stephens	Carole L.	Paul Hastings, LLP 875 15th Street, NW	20005
Tombaugh	Suzanne Madaleine	The ALS Association 1275 K Street, NW	20005
Underdue	Shanita	F&L Construction Inc. 1512 Good Hope Road, SE	20020
VanMeter	Stephanie	Wharf Gangplank Marina LLC 600 Water Street, SW	20020
Vaughns	Tara	Marsh USA, Inc. 1050 Connecticut Avenue, NW, Suite 700	20036
Villalobos	Abraham C.	Wells Fargo Bank 3325 14th Street, NW	20010
Walker	Keisha J.	Council for the Accreditation of Educator Preparation (CAEP) 1140 19th Street, NW, Suite 400	20036
Williams	Jessica M.	Mushinsky Voelzke Associates/ MV +A 1200 G Street, NW, Suite 250	20005

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

**Effective: February 15, 2015  
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York	Michele R.	U.S. House of Representatives 1718 Longworth House Building	20515
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**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA****OFFICE OF PUBLIC RECORDS****NOTICE OF CLOSURE**

The Office of Public Records which consists of the DC Record Center, the DC Archives and the Library of Government Information, located at 1300 Naylor Court, NW, Washington, DC 20001 will be closed from Thursday, January 29th, 2015 through Friday, January 30th, 2015.

The office will re-open on Monday, February 2nd, 2015.

**D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION****NOTICE OF PUBLIC MEETING**

The Commission meeting will be on Tuesday, January 20, 2015 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> 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](mailto:mia.hebb@dc.gov)

**Meeting Agenda**

1. Review and Approval of the Meeting Minutes from November 18, 2014 - Action Item, Judge Weisberg.
2. Update and Discussion of Criminal Code Revision Project - Action Item, Richard Schmechel and Judge Weisberg.
3. Next Meeting – February 17, 2015
4. Adjourn

**DISTRICT OF COLUMBIA TAXICAB COMMISSION  
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**NOTICE OF SPECIAL COMMISSION HEARING**

**Emergency and Proposed Rulemaking to Repeal Regulations  
Authorizing the Approval of Modern Taxicab Associations**

**February 2, 2015  
10:00 AM**

The DC Taxicab Commission (DCTC) has scheduled a Special Commission Meeting at 10:00 am on Monday, February 2, 2015. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC, 20020, Second Floor Hearing Room, Suite 2023. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

This Special Commission Meeting is being held to consider the adoption of emergency and proposed rulemaking to amend Chapters 5 (Taxicab Companies, Associations and Fleets), 10 (Public Vehicles for Hire) and 99 (Definitions) of Title 31 of the D.C. Municipal Regulations. The emergency and proposed rulemaking would repeal all provisions of Title 31 of the D.C. Municipal Regulations pertaining to and providing for the approval of modern taxicab associations by the Office of Taxicabs, which were promulgated by final rulemaking adopted by the Commission on December 10, 2014 and published in the *D.C. Register* on January 2, 2015 at 62 DCR 119.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on the **agenda items only**. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on January 30, 2015. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

The agenda will be posted no later than seven (7) days before the Special Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

The Special Commission Meeting will take place at the following time and location:

**MONDAY, FEBRUARY 2, 2015**

**10:00 am**

**2235 Shannon Place, SE**

**Second Floor Hearing Room**

**Suite 2023**

**Washington, DC 20020**

**WASHINGTON LATIN PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Computers and Cart Supplier**

Issued: January 16, 2015

Washington Latin is soliciting proposals from qualified vendors to provide sales of more than thirty 11 inch laptops and one 20-unit rolling laptop cart with charging capabilities.

Questions and proposals may be e-mailed directly to Washington Latin PCS ([clyon@latinpcs.org](mailto:clyon@latinpcs.org) and [bpaul@latinpcs.org](mailto:bpaul@latinpcs.org)) with the subject line as the type of service, Computers and Cart Supplier. Deadline for submission is 12 noon on Friday, January 23, 2015.

E-mail is the preferred method for responding, but you may also mail proposals and supporting documents to the address below. All materials for proposals must be in our office by the above deadline.

Washington Latin Public Charter School  
Attn: Business Office  
5200 2<sup>nd</sup> Street, NW  
Washington, DC 20011

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18847 of The Warrenton Group**, pursuant to 11 DCMR § 3103.2 for a variance from the off-street parking requirements under § 2101.1, to allow the construction of a new six-story mixed-use building with retail and residential uses in the GA/C-3-A District at 3619 Georgia Avenue, N.W. (Square 3032, Lot 803).

**HEARING DATE:** November 5, 2014  
**DECISION DATE:** November 5, 2014

**ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 5).

**FINDINGS OF FACT**

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application.

ANC 1A submitted a resolution in opposition to the application (Exhibits 27 and 34), which indicated that at its duly noticed October 8, 2014 meeting, at which a quorum was present, the ANC voted 6-2-0 to oppose the parking variance. The ANC found that the application met the first two prongs of the variance test and that development of the site would benefit the community in general. However, the ANC voted against the application based on the belief that the development would negatively impact on-street parking availability in the surrounding area and the ANC. The ANC questioned the enforceability of restrictive covenants precluding building residents from obtaining a residential parking permit ("RPP") from the D.C. Department of Motor Vehicles ("DMV"), and also stated that nearby blocks not participating in the RPP program would allow residents to circumvent BZA-imposed restrictions. Finally, the ANC stated that the Applicant should have combined multiple tax lots into a new, larger lot capable of meeting zoning requirements and/or developed the site as a planned unit development ("PUD") with public amenities.

The Office of Planning ("OP") submitted a timely report on October 27, 2014 (Exhibit 31), recommending approval of the application and testified in support of the application at the

**BZA APPLICATION NO. 18847****PAGE NO. 2**

hearing. The District Department of Transportation ("DDOT") submitted a timely report on October 29, 2014 (Exhibit 32), indicating its support for the parking relief requested with the condition that the Applicant implement additional and modified transportation demand management ("TDM") measures. DDOT testified in support of the application at the public hearing.

At the public hearing, Marcus Hedrick submitted a letter (Exhibit 37) and testified on behalf of the Park View United Neighborhood Coalition ("UNC") in opposition to the application. Mr. Hedrick stated that the parking variance would place additional strain on street parking, and he questioned whether the Applicant's proposed TDM strategies would be sufficient to provide long-term parking mitigation.

The Board received one letter from an adjacent resident at 770 Princeton Place, N.W. expressing concerns about the impact of the proposal on his property's exposure to sunlight (Exhibit 35). No person or organization applied for party status. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

**CONCLUSIONS OF LAW**

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from §§ 2101.1. Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from § 2101.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board is also required to give great weight to issues and concerns raised by the affected ANC. (D.C. Official Code § 1-309.10(d).) The Board finds that the Applicant adequately modified its TDM measures to ensure that there will be no detrimental impact to the availability of on-street parking in the area. The Board finds that the RPP restrictions will be imposed either through a mandatory lease provision with penalty of lease termination, or within condominium bylaws, public offering statements, purchase agreements, and deeds. The RPP restrictions will also be recorded as a covenant against the property among the Land Records of the District of Columbia prohibiting any lessee or owner of the property from obtaining an RPP for the building. The Board finds that the RPP restrictions are enforceable and will adequately prevent building residents from parking in the public space surrounding the site to the extent restricted by the applicable RPP regulations. The Board finds that the additional TDM measures incorporate DDOT's recommendations and will adequately provide a long-term solution to mitigating parking impacts in the neighborhood. Furthermore, the Board finds that the Applicant is not required to combine lots or pursue development as a PUD. Therefore, the Board finds that the project meets the third prong of the variance test such that relief can be granted without



**BZA APPLICATION NO. 18847****PAGE NO. 3**

substantial detriment to the public good. Accordingly, the Board finds that the Applicant's revised TDM measures adequately address the issues and concerns raised by ANC 1A in its written report.

For the reasons stated above, the Board concludes that the Applicant has met its burden of proof. It is therefore **ORDERED** that this application is **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 30-C, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") for the Property from the D.C. Department of Motor Vehicles ("DMV"), under penalty of lease termination.
2. The Applicant shall obtain written authorization from each tenant through a required lease provision that allows the DMV to release to the Applicant any and all records of that tenant requesting or receiving an RPP for the Property.
3. The Applicant shall monitor tenant compliance with the RPP lease restriction by requesting from the DMV, every six months, any and all records of residential tenants requesting or receiving RPPs for the Property, and shall provide annually to Advisory Neighborhood Commission 1A and the Park View United Neighborhood Coalition the results of its inquiries.
4. Prior to obtaining a certificate of occupancy for the approved building, the Applicant shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP for the building.
5. If the building is developed as a condominium, the Applicant shall include in the condominium bylaws, public offering statement, purchase agreement, and deeds a provision prohibiting unit owners from obtaining an RPP for the Property from the DMV, and shall also include a provision allowing the DMV to release to the Home Owners Association ("HOA") any and all records of those owners requesting or receiving an RPP for the Property. The bylaws shall include a provision that makes it a violation of the HOA rules and/or bylaws for a resident of the Property to obtain an RPP.
6. For the first ten years that the building is open, the Applicant shall offer the choice of either an annual Capital Bikeshare or an annual car share membership for each new tenant. If the lease duration is shorter than one year, the memberships may be reduced to match the duration of the lease. If the building is developed as a condominium, the Applicant or HOA shall offer each new purchaser of a unit the choice of either an annual Capital Bikeshare or an annual car share membership.
7. The Applicant shall provide, as a one-time incentive, up to five bicycle helmets for distribution to new residents.

**BZA APPLICATION NO. 18847****PAGE NO. 4**

8. The Applicant or HOA shall provide a preloaded \$50 SmarTrip card for each new tenant/owner at the initial lease or sale of units in the building.
9. The Applicant shall install a TransitScreen in the lobby to keep residents and visitors informed regarding available transportation choices and provide real-time transportation updates.
10. The Applicant shall provide at least nine long-term bicycle parking spaces. The Applicant shall install at least six short-term bicycle parking spaces in public space, subject to DDOT approval.
11. The Applicant shall provide a bicycle repair facility (a basic fix-it station with tools and air pump securely attached to a stand that includes the tools necessary to perform basic bicycle repairs and maintenance) within or adjacent to the long-term bicycle storage area.
12. The Applicant shall post all TDM commitments on-line. The Applicant shall also provide each initial resident with links to CommuterConnections.com, goDCgo.com, WMATA Metrobus routes, and DC Bicycle maps.
13. The Applicant shall designate a member of the building's management or operations staff as the site's TDM Leader. The TDM Leader shall be responsible for advertising and building awareness of TDM programs to residents; making materials related to local transportation information available to residents at move-in; monitoring residents' compliance with the RPP restrictions; enforcing the TDM measures for the building; and serving as a liaison for residents seeking transportation and/or parking options at or near the building.

**VOTE: 3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Michael G. Turnbull to Approve; S. Kathryn Allen and Jeffrey L. Hinkle not present, not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

The majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 9, 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

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WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18867 of Growth spurts**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow a child development center (30 children and five staff) in the C-1 District at premises 1802 D Street, N.E. (Square 4547, Lot 814).

**HEARING DATES:** December 2, 2014<sup>1</sup> and January 6, 2015

**DECISION DATE:** January 6, 2014

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated July 16, 2014, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is required for a variance from the off-street parking requirements of § 2101.1. (Exhibit 7.)<sup>2</sup>

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A filed a report, which indicated that at a properly noticed, scheduled public meeting held on November 13, 2014, with a quorum of Commissioners present, the ANC voted to support the application with five conditions. (Exhibit 27.)

The Office of Planning (“OP”) submitted a timely report indicating its support of the application. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a timely report of “no objection” to the application with conditions. (Exhibit 28.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the off-street parking requirements under § 2101.1, to allow a child development center (30 children and five staff) in the C-1 District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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<sup>1</sup> The public hearing on the application was rescheduled from December 2, 2014 to January 6, 2014 to allow the Applicant to post the property. An affidavit of posting was submitted to the record. (Exhibit 30.)

<sup>2</sup> The Board found that relief under §2116 to provide required parking elsewhere other than on the subject property was not needed, since by granting variance relief under § 2101.1 from required parking, the Board eliminated the need for the Applicant to provide any parking.

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Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for a variance under § 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall not permit the vehicles of employees or parents to double-park or idle outside the premises.
2. The Applicant shall not permit the vehicles of employees or parents to block the alley behind the premises.
3. The Applicant shall require that the vehicles of employees or parents park only in legal parking spaces.
4. The Applicant shall require that parents hold the hands of their children when crossing the street.
5. The Applicant shall notify the ANC and agree to abide by further restrictions to be determined by the ANC in the event that more than eight children and/or employees are regularly arriving or departing by car.

**VOTE:**       **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to Approve; S. Kathryn Allen, not participating or voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 9, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18885 of Amanda Thomas**, pursuant to 11 DCMR §§ 3104.1 and 3103.2 for a special exception under § 223, not meeting the minimum lot dimension requirements under § 401.1, 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 under § 2001.3<sup>1</sup>, and a variance from the alley setback requirements under § 2300.2, to allow the enlargement of an existing deck and accessory garage to an existing single family dwelling in the R-4 District at premises 1401 Massachusetts Avenue, S.E. (Square 1059-S, Lot 11).

**HEARING DATE:** January 6, 2015

**DECISION DATE:** January 6, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 6 and 34.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on December 9, 2014, at which a quorum was in attendance, ANC 6B voted 9-0-0 to support the application. (Exhibit 38.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 39.) The District Department of Transportation (“DDOT”) filed a report expressing no objection to the application (Exhibit 32.) Five letters of support from neighbors were submitted in support of the application. (Exhibits 11-15.)

**Special Exception Relief**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 223, 401.1, 403.2, 404.1, 406.1, and 2001.3 for special exception approval. Based upon

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<sup>1</sup> The application was amended to add special exception relief from the enlargement of a nonconforming structure under § 2003.1 as to lot occupancy and courts. (Exhibit 37.) The caption has been amended accordingly.

**BZA APPLICATION NO. 18885****PAGE NO. 2**

the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1, 223, 401.1, 403.2, 404.1, 406.1, and 2001.3, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Variance Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for a variance from the alley setback requirement of § 2300.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with Zoning Regulations, and that the requested relief can be created without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 35.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; S. Kathryn Allen, not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 13, 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.



**BZA APPLICATION NO. 18885****PAGE NO. 3**

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18887 of District of Columbia CVS Pharmacy LLC**, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure enclosure requirements under §§ 411 and 770.6, for an existing two-story building in the DD/C-3-C District at premises 6-7 Dupont Circle, N.W. (Square 114, Lot 25).

**HEARING DATE:** January 6, 2015

**DECISION DATE:** January 6, 2015

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 6.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B did not submit a report related to the application, nor did a representative of the ANC attend the hearing.

The Office of Planning (“OP”) submitted a report recommending approval of the application. (Exhibit 30.) The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 26.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 411 and 770. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 411, and 770, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

**BZA APPLICATION NO. 18887**  
**PAGE NO. 2**

Pursuant to 11 DCMR § 3101.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED ARCHITECTURAL PLANS AT EXHIBIT 29B.**

**VOTE:**       **4-0-1** (Lloyd J. Jordan, Michael G. Turnbull, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve; S. Kathryn Allen not present, not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 13, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

**BZA APPLICATION NO. 18887****PAGE NO. 3**

RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18909 of Kevin White**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403.2), the open court width requirements (§ 406.1), and the nonconforming structure requirements (§ 2001.3)<sup>1</sup> to allow the construction of a two-story addition to an existing single-family dwelling in the R-4 District at premises 521 14th Street, S.E. (Square 1043, Lot 51).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** January 6, 2015 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 7.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on December 9, 2014, at which a quorum was in attendance, ANC 6B voted 9-0-0 to support the application. (Exhibit 31.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 32.) The District Department of Transportation (“DDOT”) did not file a report. Four abutting neighbors submitted letters in support of the application (Exhibits 22, 25, and 26.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

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<sup>1</sup> The Board, on its own motion, amended the application to add relief under § 2001.3. The caption has been amended accordingly.

**BZA APPLICATION NO. 18909****PAGE NO. 2**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403.2, 406.1, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403.2, 406.1, and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 3.**

**VOTE:**        **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle (by absentee vote) and Michael G. Turnbull to APPROVE; S. Kathryn Allen not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

The majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 9, 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.

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PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 14-08  
Z.C. Case No. 14-08  
Portner Place, LLC  
(Consolidated PUD and Related Map Amendment @  
Square 204, Lot 208)  
December 8, 2014**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on October 27, 2014, to consider applications for a consolidated planned unit development ("PUD") and related zoning map amendment filed by Portner Place, LLC (the "Applicant"). The Commission considered the applications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

**FINDINGS OF FACT**

**The Applications, Parties, Hearings, and Post-Hearing Filings**

1. On May 23, 2014, the Applicant filed applications with the Commission for consolidated review of a PUD and related map amendment from the R-5-B Zone District to the R-5-D and CR Zone Districts for property located at 1441-1449 U Street, N.W. (Square 204, Lot 208) (the "PUD Site").
2. The PUD Site is a through-lot in the U Street/MidCity area of Ward 1, with a land area of approximately 47,170 square feet (1.08 acres). The PUD Site is currently improved with the Portner Place Apartments, a 48-unit U.S. Department of Housing and Urban Development ("HUD") Section 8 housing complex that is comprised of three garden apartment style buildings set back from the streets and surrounded by surface parking lots. The Applicant proposes to raze the existing buildings in connection with redevelopment of the PUD Site.
3. The Applicant proposes to redevelop the PUD Site with an apartment house with ground-floor retail in accordance with the R-5-D and CR PUD zoning requirements. The building will consist of approximately 321,929 square feet of gross floor area, with a density of 6.82 floor area ratio ("FAR"), and approximately 366 residential units (plus or minus 10%). The building will be divided into two sections: the northern portion of the PUD Site fronting V Street ("Wing A") will contain approximately 96 dwelling units marketed at or below 60% of the area medium income ("AMI"). Wing A will be constructed to a maximum height of approximately 75 feet, eight inches to the main roof (eight stories) and will contain approximately 91,012 square feet of gross floor area (4.725 FAR).



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4. The portion of the PUD Site fronting U Street (“Wing B”) will contain approximately 270 market-rate units with retail on the ground floor and the potential for additional retail space on the P2 level. Wing B will be constructed to a maximum height of 105 feet, eight inches to the main roof (11 stories) and will contain approximately 230,917 square feet of gross floor area (8.27 FAR).
5. By report dated June 20, 2014, the District of Columbia Office of Planning (“OP”) recommended that the applications be set down. (Exhibit [“Ex.”] 13.) At its public meeting held on June 30, 2014, the Commission voted to schedule a public hearing on the applications.
6. The Applicant submitted a prehearing statement for the PUD on July 18, 2014 and a hearing was timely scheduled for the matter on August 1, 2014. (Ex. 19.) A description of the proposed development and the notice of the public hearing in this matter were published in the *D.C. Register* on August 1, 2014. The notice of public hearing was mailed to all owners of property located within 200 feet of the PUD Site and to ANC 1B on August 1, 2014.
7. On September 3, 2014, the Applicant sent a letter to all owners of property located within 200 feet of the PUD Site and to Advisory Neighborhood Commission (“ANC”) 1B explaining that the Applicant revised the PUD’s FAR calculations and zone boundary line location. (Ex. 25.) The letter explained that the revised calculations were due to the Applicant’s mathematical error and that the revision did not change the proposed building size, height, lot occupancy, configuration, or gross floor area. The Applicant sent a copy of the letter to the Commission as well.
8. At its regularly scheduled public meeting on September 4, 2014, for which notice was properly given and a quorum was present, ANC 1B voted 8-0-0 to support the applications. (Ex. 27.)
9. On October 7, 2014, the Applicant submitted a supplemental prehearing statement in response to comments raised by the Commission at the set down meeting. (Ex. 28.) The supplemental prehearing submission included the following materials: (i) revised architectural plans and elevations with additional street renderings and a simplified façade design; (ii) a description of the revised FAR calculation and revised zone boundary line location; (iii) a request for flexibility from the FAR requirements of § 2405.3 of the Zoning Regulations; (iv) a traffic impact study prepared by Gorove Slade Associates, Inc., the Applicant’s traffic and transportation consultant; and (v) the ANC 1B resolution in support.
10. On October 17, 2014, the Applicant submitted a letter from the District of Columbia Housing Finance Agency (“DCHFA”), indicating that the Applicant’s application for Tax

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Exempt Private Activity Bond financing under DCHFA's Multifamily Mortgage Revenue Bond Program met the selection requirements and would be advanced to the Board of Directors. (Ex. 30.)

11. On October 17, 2014, OP submitted its final report recommending approval of the applications and the requested areas of zoning flexibility. (Ex. 31.) On October 17, 2014, the District Department of Transportation ("DDOT") submitted a report finding no objection to the applications, subject to the condition that the Applicant adopt the proposed transportation demand management ("TDM") measures with the clarification that the Applicant offer an annual carshare and/or bikeshare membership rather than a membership of time duration. (Ex. 32.)
12. The parties to the case were the Applicant and ANC 1B.
13. The Commission convened a public hearing on October 27, 2014, which was concluded that same evening. At the hearing, the Applicant presented two witnesses in support of its applications: Jim Campbell of Somerset Development and Eric Colbert of Eric Colbert & Associates. Based upon his professional experience and qualifications, the Commission qualified Mr. Colbert as an expert in architecture.
14. Stephen Gyor, Development Review Specialist with OP, testified in support of the applications. Jonathan Rogers, Transportation Planner with DDOT, also testified in support of the applications.
15. Cheryl Cort of the Coalition for Smarter Growth, and Fr. Patrick A. Smith of the St. Augustine Catholic Church, testified in support of the applications.
16. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission, and to receive the Applicant's list of proffers and draft conditions, and the related comments required by 11 DCMR §§ 2403.15-2403.20. After closing the record, the Commission took proposed action to approve the applications. The proposed action was referred to the National Capital Planning Commission ("NCPC") on October 28, 2014, pursuant to § 492 of the Home Rule Act. The Commission also requested proposed findings of fact and conclusions of law from the Applicant.
17. On November 3, 2014, the Applicant submitted its list of draft proffers and proposed conditions pursuant to 11 DCMR § 2403.16.
18. On November 24, 2014, the Applicant submitted its final list of proffers and draft conditions, as well as the following post-hearing items, as requested by the Commission:

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- a. Architectural drawing showing additional articulation on the blank wall on the east side of Wing B;
  - b. Architectural drawing showing a plan of the rooftop pool;
  - c. Architectural drawing showing sections through the roof with blow-ups of elevations and perspectives; and
  - d. The Tenant Development Agreement with portions redacted.
19. The Executive Director of NCPC, by delegated action dated November 28, 2014, found that the proposed PUD and related map amendment would not be inconsistent with the Comprehensive Plan for the National Capitol, nor would it adversely affect any other identified federal interests.
20. The Commission took final action to approve the PUD on December 8, 2014.

#### **The PUD Site and Surrounding Area**

21. The PUD Site is located at 1441-1449 U Street, N.W., more specifically described as Lot 208 in Square 204. Square 204 is located in the northwest quadrant of the District and is bounded by V Street to the north, 14<sup>th</sup> Street to the east, U Street to the south, and 15<sup>th</sup> Street to the west. The PUD Site is a mid-block, through-lot in the U Street/MidCity area of Ward 1, and has a land area of approximately 47,170 square feet (1.08 acres). The PUD Site has approximately 201 linear feet of frontage on U Street and approximately 131 linear feet of frontage on V Street. The PUD Site is in close proximity to multiple public transportation options, including the U Street Metrorail Station, which is located approximately 0.2 miles (two blocks) from the PUD Site, as well as numerous Metrobus routes.
22. The PUD Site is located in the Greater U Street Historic District; however, neither the PUD Site nor any of the surrounding lots contain historic landmarks or structures which contribute to the Historic District. The surrounding buildings in the square include the 110-foot-tall Frank D. Reeves Municipal Center to the east of the PUD Site and the 90-foot-tall Dunbar Apartments to the west. Both the Reeves Center and the Dunbar Apartments were built in the 1970s. A new 90-foot-tall building at the Dunbar Apartment site at 15<sup>th</sup> and V Streets has obtained concept approval from the Historic Preservation Review Board (“HPRB”), with construction proposed to commence in 2014. The only other structure on the block is a modest three-story affordable housing apartment building, which was built in 1988 and is situated to the east of the PUD Site with frontage on V Street. Thus, the immediate context around the PUD Site predominantly includes high-density, high-rise structures.

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23. The PUD Site is currently improved with the Portner Place Apartments, a 48-unit HUD Section 8 housing complex that is comprised of three garden apartment style buildings set back from the streets and surrounded by surface parking lots. This suburban prototype creates security problems resulting from inappropriate site design and is out of character within its urban environment. Each unit is laid out on two levels with a staircase, which makes it difficult for existing residents to comfortably age in place. The Applicant proposes to raze the existing buildings in connection with redevelopment of the PUD Site with the cooperation and support of the existing Portner Place residents.
24. The PUD Site is designated in the Medium-Density Residential land use category on the District of Columbia Comprehensive Plan Future Land Use Map. The northern portion of the PUD Site is designated as a Neighborhood Conservation Area on the Generalized Policy Map, and the southern portion of the PUD Site is designated as a Main Street Mixed-Use Corridor on the Generalized Policy Map. The proposed PUD and map amendment are consistent with these designations.

#### **The Applicant and Project Vision**

25. The Applicant is a development entity formed by Jonathan Rose Companies and Somerset Development Company.
26. The Applicant purchased the PUD Site in September, 2013, in collaboration with the existing Portner Place Tenant Association through the Tenant Opportunity to Purchase Act ("TOPA"). Redevelopment of the PUD Site provides a unique opportunity to expand affordable housing, along with new market rate housing and retail opportunities, in the vibrant U Street neighborhood, one of the strongest residential submarkets in Washington, D.C. The PUD will include new replacement housing for the current Portner Place residents, as well as additional affordable and market-rate housing and ground-floor retail.
27. The Applicant will offer temporary housing to all current Portner Place residents as close as possible to the PUD Site, and will offer all current residents the opportunity to move back in to the new building once completed. The Applicant has worked closely with HUD to maintain the housing subsidy for the existing residents through a pass-through contract of the existing Section 8 contract. The Applicant will also engage with the Transitional Housing Corporation ("THC") or other similar agency to provide support services to current residents, assist families in the relocation process, and implement programs and services for residents once they return to the new building.

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### Existing and Proposed Zoning

28. The PUD Site is located in the R-5-B Zone District. The R-5 zoning classification is divided into the R-5-A, R-5-B, R-5-C, R-5-D, and R-5-E Zone Districts. The R-5 Zone Districts are designed to permit flexibility of design by permitting in a single district all types of urban residential development if they conform to the height, density, and area requirements of Chapter 24 of the Zoning Regulations. (11 DCMR § 350.) R-5 Zone Districts permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts. (*Id.*) The R-5-B Zone District includes the following development requirements:
- a. A maximum height of 50 feet with no limit on the number of stories, and a maximum height of 60 feet as a PUD (11 DCMR §§ 400.1 and 2405.1);
  - b. A maximum matter-of-right density of 1.8 FAR; 2.16 FAR with the Inclusionary Zoning (“IZ”) bonus; and 3.0 FAR as a PUD (11 DCMR §§ 402.4, 2604.2, and 2405.2);
  - c. A maximum percentage of lot occupancy of 60% (11 DCMR §§ 403.2 and 2604.2);
  - d. A maximum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet. (11 DCMR § 404.1.) For a through-lot, the rear yard may be measured to the center line of the street at the rear of the structure;
  - e. If provided, a side yard of at least three inches wide per foot of building height, but not less than eight feet wide (11 DCMR §775.5);
  - f. If provided, a court with a minimum width of four inches per foot of height of court, but not less than 10 feet. (11 DCMR § 406.1.) In the case of a closed court, the minimum width must be four inches per foot of height of court, but not less than 15 feet, and the minimum court area must be twice the square of the required width of court dimension based on the height of the court, but not less than 350 square feet (*Id.*);
  - g. For an apartment house or multiple dwelling, one off-street parking space for each two dwelling units (11 DCMR § 2101.1); and

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- h. For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.1.)
  
- 29. As shown on Sheet A.4 of the Architectural Plans and Elevations (“Plans”), the Applicant is requesting a map amendment to rezone the northern portion of the PUD Site to the R-5-D Zone District and the southern portion of the PUD Site to the CR District. (Ex. 28A.) The R-5-D Zone District includes the following development requirements:
  - a. A maximum matter-of-right height of 90 feet with no limit on the number of stories, and a maximum height of 90 feet as a PUD (11 DCMR §§ 400.1 and 2405.1);
  - b. A maximum matter-of-right density of 3.5 FAR; 4.2 FAR under IZ, and 4.5 FAR as a PUD (11 DCMR §§ 402.4, 2604.2, and 2405.2) and up to 4.725 FAR pursuant to § 2405.3;
  - c. A maximum matter-of-right lot occupancy of 75% (11 DCMR § 403.2);
  - d. A minimum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet (11 DCMR § 404.1). For a through-lot, the rear yard may be measured to the center line of the street at the rear of the structure;
  - e. If provided, a side yard of at least three inches wide per foot of height of building, but not less than eight feet wide (11 DCMR § 405.6);
  - f. If provided, a minimum court width of three inches per foot of height of court, but not less than ten feet, and in the case of a closed court, a minimum width of four inches per foot of height of court, but not less than 15 feet, and the minimum area must be twice the square of the required width of court dimension, based on the height of court, but not less than 350 square feet (11 DCMR § 406.1);
  - g. For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units (11 DCMR § 2101.1); and
  - h. For an apartment house or multiple dwelling with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.1.)

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30. The Applicant proposes to rezone the southern portion of the PUD Site to the CR Zone District. The CR Zone District is designed to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses. (11 DCMR § 600.1.) The development shall be guided by an approved public policy or plan and through the use of the planned unit development, special exception, or other site plan review process. The CR Zone District includes the following development requirements:
- a. A maximum matter-of-right height of 90 feet; 100 feet under IZ; and 110 feet as a PUD (11 DCMR §§ 630.1, 2604.2, and 2405.1);
  - b. A maximum matter-of-right density of 6.0 FAR, not more than 3.0 FAR of which may be used for non-residential purposes; a maximum density of 7.2 FAR under IZ; and a maximum 8.0 FAR as a PUD, with not more than 4.0 FAR being devoted to non-residential uses (11 DCMR §§ 631.1, 2604.2, and 2405.2) and up to 8.4 FAR pursuant to § 2405.3;
  - c. A maximum matter-of-right lot occupancy of 75%, and 80% under IZ (11 DCMR §§ 634.1 and 2604.2);
  - d. A minimum rear yard depth of three inches per foot of vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof, but not less than 12 feet, and the rear yard shall be provided at and above the residential plane. (11 DCMR §§ 636.3 and 636.4.) For a through-lot, the rear yard may be measured to the center line of the street at the rear of the structure.
  - e. If provided, a minimum side yard width of at least three inches per foot of building height, but not less than eight feet (11 DCMR § 637.1);
  - f. If provided, a minimum court width of three inches per foot of height of court, but not less than 10 feet, and in the case of a closed court, a minimum width of four inches per foot of height of court, but not less than 15 feet, and a minimum area twice the square of the required width of court dimensions (11 DCMR §§ 638.1(a) and 638.2(a));
  - g. For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units (11 DCMR § 2101.1);

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- h. For a retail establishment in excess of 3,000 square feet, one off-street parking space for each additional 750 square feet of gross floor area (11 DCMR § 2101.1);
  - i. For an apartment house or multiple dwelling with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. For a retail establishment with 5,000 to 20,000 square feet of gross floor area, one loading berth at 30 feet deep and one loading platform at 100 square feet (11 DCMR § 2201.1); and
  - j. An area equivalent to 10% of the total lot area must be provided for new development that is open and available to the general public on a continuous basis. (11 DCMR § 633.1.)
31. Consistent with the R-5-D and CR development parameters, the Applicant will develop the PUD Site with a mix of residential and retail uses. A tabulation of the PUD's development data is included on page A.1 of the Plans. (Ex. 28A.)

### **Description of the PUD Project**

32. The Applicant is seeking consolidated PUD approval and a zoning map amendment to develop an apartment house with ground-floor retail on the PUD Site in accordance with the R-5-D and CR PUD zoning requirements. The building will be divided into two sections: the northern portion of the PUD Site fronting on V Street will be rezoned to the R-5-D Zone District, and the southern portion of the PUD Site fronting on U Street will be rezoned to the CR Zone District.
33. The northern portion of the PUD Site (Wing A) will include approximately 96 dwelling units marketed at or below 60% of the AMI. The first floor will contain a lobby, residential common space, management office, computer room, and exercise room for building residents; the second floor will provide a laundry room with industrial-size washers and dryers appropriate for family use. Wing A will be constructed to a maximum height of approximately 75 feet, eight inches to the main roof and will contain approximately 91,012 square feet of gross floor area (4.725 FAR). Separation of the affordable units in Wing A and the market rate units in Wing B was a development decision based on years of the Applicant's coordination with the current Portner Place residents who expressed a strong desire to have a separate entrance on V Street, which is a quieter, more family-friendly street than U Street, and to have units and amenities amenable to and sized for families. Ordinarily the project would be subject to the Inclusionary Zoning Regulations set forth in Chapter 26 of the Zoning Regulations (Title 11 DCMR). Those regulations would require that eight percent of the residential floor area of the entire project be set-aside for affordable units. The Applicant intends to



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request the Zoning Administrator to exempt the development from the Inclusionary Zoning Regulations pursuant to 11 DCMR § 2602.3(f). That exemption is available to “development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development, the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority. Such projects are still subject to § 2602.7(f), which requires the same percentage of set-aside for the life of the project based upon the rental and price controls established by the funding source.

34. Wing B will contain approximately 221,197 square feet of residential gross floor area comprised of 270 market-rate units on floors 2-11, plus a ground-floor fitness room, yoga/cross training studio, club room, sales/service offices, and lobby space. Wing B will have approximately 9,720 square feet of gross floor area devoted to retail uses on the ground floor, plus the potential for an additional 4,900 square feet of retail space on the P2 level. Wing B will be constructed to a maximum height of 105 feet, eight inches to the main roof and will contain approximately 230,917 square feet of total gross floor area (8.27 FAR).
35. The V Street façade is significantly lower than the Dunbar Apartments to the west and the Reeves Center to the east. The east side of the V Street façade incorporates a projecting bay that cantilevers over the parking garage entrance. This building mass is balanced out with a more set back façade on the west side of the V Street frontage. Using a combination of materials and color changes, the façade is broken down into rectangular elements that are made of cast stone, brick, and factory painted aluminum windows. The change in material and color coincides with the building entrance and emphasizes this zone of the composition. To provide further architectural interest, there are six one-story projecting elements, which will be faced with wood panels to match the wood-paneled entrance canopy. A green wall covered with appropriate plants will be located on the first two floors of the east façade. The residential units will provide substantial amounts of light and air from all directions, with balconies provided for some units.
36. The U Street façade employs the use of architectural elements to create a design hierarchy and give the façade a pleasant and manageable scale. Lighter colored masonry grids project four feet out from the darker masonry façade which is set back. This composition includes abstract grids on both sides of the darker building entrance zone, while the first floor entry area is reinforced up through the building façade with darker bays. The grid-like element on the east side of the entrance extends down to the sidewalk, while the grid element to the west of the entrance is suspended two stories above the ground plane. The ground-floor commercial space is integrated into the bottom of the eastern grid, while the storefronts on the west side create their own zone of light transparent glass. The western grid wraps the southwest corner of the building to help activate the west façade. Similar to the bays on the V Street façade, there is a pattern of

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- wood clad bays facing U Street. Design components are similar on both sides of the building, allowing the whole project to achieve aesthetic harmony. The retail space and residential lobby located along U Street will activate the street frontage and significantly improve the pedestrian experience.
37. As shown on Sheets A.24-25 of the Plans, each Wing has access to a separate roof deck with additional residential amenity areas. The roof of Wing A includes an outdoor playground and an accessory communal rooftop recreation area of approximately 1,200 square feet. The roof of Wing B includes an outdoor amenity area and accessory communal rooftop areas of approximately 1,470 square feet in total, plus space for a pool.
38. As shown on Sheet A.22 of the Plans, the PUD includes approximately 137 off-street parking spaces, as required for the proposed residential and retail uses, located in a below-grade parking garage accessed from V Street. Wing A will contain 31 parking spaces on P1 and Wing B will contain 106 parking spaces spread between P1 and P2. Approximately 200 bicycle parking spaces will be provided on the P1 level with approximately 50 spaces in Wing A and 150 spaces in Wing B, with additional bicycle parking located on the ground level. Loading will be located in the garage on the P2 level and will be shared between the residential and retail uses. Loading facilities will include two loading berths at 30 feet deep, one loading platform at 744 square feet, and one service/delivery loading space at 20 feet deep. Trucks will enter the garage loading area from the same curb cut on V Street that is used to access parking spaces, and will have room to turn around on-site to allow for front-in, front-out movements.
39. The PUD includes environmentally sustainable design features, including a green roof with generous plantings and a compact, energy efficient overall building design. The mechanical, electrical, and plumbing systems and fixtures will provide a high level of energy efficiency. The Applicant will implement water recapture and solar shading mechanisms and will use recycled-content materials where possible. The building design seeks to provide an attractive and dynamic addition to the quickly evolving commercial and residential corridors along U and V Streets, while being mindful of the immediate context of the existing neighborhood.
40. Proposed site work includes the removal of an existing curb cut on U Street and the installation of new sidewalks and street trees on U and V Streets, which will comply with DDOT guidelines. All vehicular access into the building will be from the single curb cut on V Street, which will benefit the community due to the congested nature of U Street.
41. Redevelopment of the PUD Site will transform the existing Portner Place Apartment complex, which is in a deteriorated condition, into a mixed-income community that incorporates newly constructed affordable and market-rate housing into a single building.

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The project will replace the existing subsidized housing units on approximately a two-to-one basis. Using the market strength of the PUD Site and other funding sources, the Applicant will preserve and expand the housing and affordable housing units in the District, create new neighborhood-serving retail opportunities, and replace the current buildings with a new, sustainable, energy efficient structure that will integrate and expand the current affordable housing into a vibrant new mixed-use community.

### **Development Incentives and Flexibility**

42. The Applicant requested the following areas of flexibility from the Zoning Regulations as discussed below.
43. ***Flexibility from the Loading Requirements.*** Pursuant to § 2201.1 of the Zoning Regulations, the Applicant is required to provide the following loading facilities: one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep. Pursuant to 11 DCMR § 2201.2, no retail loading is required. Due to the proposed uses for the building and the anticipated needs of the building residents, the Applicant is seeking flexibility to provide two loading berths at 30 feet deep, one loading platform at 744 square feet, and one service/delivery space at 20 feet deep.
44. The Commission finds that the Applicant's requested flexibility is consistent with the Comprehensive Plan's recommendations to consolidate loading areas within new developments, provide shared loading spaces in mixed-use buildings, and minimize curb cuts on streets to the greatest extent possible. Given the nature and size of the residential units, the Commission finds that it is unlikely that the building will need to be served by 55-foot tractor-trailer trucks, and that it is unlikely that there will be a need for separate service delivery spaces. The Commission further finds that the loading areas will primarily be used by the building residents during move-ins and move-outs, and any subsequent use by residents will generally be infrequent and can be restricted to times which pose the least potential conflicts with retail users. Furthermore, the Commission finds that the retail users will typically use the loading facilities during times that cause the least amount of conflict with the loading needs of the residents. Therefore, the Commission finds that the proposed shared loading facilities will be able to accommodate both the residential and retail uses, and thus approves the requested loading flexibility.
45. ***Flexibility from the Roof Structure Requirements.*** The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because, as shown on Sheet A.25 included in the Plans (Exhibit 28A), there will be multiple roof structures, inconsistent with 11 DCMR §§ 411.3 and 770.6(a), and two of the roof structures will have enclosing walls of unequal heights, inconsistent with 11 DCMR § 411.5. All roof

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structures will be set back from all exterior walls a distance at least equal to their height above the roof.

46. The Commission finds that each roof structure is a necessary feature to the building and that the structures are separated due to the Building Code requirement to provide separate means of egress and to break up massing on the roof. The Commission also finds that the location and number of roof structures is driven by the building's core elements and the layout of the residential units below. Furthermore, the Commission finds that each roof structure is only as tall as it needs to be and is adequately set back from the exterior walls. The Commission finds that the roof structures will not adversely impact the light and air of adjacent buildings because each has been located to minimize its visibility. Therefore, the Commission finds that the intent and purposes of the Zoning Regulations will not be materially impaired by the proposed roof structures, and that the light and air of adjacent buildings will not be adversely affected by granting this flexibility.
47. *Flexibility from the Closed Court Requirements.* Pursuant to 11 DCMR §§ 406.1 and 776.3, the required court width is a minimum of four inches per foot of height of court, but not less than 15 feet. Pursuant to 11 DCMR §§ 406.1 and 776.4, the required court area is a minimum of twice the square of the required width of court, based on the height of court, but not less than 350 square feet. The Applicant is providing closed courts on the east and west sides of the building. Based on the varying heights of Wings A and B (75'-8" and 105'-8," respectively), the minimum required width of a court for Wing A is 26.4 feet and the minimum required area of a court for Wing A is 1,394 square feet. The minimum required width of a court for Wing B is 32.8 feet, and the minimum required area of a court for Wing B is 2,152 square feet. However, as indicated on Sheet A.7 of the Plans, the Applicant proposes to provide a 21-foot-wide closed court on the east side of the building, thus requiring flexibility from the closed court width requirements. (Ex. 28A.)
48. The Commission finds that providing a compliant court on the east side of the building is impractical given the PUD Site's narrow width. The Commission finds that if the Applicant provided a compliant court on the east and west sides of the building, almost all of the units on the east side of the building would be eliminated. Alternatively, the Commission finds that if the Applicant provided a single compliant court on either the east or west side of the building, there would be no room for a double-loaded corridor, which is necessary for the residential use on the narrow site. Furthermore, the Commission finds that if the Applicant did not provide a court on the east side of the building, this entire façade would have at-risk windows on a party wall, which is economically infeasible. In addition, the Commission finds that the Applicant is appropriately providing a narrow closed court on the north side of Wing B's western arm in order to provide windows for the residential units on this north façade. The Commission also notes that the Zoning Regulations do not require the building to have

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courts at all; however, the Applicant is providing courts on both sides of the building to increase the light and air for all affected buildings, to enhance the building's aesthetic appeal, and to ensure the enjoyment of building residents. As a result, the Commission finds that the intent and purposes of the Zoning Regulations will not be materially impaired by granting this flexibility.

49. ***Flexibility from the Compact Parking Space Requirements.*** The Applicant seeks flexibility from 11 DCMR §§ 2115.2 and 2115.4, which require that accessory parking areas or accessory garages containing 25 or more required parking spaces may designate up to 40% of the parking spaces for compact cars. The Applicant proposes to provide approximately 137 parking spaces located in two levels of below-grade parking. Approximately 68 of these parking spaces are compact, which represents approximately 49% of the total number of off-street parking spaces provided by the project, thus requiring flexibility. In addition, 11 DCMR § 2115.4 requires that compact parking spaces must be placed in groups of at least five contiguous spaces with access from the same aisle. However, there are several locations in the garage where compact spaces are located in groups of less than five.
50. The Commission finds that the parking garage is designed to maximize the number of parking spaces on the PUD Site and to increase the ease and efficiency of use of the garage for building residents. The Commission finds that vehicles accessing parking spaces will have sufficient maneuverability for both ingress and egress. The Commission also finds that reducing the percentage of compact parking spaces would necessarily reduce the total number of vehicles that can be accommodated in the building's garage, which result is inconsistent with the purposes of the off-street parking requirements. Thus, the Commission finds that approval of this requested flexibility will not have any adverse impacts since the Applicant will be meeting the off-street parking requirements and the garage is designed to operate efficiently.
51. ***Flexibility from the Inclusionary Zoning Development Standard.*** The Applicant requests flexibility from 11 DCMR §§ 2605.3 and 2605.4 and because the exterior design, materials, and finishes and the interior amenities of the affordable units will be slightly different from those of the market-rate units. For example, in order to provide units with the number of bedrooms required for families in Wing A, washers and dryers are consolidated on the second floor and not provided in the individual units. This flexibility would not be needed in the event that an IZ exemption is granted pursuant to § 2602.3(f).
52. The Commission finds that the Applicant is separating the affordable units from the market-rate units based on requests from current residents during the TOPA process, who indicated an overwhelming preference to be located in a separate wing with a separate entrance from V Street. Wing A will have a different more family-oriented unit size and

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mix, based on the current residents' preference to maintain larger (two-to-three bedroom) units, compared with the smaller (generally one bedroom) market-rate units in Wing B, and to maintain the Section 8 subsidy. The Commission finds that Wing A's amenities, including a computer room, exercise room, laundry room with industrial-size washers and dryers, and community spaces appropriate for families with children, will appropriately support the low-income and workforce residents.

53. *Flexibility from the Floor Area Ratio Requirements.* The Applicant requests flexibility from the FAR requirements of the Zoning Regulations. Pursuant to 11 DCMR § 2405.3, the Commission may authorize up to a five percent increase in the maximum FAR for a PUD, provided that the increase is essential to the successful functioning of the project, consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations. Specifically, for the portion of the PUD Site zoned R-5-D, the Applicant requests an increase in density from 4.5 FAR (permitted by 11 DCMR § 2405.2) to 4.725 FAR. The increase amounts to a difference of 0.225 FAR (five percent). For the portion of the PUD Site zoned CR, the Applicant request an increase in density from 8.0 FAR (permitted by 11 DCMR § 2405.2) to 8.27 FAR. This increase amounts to a difference of 0.27 FAR (3.37%).
54. The Commission finds that the requested FAR increase is essential to the successful functioning of the project since it will allow the Applicant to maximize the number of affordable units in the PUD. The Commission finds that the provision of 96 affordable units marketed to households earning less than 60% of the AMI substantially exceeds the amount of affordable housing that would be developed on the PUD Site as a matter-of-right and at a significantly deeper subsidy. The Commission finds that this new, high quality, affordable housing supply will benefit the immediate area, the District as a whole, and is consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. Furthermore, the Commission finds that the density of the PUD is appropriately dispersed on the PUD Site and relates well to the surrounding buildings and the different character of the U and V Street frontages.
55. The Applicant requests flexibility in the following additional areas:
- a. To be able to provide a range in the number of residential units within each Wing of plus or minus 10%;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;

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- c. To vary the number, location, and arrangement of parking spaces, and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
- d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
- e. To vary the sustainable design features of the building, provided the total number of LEED points achievable for Wing A complies with the equivalent of Enterprise Green Community Standards, and the total number of LEED points achievable for Wing B does not decrease below the equivalent of a LEED Silver designation;
- f. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including those of the D.C. Department of Health, that are otherwise necessary for licensing and operation of any retail or service use;
- g. To vary the final selection of all exterior signage on the building; and
- h. To construct the building in two phases, provided that construction of the affordable wing of the building is commenced prior to or simultaneously with the market-rate wing of the building.

### **Project Benefits and Amenities**

- 56. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a)) - The PUD implements a number of urban design and architectural best practices, which will contribute to the ongoing development of U Street as a major mixed-use corridor with higher-density residential uses, including affordable housing, and high quality retail uses. The project's frontage on U Street will activate the corridor and will relate to and respect the adjacent existing buildings. By providing a mix of uses and streetscape improvements, the PUD will support the revitalization of this portion of the U Street/14th Street neighborhood into more vibrant, mixed-use, and multi-modal area.
- 57. The PUD exemplifies the principles of transit-oriented development, being located in close proximity to the U Street Metrorail station and numerous Metrobus lines. The PUD

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is also extremely efficient with respect to its sharing of parking and loading facilities and its economical utilization of land. A roof level playground will be incorporated into the project design. Two- and three-bedroom units will also be provided in the affordable component of the project, as requested by current residents. Use of high quality materials in a unique mid-block through-lot location results in a design that relates well to both the U and V Street frontages of the project, as approved by the HPRB.

58. Housing and Affordable Housing (11 DCMR § 2403.9(f)) - The PUD will result in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The proposed PUD includes approximately 312,209 square feet of residential gross floor area, approximately 30% of which (or 91,012 square feet of gross floor area) will be designated as affordable for households earning 60% or less of the AMI, of which not less than 15% will be devoted to households earning 50% or less of the AMI. This substantially exceeds the amount of affordable housing that would be developed on the PUD Site as a matter-of-right development, and at a significantly deeper subsidy level.
59. Pursuant to § 2603.2 of the Zoning Regulations, the Applicant is required to provide a minimum of eight percent of the proposed residential gross floor area in the PUD for affordable housing units. If an exemption from Zoning is granted by the Zoning Administrator pursuant to § 2602.3(f), the same minimum set-aside would be required pursuant to § 2602.7. For this project, that would equal 24,977 square feet of affordable housing (eight percent of 312,209 square feet). The proposed PUD provides 91,012 square feet of gross floor area to be devoted to affordable housing, which is an increase of 66,035 square feet of gross floor area over the IZ minimum (more than three times the requirement). Significantly, the affordable housing is provided at 50% to 60% AMI level or below, which is a substantial increase in the affordability level. As required by IZ or, if exempted, § 2602.7, the 24,777 of required gross floor area will be set-aside as Inclusionary Units for so long as the project exists.
60. The Applicant will finance Wing A with Low Income Housing Tax Credits ("LIHTCs"), which require a 40 year affordability commitment. During the construction phase of development, the existing 47 families that currently reside in Portner Place will be located off-site as near to the vicinity of the neighborhood of the project as practicable. The Applicant will be responsible for identifying 47 units of temporary housing, covering relocation costs, and signing a master lease with a new landlord(s). Temporary relocation units will adhere to HUD guidelines for Section 8 pass-through contracts and will be subject to HUD inspections. All residents will continue to receive Section 8 rental assistance during the relocation period.
61. In the event that HUD does not approve a pass-through contract, which will allow the Applicant to transfer the current Section 8 contract off-site during the two-year



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construction period, every current family at the PUD Site will be issued a voucher. All residents will be encouraged to return to the new building on the PUD Site, and the Applicant will be responsible for identifying temporary housing for each returning family with a voucher and will cover relocation costs. Voucher holders will contract individually with their new landlord.

62. The Applicant will identify 47 units in one of three ways or some combination thereof:
- a. Within the apartment complexes that the development team owns and operates in the Washington, D.C. area (Somerset has approximately 894 units of affordable housing nearby) which could be available and eligible for the relocating families;
  - b. With the assistance of the Transitional Housing Corporation (“THC”) and/or another agency and/or broker with similar experience in identifying and relocating low income families; and
  - c. Purchasing a new building to house some or all 47 families during the two-year relocation period.

The Applicant will contract with THC or a similar agency to provide supportive services to current residents, assist families in the relocation process, and implement programs and services once the families return to the PUD Site.

63. The Applicant will do more to help the community than simply provide new market-rate and affordable housing. For example, the Applicant will help current residents stay in their community. The Applicant is preserving existing affordable housing within a new residential development, in addition to creating new affordable housing for District residents. The Applicant will offer resident services, such as financial management, career counseling, employment skills training, referrals and other assistance in job searches, health and nutrition information, after-school programs, computer training, computer access, and other services. These services demonstrate the Applicant's commitment to improving the surrounding community and desire to provide high quality affordable housing within a program that is designed to help residents, many of whom have lived in this location for decades and prosper in an urban lifestyle.
64. Environmental Benefits (11 DCMR § 2403.9(h)) – The Applicant is fully committed to providing high quality housing that is sensitive to the natural environment in the District of Columbia. Through the development of the project, the Applicant will expand its commitment by ensuring the environmental, economic, and social sustainability of the residents through the implementation of sustainable design features. The Applicant will implement a number of strategies to enhance the inherently sustainable nature of the PUD Site's infill, transit-rich location and to promote a healthy, desirable, and comfortable

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lifestyle that will fully benefit the project's residents while minimizing the impact on the environment.

65. The PUD will provide environmental benefits, including street tree planting and maintenance, landscaping, efficient energy sources, methods to reduce stormwater runoff, and green engineering practices. The roof contains space for trees and a green roof in compliance with the Green Area Ratio (“GAR”) regulations, and an extensive re-planting and irrigation system is provided in public space, which far exceeds that required by DDOT regulations. In addition, bicycle parking is provided substantially in excess of that required by the Zoning Regulations, with space for close to 200 bicycles.
66. The PUD will be designed to meet rigorous energy and environmental design standards using the LEED 2009 for New Construction and Major Renovations rating system as a guide and performance metric, and Wing B of the building will not be designed or constructed below the LEED Silver rating equivalent (*see* Conceptual LEED scorecard included on page A-8 of the Plans). (Ex. 28A.) Wing A will comply with Enterprise Green Standards.
67. Employment Benefits (11 DCMR § 2403.9(j)) – The Applicant will enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”), whereby the Applicant will use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.

### **Comprehensive Plan**

68. The Commission finds that the PUD advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan. The PUD significantly advances these purposes by promoting the social, physical and economic development of the city through the provision of a high quality, state-of-the-art, eco-friendly residential development that will add approximately 96 affordable units and approximately 270 market-rate units to the District’s housing supply, without generating any adverse impacts. The project will create new neighborhood-serving retail opportunities to meet the demand for basic goods and services, and will promote the vitality, diversity, and economic development of the U Street neighborhood's commercial area.
69. The Future Land Use Map of the Comprehensive Plan designates the PUD Site for Medium-Density Residential uses. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four to seven stories) apartment buildings are the predominant use. Pockets of low- and moderate-density housing may

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- exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the Medium-Density designation, although other zones may apply in some locations. (10A DCMR § 225.5.)
70. The Commission finds that although the R-5-D and CR Zone Districts are not specifically listed among the corresponding land use categories for Medium-Density Residential, these districts are not inconsistent with the Future Land Use Map. The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (10A DCMR § 226.1(a); Z.C. Order No. 11-13; Z.C. Order No. 10-28.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. (*Id.*) By definition, the Map is to be interpreted broadly. (*Id.*) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through planned unit developments) may result in heights that exceed the typical ranges cited here. (*Id.* at § 226.1(c).) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (*Id.* at § 266.1(d).) Therefore, the Commission finds that the proposed map amendment is not inconsistent with the Future Land Use Map.
71. The Commission further finds that in evaluating the map amendment, the PUD Site should be viewed as a whole, not as a specific parcel. The Commission notes that when taken in context with the surrounding neighborhood, the PUD Site is in the center of a highly dynamic area that is quickly expanding and growing taller, and that U Street and 14<sup>th</sup> Street have become major commercial corridors within the city, experienced by thousands daily as a place to live, in coffee shops, restaurants, retailers, fitness centers, and professional service establishments. Furthermore, the Commission finds that Square 204 is predominantly developed with other high-rise buildings on both sides of the PUD Site and that the PUD's height and mass will not change the overall character of the area as contemplated by the Comprehensive Plan. Furthermore, the Commission finds that the Land Use Map should be interpreted broadly to allow the PUD Site to be developed within the context of the changing needs of the District.
72. The District of Columbia Comprehensive Plan Generalized Policy Map designates the northern portion of the PUD Site as a Neighborhood Conservation Area and the southern portion of the PUD Site as a Main Street Mixed-Use Corridor. Neighborhood Conservation Areas are areas with very little vacant or underutilized land. They are primarily residential in character, and maintenance of existing land uses is contemplated over the next 20 years. Where change occurs, it will be modest in scale and will consist

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primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density are not expected, but some new development and reuse opportunities are anticipated. (10A DCMR § 223.4-223.5.) The Commission finds that, consistent with these purposes, the PUD will provide new infill housing for the PUD Site that will be compatible with the existing scale, character, and use of the existing buildings within the surrounding area.

73. Main Street Mixed-Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14<sup>th</sup> Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. (10A DCMR § 223.14.) The Commission finds that, consistent with the purposes of the Main Street Mixed-Use Corridors category, the PUD includes both residential and retail uses, which will help to further economic and housing opportunities and serve neighborhood needs. The Commission finds that the PUD will provide a positive pedestrian-oriented environment with traditional storefronts and residential units above, and that redevelopment of the PUD Site will enhance the U Street corridor and foster neighborhood-serving economic development.
74. The Commission finds that the proposed PUD is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as discussed in the paragraphs below.
75. ***Managing Growth and Change.*** In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (10A DCMR § 217. 4.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors are an important part of reinvigorating and enhancing neighborhoods. (10A DCMR § 217.6.) The PUD is fully consistent with each of these goals. Redeveloping the PUD Site into a vibrant mixed-use development with approximately 366 residential units and up to 14,620 total square feet devoted to retail space will further the revitalization of the neighborhood. The proposed retail spaces will create new jobs for District residents, provide opportunities for less-affluent households to increase their income, and help to reinvigorate the existing neighborhood fabric.

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76. *Creating Successful Neighborhoods.* One of the guiding principles for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the Plan's elements. (10A DCMR § 218.8.) The PUD furthers this goal since, as part of the PUD process, the Applicant is working closely with current Portner Place residents, the affected ANC, and other community members to ensure that redevelopment of the PUD Site creates a positive impact on the neighborhood.
77. *Building Green and Healthy Communities.* One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (10A DCMR § 221.3.) The building on the PUD Site will include a significant number of sustainable design features and is located in a transit-rich environment, reducing the need to use private vehicles to access the site.
78. The Commission also finds that the PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as set forth in the Applicant's Statement in Support (Exhibit 2) and in the OP reports (Exhibits 13 and 31).

#### **Office of Planning Report**

79. On June 20, 2014, OP submitted a report recommending set down of the applications. (Ex. 13.) The OP report stated that OP supports the applications, that they are not inconsistent with the Comprehensive Plan's objectives for the area or with the Generalized Land Use and Policy Maps, and that the PUD will contribute to the redevelopment of the U Street Corridor. The OP report specifically stated that the PUD would particularly further the Land Use, Housing, Economic Development, Environmental Protection, Historic Preservation, and Urban Design Citywide Elements of the Comprehensive Plan, as well as the Mid-City Area Elements and policies. In its report, OP requested the following information from the Applicant: (i) clarification of and details regarding the affordable housing component of the PUD, including the program for the temporary relocation of existing residents and confirmation that either the entire development would be constructed at once, or if phased, that first phase include the affordable units; (ii) additional analysis regarding the flexibility requested; (iii) submission of a signed Certified Business Enterprise ("CBE") and First Source Employment Agreement; (iv) a more detailed amenities package; and (v) additional street-level renderings and other plans or renderings as may be requested by the Commission at set down.
80. On October 17, 2014, OP submitted a second report recommending approval of the applications. (Ex. 31.) This OP report restated that the PUD is not inconsistent with the

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Comprehensive Plan's objectives for the area or with the Generalized Land Use and Policy Maps. The OP report also noted that the Applicant adequately submitted and explained the additional information requested by OP and the Commission at set down.

81. The October 17, 2014 OP report noted that OP received comments from the District Department of the Environment ("DDOE") on the applications, and included a memorandum from DDOE as Attachment 1 to the OP report. The DDOE memorandum, dated October 14, 2014, provided a summary of common issues that arise with many development projects in the District and recommended actions specifically related to the PUD. The issues raised by DDOE concerned green building, stormwater management, water quality and use, waste, and air quality/environment. At the public hearing, the Commission indicated that the DDOE report was too general in its comments and not specific enough to this project. As a result, the Commission was satisfied with the Applicant's environmental and sustainability package.

#### **DDOT Report**

82. On October 17, 2014, DDOT submitted a report indicating that it has no objection to the applications, subject to the condition that "the Applicant adopt the proposed TDM measures with the clarification that the Applicant offer an *annual* carshare and/or bikeshare membership rather than a membership of another time duration (e.g. daily, monthly)" (emphasis in original). (Ex. 32.) At the public hearing, the Applicant agreed to adopt the proposed TDM measures, including the stipulation that the Applicant offer annual carshare and/or bikeshare memberships to the initial unit occupants of the development. The following are the agreed-to TDM measures:
- a. Designate a TDM coordinator responsible for organizing and marketing the TDM plan;
  - b. Provide at least 137 long-term bicycle parking spaces in a bicycle room;
  - c. Unbundle parking costs from the price of lease or purchase;
  - d. Post all TDM commitments online, publicize availability, and allow the public to see what commitments have been promised;
  - e. Provide website links to [commuterconnections.com](http://commuterconnections.com) and [goDCgo.com](http://goDCgo.com) on developer and property management websites;
  - f. Install a TransitScreen in each residential lobby and also make available printed materials; and

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- g. For each residential unit, provide a one-time annual membership fee at initial lease and/or sale of each unit for a car sharing and/or Capital Bikeshare membership.

Based on the agreed-upon TDM measures, the Commission finds that the Applicant adequately addressed the comments outlined in DDOT's report.

### **ANC 1B Report**

83. By resolution dated September 26, 2014, ANC 1B indicated that at its regularly scheduled public meeting on September 4, 2014, for which notice was properly given and a quorum was present, ANC 1B voted unanimously, by a vote of 8-0-0, to support the applications. (Ex. 27, 29.)

### **Post-Hearing Submission**

84. On November 24, 2014, the Applicant submitted a post-hearing submission. (Ex. 43.) The post-hearing submission included: (i) architectural drawings showing an articulation on the blank wall on the east side of Wing B; (ii) architectural drawings showing a plan for the rooftop pool; (iii) architectural drawings showing a section through the roof with blow-ups of elevations and perspectives (both wings); and (iv) the Tenant Development Agreement, which is an agreement that specifies the commitments of the Applicant to the tenants regarding the redevelopment of the PUD Site, the affordability program, relocation and return commitments, and other rights and obligations, in return for the Tenant Association's assignment of their rights under TOPA to the Applicant.
85. The Commission finds that the redesign of the east façade on Wing B achieves the articulation sought by the Commission. The Commission also finds that the Applicant provided an appropriate amount of architectural detail on the rooftop drawings, including a plan of the pool and elevations and perspectives of the roof structures. Finally, the Commission finds that the Applicant submitted the Tenant Development Agreement as requested.

### **CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)

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2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of the PUD is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report



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of the affected ANC. The Commission carefully considered the ANC 1B's recommendation for approval and concurs in its recommendation.

11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 et seq. (2007 Repl.)).

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review and approval of a planned unit development and related map amendment from the R-5-B Zone District to the R-5-D and CR Zone Districts for property located at 1441-1449 U Street, N.W. (Square 204, Lot 208). The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

#### **A. Project Development**

1. The PUD shall be developed in accordance with the architectural plans and elevations ("Plans"), dated October 7, 2014 and November 24, 2014, and as modified by the guidelines, conditions, and standards of this Order. (Ex. 28A, 43.)
2. In accordance with the Plans, the PUD shall be a mixed-use project consisting of approximately 321,929 square feet of gross floor area and 6.82 FAR. The PUD shall be divided into two sections: Wing A shall have a density of 4.725 FAR and shall include approximately 91,012 square feet of gross floor area. Wing A shall be comprised entirely of approximately 96 affordable dwelling units (plus or minus 10%), with all of those units devoted to households earning 60% or less of the AMI, of which not less than 15% will be devoted to households earning 50% or less of the AMI.
3. Wing B shall have a density of 8.27 FAR and shall include approximately 270 market rate dwelling units (plus or minus 10%). Wing B shall have approximately 230,917 square feet of gross floor area comprised of approximately 221,197 square feet of gross floor area devoted to residential uses, approximately 9,720 square feet of gross floor area devoted to retail uses on the ground floor, plus the potential for an additional 4,900 square feet of retail uses in the P2 level.
4. Wing A shall have a maximum height of 75 feet, eight inches to the top of the roof, and Wing B shall have a maximum height of 105 feet, eight inches to the top of the roof.

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5. The Applicant is granted flexibility from the loading requirements (§ 2201.1); the roof structure requirements (§§ 411.3, 411.5, and 770.6); the closed court requirements (§§ 406.1 and 776.3); the compact parking space requirements (§ 2115.2 and 2115.4); the IZ development standards (§§ 2605.3 and 2605.4) in the event that the project is not exempted from IZ pursuant to § 2602.3(f); and the FAR requirements (pursuant to § 2405.2) consistent with the approved Plans and as discussed in the Development Incentives and Flexibility section of this Order.
6. The Applicant shall also have flexibility with the design of the PUD in the following areas:
  - a. To be able to provide a range in the number of residential units within each Wing of plus or minus 10%;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structure;
  - c. To vary the number, location, and arrangement of parking spaces and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum number required by the Zoning Regulations;
  - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations, and dimensions, including curtainwall mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings and trim; and any other changes to comply with all applicable District of Columbia laws and regulations that are otherwise necessary to obtain a final building permit;
  - e. To vary the sustainable design features of the building, provided the total number of LEED points achievable for Wing A complies with the equivalent of Enterprise Green Community Standards, and the total number of LEED points achievable for Wing B does not decrease below the equivalent of a LEED Silver designation;
  - f. To vary the location and design of the ground-floor components of the building in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are

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otherwise necessary for licensing and operation of any retail or service use; and

- g. To vary the final selection of all exterior signage on the building,

**B. Public Benefits**

1. The Applicant shall set aside a minimum of 91,012 square feet of gross floor area for affordable housing units, which equates to a total of approximately 96 affordable units (plus or minus 10%), all of which will be located in Wing A. For so long as the project exists, eight percent of the total gross floor area will be set aside as Inclusionary Zoning units consistent with Chapter 26 of the Zoning Regulations. In the event that the project is not exempted from IZ pursuant to § 2602.3(f), the same percentage of units shall be set aside pursuant § 2603.7(a) and (b) for so long as the project exists. This equates to approximately 24,977 square feet of gross floor area of the 91,012 gross square feet devoted to IZ units in Wing A. During the first 40 years of the project, commencing with the issuance of the first certificate of occupancy, the Applicant shall set aside the remaining floor area devoted to affordable units to households earning 60% or less of the AMI, with 15% of those units devoted to households earning 50% or less of the AMI.
2. Prior to the issuance of the first certificate of occupancy, the Applicant shall provide evidence to the Zoning Administrator that it has relocated the existing 47 families that currently reside in Portner Place to off-site locations as near to the vicinity of the neighborhood of the project as practicable. The Applicant shall be responsible for identifying 47 units of temporary housing, covering relocation costs, and signing a master lease with a new landlord(s). The Applicant shall ensure that temporary relocation units will adhere to HUD guidelines for Section 8 pass-through contracts and will be subject to HUD inspections. Subject to HUD approvals, the Applicant shall ensure that all residents will continue to receive Section 8 rental assistance during the relocation period.
3. In the event that HUD does not approve a pass-through contract, which will allow the Applicant to transfer the current Section 8 contract off-site during the two-year construction period, then prior to the issuance of the first certificate of occupancy, the Applicant shall provide evidence to the Zoning Administrator that it has ensured that every current family at the PUD Site has been issued a voucher or is otherwise provided with rental assistance. The Applicant encourages all residents who desire to, to return to the new building on the PUD Site, and the Applicant shall be responsible for identifying temporary housing for each returning family with a voucher and shall cover relocation costs. Voucher holders

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will contract individually with their new landlord. The Applicant shall identify 47 units in one of three ways or some combination thereof:

- a. Within the apartment complexes that the development team owns and operates in the Washington, D.C. area (Somerset has approximately 894 units of affordable housing nearby) which could be available and eligible for the relocating families;
- b. With the assistance of THC and/or another agency and/or broker with similar experience in identifying and relocating low income families; and
- c. Purchasing a new building to house some or all 47 families during the two-year relocation period.

Prior to the issuance of the first certificate of occupancy, the Applicant shall provide evidence to the Zoning Administrator that it has contracted with THC or a similar agency to provide supportive services to current residents, assist families in the relocation process, and implement programs and services once the families return to the PUD Site.

4. Prior to the issuance of the first certificate of occupancy, the Applicant shall provide evidence that it has offered financial management services to current residents. Within the first year of residents returning to the PUD Site, the Applicant shall provide evidence that it has offered resident services, such as financial management, career counseling, employment skills training referrals and other assistance in job searches, health and nutrition information, after-school programs, computer training, and computer access.
5. Prior to the issuance of the first certificate of occupancy, the Applicant shall provide evidence to the Zoning Administrator that it has designed Wing A to comply with the equivalent of Enterprise Green Community Standards, and has designed Wing B to include no fewer than the minimum number of points necessary to be the equivalent of a LEED Silver designation. The Applicant shall not be required to register or to obtain the certification from the United States Green Building Council.
6. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall enter into a First Source Employment Agreement with DOES, whereby the Applicant shall use DOES as its first source for recruitment, referral, and placement of new hires for construction employees whose jobs are created by the PUD.

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C. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 14-08. Within such time, an application must be filed for a building permit for the construction of Wing A of the project as specified in 11 DCMR § 2409.1. Construction of Wing A of the project must commence within three years of the effective date of this Order. An Application must be filed for a building permit for the construction of Wing B of the project within two years of the date of issuance of the first certificate of occupancy for Wing A of the project. Construction of Wing B of the project must commence within three years of the date of issuance of the first certificate of occupancy for Wing A of the project.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On October 27, 2014, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the applications at the close of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

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On December 8, 2014, upon the motion of Vice Chairperson Cohen, as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on January 23, 2015.

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