



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 20-142, Sustainable DC Omnibus Amendment Act of 2014
- D.C. Council passes Law 20-148, Marriage License Issuance Amendment Act of 2014
- D.C. Council passes Law 20-152, Fair Criminal Record Screening Amendment Act of 2014
- D.C. Council passes Resolution 20-719, Early Learning Quality Improvement Network Emergency Declaration Resolution of 2014
- District Department of the Environment announces funding availability for the FY 2015 Green Building Fund Grant
- Department of Health cancels funding for the Home Visiting Evidenced Based Programs

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

D.C. Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents (25 DCR 9855). Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code, §§2-501 *et seq.*, as amended.

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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COUNCIL OF THE DISTRICT OF COLUMBIA

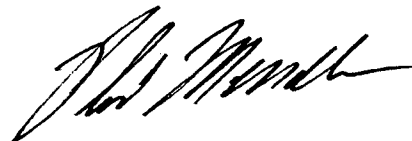
NOTICE

D.C. LAW 20-142

“Sustainable DC Omnibus Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-573 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on July 29, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-385 and was published in the August 8, 2014 edition of the D.C. Register (Vol. 61, page 8045). Act 20-385 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-385 is now D.C. Law 20-142, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

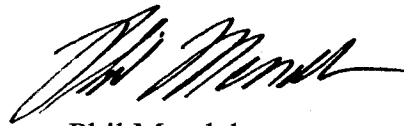
NOTICE

D.C. LAW 20-143

“Board of Elections Nominating Petition Circulator Affidavit Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-574 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on July 29, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-386 and was published in the August 8, 2014 edition of the D.C. Register (Vol. 61, page 8057). Act 20-386 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-386 is now D.C. Law 20-143, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
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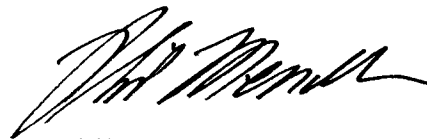
NOTICE

D.C. LAW 20-144

“Party Officer Elections Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-575 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on July 29, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-387 and was published in the August 8, 2014 edition of the D.C. Register (Vol. 61, page 8059). Act 20-387 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-387 is now D.C. Law 20-144, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
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## COUNCIL OF THE DISTRICT OF COLUMBIA

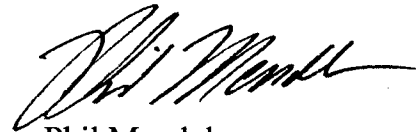
## NOTICE

## D.C. LAW 20-145

**“Driver’s Safety Clarification Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-694 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on July 29, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-388 and was published in the August 8, 2014 edition of the D.C. Register (Vol. 61, page 8061). Act 20-388 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-388 is now D.C. Law 20-145, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
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COUNCIL OF THE DISTRICT OF COLUMBIA

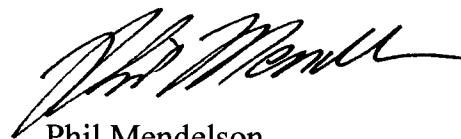
NOTICE

D.C. LAW 20-146

“Nationwide Mortgage Licensing System Conformity Temporary Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-846 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on July 29, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-389 and was published in the August 8, 2014 edition of the D.C. Register (Vol. 61, page 8063). Act 20-389 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-389 is now D.C. Law 20-146, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16

**COUNCIL OF THE DISTRICT OF COLUMBIA**

**NOTICE**

**D.C. LAW 20-147**

**“Tenant Bill of Rights Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-58 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 1, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-415 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8310). Act 20-415 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-415 is now D.C. Law 20-147, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-148

“Marriage License Issuance Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-461 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 1, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-417 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8314). Act 20-417 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-417 is now D.C. Law 20-148, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16



## COUNCIL OF THE DISTRICT OF COLUMBIA

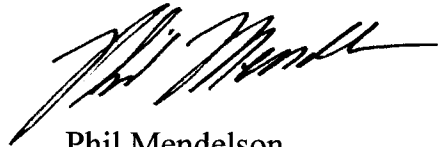
## NOTICE

## D.C. LAW 20-149

**“Child Development Home License Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-607 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 1, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-418 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8316). Act 20-418 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-418 is now D.C. Law 20-149, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
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COUNCIL OF THE DISTRICT OF COLUMBIA

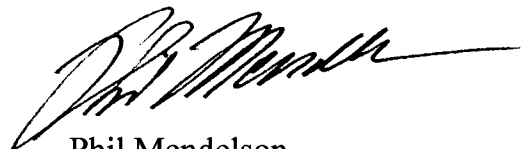
NOTICE

D.C. LAW 20-150

“Small and Certified Business Enterprise Development and Assistance Clarification Temporary Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-848 on first and second readings June 24, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 1, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-419 and was published in the August 15, 2014 edition of the D.C. Register (Vol. 61, page 8318). Act 20-419 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-419 is now D.C. Law 20-150, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 20-151

“Other Post-Employment Benefits Fund Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-627 on first and second readings June 3, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 19, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-421 and was published in the August 29, 2014 edition of the D.C. Register (Vol. 61, page 8893). Act 20-421 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-421 is now D.C. Law 20-151, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16

## COUNCIL OF THE DISTRICT OF COLUMBIA

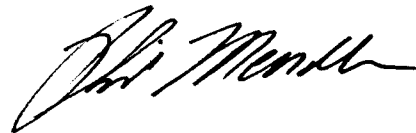
## NOTICE

## D.C. LAW 20-152

**“Fair Criminal Record Screening Amendment Act of 2014”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-642 on first and second readings June 3, 2014, and July 14, 2014, respectively. Following the signature of the Mayor on August 21, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-422 and was published in the August 29, 2014 edition of the D.C. Register (Vol. 61, page 8904). Act 20-422 was transmitted to Congress on September 8, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-422 is now D.C. Law 20-152, effective December 17, 2014.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	8, 9, 10, 11, 12, 15, 16, 17, 18, 19
October	15
November	12, 13, 14, 17, 18, 19, 20
December	1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-577**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, the Fiscal Year 2015 Budget Support Act of 2014 to extend the deadline for the University of the District of Columbia to raise \$1 million in private donations for the purpose of meeting accreditation standards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "UDC Fundraising Extension Emergency Amendment Act of 2014".

Sec. 2. Section 7202 of the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended by striking the phrase "January 1" and inserting the phrase "April 10" in its place.

Sec. 3. Fiscal impact statement.

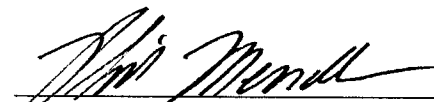
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

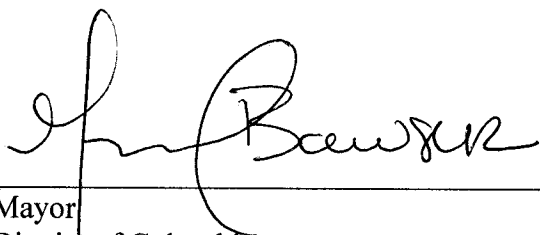
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-578**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, the Animal Control Act of 1979 to clarify that an educational institution is permitted to have animals for educational and instructional purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Classroom Animal for Educational Purposes Clarification Second Emergency Amendment Act of 2014".

Sec. 2. Section 9(h) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)), is amended by adding a new paragraph (6) to read as follows:

"(6) Paragraph (1) of this subsection shall not apply to educational institutions that possess animals for educational and instructional purposes and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D. C. Law 17-281; D.C. Official Code § 8-1851.02)."

Sec. 3. Fiscal impact statement.

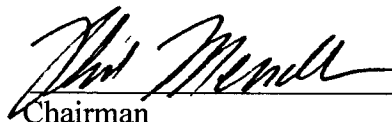
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

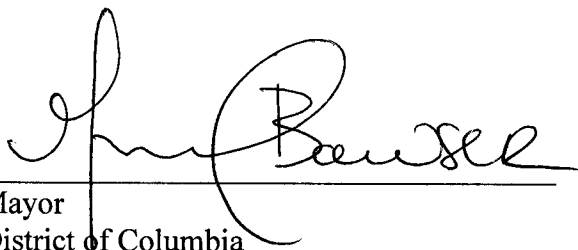
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2015



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-579**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, An Act To provide for voluntary apprenticeship in the District of Columbia and the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978 to make technical and conforming amendments to allow the District of Columbia to continue to be recognized by the U.S. Department of Labor as a State Apprenticeship Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Apprenticeship Modernization Emergency Amendment Act of 2014".

Sec. 2. An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1401) is amended to read as follows:

"It is the purpose of this act to:

"(1) Open to District of Columbia residents the opportunity to obtain training that will equip them for profitable employment and citizenship;

"(2) Establish, as a means to this end, a program of voluntary apprenticeship under approved apprenticeship agreements providing facilities for the training and guidance of apprentices in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education;

"(3) Promote employment opportunities for young people under conditions providing adequate training and reasonable earnings;

"(4) Relate the supply of skilled workers to employment demands;

"(5) Establish standards for apprentice training;

"(6) Establish an Apprenticeship Council;

"(7) Provide for the establishment of local joint trade apprenticeship committees and non-joint committees to assist in effectuating the purposes of this act;

"(8) Provide for an associate of apprenticeship within the District of Columbia;

"(9) Provide that reports be submitted to the Council of the District of Columbia and to the public regarding the status of apprenticeship in the District of Columbia;

## ENROLLED ORIGINAL

“(10) Establish a procedure for the determination of apprenticeship agreement controversies; and

“(11) Accomplish related purposes.”.

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

(1) Strike the phrase “Superintendent of Schools” and insert the phrase “Chancellor of District of Columbia Public Schools” in its place.

(2) Strike the phrase “appointed for a term of three years. Any member” and insert the phrase “appointed for a term of 3 years. At the end of a term, a member shall continue to serve until a successor is appointed and sworn into office. Any member” in its place.

(3) Strike the sentence “The compensation of each member not otherwise compensated by public money shall be paid not more than \$ 25 per day for each day spent in attendance at meetings of the Apprenticeship Council; provided, however, that any applicable laws passed by the Council of the District of Columbia shall supersede the provisions of this section.”.

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

“Sec. 3. Associate Director of Apprenticeship.

“(a) The Director of the Department of Employment Services shall appoint an Associate Director of Apprenticeship whose office shall have responsibility and accountability for the apprenticeship system in the District of Columbia. The Office of Apprenticeship, Information and Training, which shall be known as the Registration Agency, shall have the authority to approve apprenticeship registration for federal purposes.

“(b) The Associate Director of Apprenticeship shall be chosen from among the employees of the Apprenticeship Training Service actually engaged in formulating and promoting standards of apprenticeship under the provisions of An Act To enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards, approved August 16, 1937 (50 Stat. 664; 29 U.S.C. §§ 50, 50a, and 50b).

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

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

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

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

(3) Strike the sentence “Not less than once every two years the Apprenticeship Council shall make a report through the Mayor of its activities and findings to Congress and to the public.”.

(4) Add the following sentence at the end:

“Once every year the Registration Agency shall make a report through the Mayor of its findings and activities to the Council of the District of Columbia and to the public.”.

## ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ENROLLED ORIGINAL

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

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

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

“(4) A statement showing:

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

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

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

“(D) Provisions for related and supplemental instruction;

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

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

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

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

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

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

## ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Section 5(c)(2) of the Amendments to An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1431(c)(2)), is amended by striking the phrase “Contracting Officer” wherever it appears and inserting the phrase “Department of Employment Services” in its place.


Sec. 4. Fiscal impact statement.

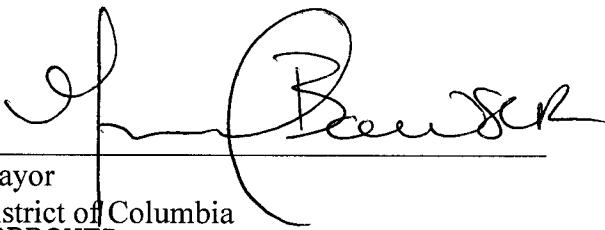
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

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 20-580**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, the District of Columbia Administrative Procedure Act to exempt from disclosure certain critical infrastructure information.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Critical Infrastructure Freedom of Information Third Congressional Review Emergency Amendment Act of 2014".

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D. C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 204(a) (D.C. Official Code § 2-534(a)) is amended as follows:

(1) Paragraph (13) is amended by striking the word "and".

(2) Paragraph (14) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (15) is added to read as follows:

"(15) Any critical infrastructure information or plans that contain critical infrastructure information for the critical infrastructures of companies that are regulated by the Public Service Commission of the District of Columbia."

(b) The text of section 209 (D.C. Official Code § 2-539) is amended to read as follows:

"(a) For the purposes of this title, the following terms shall have the same meanings as provided in section 102:

"(1) "Adjudication";

"(2) "Agency";

"(3) "Council";

"(4) "District";

"(5) "Mayor";

"(6) "Order";

"(7) "Party";

"(8) "Person";

"(9) "Proceedings";

"(10) "Public record";

"(11) "Relief";

"(12) "Rule"; and

## ENROLLED ORIGINAL

“(13) “Rulemaking”.

“(b) For the purposes of this title, the term:

“(1) “Critical infrastructure” means existing and proposed infrastructure systems and assets, whether physical or virtual, so vital to the District of Columbia or the United States that the incapacity or destruction of the infrastructure system or asset could jeopardize the physical security, economic security, health, safety, or welfare of the public.

“(2) “Critical infrastructure information” means information not customarily in the public domain that is related to the security of critical infrastructure of companies that are regulated by the Public Service Commission of the District of Columbia, including information regarding:

“(A) Actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates federal or District of Columbia laws, harms interstate commerce of the United States or the economy of the District of Columbia, or threatens public health or safety;

“(B) The ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation, risk-management planning, or risk audit; or

“(C) Any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.”.

Sec. 3. Paragraph 32 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. 982; Official Code § 34-902), is amended as follows:

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

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

“(b) The Commission shall publish rules and regulations for the administration of the provisions of section 204(a)(15) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)(15)).”.

Sec. 4. Applicability.

This act shall apply as of January 1, 2015.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Critical Infrastructure Freedom of Information Amendment Act of 2014, enacted on October 6, 2014 (Enrolled version of Bill 20-505), as the fiscal impact statement required by section 602(c)(3) of




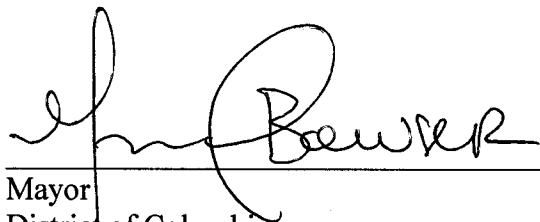
ENROLLED ORIGINAL

the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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 20-581**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, the Tenant Opportunity to Purchase Act of 1980 to clarify the tenant opportunity to purchase in the case of the sale of multi-unit housing for the purposes of demolition or a notice of discontinuance of housing use.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Opportunity to Purchase Congressional Review Emergency Amendment Act of 2014".

Sec. 2. Section 402(a) of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(a)), is amended to read as follows:

"(a)(1) Beginning January 1, 2014, before an owner of a housing accommodation may sell the accommodation, or issue a notice of intent to recover possession or notice to vacate for purposes of demolition or discontinuance of housing use the owner shall give the tenant an opportunity to purchase the accommodation at a price and terms that represent a bona fide offer of sale.

"(2) If within 360 days of the date of the issuance of a bona fide offer of sale pursuant to this subsection, an owner has neither sold, or is in the process of selling, the property pursuant to that bona fide offer of sale nor taken possession of the property, the owner shall comply anew with the requirements of this subsection before the owner may again act to sell the housing, or issue a notice of intent to recover possession or notice to vacate for purposes of demolition or discontinuance of housing use.

"(3) For the purposes of this subsection, in the case of multi-unit housing, the term:

"(A)(i) "A bona fide offer of sale" means a sales price that is less than or equal to the appraised value of the real property, multi-unit housing, and any other appurtenant improvements ("property") plus, except as provided in sub-subparagraph (ii) of this subparagraph, the amount of liens existing before the sale or transfer; provided, that the liens shall be satisfied by the seller in the sale or transfer transaction.

ENROLLED ORIGINAL

“(ii) If the seller and the purchaser agree that the purchaser shall assume the liens, if any, a bona fide offer of sale means a sale price that is less than or equal to the appraised value of the property less the amount of any lien assumed by the purchaser.

“(B)(i) “Appraised value” means an objective property valuation based on current state of the property and existing zoning, building, or occupancy permits, that is no more than 6 months older than the date of issuance of the offer of sale that has been determined by 2 independent appraisals performed by 2 appraisers qualified to perform multi-unit appraisals.

“(ii) Of the 2 appraisers required by sub-subparagraph (i) of this subparagraph, one shall be selected by the owner and one to be selected by the Tenant. If the appraisers fail to agree upon a fair market value, the owner and the Tenant shall jointly select and pay a third appraiser whose appraisal shall be binding or agree to take an average of the 2 appraisals.

“(C) “Multi-unit housing” means housing with 5 or more units.”.

Sec. 3. Applicability.


This act shall apply as of January 5, 2015.

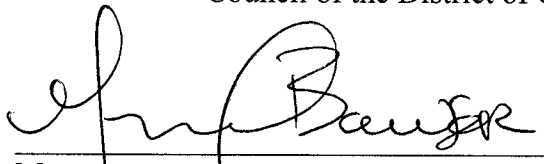
Sec. 4. Fiscal impact statement.

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 20-582**

IN THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, the Business Improvement Districts Act of 1996 to update the laws concerning business improvement districts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Business Improvement Districts Congressional Review Emergency Amendment Act of 2014".

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

(a) Section 2(a)(4) (D.C. Official Code § 2-1215.01(a)(4)) is amended by striking the word "nonexempt" and inserting the word "taxable" in its place.

(b) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

(1) Paragraph (8) is amended to read as follows:

"(8) "BID tax" means an additional real property tax or possessory interest tax assessed and levied by the District on, and payable by, the owners of taxable properties or holders of a possessory interest in a Business Improvement District subject to the BID certification processes of this act. "

(2) Paragraph (10) is amended by striking the word "nonexempt" and inserting the word "taxable" in its place.

(3) Paragraph (16) is amended to read as follows:

"(16) "Member" means a member of the BID Corporation, the membership of which shall be comprised of each owner of taxable property and each commercial tenant in the BID area, and each owner who becomes a member pursuant to section 22."

(4) Paragraph (18) is repealed.

(5) Paragraph (19) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(6) Paragraph (20) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(7) Paragraph (23) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(8) A new paragraph (24) is added to read as follows:

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“(24) “Taxable property” means real property subject to real property taxation or real property for which a holder of a possessory interest is subject to possessory interest taxation, including:

“(A) Class 2, Class 3, and Class 4 Property, as defined in D.C. Official Code § 47-813, located within any BID, excluding the properties exempt from real property taxes pursuant to Chapters 10 or 46 of Title 47;

“(B) Class 1 Property, as defined in D.C. Official Code § 47-813, for the Mount Vernon Triangle, NoMa, and Capitol Riverfront BIDs, excluding:

“(i) Real property improved by a residential building where 90% or more of the leased units are households with at least one member who is 62 years of age or older and all members are 55 years of age or older;

“(ii) Real property improved by a residential building where 20% or more of the units are subject to a contract for project-based assistance under section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f);

“(iii) Real property improved by a residential building with fewer than 10 dwelling units, as defined in D.C. Official Code § 47-813(d)(3); and

“(iv) Real property exempt from paying real property taxes pursuant to Chapters 10 or 46 of Title 47 of the District of Columbia Official Code; or

“(C) Real property belonging to government and international organizations, including a leasehold interest, possessory interest, beneficial interest, or beneficial use of real property, as provided in D.C. Official Code § 47-1005.01(b), for periods beginning after September 30, 2014, where the real property would be taxable under subparagraphs (A) or (B) of this paragraph if not exempt or immune from real property taxation resulting in the possessory interest being taxable under D.C. Official Code § 47-1005.01, except where a payment in lieu of tax agreement has been negotiated and payments related to the agreement are current.”

(c) Section 4 (D.C. Official Code § 2-1215.03) is amended by striking the phrase “Each owner and” and inserting the phrase “Each owner of a taxable property and” in its place.

(d) Section 5 (D.C. Official Code § 2-1215.04) is amended as follows:

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

(A) The lead-in text is amended by striking the phrase “Deputy City Administrator for Business Services and Economic Development” and inserting the phrase “Department of Small and Local Business Development, or a successor thereto,” in its place.

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

(i) Strike the phrase “nonexempt real property” and insert the phrase “taxable property” in its place.

(ii) Strike the phrase “nonexempt real properties” and insert the phrase “taxable properties” in its place.

(iii) Strike the phrase “nonexempt properties” wherever it appears and insert the phrase “taxable properties” in its place.

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(iv) Strike the phrase "assessing and levying any BID" and insert the phrase "assessing BID" in its place.

(C) Paragraph (6) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(2) Subsection (b) is repealed.

(e) Section 6(a) (D.C. Official Code § 2-1215.05(a)) is amended by striking the phrase "Deputy City Administrator for Business Services and Economic Development" and inserting the phrase "Department of Small and Local Business Development, or a successor thereto," in its place.

(f) Section 7 (D.C. Official Code § 2-1215.06) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Deputy City Administrator for Business Services and Economic Development" and inserting the phrase "Department of Small and Local Business Development, or a successor thereto," in its place.

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

"(c) The Mayor shall advertise the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register."

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

"(d) No fewer than 21 days before the public hearing, the applicant shall send, by first class mail or electronically, notice of the Mayor's preliminary determination, notice of the public hearing, including the date, time, and place and availability of the BID application for review, and a summary of the application stating the borders of the proposed BID, the BID plan, and the BID taxes to the following, to the extent reasonably ascertainable:

"(1) The Secretary to the Council;

"(2) Each owner of taxable property within the proposed BID area at the address shown in the most recent real property tax assessment records or, at the election of the applicant, another address if it is reasonably determined that the information in the District's records is dated;

"(3) Each commercial tenant within the proposed BID area;

"(4) Each advisory neighborhood commission in which the proposed BID is located; and

"(5) Each major citizens association covering the area in which the proposed BID is located."

(4) Subsection (e) is amended by striking the phrase "by the applicant, and" and inserting the phrase "by the applicant on a publicly accessible web site and" in its place.

(g) Section 9(b) (D.C. Official Code § 2-1215.08(b)) is amended as follows:

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

(2) The newly designated paragraph (1) is amended by striking the phrase "present and voting" and inserting the phrase "present or voting or voting by proxy, to the extent not otherwise provided for in BID bylaws," in its place.

(3) Designate existing paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

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(4) The newly designated paragraph (3) is amended by striking the phrase "Deputy City Administrator for Business Services and Economic Development" and inserting the phrase "Department of Small and Local Business Development, or a successor thereto," in its place.

(h) Section 10 (D.C. Official Code § 2-1215.09) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "An established BID" and inserting the phrase "Except as provided in section 10a, an established BID" in its place.

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

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

(I) Strike the phrase "nonexempt real properties" and insert the phrase "taxable properties" in its place.

(II) Strike the word "or" at the end.

(ii) Subparagraph (B) is repealed.

(C) Paragraph (3A)(C) is amended by striking the phrase "nonexempt real property" and inserting the phrase "taxable property" in its place.

(2) Subsection (c) is amended by striking the phrase "nonexempt properties" wherever it appears and inserting the phrase "taxable BID properties" in its place.

(i) New sections 10a, 10b, and 10c are added to read as follows:

"Sec. 10a. Adjacent or abutting properties.

"(a) An owner of an adjacent or abutting property may petition to join an existing BID if the owner sends a letter requesting to be added to a BID to the BID Board and to the Mayor, listing the address, square and lot number, owner, and owner's contact information. The BID board must vote to approve the addition. If the BID Board votes to approve adding the additional property, the BID Board shall send a letter to the Mayor with the results of the vote ("results letter").

"(b)(1) The Mayor shall have 30 days after receiving the results letter from the BID Board to review the proposed addition and determine if the addition is an adjacent or abutting property not currently located in another BID. If the Mayor finds that the proposed addition is not an adjacent or abutting property or that the proposed addition is currently located in another BID, the Mayor may issue an order rejecting the addition.

"(2) If the Mayor does not issue an order approving or rejecting the addition within the 30-day review period, the addition shall be deemed approved.

"(3) If the addition is approved or deemed approved, the property shall be added to the BID at the next regularly scheduled billing pursuant to section 16.

"(c) The proposed addition shall be subject to section 10(c).

"Sec. 10b. Expanding the taxable real property within a BID.

"(a) An established BID may only expand categories of taxable real property if:

"(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of

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taxable real property of record within the BID's geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board;

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia; provided, that a property subdivided into separate condominium units shall constitute a single real property for purposes of this subparagraph;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity, as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or the phrase “BID application” appears in sections 6 or 7, the word or phrase shall be considered to refer to the expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the BID activity, as defined in section 3(6). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council approving the BID's taxable real property expansion. Initial BID taxes for the area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds; provided, that any property subdivided into separate condominium units shall constitute a single property for the purpose of determining the number of taxable properties referred to in subsection (a) of



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this section; provided further, that the condominium units shall constitute separate properties for purposes of assessing and levying any BID charges.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.

“Sec. 10c. Expanding the taxable real property within a BID for newly enacted BIDs.

“(a) A BID established after the effective date of the Business Improvement Districts Amendment Act of 2014, passed on 2nd reading on September 23, 2014 (Enrolled version of Bill 20-203), may only expand categories of taxable real property to include Class I residential property if:

“(1) Owners of at least 51% interest in the assessed value of the taxable real properties and at least 25% in number of individual real properties, consisting of a new type of taxable real property of record within the BID's geographic area, petition the existing BID to join the BID;

“(2) The petition is accepted by a majority vote of the existing BID Board; and

“(3) The petition is submitted to the Mayor with:

“(A) The name and address of the BID Corporation and a copy of the resolution adopted by the Board of Directors of the BID Corporation accepting the petition;

“(B) A description by lot, square, and street address of the property of each owner of the proposed new taxable real property type, to the extent reasonably ascertainable; provided, that a property subdivided into separate condominium units shall constitute a single property for purposes of this subparagraph;

“(C) The most recent assessed value of each taxable real property of the proposed new taxable real property type, to the extent reasonably ascertainable from District property tax records or a final determination of the Real Property Tax Appeals Commission for the District of Columbia;

“(D) A business plan for including the petition area in the operations of the BID; which business plan shall contain, at a minimum:

“(i) The specific goals and objectives for the inclusion of the petitioning real property class in the BID consistent with the BID activity as defined in section 3(6); and

“(ii) The applicable BID taxes;

“(E) A list of the current members of the Board of Directors of the BID;

and

“(F) The current articles of incorporation and the bylaws of the BID; and

“(4) The petition is approved by the Mayor in accordance with the procedures set forth in sections 6 and 7; provided, that wherever the word “application” or phrase “BID application” appears in sections 6 and 7, the word or phrase shall be considered to refer to the

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expansion petition, and wherever reference is made to the registration of the BID and the nonprofit corporation in section 7, the reference shall be considered to refer to registration of the expanded BID.

“(b) The Mayor shall approve a petition if the Mayor determines that the petition was properly filed and adoption of the petition is consistent with the purposes of this act and the definition of BID activity in section 3(6)(b). An expansion of a BID's taxable real property pursuant to this section shall become effective on the effective date of an act of Council that approves such BID's taxable real property expansion. Initial BID taxes for such area shall be collected at the next practicable regularly scheduled billing pursuant to section 16.

“(c)(1) For the purposes of this section, individual taxable properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Tax and Revenue or Office of Recorder of Deeds.

“(2) Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application.

“(d) The Mayor may designate the Department of Small and Local Business Development, or a successor thereto, to perform the review functions described by this section.”.

(j) Section 11 (D.C. Official Code § 2-1215.10) is amended as follows:

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

“(a) Except as otherwise provided by this act, meetings of the members shall be held in accordance with the provisions of the bylaws but shall occur at least once each year after the formation of the BID. The bylaws shall specify an officer who shall send each member notice of the time, place, and purposes of the meeting. Notice shall be given at least 21 days in advance of any annual or regularly scheduled meeting and at least 7 days in advance of any other meeting, in one of the following ways:

“(1) First class mail to all members of record at the address of their respective properties and to such other address as may have been designated to the officer;

“(2) Hand delivered by the officer, or the officer's agent; provided, that the officer certifies in writing that notice was actually delivered to the member; or

“(3) Electronically to the member's email address of record as may have been designated to the officer.”.

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

“(c) Meetings may be held by telephone, electronically, or by other means of communication; provided, that all participants can hear or read the proceeding, vote on the matters discussed, and make comments.”.

(k) Section 13 (D.C. Official Code § 2-1215.12) is amended by adding a new subsection (f) to read as follows:

“(f) BIDs are exempt from the records requirement of D.C. Official Code § 29-413.01.”.

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(l) Section 14(d) (D.C. Official Code § 2-1215.13(d)) is amended by striking the phrase “mail or by personal delivery.” and inserting the phrase “mail, personal delivery, or electronically. Annual reports shall also be posted on BID websites.” in its place.

(m) Section 16 (D.C. Official Code § 2-1215.15) is amended as follows:

(1) Subsection (d) is amended by striking the last sentence and inserting the following sentence in its place:

“BID taxes related to real properties affected by a geographic or taxable real property tax base expansion of the BID shall be effective as of the date the expansion becomes effective.” .

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

“(g-1)(1) Notwithstanding subsection (g) of this section, a BID tax resulting from a possessory interest shall be collected in accordance with Chapter 44 of Title 47 and the holder of the possessory interest shall be liable.

“(2) The BID tax resulting from the possessory interest shall be in proportion to the pro rata share of the real property, as determined by the Chief Financial Officer, occupied by holder of the possessory interest where the BID tax is based on assessed value, net rentable area, gross building area, square footage, or number of hotel rooms. BID taxes based on a per unit basis shall not be apportioned.

“(3) This subsection shall apply as of March 31, 2015.”.

(n) Section 19 (D.C. Official Code § 2-1215.18) is amended as follows:

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

“(a)(1) Each BID shall have an initial term that shall end on the last day of the 5th full fiscal year of the District during which the BID has been registered pursuant to section 7(h). A BID may be extended for successive 5-year terms if:

“(A) The BID notifies the Mayor at least 180 days before the end of the BID's term that it desires to extend its status as a registered BID for a subsequent 5-year term;

“(B) The Board and membership approve a BID plan for the next 5 years of BID operations and submit that plan to the Mayor; and

“(C) The Mayor holds a public hearing in accordance with this subsection and subsequently issues a notice of BID re-registration.

“(2) Notice to the public shall be made no fewer than 21 days before the hearing.

“(3) The Mayor shall:

“(A) Publish the notice of the public hearing along with the notice of preliminary finding in the District of Columbia Register;

“(B) Ensure that the notices are published in at least 2 sources of local general interest print or electronic media; and

“(C) Hold the public hearing no earlier than 120 days before the end of the fiscal year, and no later than 30 days before the end of the fiscal year.”.

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

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“(a-1) If, at the end of the fiscal year, the BID has requested an extension and the Mayor has not issued an order revoking the registration or denying an extension, the BID shall be deemed to be re-registered for a subsequent 5-year term.”.

(3) Subsection (b)(2) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

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

“(d) The Mayor may designate the Department of Small and Local Business Development to perform the functions described by this section.”.

(o) Section 22 (D.C. Official Code § 2-1215.21) is amended by striking the phrase “located in the BID, may” and inserting the phrase “located in the BID, or adjacent to or abutting BID boundaries, may” in its place.

(p) Section 201 (D.C. Official Code § 2-1215.51) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

(q) Section 202 (D.C. Official Code § 2-1215.52) is amended by striking the phrase “nonexempt real” both times it appears and inserting the word “taxable” in its place.

(r) Section 203 (D.C. Official Code § 2-1215.53) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

(2) Subsection (b) is amended by striking the phrase “nonexempt real property” and inserting the phrase “taxable property” in its place.

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

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

(i) The lead-in language is amended by striking the phrase “nonexempt real properties” and inserting the phrase “taxable properties” in its place.

(ii) Subparagraph (A) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

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

(I) The lead-in language is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(II) Sub-subparagraph (i) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(III) Sub-subparagraph (ii) is amended as follows:

(aa) Strike the word “nonexempt” and insert the word “taxable” in its place.

(bb) Strike the word “Nonexempt” wherever it appears and insert the word “Taxable” in its place.

(IV) Sub-subparagraph (iii) is amended by striking the word “Nonexempt” and inserting the word “Taxable” in its place.

(B) Paragraph (2) is amended by striking the word “nonexempt” wherever it appears and inserting the word “taxable” in its place.

(s) Section 204 (D.C. Official Code § 2-1215.54) is amended as follows:

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(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(2) Subsection (c)(1) is amended by striking the word “nonexempt” both times it appears and inserting the word “taxable” in its place.

(t) Section 205 (D.C. Official Code § 2-1215.55) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D)(i) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(u) Section 206 (D.C. Official Code § 2-1215.56) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) Strike the phrase “nonexempt real” and insert the word “taxable” in its place.

(B) Strike the phrase “nonexempt properties” and insert the phrase “taxable properties” in its place.

(v) Section 207 (D.C. Official Code § 2-1215.57) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

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

(A) The lead-in text is amended by striking the phrase “nonexempt real” and inserting the word “taxable” in its place.

(B) Subparagraph (D) is amended by striking the word “nonexempt” and inserting the word “taxable” in its place.

(w) Section 208 (D.C. Official Code § 2-1215.58) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

(x) Section 209 (D.C. Official Code § 2-1215.59) is amended by striking the phrase “nonexempt real” wherever it appears and inserting the word “taxable” in its place.

### Sec. 3. Applicability.

This act shall apply as of January 5, 2015.

### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Business Improvement Districts Amendment Act of 2014, signed by the Mayor on October 8, 2014 (D.C. Act 20-441; 61 DCR 10741), as the fiscal impact statement required by section 602(c)(3) of the

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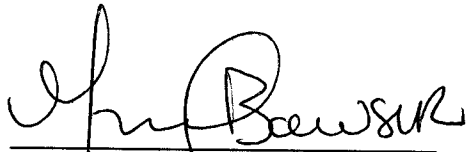
District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 20-583**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To standardize, on an emergency basis, due to congressional review, licensing and registration application requirements using the Nationwide Mortgage Licensing System and Registry for all non-depository financial institutions regulated through the administration of the District of Columbia Banking Code, to require each applicant obtain a unique identifier from and apply through the Nationwide Mortgage Licensing System, to authorize the Commissioner to waive or modify any of the requirements of this act or other application requirements in the Banking Code and to establish new requirements as needed to participate in the Nationwide Mortgage Licensing System, to authorize use of the Nationwide Mortgage Licensing System for criminal history background checks and credit checks as necessary, to allow the Commissioner to share confidential information with specified third parties including the Nationwide Mortgage Licensing System, to authorize the Commissioner to contract with third parties to collect fees and share information and maintain records, to authorize license renewal and reinstatement periods, to provide for the payments of non-refundable application fees, to provide that the Commissioner shall report Banking Code violations and enforcement actions to the Nationwide Mortgage Licensing System, to require the Commissioner to establish an information challenge process for data entered into the Nationwide Mortgage Licensing System, and to provide that the Commissioner may promulgate regulations to implement the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nationwide Mortgage Licensing System Conformity Second Congressional Review Emergency Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Applicant" means a person filing an initial or renewal application for licensure or registration under the Banking Code.

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(2) "Application" means an initial or renewal application for licensure or registration under the Banking Code processed through the Department or its designee such as the NMLS or any other person or third party prescribed by the Commissioner.

(3) "Banking Code" means the statutory provisions concerning banking and financial institutions that are codified in Title 26 of the District of Columbia Official Code, laws administered by the Commissioner, and rules and regulations promulgated under those statutory provisions and laws.

(4) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(5) "Conference of State Bank Supervisors" or "CSBS" means the professional association of state officials responsible for chartering, regulating, and supervising state-chartered commercial and savings banks and state-licensed branches and agencies of foreign banks.

(6) "Department" means the Department of Insurance, Securities, and Banking.

(7) "Nationwide Mortgage Licensing System and Registry" or "NMLS" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators, or their successors for the licensing and registration of persons engaged in the state-regulated financial service industries.

(8) "State Regulatory Registry, LLC" or "SRR" means the entity which owns and operates the NMLS, or its successors.

(9) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLS.

### Sec. 3. Unique identifier required.

Each licensee and registrant under the Banking Code shall register with, and maintain, a valid unique identifier issued by the NMLS.

### Sec. 4. Form and contents of application.

(a) An application shall be filed on a form prescribed by the Commissioner, including all information required by the Commissioner as set forth by statute or regulation.

(b) For purposes of participating in the NMLS, the Commissioner is authorized to waive or modify in whole or by part any statutory or regulatory requirements for applications in any provision of the Banking Code, and to establish new requirements as are reasonably necessary to participate in NMLS.

### Sec. 5. Background checks.

The Commissioner may use the NMLS as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source as directed by the Commissioner.



## ENROLLED ORIGINAL

## Sec. 6. Confidential information.

To assist in the performance of the Commissioner's duties under this act, the Commissioner may:

(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with state, federal, and international regulatory agencies and law enforcement authorities, and with the CSBS, SRR, NMLS, and their affiliates or subsidiaries; provided, that the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information;

(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, including confidential and privileged documents, materials, or other information, from state, federal, or international regulatory agencies or law enforcement authorities or from the CSBS, SRR, NMLS or their affiliates or subsidiaries, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or other information;

(3) Enter into agreements for sharing and using confidential information consistent with this act;

(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLS, and receive criminal history record information from NMLS, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure or registration under the Banking Code; and

(5) Contract with a third party, including the SRR, the CSBS, or their affiliates or subsidiaries, to perform any functions, including the collection of licensing, registration and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations-related activities covered under the Banking Code, that the Commissioner may consider appropriate.

## Sec. 7. Renewal.

(a) A license or registration issued under this act shall expire on a date to be determined by the Commissioner. A license or registration may thereafter be renewed for one-year term extensions as provided by this section.

(b) Before a license expires, the applicant may renew the license or registration for additional one-year terms, if the applicant:

(1) Demonstrates that the applicant continues to meet the standards for licensing or registration under this act and under all relevant provisions of the Banking Code;

(2) Pays all applicable fees as prescribed by the Commissioner and all third-party fees; and

(3) Submits to the Commissioner a renewal application on the form that the Commissioner requires.

## ENROLLED ORIGINAL

## Sec. 8. Application fees.

(a) When filing an application, each applicant shall pay the applicable fees prescribed by the Commissioner and any third-party fees. Any fees paid in connection with the processing of an application shall be non-refundable.

(b) The Commissioner may, from time to time, increase or decrease the fees set forth in this section. The fees shall be fixed at such rates, and computed on such bases and in such manner as may, in the judgment of the Commissioner, be necessary to defray the approximate costs of carrying out the regulatory functions set forth in this act and the Banking Code. These fees shall not be abated or refunded by surrender, suspension, cancellation, or revocation of a registration.

## Sec. 9. NMLS reporting requirements.

The Commissioner shall regularly report violations of the Banking Code, as well as enforcement actions and other relevant information, to the NMLS. The reports shall be subject to the provisions of section 6t.

## Sec. 10. NMLS information challenge process.

The Commissioner shall establish a process whereby applicants, licensees, and registrants may challenge information entered into the NMLS by the Commissioner.

## Sec. 11. Rules.

The Commissioner may issue rules to implement the provisions of this act.

## Sec. 12. Applicability.

This act shall apply as of January 6, 2015.

## Sec. 13. Fiscal impact statement.

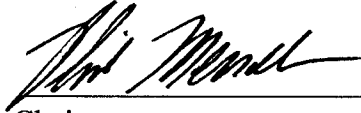
The Council adopts the fiscal impact statement in the committee report for the Nationwide Mortgage Licensing System Conformity Act of 2014, passed on 2<sup>nd</sup> reading on November 18, 2014 (Enrolled version of Bill 20-802), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

## Sec. 14. 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 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-584**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To authorize, on an emergency basis, the Mayor to assemble the W Street Trash Transfer site, Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110, through the use of eminent domain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Emergency Act of 2014".

Sec. 2. Findings.

The Council finds that:

(1) The District of Columbia Water and Sewer Authority ("DC Water") currently operates a site south of N Place, S.E., north of the Anacostia River and between 1<sup>st</sup> and Canal Streets, S.E. ("DC Water Site").

(2) Pursuant to the Anacostia Waterfront Framework Plan, the District of Columbia plans to dispose of and develop a portion of the DC Water Site so as to leverage other large-scale District investments in the Capitol Riverfront/Near Southeast neighborhood, such as the South Capitol Street Bridge project and Nationals Park, thereby serving to accelerate and promote economic vitality as well as enhance economic development in the District of Columbia.

(3) For the planned disposition and development to proceed, it is necessary for DC Water to relocate the functions currently at the DC Water Site.

(4) The District of Columbia and DC Water have entered into a Memorandum of Understanding for DC Water to relocate a portion of the uses from the DC Water Site to a site in Prince Georges County, Maryland.

(5) The District desires to relocate the current DC Water Site uses not being relocated to the Prince Georges County site, including customer care and sewer service operations, to Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 ("W Street Site").

(6) The W Street Site is currently occupied by a private trash transfer station.

(7) The trash transfer station is a blighting factor in Brentwood and its

## ENROLLED ORIGINAL

surrounding communities.

(8) Residents of Brentwood and the surrounding communities have concerns regarding the noxious fumes that emanate from the trash transfer station and pervasive vermin and have complained that there is an increased incidence of health concerns.

(9) The W Street Site trash transfer station continues to operate as an open air trash transfer station, which allows its pungent odors to reach much farther than they would if the facility were closed.

(10) Since August 2012, the District Department of the Environment has conducted at least 37 inspections and issued 8 notices of infractions to the W Street Site trash transfer station.

(11) The W Street Site will provide an opportunity to construct and establish an updated customer care and sewer service operation for DC Water that is more centrally located within the District of Columbia.

(12) The relocation of DC Water to the W Street Site shall not be considered as a permanent solution to the future use of the site. The permanent future use of the W Street Site should include sustainable economic development and be made in consultation with the surrounding community.

Sec. 3. Exercise of eminent domain.

The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36, 41 and 802 in Square 3942 and Parcels 0143/107 and 0143/110 for the purposes set forth in section 2.

Sec. 4. Fiscal impact statement.

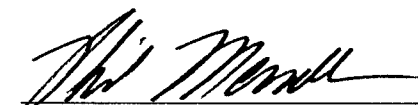
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-585**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code and the Fiscal Year 2015 Budget Support Act of 2014 to clarify the applicability date of the market-based sourcing legislation and the tax sale interest rate to be paid to certain purchasers; and to amend the Fiscal Year 2015 Budget Support Act of 2014 to provide grant-making authority for a specified purpose to the Deputy Mayor for Planning and Economic Development for Fiscal Year 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Market-based Sourcing Inter Alia Clarification Emergency Amendment Act of 2014".

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

(a) Section 47-1334 is amended to read as follows:

"§ 47-1334. Interest rate.

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

"(b) The purchaser shall receive simple interest of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382.01(d)(2), and as provided in § 47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements."

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

(1) Subsection (a)(10) is amended to read as follows:

"(10) A statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor."

## ENROLLED ORIGINAL

(2) Subsection (c) is amended by striking the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption; provided, that the purchaser shall not receive interest on any surplus." and inserting the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus." in its place.

(c) Section 47-1353(d) is amended to read as follows:

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c); provided, that the purchaser shall not receive interest on any surplus."

(d) Section 47-1810.02(g)(3) is amended to read as follows:

"(3)(A) For the tax years beginning after December 31, 2014, sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District:

"(i) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District;

"(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District;

"(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District; and

"(iv) In the case of intangible property:

"(I) That is rented, leased, or licensed, if and to the extent the property is used in the District; provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District; and

"(II) That is sold, if and to the extent the property is used in the District; provided, that:

"(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District;



## ENROLLED ORIGINAL

"(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under sub-sub-paragraph (I) of this sub-subparagraph; and

"(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor.

"(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated.

"(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor.

"(D) The Chief Financial Officer may prescribe regulations as necessary or appropriate to carry out the purposes of this subsection.

"(E) This paragraph shall apply as of October 1, 2014."

Sec. 3. The Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended as follows:

(a) Section 6089 is amended to read as follows:

"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), and a grant of \$1 million for economic development to the Washington, DC Economic Partnership."

(b) Section 7012 (c)(10)(D) is amended by striking the phrase "(3)(A) Sales, other than sales of tangible" and inserting the phrase "(3)(A) For tax years beginning after December 31, 2014, sales, other than sales of tangible" in its place.

(c) Section 7102(c) is amended as follows:

(1) Paragraph (4) is amended by striking the phrase "simple interest of 1%" and inserting the phrase "simple interest of 1.5%" in its place.

(2) Paragraph (12) is amended as follows:

(A) Subparagraph (A)(iii) is amended to read as follows:

"(iii) Paragraph (10) is amended to read as follows:

"(10) A statement that the rate of simple interest, upon redemption, shall be 1.5% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor." "

(B) Subparagraph (C)(ii) is amended by striking the phrase "1%" and inserting the phrase "1.5%" in its place.

ENROLLED ORIGINAL


(3) Paragraph (15)(D) is amended by striking the phrase "1%" and inserting the phrase "1.5%" in its place.


Sec. 4. 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. 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 20-586**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to regulate the sale of tickets from public space.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ticket Sale Regulation Emergency Amendment Act of 2014".

Sec. 2. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new section 573.8 to read as follows:

"573.8 No person shall sell or offer to sell any ticket from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, musical or theatrical performance, opera, sporting event, circus, or any entertainment of any kind; provided, that sales of tickets on public space for sightseeing bus excursions shall comply with the provisions of §§ 573.5, 573.6, 573.7."

Sec. 3. Fiscal impact statement.

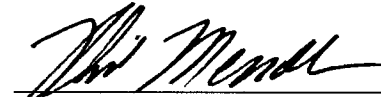
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

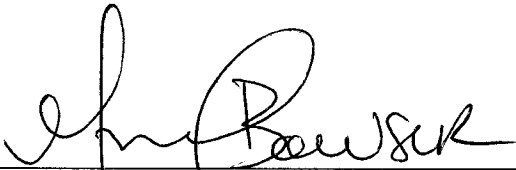
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2015

## ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-587**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2015**

To amend, on an emergency basis, due to congressional review, the Fiscal Year 2015 Budget Support Act of 2014 to clarify provisions supporting the Fiscal Year 2015 budget.

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

Sec. 2. The Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), is amended as follows:

(a) Section 1043(d) is amended by striking the phrase "to the Capital Fund as Paygo" and inserting the phrase "equally among the Local Streets Ward-Based Capital Projects. 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)" in its place.

(b) Section 1052(b) is amended by striking the phrase "(2) "Eligible employee" means a District government employee eligible to accrue annual leave who has experienced a qualifying event." and inserting the following in its place:

"(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."

(c) Section 1053 is repealed.

(c-1) Section 2012(a)(3) is amended by striking the phrase "§ 28-3905" and inserting the phrase "Chapter 18 of Title 2" in its place.

(d) Section 2094(c) is amended by striking the phrase "within the following area" and inserting the phrase "abutting the following line" in its place.

(e) Section 3052(b) is amended to read as follows:

"(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 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

## ENROLLED ORIGINAL

is authorized to receive overtime compensation under this subsection may earn overtime in excess of \$ 30,000 in a fiscal year.””.

(f) A new section 4073a is added to read as follows:

“Sec. 4073a. Child development facility requirements.

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

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

(g) Section 4074(a) is amended as follows:

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

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

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

“(4) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report listing the names and locations of licensed child development facilities with 50 % or more eligible children enrolled, whether the facility participates in the CACF Program, and whether and why the facility was excused from participation.”.

(h) Section 5072(b) is amended as follows:

(1) Strike the phrase “October 1, 2015” and insert the phrase “October 1, 2014” in its place.

(2) Strike the phrase “section (c) of this subsection” and insert the phrase “subsection (c) of this section” in its place.

(i) Section 6002 is amended as follows:

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

“(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.”.

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

“(c) Section 303 (D.C. Official Code § 10-1103.02) is amended to read as follows:

“Sec. 303. (a)(1) The Chief Financial Officer shall assess and collect rent and charges from the owner or owners of abutting property for any vault located in the public space abutting such property, unless such vault has been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor.

## ENROLLED ORIGINAL

"(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 .".

(j) Section 7002 is amended by striking the phrase "3-year period" and inserting the phrase "4-year period" in its place.

(k) New sections 7010a, 7010b, 7010c, 7010d, and 7010e are added to read as follows:

"Sec. 7010a. The Retail Incentive Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-288; 60 DCR 2325), is repealed.

## ENROLLED ORIGINAL

“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.

“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.”.

(l) Section 7012 is amended as follows:

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

(A) Strike the phrase “approved, any recurring revenues in a quarterly revenue estimate” and insert the phrase “approved by the District, any recurring revenues in a February revenue estimate” in its place.

(B) Strike the phrase “\$6,650 for Head of Household” and insert the phrase “\$6,500 for Head of Household” in its place.

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

(A) Paragraph (1)(C) is amended to read as follows:

“(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;



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"(B) In the case of a return filed by a head of household:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

"(I) \$6,500 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) Subject to availability of funding and in accordance with § 47-181, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986;

"(C) In the case of a return filed by married individuals filing a joint return, or a surviving spouse:

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(ii) For taxable years beginning after December 31, 2014, the highest of:

"(I) \$8,350 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);

"(II) Subject to availability of funding and in accordance with § 47-181, \$10,275 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

"(III) The standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986; and

"(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.".

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

"(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;

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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.”.

(C) Paragraph (4) is amended as follows:

(i) Subparagraph (A) is amended to read 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.”.

(ii) Subparagraph (E) is amended by striking the phrase “and subject to § 47-1806.04(e)”.

(iii) Subparagraph (F) is amended by striking the phrase “The amount” and inserting the phrase “For tax years beginning after December 31, 2014, the amount” in its place.

(D) Paragraph (6)(B) is amended by striking the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986” and inserting the phrase “40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986; provided, that the credit shall not be allowed to a resident who has elected to claim the low income tax credit provided for in subsection (e) of this section” in its place.

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

“(d-1) Section 47-2002(a) is amended as follows:

“(1) Paragraph (5) is repealed.

“(2) Paragraph (6) is repealed.”.

(4) Subsection (f)(2)(A) and (C) is amended by striking the phrase “before January 1, 2015” both times it appears and inserting the phrase “before January 1, 2016” in its place.

(m) Section 7052 is amended to read as follows:

“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 is made under subsection (e) of this section, excluding the adjusted gross income of any person who is a tenant by virtue of a written lease for fair market value.”.

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“(B) Subsection (c) is amended by striking the phrase “interest at the rate of 8% per annum” and inserting the phrase “simple interest at the rate of 1/2% per month or portion of a month until paid” in its place.

“(C) Subsection (d) is amended by striking the phrase “and § 47-845” and 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:

“(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.

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“(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)(1) is amended by striking the phrase “§ 47-845” and inserting the phrase ““§§ 47-845, 47-845.02, and 47-845.03” in its place.

“(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.”.

(q) Section 7102 is amended to read as follows:

“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;

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"(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

"(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

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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 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:

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"§ 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, 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."

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“(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:

“(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.”.



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“(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.

"(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.

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"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property. You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property.

"Payment to the "DC Treasurer" may be made online at [www.taxpayerservicecenter.com](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.

"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

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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:

"(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.

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"If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale.

- "You may FAX the receipt to (202) 478-5995; EMAIL the receipt to [email address]; or HAND-DELIVER a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024.

- "Do not mail your paid receipt.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION.

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

"RESOURCES FOR REAL PROPERTY TAXPAYERS  
IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at .....

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

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

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

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

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

"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."

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“(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 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

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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 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

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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 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

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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:

"[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  
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"Real Property Tax Ombudsman. Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at .....

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

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

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

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

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

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

"(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

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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 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"

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“(viii) Paragraph (7) is repealed.

“(B) New subsections (b-1) and (b-2) are added to read as follows:

“(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.

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“(B) Subsection (c) is repealed.

“(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)."

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

“(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:

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"(I) In a case in which the property is redeemed before the 5th status hearing, reasonable attorneys' fees not to exceed \$1,500;

"(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.

## ENROLLED ORIGINAL

"(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.

"(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

## ENROLLED ORIGINAL

deceased), was occupying as his or her principal residence when the complaint to 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;



## ENROLLED ORIGINAL

"(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."

(n) Section 7103(d) is amended to read as follows:

"(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:

"(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."

(o) A new section 7173 is added to read as follows:

"Sec. 7173. Applicability.

"This subtitle shall be applicable for tax years beginning after December 31, 2014."

(p) A new section 7185 is added to read as follows:

"Sec. 7185. The grant program established by this subtitle shall be funded by the savings realized from section 7184."

(q) Section 8032(a) is amended by striking the phrase "Regional Transportation Improvement Program" and inserting the phrase "region's Transportation Improvement Program" in its place.

### Sec. 3. Applicability.

This act shall apply as of December 30, 2014.

### Sec. 4. Fiscal impact statement.

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

### Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
January 13, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-588**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 14, 2015**

To amend, on a temporary basis, the District of Columbia Health Occupations Revision Act of 1985 to extend the transition period for persons currently meeting the requirements for licensure as trauma technologists in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Trauma Technologists Licensure Temporary Amendment Act of 2014".

Sec. 2. Section 653 of the District of Columbia Health Occupations Revision Act of 1985, effective January 25, 2014 (D.C. Law 20-64; D.C. Official Code § 3-1206.53), is amended by striking the phrase "12 months" and inserting the phrase "24 months" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(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.

ENROLLED ORIGINAL

(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  
January 14, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-589**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2015**

To amend, on a temporary basis, the Day Care Policy Act of 1979 to establish a pilot community-based Quality Improvement Network that will allow children and families to benefit from early, continuous, intensive, and comprehensive child development and family-support engagement services, including educational, health, nutritional, behavioral, and family support services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Early Learning Quality Improvement Network Temporary Amendment Act of 2014".

Sec. 2. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended by adding a new section 15a to read as follows:

"Sec. 15a. Comprehensive child development programs.

"(a) Notwithstanding sections 3 through 11, the Office of the State Superintendent of Education ("OSSE") shall establish a pilot community-based Quality Improvement Network ("QIN") composed of:

"(1) Child development hubs, selected through a competitive process, that will provide quality improvement technical assistance and comprehensive services to licensed child development centers and licensed child development homes selected by OSSE to be partners and that agree to meet federal Early Head Start Program Performance Standards for program participation; and

"(2) Child development centers and child development homes, selected through a competitive process, to provide low-income infants and toddlers high-quality, full-day, full-year comprehensive early learning and development services and continuum of care.

"(b) Child development centers and child development homes within the QIN shall receive technical assistance from child development hubs to achieve the following within 18 months of being selected by OSSE to participate in the QIN:

"(1) Child development centers and child development homes within the QIN shall have adult-to-child ratios and group sizes that meet or exceed federal Early Head Start standards for all children from birth to 3 years of age in child development centers, or as otherwise approved by OSSE.

"(2) Child development centers and child development homes within the QIN shall have a comprehensive curriculum or program that is aligned with federal Head Start

## ENROLLED ORIGINAL

Program Performance Standards and the District's early learning and development standards for serving infants, toddlers, and their families.

"(3) Staff who have direct supervision of infants and toddlers at child development centers and child development homes within the QIN shall, at a minimum, meet or exceed Early Head Start Standards for staff qualifications or credentials.

"(4) Child development centers and child development homes within the QIN shall partner with child development hubs to develop and implement a quality improvement plan, including aligning program policies and procedures to support on-site coaching, professional development, and teacher planning time.

"(5) Child development centers and child development homes within the QIN shall provide child-, family-, and program-level data to OSSE and the child development hubs as requested.

"(6) Child development centers and child development homes within the QIN shall participate in ongoing, on-site, and desktop monitoring activities to ensure compliance with program requirements and Head Start Program Performance Standards required to remain in good standing with OSSE, the child development hubs, and the U.S. Department of Health and Human Services, Office of Head Start, if applicable.

"(7) Child development centers and child development homes within the QIN shall support comprehensive services for children and families by the child development hubs, including implementation of individualized family service plans.

"(8) Child development centers and child development homes within the QIN shall participate in the Child and Adult Care Food Program.

"(9) Child development centers and child development homes within the QIN shall facilitate children's and families' transitions to Pre-K or Head Start programs.

"(c) OSSE shall have authority to set payment rates, and to develop policies and procedures for high-quality early learning and development services set under the authority of this section.

"(d) To be eligible for infant and toddler child development services provided by child-care partners in the QIN, a child shall be a resident of the District of Columbia and between birth and 3 years of age; provided, that a child who turns 3 years old during a program year may continue to receive services for the duration of the program year before transitioning into a pre-kindergarten or Head Start preschool program.

"(e) To the extent possible, priority enrollment shall be given to children between birth and 3 years of age whose families are living at or below the federal poverty level, who are homeless or in the foster care system, or who live with a grandparent, godparent or relative who is receiving a grandparent caregiver subsidy pursuant to Title I of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01 *et seq.*).

"(f) OSSE shall monitor the child development hubs and partner participants in the QIN for adherence to policies and procedures set under the authority of this act.

"(g) OSSE may, in whole or in part, terminate the grant provided to a child development hub or partner participant at any time if OSSE determines that the hub or partner participant has:

ENROLLED ORIGINAL

“(1) Substantially failed to comply with, or meet the objectives and terms of, the grant award; or

“(2) Failed to comply with applicable federal or District laws or regulations.

“(h) OSSE shall continue on-site monitoring for health and safety licensing compliance of child-care partners participating in the QIN; provided, that OSSE may delegate to the child development hubs on-site monitoring of the compliance of participating child development centers and homes with federal Head Start Program Performance Standards; provided, that relevant data collected by child development hubs is regularly reported to OSSE.”.


Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
January 22, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-590**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2015**

To amend, on a temporary basis, the Education Licensure Commission Act of 1976 to extend authority to the Commission to require an educational institution physically located outside the District of Columbia offering postsecondary degree-granting or non-degree-granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia, and to provide the Commission with the authority to enter into reciprocity agreements in regard to online instruction; and to amend the State Education Office Establishment Act of 2000 to designate the Office of the State Superintendent of Education the state portal agency for state authorization reciprocity.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Education Licensure Commission Temporary Amendment Act of 2014".

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

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

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

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

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

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

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

(b) Section 6 (D.C. Official Code § 38-1306) is amended by adding a new subsection (c-1) to read as follows:



## ENROLLED ORIGINAL

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

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

(1) Paragraph (3) is amended by striking the word “and” at the end.

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

(3) New Paragraphs (5) and (6) are added to read as follows:

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

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

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

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

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

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

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

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

(B) Paragraph (2) is repealed.

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

Sec. 3. Section 3(b)(6) 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)(6)), is amended by striking the semicolon and inserting the phrase “, including acting as the state portal agency for the purposes of state authorization reciprocity;” in its place.

Sec. 4. 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)).

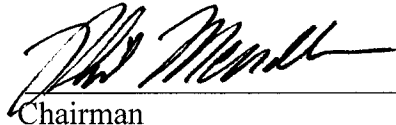
Sec. 5. Effective date.

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

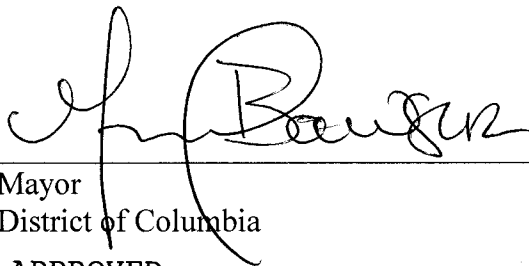
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 22, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-591**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2015**

To amend, on a temporary basis, An Act To provide for the payment and collection of wages in the District of Columbia to clarify who may bring an action on behalf of an employee and when a general contractor and subcontractor or a general contractor and temporary staffing firm will be jointly and severally liable for violations, to revise criminal penalties for violations of the act, and to authorize the Mayor to issue rules to implement the provisions of the act; to amend the Minimum Wage Act Revision Act of 1992 to clarify the time period for retention of payroll records, when a general contractor and subcontractor or a general contractor and temporary staffing firm will be jointly and severally liable for violations, and how the Mayor shall make certain information available to employers; and to amend the Wage Theft Prevention Amendment Act of 2014 to repeal a retroactive applicability provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2014".

Sec. 2. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-1303) is amended as follows:

(1) Paragraph (5) is amended as follows:

(A) Strike the word "alleged" and insert the word "found" in its place.

(B) Strike the phrase "Act." and insert the phrase "Act, except as otherwise provided in a contract between the contractor and subcontractor in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

(2) Paragraph (6) is amended by striking the phrase "District." and inserting the phrase "District, except as otherwise provided in a contract between the temporary staffing firm and the employer in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

(b) Section 7(a) (D.C. Official Code § 32-1307(a)) is amended to read as follows:

"(a)(1) Any employer who negligently fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

## ENROLLED ORIGINAL

“(A) For the first offense, an amount per affected employee of not more than \$2,500;

“(B) For any subsequent offense, an amount per affected employee of not more than \$5,000.

“(2) Any employer who willfully fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

“(A) For the first offense, be fined not more than \$5,000, or imprisoned not more than 30 days, or both; or

“(B) For any subsequent offense, be fined not more than \$10,000, or imprisoned not more than 90 days, or both.

“(3) The fines set forth in paragraphs (1) and (2) of this subsection shall not be limited by 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).”.

(c) Section 8(a) (D.C. Official Code § 32-1308(a)) is amended by striking the phrase “, or any entity a member of which is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act”.

(d) A new section 10b is added to read as follows:

“Sec. 10b. Rules.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1068 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.”.

Sec. 3. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 9(a)(1) (D.C. Official Code § 32-1008(a)(1)) is amended by striking the phrase “3 years or whatever the prevailing federal standard is, whichever is greater” and inserting the phrase “3 years or the prevailing federal standard, if identified in regulations issued pursuant to this act, whichever is greater” in its place.

(b) Section 10(c) (D.C. Official Code § 32-1009(c)) is amended to read as follows:

“(c) The Mayor shall make copies or summaries of this act publicly available on the District government’s website or by some other appropriate method within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157). An employer shall not be liable for failure to post notice if the Mayor has failed to provide to the employer the notice required by this section.”.

(c) Section 12(d)(1)(C) (D.C. Official Code § 32-1011(d)(1)(C)) is amended by striking the phrase “3 years or whatever the prevailing federal standard is, whichever is greater” and inserting the phrase “3 years or the prevailing federal standard, if identified in regulations issued pursuant to this act, whichever is greater” in its place.

(d) Section 13 (D.C. Official Code § 32-1012) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “act.” and inserting the phrase “act, except as otherwise provided in a contract between the contract and subcontractor in

ENROLLED ORIGINAL

effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

(2) Subsection (f) is amended by striking the phrase "District." and inserting the phrase "District, except as otherwise provided in a contract between the temporary staffing firm and the employer in effect on the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157)." in its place.

Sec. 4. Section 7 of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157), is repealed.

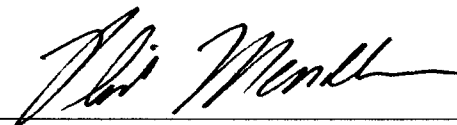
Sec. 5. Fiscal impact statement.


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

Sec. 6. Effective date.

(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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 22, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-592**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2015**

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require each District government attorney, hearing examiner and administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of District government employment to file a Certificate of Good Standing from the District of Columbia Court of Appeals on an annual basis.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014".

Sec. 2. Section 881(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective July 25, 2002 (D.C. Law 14-182; D.C. Official Code § 1-608.81(a)), is amended as follows:

(a) Strike the phrase "each attorney employed at the level of DS-13 or above," and insert the phrase "each attorney, hearing officer, or administrative law judge" in its place.

(b) Strike the phrase "by the Mayor" and insert the phrase "employed by the Mayor" in its place.

(c) Strike the phrase "District of Columbia Office of Personnel" and insert the phrase "Board of Ethics and Government Accountability" in its place.

(d) Strike the phrase "on an annual basis" and insert the phrase "by December 15 of each year" in its place.

Sec. 3. 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. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 22, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-593**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 23, 2015**

To amend the Human Rights Act of 1977 to ensure that individuals are protected from discrimination by an employer, employment agency, or labor organization, based on an individual's or dependent's reproductive health decisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reproductive Health Non-Discrimination Amendment Act of 2014".

Sec. 2. Section 105 of the Human Rights Act of 1977, effective July 17, 1985 (D.C. Law 6-8; D.C. Official Code § 2-1401.05), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "related medical conditions, or breastfeeding" and inserting the phrase "related medical conditions, breastfeeding, or reproductive health decisions" in its place.

(b) Subsection (b) is amended by striking the phrase "related medical conditions, or breastfeeding" and inserting the phrase "related medical conditions, or breastfeeding, and employees affected by reproductive health decisions" in its place.

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

"(c) For the purposes of this section, the term "reproductive health decisions" includes a decision by an employee, an employee's dependent, or an employee's spouse related to the use or intended use of a particular drug, device, or medical service, including the use or intended use of contraception or fertility control or the planned or intended initiation or termination of a pregnancy."

Sec. 3. 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)).

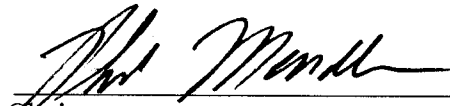
Sec. 4. Effective date.


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



ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 23, 2015

ENROLLED ORIGINAL

## A RESOLUTION

20-710

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to the District of Columbia Health Occupations Revision Act of 1985 to extend the transition period for persons currently meeting the requirements for licensure as trauma technologists in the District

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Trauma Technologists Licensure Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On January 25, 2014, the Trauma Technologists Licensure Amendment Act, D.C. Law 20-0064, went into effect. Its intent, among other things, was to require the Board of Medicine to draft regulations that would require trauma technologists to become licensed.

(b) A provision of that act allows individuals who have already met certain qualifications to be deemed trauma technologists for a period of 12 months following January 25, 2014. The purpose of this provision was to cover individuals who have already been working full-time as trauma technologists.

(c) The Department of Health’s Board of Medicine planned to have the regulations in place prior to January 25, 2014, but have recently acknowledged that they will not have them completed by this time.

(d) Without this emergency measure, hundreds of individuals who have done the work of trauma technologists will be prevented from obtaining a license for work that they have already done for years.

(e) The Trauma Technologists Licensure Emergency Amendment Act of 2014 will extend the transition period by an additional 12 months, thus allowing for the Board of Medicine to complete the regulations and to permit individuals who are already doing the work of trauma technologists to do so without interruption.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Trauma Technologists Licensure Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-711

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, the Omnibus Public Safety Agency Reform Amendment Act of 2004 to clarify when the period of time during which the Metropolitan Police Department may commence a disciplinary procedure against an employee begins to run, and to add additional tolling provisions for criminal investigations occurring in any jurisdiction within the United States and investigations by the Office of the Inspector General and the Office of the District of Columbia Auditor; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and An Act relating to the Metropolitan police of the District of Columbia to allow the Chief of Police to appoint to command ranks from among the Metropolitan Police Department's lieutenants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to specify the start date of the 90-day timeline for the commencement of discipline at the Metropolitan Police Department ("MPD") and to add additional tolling provisions to ensure the proper discipline of employees who commit misconduct and the proper functioning of the timeline.

(b) Under D.C. Official Code § 5-1031, the MPD and the Fire and Emergency Management Services Department ("FEMS") have 90 business days, after they gain actual or constructive knowledge of an incident of misconduct, to commence a disciplinary proceeding against an employee. However, the timeline tolls if the United States Attorney's Office, MPD, or the Office of the Attorney General is conducting a criminal investigation based on the act or occurrence underlying the department's disciplinary case, or for any investigation into the act or occurrence by the Office of Police Complaints. If the department fails to commence discipline prior to the deadline, the department is barred from later taking disciplinary action against the employee for that conduct. According to MPD, the 90-day rule has resulted in a reversal of discipline in 21 cases since 2004 where the matter went to arbitration or to a hearing examination, and the arbitrator or hearing examiner ruled that MPD violated the 90-day rule; as a result, the discipline could not be enforced, regardless of any determinations as to whether or not the discipline was merited with respect to the employee's conduct.

## ENROLLED ORIGINAL

(c) Because the 90-day timeline begins when MPD “knew or should have known” of the alleged act or occurrence constituting misconduct, there may be, and in fact are, discrepancies between when MPD understood the timeline to begin and when the employee, or arbitrator, understood the timeline to begin. Passage of this emergency act will ensure that all parties know clearly when the timeline begins and ends, and that no more discipline will be unenforceable due to confusion over the start date.

(d) Furthermore, MPD is facing significant shortages with the retirement bubble. The rapid hiring of more than 1,500 officers between 1989 and 1991 created retirement eligibility for 21% of the sworn members of the force in 2015 and 30% by 2017. The percentages are vastly greater among the higher ranks. For example, among management positions (Captain and Lieutenant), 63% will be eligible for retirement in just 3 years; for command staff (Inspector and above), the number of eligible staff jumps to 74%. There may soon be a situation where the Chief will need to fill unusually high numbers of command staff positions. For example, in 2015, 19 of the 31 command staff officers will be eligible to retire. If many command staff positions open up in rapid succession over the next few years, the Chief of Police would have to pick from a dwindling pool of candidates. Several command staff vacancies presently exist, and the need for opening up a larger, more competitive pool of candidates is immediate.

(e) Passage of this emergency act will enable MPD to immediately fill command staff vacancies with the best qualified candidates.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-712

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to prohibit employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Prohibition on Pre-Employment Marijuana Testing Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On November 4, 2014, Initiative 71, the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014, passed with over 114,000 residents approving the measure.

(b) The initiative allows people 21 years of age or older to possess, use, or transport 2 ounces or less of marijuana, transfer an ounce or less to a person 21 years of age or older, and grow marijuana plants within their own home for personal use.

(c) The Council is currently reviewing the Marijuana Legalization and Regulation Act of 2014, which would legalize the possession of marijuana and marijuana-infused products for personal use, as well as the retail sale of marijuana and associated paraphernalia.

(d) With the use and possession of marijuana being legalized due to the passage of Initiative 71, it is imperative that people who choose to use marijuana are not stigmatized when looking for employment.

(e) Ms. Shawn Stokes, Director of the Department of Human Resources, testified that by enacting this legislation, the District will join a majority of states that have regulated or restricted an employer’s ability to require drug testing as a prerequisite for employment.

(f) Ms. Erica McWhorter from the National Association for the Advancement of Colored People DC Branch testified that legislation is needed to require certain employers to remove pre-employment drug screenings for marijuana from their job applications to prevent community members from unfair discrimination in employment decisions.

(g) As Initiative 71 has passed, testing procedures for marijuana should mirror the testing procedures for alcohol.

(h) The Committee on Business, Consumer and Regulatory Affairs had a hearing on, and approved the permanent version of this legislation, the Prohibition on Pre-Employment Marijuana Testing Act of 2014 (Committee print of Bill 20-728) by a vote of 5 to 0.

**ENROLLED ORIGINAL**

(i) Emergency legislation is a necessary step forward in the marijuana legalization process to ensure that prospective employees are able to act within the bounds of the law and not face discrimination.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Prohibition on Pre-Employment Marijuana Testing Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-713

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to amend Chapter 46 of Title 47 of the District of Columbia Official Code to clarify the real property tax abatement for Lot 808, Square 5041 and Lot 811, Square 5056.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Declaration Resolution of 2014”.

Sec. 2. (a) It is necessary to pass emergency legislation addresses the immediate concerns related to a mixed-income residential property development in Ward 7.

(b) In December 2012, the Council passed the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012, effective January 12, 2013 (D.C. Law 19-255; 60 DCR 987), which amended Chapter 46 of Title 47 of the District of Columbia Official Code to abate the imposition of taxes on certain real property, Lot 808, Square 5041 and Lot 811, Square 5056, known as the Parkside Parcel E and J Mixed-Income Apartments, a development located in the Parkside neighborhood in Ward 7.

(c) The tax abatement allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed up to a total maximum amount for both lots of \$600,000 per year for 10 property tax years, commencing at the beginning of the first month following the date of the issuance of a final certificate of occupancy.

(d) When the Council passed the bill, Parkside Residential, LLC owned parcels E and J. The company has since partnered with additional entities for the development, creating a new ownership entity.

(e) The property is scheduled to go into closing in the first half of December 2014, and it is necessary for the language of the tax abatement to be consistent with the existing arrangement.

(f) The emergency and temporary legislation modifies the language of the tax abatement to include only references to the square and lots for development in lieu of the names of developers and development projects. The legislation also changes the 10-year \$600,000 per

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year real property tax abatement for both lots into a 10-year \$300,000 per year real property tax abatement for each lot.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

20-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to approve proposed compensation system changes for uniformed members of the Fire and Emergency Medical Services Department not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Career and Excepted Service Employees Compensation System for Changes for Fire Officials Emergency Declaration Resolution of 2014”.

Sec. 2. (a) It has become necessary to adjust the salary schedules by 3.0% for the period of April 6, 2012, through April 6, 2013; .5% for the period of April 7, 2013, through April 5, 2014; and 3.5% for the period of April 6, 2014, through October 4, 2014, for non-union fire officials in the Career and Excepted Service that were included in the Career, Educational, Excepted, Management Supervisory, Legal and Executive Services for Non-Collective Bargaining Unit Employees Compensation System Changes Emergency Approval Resolution of 2013, effective June 18, 2013 (Res. 20-166; 60 DCR 9600), retroactively to April 6, 2012.

(b) Pursuant to the Interest Arbitration Award and Compensation Agreement between the District of Columbia Fire and Emergency Medical Services Department and the Local 36 International Association of Firefighters (Compensation Unit 4) Emergency Approval Act of 2014, approved July 30, 2014 (D.C. Act 20-0384; 61 DCR 8043), union employees in the Fire and Emergency Medical Services Department occupying uniformed positions are scheduled to receive a salary increase of 3.0% for the period of April 6, 2012, through April 6, 2013; 3.5% for the period of April 7, 2013, through April 5, 2014; and 3.5% for the period of April 6, 2014, through October 4, 2014.

(c) The salary increases and effective date in subsection (a) of this section are consistent with the salary increase awarded to Compensation Unit 4 and will reduce the gap between collective bargaining unit and non-collective bargaining unit uniformed members of the Fire and Emergency Medical Services Department.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Career and Excepted Service Employees Compensation System Changes for Fire Officials Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-715

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To approve, on an emergency basis, the proposed compensation system changes submitted by the Mayor for certain uniformed members of the Fire and Emergency Medical Services Department not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Career and Excepted Service Employees Compensation System Changes for Fire Officials Emergency Approval Resolution of 2014".

Sec. 2. 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), the Council of the District of Columbia approves the proposed compensation system changes recommended by the Mayor for a salary increase of 3.0% for the period of April 6, 2012, through April 6, 2013; 3.5% for the period of April 7, 2013, through April 5, 2014; and 3.5% for the period of April 6, 2014, through October 4, 2014, to the salary of Career and Excepted Service employees not covered by collective bargaining in the Fire and Emergency Medical Services Department occupying the positions of Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief, which were transmitted by the Mayor to the Council on October 20, 2014.

Sec. 3. The proposed compensation system changes referred to in section 2 of this resolution are approved as follows:

ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2012  
**Effective Date:** 4/6/2012 (Revised 9/2014)  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary October 1, 2006	\$ 91,428	\$ 96,182	\$ 101,183	\$ 106,446
	Base Pay with 3% Increase as of April 6, 2012= Base Pay #1	\$ 94,171	\$ 99,067	\$ 104,218	\$ 109,639
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 98,879	\$ 103,776	\$ 108,927	\$ 114,348
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 103,588	\$ 108,485	\$ 113,636	\$ 119,056
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 108,296	\$ 113,193	\$ 118,344	\$ 123,765
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 113,005	\$ 117,902	\$ 123,053	\$ 128,474
Class 09 Deputy Fire Chief	Base Annual Salary October 1, 2006	\$ 107,295	\$ 114,484	\$ 122,156	\$ 130,341
	Base Pay with 3% Increase as of April 6, 2012= Base Pay #1	\$ 110,514	\$ 117,919	\$ 125,821	\$ 134,251
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 116,040	\$ 123,444	\$ 131,346	\$ 139,777
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 121,565	\$ 128,970	\$ 136,872	\$ 145,303
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 127,091	\$ 134,496	\$ 142,398	\$ 150,828
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 132,617	\$ 140,021	\$ 147,923	\$ 156,354
Class 10 Assistant Chief	Base Annual Salary October 1, 2006	\$ 126,346	\$ 134,764	\$ 143,744	
	Base Pay with 3% Increase as of April 6, 2012= Base Pay #1	\$ 130,136	\$ 138,807	\$ 148,056	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 136,643	\$ 145,314	\$ 154,563	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 143,150	\$ 151,821	\$ 161,070	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 149,657	\$ 158,327	\$ 167,577	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 156,164	\$ 164,834	\$ 174,084	

ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2013  
**Effective Date:** 4/7/2013 (Revised 9/2014)  
**Union/Nonunion:** Non-union **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)

**% Increase:** 3.5%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary April 6, 2012	\$ 94,171	\$ 99,067	\$ 104,218	\$ 109,639
	Base Pay with 3.5% Increase as of April 7, 2013= Base Pay #1	\$ 97,467	\$ 102,535	\$ 107,866	\$ 113,477
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 102,340	\$ 107,408	\$ 112,739	\$ 118,350
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 107,214	\$ 112,282	\$ 117,613	\$ 123,223
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 112,087	\$ 117,155	\$ 122,486	\$ 128,097
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 116,960	\$ 122,028	\$ 127,360	\$ 132,970
Class 09 Deputy Fire Chief	Base Annual Salary April 6, 2012	\$ 110,514	\$ 117,919	\$ 125,821	\$ 134,251
	Base Pay with 3.5% Increase as of April 7, 2013= Base Pay #1	\$ 114,382	\$ 122,046	\$ 130,224	\$ 138,950
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 120,101	\$ 127,765	\$ 135,943	\$ 144,669
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 125,820	\$ 133,484	\$ 141,663	\$ 150,388
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 131,539	\$ 139,203	\$ 147,382	\$ 156,107
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 137,258	\$ 144,922	\$ 153,101	\$ 161,826
Class 10 Assistant Chief	Base Annual Salary April 6, 2012	\$ 130,136	\$ 138,807	\$ 148,056	
	Base Pay with 3.5% Increase as of April 7, 2013= Base Pay #1	\$ 134,691	\$ 143,665	\$ 153,238	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 141,426	\$ 150,400	\$ 159,973	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 148,160	\$ 157,134	\$ 166,707	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 154,895	\$ 163,869	\$ 173,442	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 161,629	\$ 170,603	\$ 180,177	

ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2014  
**Effective Date:** 4/6/2014 (Revised 9/2014)  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA D02, XAA DO3, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)

**% Increase:** 3.5%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary April 7, 2013	\$ 97,467	\$ 102,535	\$ 107,866	\$ 113,477
	Base Pay with 3.5% Increase as of April 6, 2014= Base Pay #1	\$ 100,878	\$ 106,124	\$ 111,641	\$ 117,448
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 105,922	\$ 111,167	\$ 116,685	\$ 122,492
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 110,966	\$ 116,211	\$ 121,729	\$ 127,536
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 116,010	\$ 121,255	\$ 126,773	\$ 132,580
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 121,054	\$ 126,299	\$ 131,817	\$ 137,624
Class 09 Deputy Fire Chief	Base Annual Salary April 7, 2013	\$ 114,382	\$ 122,046	\$ 130,224	\$ 138,950
	Base Pay with 3.5% Increase as of April 6, 2014= Base Pay #1	\$ 118,385	\$ 126,317	\$ 134,782	\$ 143,813
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 124,304	\$ 132,237	\$ 140,702	\$ 149,733
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 130,224	\$ 138,156	\$ 146,621	\$ 155,652
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 136,143	\$ 144,075	\$ 152,540	\$ 161,571
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 142,062	\$ 149,994	\$ 158,459	\$ 167,490
Class 10 Assistant Chief	Base Annual Salary April 7, 2013	\$ 134,691	\$ 143,665	\$ 153,238	
	Base Pay with 3.5% Increase as of April 6, 2014= Base Pay #1	\$ 139,405	\$ 148,693	\$ 158,602	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 146,376	\$ 155,664	\$ 165,572	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 153,346	\$ 162,634	\$ 172,542	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 160,316	\$ 169,604	\$ 179,512	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 167,286	\$ 176,575	\$ 186,483	

ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2015  
**Effective Date:** 10/5/2014 (Revised 9/2014)  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)

**% Increase:** 3.0%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary April 6, 2014	\$ 100,878	\$ 106,124	\$ 111,641	\$ 117,448
	Base Pay with 3% increase as of October 5, 2014= Base Pay #1	\$ 103,905	\$ 109,307	\$ 114,991	\$ 120,972
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 109,100	\$ 114,502	\$ 120,186	\$ 126,167
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 114,295	\$ 119,698	\$ 125,381	\$ 131,362
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 119,490	\$ 124,893	\$ 130,576	\$ 136,558
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 124,685	\$ 130,088	\$ 135,772	\$ 141,753
Class 09 Deputy Fire Chief	Base Annual Salary April 6, 2014	\$ 118,385	\$ 126,317	\$ 134,782	\$ 143,813
	Base Pay with 3% increase as of October 5, 2014= Base Pay #1	\$ 121,937	\$ 130,107	\$ 138,826	\$ 148,128
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 128,034	\$ 136,204	\$ 144,923	\$ 154,225
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 134,130	\$ 142,300	\$ 151,019	\$ 160,321
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 140,227	\$ 148,397	\$ 157,116	\$ 166,418
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 146,324	\$ 154,494	\$ 163,213	\$ 172,515
Class 10 Assistant Chief	Base Annual Salary April 6, 2014	\$ 139,405	\$ 148,693	\$ 158,602	
	Base Pay with 3% increase as of October 5, 2014= Base Pay #1	\$ 143,588	\$ 153,154	\$ 163,360	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 150,767	\$ 160,334	\$ 170,539	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 157,946	\$ 167,513	\$ 177,718	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 165,126	\$ 174,692	\$ 184,898	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 172,305	\$ 181,872	\$ 192,077	

ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2016  
**Effective Date:** 10/4/2015 (Revised 9/14)  
**Union/Nonunion:** Non-union **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)  
  
**% Increase:** 3.0%  
**Resolution Number:**  
**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary October 5, 2014	\$ 103,905	\$ 109,307	\$ 114,991	\$ 120,972
	Base Pay with 3% Increase as of October 4, 2015= Base Pay #1	\$ 107,022	\$ 112,586	\$ 118,440	\$ 124,601
	Service Longevity Payment- 15 YOS @ 3% of Step 1 Pay #1= Pay #2	\$ 112,373	\$ 117,938	\$ 123,791	\$ 129,952
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 117,724	\$ 123,289	\$ 129,143	\$ 135,303
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 123,075	\$ 128,640	\$ 134,494	\$ 140,654
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 128,426	\$ 133,991	\$ 139,845	\$ 146,005
Class 09 Deputy Fire Chief	Base Annual Salary October 5, 2014	\$ 121,937	\$ 130,107	\$ 138,826	\$ 148,128
	Base Pay with 3% Increase as of October 4, 2015= Base Pay #1	\$ 125,595	\$ 134,010	\$ 142,990	\$ 152,572
	Service Longevity Payment- 15 YOS @ 3% of Step 1 Pay #1= Pay #2	\$ 131,875	\$ 140,290	\$ 149,270	\$ 158,851
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 138,154	\$ 146,569	\$ 155,550	\$ 165,131
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 144,434	\$ 152,849	\$ 161,830	\$ 171,411
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 150,714	\$ 159,129	\$ 168,109	\$ 177,690
Class 10 Assistant Chief	Base Annual Salary April 6, 2014	\$ 143,588	\$ 153,154	\$ 163,360	
	Base Pay with 3% Increase as of October 5, 2014= Base Pay #1	\$ 147,895	\$ 157,749	\$ 168,260	
	Service Longevity Payment- 15 YOS @ 3% of Step 1 Pay #1= Pay #2	\$ 155,290	\$ 165,144	\$ 175,655	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 162,685	\$ 172,538	\$ 183,050	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 170,079	\$ 179,933	\$ 190,445	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 177,474	\$ 187,328	\$ 197,839	



ENROLLED ORIGINAL

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2017  
**Effective Date:** 10/2/2016 (Revised 9/14)  
**Union/Nonunion:** Non-union **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FF0003 (XAA D03)  
  
**% Increase:** 3.0%  
**Resolution Number:**  
**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary October 4, 2015	\$ 107,022	\$ 112,586	\$ 118,440	\$ 124,601
	Base Pay with 3% Increase as of October 2, 2016= Base Pay #1	\$ 110,232	\$ 115,964	\$ 121,994	\$ 128,339
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 115,744	\$ 121,476	\$ 127,505	\$ 133,851
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 121,256	\$ 126,987	\$ 133,017	\$ 139,362
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 126,767	\$ 132,499	\$ 138,528	\$ 144,874
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 132,279	\$ 138,011	\$ 144,040	\$ 150,386
Class 09 Deputy Fire Chief	Base Annual Salary October 4, 2015	\$ 125,595	\$ 134,010	\$ 142,990	\$ 152,572
	Base Pay with 3% Increase as of October 2, 2016= Base Pay #1	\$ 129,363	\$ 138,030	\$ 147,280	\$ 157,149
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 135,831	\$ 144,498	\$ 153,748	\$ 163,617
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 142,299	\$ 150,967	\$ 160,216	\$ 170,085
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 148,767	\$ 157,435	\$ 166,685	\$ 176,553
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 155,235	\$ 163,903	\$ 173,153	\$ 183,021
Class 10 Assistant Chief	Base Annual Salary October 4, 2015	\$ 147,895	\$ 157,749	\$ 168,260	
	Base Pay with 3% Increase as of October 2, 2016= Base Pay #1	\$ 152,332	\$ 162,481	\$ 173,308	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 159,949	\$ 170,098	\$ 180,925	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 167,565	\$ 177,715	\$ 188,541	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 175,182	\$ 185,331	\$ 196,158	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 182,798	\$ 192,948	\$ 203,775	

Sec. 4. Applicability.

The compensation system changes in section 3 for fiscal years 2012, 2013, and 2014, shall become effective retroactively, on April 6, 2012, April 7, 2013, and April 6, 2014, respectively, and for fiscal years 2015, 2016, and 2017, shall be effective the first pay period on or after October 1<sup>st</sup> of fiscal years specified above.

Sec. 5. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Metropolitan Police Department.

Sec. 6. 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. 7. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-716

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$50 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist The Brookings Institution in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Brookings Institution Revenue Bonds Project Emergency Declaration Resolution of 2014".

Sec. 2. (a) The Brookings Institution ("Borrower"), which is a nonprofit corporation organized under the laws of the District of Columbia, seeks to have District of Columbia revenue bonds issued and to receive a loan of the proceeds from the sale of the bonds for the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs to:

(1) Refund of all or a portion of the outstanding District of Columbia Revenue Bonds (The Brookings Institution Issue), Series 2009, originally issued in the aggregate principal amount of \$40 million pursuant to the provisions of The Brookings Institution Revenue Bonds Project Approval Resolution of 2008, effective July 1, 2008 (Res. 17-673; 55 DCR 7834);

(2) Fund any required deposit to a debt service reserve fund or other reserve fund;

(3) Pay all or a portion of eligible Issuance Costs; and

(4) Pay any bond insurance or other credit enhancement.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for the costs of the project described in subsection (a) of this section.

(c) Presently interest rates on tax-exempt bonds are low, but recent market trends indicate that the market is volatile, and there is uncertainty concerning how long interest rates will remain low. For the Borrower to maximize interest savings on the District of Columbia the revenue bonds, the issuance needs to occur as soon as possible.

(d) Expedient Council approval of the bond resolution authorizing the issuance of up to \$50 million of District of Columbia revenue bonds would permit the revenue bonds to be issued promptly to provide maximum savings for the Borrower and enable the project described in

**ENROLLED ORIGINAL**

subsection (a) of this section to be completed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that The Brookings Institution Revenue Bonds Project Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-717

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$50 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist The Brookings Institution in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “The Brookings Institution Revenue Bonds Project Emergency Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Brookings Institution, a nonprofit corporation organized under the laws of the District of Columbia and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

## ENROLLED ORIGINAL

(8) “Financing Documents” means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs to:

(A) Refund all or a portion of the outstanding District of Columbia Revenue Bonds (The Brookings Institution Issue), Series 2009, originally issued in the aggregate principal amount of \$40 million pursuant to the provisions of The Brookings Institution Revenue Bonds Project Approval Resolution of 2008, effective July 1, 2008 (Res. 17-673; 55 DCR 7834);

(B) Fund certain working capital expenditures associated with the foregoing, to the extent financeable;

(C) Fund any required deposit to a debt service reserve fund or other reserve fund;

(D) Pay for any bond insurance or other credit enhancement; and

(E) Pay Issuance Costs.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may affect the financing, refinancing, or

## ENROLLED ORIGINAL

reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$50 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

(4) The Project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and of social services and contributes to the health, education, and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$50 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

## ENROLLED ORIGINAL

## Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.



## ENROLLED ORIGINAL

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

**Sec. 6. Sale of the Bonds.**

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

**Sec. 7. Payment and security.**

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

**Sec. 8. Financing and Closing Documents.**

## ENROLLED ORIGINAL

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents

## ENROLLED ORIGINAL

to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the

## ENROLLED ORIGINAL

Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

**ENROLLED ORIGINAL**

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-718

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to amend the Education Licensure Commission Act of 1976 to extend authority to the commission to require an educational institution physically located outside the District of Columbia offering postsecondary degree-granting or non-degree granting online programs or courses to District of Columbia residents to be licensed in the District of Columbia, and to provide the commission with the authority to enter into reciprocity agreements in regard to online instruction; and to amend the State Education Office Establishment Act of 2000 to designate the Office of the State Superintendent of Education the state portal agency for reciprocity authorization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Education Licensure Commission Emergency Declaration Resolution of 2014".

Sec. 2. (a) The District of Columbia seeks to ensure that a wide array of postsecondary learning opportunities is available for our residents. Across the country, at least 7 million students are using online technology to access postsecondary courses.

(b) Postsecondary online distance education expands learning opportunities by providing flexible, accessible methods to acquiring new skills and fulfilling degree requirements.

(c) The rapid growth of online distance education has brought to the forefront the need to provide a coherent and comprehensive structure that focuses on consumer protection and security while maintaining the unique features of online distance learning.

(d) Students in online distance education programs require stronger protection than traditional students because they are completing their courses and programs outside of the visibility of traditional oversight and monitoring structures.

(e) Many states have already taken the step to protect their student residents involved in online distance education. The District must move forward to keep up with best practices in postsecondary licensing.

(f) The current Education Licensure Commission law does not specifically require schools outside of the District offering online distance education programs to District residents to be licensed, leaving District residents unprotected against unethical practices by false or misleading postsecondary entities.

(g) An immediate need exists to protect District residents who may be unable to assess the legitimacy, quality, or legality of a postsecondary educational institution.

## ENROLLED ORIGINAL

(h) Currently, over 100 postsecondary educational institutions outside of the District are providing distance education to District residents and have made inquiries to the Education Licensure Commission about getting licensed in the District.

(i) Until the changes proposed in the emergency legislation are made, there is no guidance that the Education Licensure Commission can provide to these postsecondary educational institutions and no basic standards or safeguards that the Education Licensure Commission can require of these institutions. Furthermore, District-based postsecondary institutions that are engaging in distance education in other jurisdictions must navigate multiple state licensing requirements that are both cumbersome and costly.

(j) The changes in the emergency legislation will allow the Education Licensure Commission to enter into state authorization reciprocity agreements (“SARA”) with other jurisdictions regarding licensing online distance education programs, which will result in ensuring security and consumer protections while making the process and costs of providing distance education less cumbersome and costly.

(k) The Education Licensure Commission is currently in discussion to enter into a SARA but cannot move forward with this until it has the legal authority to license distance education programs.

(l) Without emergency legislation, private and public institutions of higher learning in the District, including the University of the District of Columbia (“UDC”), will have to pay fees to each state to conduct online learning programs in their state. This is extremely expensive and burdensome for the District’s institutions of higher learning.

(m) The emergency legislation, which authorizes the Education Licensure Commission to enter into a SARA, will save both UDC and the District’s private institutions of higher learning tens of thousands of dollars in fees in the coming months.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Education Licensure Commission Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-719

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to amend the Day Care Policy Act of 1979 to establish a pilot, community-based Quality Improvement Network that will allow children and families to benefit from early, continuous, intensive, and comprehensive child development and family-support engagement services, including educational, health, nutritional, behavioral, and family-support services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Early Learning Quality Improvement Network Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The District of Columbia leads the nation in providing high-quality pre-K to 3- and 4-year olds. In order to ensure that the District’s youngest children are prepared when they enter our pre-K programs, a need exists to increase the quality child care and services that our 0-3 year old population receives.

(b) Currently, 3,542 children ages 0-3 years receive child care subsidy in the District of Columbia, and of those children, 38% come from families with no income, 63% come from families whose incomes are under 100% of the federal poverty level (“FPL”), and 75% come from families whose incomes are under 130% of the FPL. These are generally the District’s most vulnerable residents who need comprehensive services and a continuity of care to ensure that they are poised to succeed when they enter pre-K and kindergarten.

(c) In order to address the needs of the population discussed in subsection (b) of this section and their families, the Office of the State Superintendent of Education (“OSSE”) is creating a pilot Early Learning Quality Improvement Network (“QIN”) composed of child development facilities that will serve as hubs to provide quality improvement technical assistance and comprehensive services to licensed child development centers and licensed child development homes. The child development centers and child development homes will provide low-income infants and toddlers high-quality, full-day, full-year comprehensive early learning and development services, including health, mental health, nutrition, and family engagement support, and a continuum of care.

(d) The pilot QIN will allow the District to demonstrate the effectiveness of an evidence-based model of infant and toddler child care to support children’s learning and development outcomes. Federal studies of use of the Early Head Start standards have shown improved cognitive skills and social development by the age of 3 years. Thus, better preparation of the



## ENROLLED ORIGINAL

District's youngest children will allow them to be more successful later in school, as well as lead to long-term positive social and educational outcomes.

(e) Under current District law, children receiving child care subsidy are not guaranteed continuity of care, as their subsidy status is linked to their guardian's employment status. Thus, if a parent loses his or her job, his or her child will lose subsidy and thus child care. This disruption is particularly detrimental to these children, as they are often the population with the greatest need for consistency and continuity. Thus, a need exists to allow the children in the pilot QIN to continue to receive child care subsidy, and therefore child care, in spite of the employment status of their guardian.

(f) In August 2014, OSSE applied for a federal Department of Health and Human Services grant to support the QIN. This federal grant requires recipients to provide continuity of care for children participating in the QIN. To date, OSSE has heard from the HHS that we are in the fundable range and thus anticipate receiving the federal grant, thereby further elevating the need for this legislation.

(g) Additionally, the federal HHS grant requires recipients to provide children enrolled in the QIN free child care and comprehensive services. Under current District law, this is not possible. While a child's family may receive subsidy to cover his or her child care, the law still requires the parent to pay for a portion of the child care based on a sliding scale adjusted for the guardian's income level. Therefore, in order to fulfill the requirement of the federal grant, as well as to ensure that the District's most vulnerable population has access to complete and comprehensive health, mental health, nutrition, and family engagement services, a need exists for the children included in the pilot QIN to be exempt from the payment requirement sections of the Day Care Policy Act of 1979.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Early Learning Quality Improvement Network Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-720

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to clarify and improve the laws prohibiting wage theft and the enforcement of those laws.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Wage Theft Prevention Correction and Clarification Emergency Declaration Resolution of 2014.

Sec. 2. (a) There exists a need to amend the Wage Theft Prevention Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157), before it becomes law to clarify when certain of its provisions shall take effect, who may bring an action on behalf of an employee, and how the Mayor shall make certain information available to employers, to revise criminal penalties for violations, and to authorize the Mayor to issue rules.

(b) These changes will enhance the ability of the District to enforce laws prohibiting wage theft, thus protecting victims of employers who fail to perform the basic obligation of paying employees for work completed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Wage Theft Prevention Correction and Clarification Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-721

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to approve Modification No. 4 to Contract No. CW24075 with Tri-Gas & Oil, Inc., to provide biodiesel fuel and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 4 to Contract No. CW24705 Approval and Payment Authorization Emergency Declaration Resolution of 2014".

Sec. 2. (a) There exists an immediate need to approve Modification No. 4 to Contract No. CW24705 with Tri-Gas & Oil, Inc., to provide biodiesel fuel and to authorize payment for the services received and to be received under the contract.

(b) Effective November 7, 2014, the Office of Contracting and Procurement ("OCP"), on behalf of the Department of General Services, exercised a partial option for the period November 7, 2014, through January 31, 2015, in the not-to-exceed amount of \$990,000. The partial option was awarded so that the contractor could continue to provide the required fuel.

(c) OCP seeks approval of the definitized contract in the maximum amount of \$2 million.

(d) Council approval is necessary since the contract is more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Tri-Gas & Oil, Inc., cannot be paid for fuel to be provided in excess of \$990,000.00.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 4 to Contract No. CW24705 Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-722

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to approve the disposition of District-owned real property, formerly known as the Stevens School, located at 1050 21st Street, N.W., and known for tax and assessment purposes as Lot 0876 in Square 0073.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stevens School Disposition Approval Emergency Declaration Resolution of 2014”.

Sec. 2. (a) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes (“Act”), approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the proposed method of disposition is a lease for a period of greater than 20 years under section 1(b)(8)(C) (D.C. Code § 10-801(b)(8)(C)) of the Act and as described in the term sheet submitted with this resolution.

(b) All documents that are submitted with this resolution pursuant to section 1(b-1) (D.C. Official Code § 10-801(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) (D.C. Official Code § 10-801(b-1)(2)) of the Act.

(c) The Property is located at 1050 21st Street, N.W., and consists of 30,620 square feet of land with a portion of the Property containing a vacant building of approximately 41,800 square feet.

(d) The intended use of the Property (the “Project”) is the rehabilitation of the vacant building for an educational use, a mixed-use development with office and retail on the vacant portion of the site, and any ancillary uses allowed under applicable law.

(e) The Developer of the Property will be a team comprised of the John Akridge Company and the Argos Group.

(f) The Development Team intends to renovate and preserve the former school building to serve students diagnosed with Autism Spectrum Disorders and develop a commercial office building on the adjacent vacant land. The school will be operated by IvyMount, a private, non-profit school currently located in Rockville, MD, that provides quality educational programs and therapeutic services to students with special needs from 4 to 21 years of age.

**ENROLLED ORIGINAL**

(g) The Project will contain affordable housing as described in the term sheet submitted with this resolution.

(h) The Developer will enter into an agreement that shall require the Lessees 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.

(i) The Developer will enter into a First Source Agreement with the District that shall govern certain obligation of the Lessees 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 (November 9, 1983), regarding job creation and employment as a result of the construction on the Property.

(j) Without this emergency action, the proposed disposition resolution will be deemed disapproved on December 15, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Stevens School Disposition Emergency Approval Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-723

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to approve an adjustment to appropriations pursuant to the Omnibus Appropriations Act, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Fiscal Year 2015 Revised Budget Request Emergency Declaration Resolution of 2014”.

Sec. 2.(a) The Soccer Stadium Development Act of 2014, as approved by the Committee of the Whole on December 2, 2014 (Committee print of Bill 20-805), will undergo first reading before the Council on December 2, 2014.

(b) Bill 20-805 is subject to funding and needs a funding mechanism to become applicable.

(c) The District has other appropriations needs, including a need for the District of Columbia Auditor to spend carryover funds, the advancement of capital funding for the H Street Bridge capital project, and new capital funding for structural repairs to the John A. Wilson Building.

(d) An adjustment to appropriations, including the use of revenues that would be generated by Bill 20-805, will enable full implementation of Bill 20-805 and meet the needs identified in subsection (c) of this section.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2015 Revised Budget Request Emergency Adjustment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-724

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Tenant Opportunity to Purchase Act of 1980 to clarify the tenant opportunity to purchase in the case of the sale of multi-unit housing for the purposes of demolition or a notice of discontinuance of housing use.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tenant Opportunity to Purchase Congressional Review Emergency Declaration Resolution of 2014”.

Sec. 2.(a) Pursuant to the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.01 *et seq.*) (“Tenant Opportunity Act”), tenants of multi-unit housing must be given the first opportunity to purchase the property at a price and terms that are in fact a bona fide offer of sale.

(b) The Tenant Opportunity to Purchase Emergency Amendment Act of 2014, effective October 7, 2014, (Act 20-434; 61 DCR 10715) (“Emergency Amendment Act”), defined a bona fide offer of sale in the case of the sale of multi-unit housing for the purposes of demolition or a notice of discontinuance of housing use as a sales price that is less than or equal to the appraised value of the real property.

(c) The Emergency Amendment Act expires on January 5, 2015.

(d) The Tenant Opportunity to Purchase Temporary Amendment Act of 2014, signed by the Mayor on October 17, 2014 (D.C. Act 20-453; 61 DCR 11101) (“temporary legislation”), was transmitted to Congress on November 13, 2014, for the 30-day review period required by 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)).

(e) The temporary legislation is projected to become law on December 30, 2014. However, due to adjournment sine die of the 113<sup>th</sup> Congress, the temporary act is unlikely to become law by that date. Therefore, a congressional review emergency is needed to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tenant Opportunity to Purchase Congressional Review Emergency Amendment Act of 2014 be adopted after a single reading.

Sec 4. The resolution shall take effect immediately.

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

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

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

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

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|--------|---|
| B21-28 | Local Resident Voting Rights Amendment Act of 2015<br><br>Intro. 1-20-15 by Councilmembers Grosso, Allen, Evans, Nadeau, and Silverman and referred to the Committee on Judiciary   |
| <hr/>  |   |
| B21-29 | Failure to Yield for Emergency Vehicles Amendment Act of 2015<br><br>Intro. 1-20-15 by Councilmember McDuffie and referred to the Committee on Transportation and the Environment with comments from the Committee on Judiciary |
| <hr/>  |   |
| B21-30 | The Injured Worker Fair Pay Amendment Act of 2015<br><br>Intro. 1-20-15 by Councilmember McDuffie and referred to the Committee on Business, Consumer, and Regulatory Affairs   |
| <hr/>  |   |
| B21-31 | Title IX Athletic Equity Act of 2015<br><br>Intro. 1-20-15 by Councilmembers McDuffie, Cheh, and Grosso and referred to the Committee on Education  |
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B21-32	Specialty Drug Copayment Limitation Act of 2015  Intro. 1-20-15 by Councilmembers Cheh and Bonds and referred to the Committee on Business, Consumer, and Regulatory Affairs with comments from the Committee on Health and Human Services
B21-33	Artist Protection Amendment Act of 2015  Intro. 1-20-15 by Councilmembers Cheh and Evans and referred to the Committee on Business, Consumer, and Regulatory Affairs
B21-34	Books from Birth Establishment Amendment Act of 2015  Intro. 1-20-15 by Councilmembers Allen, Alexander, Bonds, Cheh, Evans, Grosso, McDuffie, Orange, Silverman, and Nadeau, and Chairman Mendelson and referred to the Committee on Education
B21-35	Full-Time Employment For Councilmembers Charter Amendment Act of 2015  Intro. 1-20-15 by Councilmember Orange and referred to the Committee of the Whole
B21-36	Government Ethics Prohibition on Third-Party Employers Amendment Act of 2015  Intro. 1-20-15 by Councilmember Orange and referred to the Committee of the Whole
B21-37	Councilmembers Outside Employment Disclosure Act of 2015  Intro. 1-20-15 by Councilmember Orange and referred to the Committee of the Whole

B21-38            Death with Dignity Act of 2015

Intro. 1-14-15 by Councilmember Cheh and referred to the Committee on Health and Human Services with comments from the Committee on Business, Consumer, and Regulatory Affairs and the Committee on Judiciary

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B21-39            Military Installation Public Charter School Amendment Act of 2015

Intro. 1-22-15 by Councilmember Grosso and Chairman Mendelson and referred to the Committee on Education

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B21-40            Office of Gay, Lesbian, Bisexual, and Transgender Affairs Amendment Act of 2015

Intro. 1-22-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Community Development

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### **PROPOSED RESOLUTIONS**

PR21-19           Director of the Department of Small and Local Business Development Ana Harvey Confirmation Resolution of 2015

Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

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PR21-20           Director of the Office of Planning Eric Shaw Confirmation Resolution of 2015

Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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PR21-21           Director of the District Department of the Environment Tommy Wells Confirmation Resolution of 2015

Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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- PR21-22      Director of the Department of Health LaQuanda Nesbitt  
Confirmation Resolution of 2015
- Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
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- PR21-23      Deputy Mayor for Education Jennifer Niles Confirmation Resolution of 2015
- Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR21-24      Director of the District Department of Transportation Leif  
Dormsjo Confirmation Resolution of 2015
- Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR21-25      Director of the Department of Housing and Community Development  
Polly Donaldson Confirmation Resolution of 2015
- Intro. 1-16-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Community Development
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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT  
NOTICE OF A PUBLIC HEARING  
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

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

**ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE ON**

**PR 21-025, the “Director of the Department of Housing and Community Development  
Polly Donaldson Confirmation Resolution of 2015”**

on

Friday, February 20, 2015, at 11 a.m.  
John A. Wilson Building, Room 123  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a Public Hearing on PR 21-025, the “Director of the Department of Housing and Community Development Polly Donaldson Confirmation Resolution of 2015.” The hearing will be held on Friday, February 20, 2015, at 11 a.m., in room 123 of the John A. Wilson Building.

The purpose of PR 21-025 is to confirm the Mayoral appointment of Mary R. (Polly) Donaldson as the Director of the Department of Housing and Community Development of the District of Columbia.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-5473, or email [ikang@dccouncil.us](mailto:ikang@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business Wednesday, February 18, 2015. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individual witnesses and five minutes for organizations (less time may be allowed if there are a large number of witnesses). A copy of PR 21-025 can be obtained through the Legislative Services Division ((202) 724-8050) of the Office of the Secretary to the Council, or at <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, March 6, 2015.

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

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**NOTICE OF PUBLIC ROUNDTABLE ON**

**PR 21-0021, the Director of the District Department of the Environment  
Tommy Wells Confirmation Resolution of 2015**

**PR 21-0024, the Director of the District Department of Transportation Leif  
Dormsjo Confirmation Resolution of 2015**

Friday, February 13, 2015  
at 10:30 a.m.  
in Room 123 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Friday, February 13, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public roundtable on PR 21-0021, the Director of the District Department of the Environment Tommy Wells Confirmation Resolution of 2015, and PR 21-0024, the Director of the District Department of Transportation Leif Dormsjo Confirmation Resolution of 2015. This legislation would confirm Tommy Wells as Director of the District Department of the Environment (DDOE) and Leif Dormsjo as Director of the District Department of Transportation (DDOT). The hearing will begin at 10:30 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Mr. Adam Gutbezahl, Legislative Counsel to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [agutbezahl@dccouncil.us](mailto:agutbezahl@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to [agutbezahl@dccouncil.us](mailto:agutbezahl@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Mr. Adam Gutbezahl, Legislative Counsel to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [agutbezahl@dccouncil.us](mailto:agutbezahl@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on February 16, 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. 21-04:** Request to reprogram \$49,476,800 Capital funds budget authority and allotment within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on January 22, 2015. This reprogramming is to support the cost of school modernizations, phased modernizations, and small capital projects.

RECEIVED: 14 day review begins January 23, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Hearing Date: March 30, 2015
Protest Date: June 10, 2015

License No.: ABRA-097672
Licensee: BonChon DCMetro, LLC
Trade Name: Bonchon
License Class: Retailer's Class "C" Restaurant
Address: 1015 Half Street, S.E.
Contact: Paul Y. Choi: 703-475-0849

WARD 6

ANC 6D

SMD 6D02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for June 10, 2015 at 1:30 pm.

NATURE OF OPERATION

Full service restaurant. Seating for 150 patrons, total occupancy load of 200 and sidewalk café with 80 seats.

HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR PREMISES

Sunday through Saturday 11:30 am – 2 am

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

Sunday 11:30 am – 8 pm and Monday through Saturday 11:30 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Hearing Date: March 30, 2015
Protest Date: June 10, 2015

License No.: ABRA-097815
Licensee: Capital Fringe, Inc.
Trade Name: Capital Fringe
License Class: Retailer's Class "CX" Multi-Purpose Facility
Address: 1358-1360 Florida Ave., N.E.
Contact: Peter Korbel: 202-737-7230

WARD 5

ANC 5D

SMD 5D06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on June 10, 2015.

NATURE OF OPERATION

Transfer to new location. Seating capacity of 350 and total occupancy load of 350. Summer Garden with 100 seats.

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

Sunday 12 pm - 2 am, Monday through Thursday 5 pm - 2 am, and Friday 5 pm - 3 am & Saturday 12 pm - 3 am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Roll Call Hearing Date: March 30, 2015

License No.: ABRA-096103
Licensee: HBGT, LLC
Trade Name: Chez Billy Sud
License Class: Retailer's Class "C" Restaurant
Address: 1039 31st Street, N.W.
Contact: Candace M. Fitch: 202-258-8624

WARD 2

ANC 2E

SMD 2E05

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

NATURE OF SUBSTANTIAL CHANGE:

Request is for an expansion from 1039 31st Street, N.W. to 1035 31st Street, N.W. The seating capacity in this expanded space is 60 with a total occupancy load of 90.

APPROVED HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 7 am – 1 am, Friday & Saturday 7 am – 2 am

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

Sunday 10 am – 12 am, Monday through Thursday 11:30 am – 12 am, Friday 11:30 am – 2 am, Saturday 10 am – 2 am

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

Sunday 9 am – 12 am, Monday through Thursday 8 am – 12 am, Friday 8 am – 1 am, Saturday 9 am – 1 am

HOURS OF LIVE ENTERTAINMENT

What is in Accela doesn't make sense...please tell me if we should include this

**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: 1/30/2015  
PETITION DATE: 3/16/2015  
HEARING DATE: 3/30/2015**

**License Number: ABRA-022045**

**Applicant: Whole Foods Market Group Inc**

**License Class/Type: B Retail - Grocery**

**Trade Name: Fresh Fields Whole Foods Market**

**SMD: 3B02**

**Premise Address: 2323 WISCONSIN AVE NW**

**Endorsements:**

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
<b>SUN:</b>	<b>7 am - 12 am</b>	<b>7 am -12 am</b>
<b>MON:</b>	<b>7 am - 12 am</b>	<b>7 am - 12 am</b>
<b>TUE:</b>	<b>7 am - 12 am</b>	<b>7 am - 12 am</b>
<b>WED:</b>	<b>7 am - 12 am</b>	<b>7 am - 12 am</b>
<b>THU:</b>	<b>7 am - 12 am</b>	<b>7 am - 12 am</b>
<b>FRI:</b>	<b>7 am - 12 am</b>	<b>7 am - 12 am</b>
<b>SAT:</b>	<b>7 am - 12 am</b>	<b>7 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.

**\*\*RESCIND**

**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 HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Roll Call Hearing Date: March 30, 2015
Protest Hearing Date: June 10, 2015
License No.: ABRA-097651
Licensee: Fourth Street Dining, INC.
Trade Name: Ottoman Taverna
License Class: Retailer's Class "C" Restaurant
Address: 425 I Street, N.W.
Contact: Stephen J. O'Brien: 202-625-7700

WARD 6 ANC 6E SMD 6E05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on June 10, 2015 at 4:30 pm.

NATURE OF OPERATION

Mediterranean/Turkish Restaurant. Background music provided. Live entertainment for weekend brunch and occasional special events. No nude performances. Sidewalk Café with 74 seats and total occupancy load of 251.

HOURS OF OPERATION FOR PREMISES AND SIDEWALK CAFE

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

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

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

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Roll Call Hearing Date: March 30, 2015

License No.: ABRA-087585
Licensee: Ahmed Ouhman Enterprises, LLC
Trade Name: Pop's Seabar 1
License Class: Retailer's Class "C" Restaurant
Address: 1817 Columbia Road, N.W.
Contact: Justin Abad: 202-534-3933

WARD 1

ANC 1C

SMD 1C03

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

NATURE OF SUBSTANTIAL CHANGE:

Request is for a Change of Hours for Premises and Sidewalk Café. The establishment has a total of 75 seats inside and 14 in the Sidewalk Café

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

Sunday 11 am - 11 pm, Monday through Wednesday 11 am - 12:30 am, Thursday 11 am - 2 am, Friday & Saturday 11 am - 3 am

PROPOSED HOURS OF OPERATION FOR PREMISES

Sunday through Thursday 10 am - 1:30 am, Friday & Saturday 10 am - 3 am

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

Sunday through Thursday 10 am - 1 am, Friday & Saturday 10 am - 2:30 am

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

Sunday through Saturday 11 am - 11 pm

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

Sunday through Thursday 10 am - 11 pm, Friday & Saturday 10 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 30, 2015
Petition Date: March 16, 2015
Hearing Date: March 30, 2015

License No.: ABRA-097131
Licensee: Thip Khao, LLC
Trade Name: Thip Khao
License Class: Retailer's Class "C" Restaurant
Address: 3460 14th St., N.W.
Contact: Morris Topf, Esq.: 301-654-6285

WARD 1 ANC 1A SMD 1A02

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a change of hours of operation and sales.

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

Sunday through Saturday 11 am - 10 pm

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

Sunday through Thursday 11 am - 12 am and Friday & Saturday 10 am - 2 am

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

**TIME AND PLACE:** **Monday, March 16, 2015, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 14-18 (Mid-City Financial Corporation – 1<sup>st</sup>-StagePUD & Related Map Amendment @ Squares 3953, 3954, 4024, & 4025)**

**THIS CASE IS OF INTEREST TO ANC 5C and ANC 5B**

On October 1, 2014, the Office of Zoning received an application from Mid-City Financial Corporation (the “Applicant”). The Applicant is requesting approval of a first-stage planned unit development (“PUD”) and related Zoning Map Amendment application. The Office of Planning provided its report on November 14, 2014, and the case was set down for hearing on November 24, 2014. The Applicant provided its prehearing statement on January 8, 2015.

The subject property consists of approximately 20 acres, and is formally designated as: Square 3953, Lots 1-3; Square 3954, Lots 1-5 and Parcel 143/45; Square 4024, Lots 1-4; and Square 4025, Lots 1-7 (the “Subject Property”). The Subject Property is currently the site of the Brookland Manor apartment complex and a strip commercial shopping center located at the intersection of Rhode Island Avenue, N.E. and Montana Avenue, N.E. The Subject Property is generally bounded by Rhode Island Avenue, N.E. to the north, Montana Avenue, N.E. to the east, Downing Street, N.E./14<sup>th</sup> Street, N.E./Saratoga Avenue, N.E. to the south, and Brentwood Road, N.E. to the west.

The proposed PUD project will create a new community that will be called Brentwood Village. The Applicant will replace all of the existing buildings on the Subject Property and will establish a new street grid that will create eight new blocks for development and a new centrally located community green and pedestrian walk (that will consist of approximately two acres of land area). The PUD project will include a variety of housing types (multi-family, senior housing, two-over-two buildings, and townhouses) and a retail component divided among the eight new blocks. The PUD project will include approximately 2,200 residential units and approximately 200,000 square feet of retail uses. Parking for these uses will be provided in below-grade parking structures, integral garage parking for the townhouses, and on-street parking.

The proposed heights of the multi-family buildings will range from 90 feet along Rhode Island Avenue down to 60 feet as one proceeds further into the Subject Property along Saratoga Avenue, N.E., 14<sup>th</sup> Street, N.E., and 15<sup>th</sup> Street, N.E. The proposed two-over-two buildings will be approximately four stories tall, and the townhouses will be three stories tall. The floor area ratio (“FAR”) of the individual blocks ranges from approximately 1.3 for the townhouses, to a maximum of 4.7.

Z.C. NOTICE OF PUBLIC HEARING  
Z.C. CASE NO. 14-18  
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The Subject Property is currently included in the C-2-A and R-5-A Zone Districts. The Subject Property is located and the Moderate-Density Residential land use and Mixed-Use, Moderate-Density Commercial/Moderate-Density Residential land use categories on the District of Columbia's Comprehensive Plan Future Land Use Map. The areas of the Subject Property with frontage along Rhode Island Avenue and Montana Avenue are designated as Main Street Mixed-Use Corridors on the Generalized Policy Map of the Comprehensive Plan. The Applicant is proposing a PUD related Zoning Map Amendment to rezone the Subject Property to the C-2-B, C-2-A, and R-5-B Zone Districts.

The C-2-A Zone District permits a maximum density of 2.5 FAR as a matter-of-right and 3.0 FAR in a PUD project. The maximum height allowed as a matter-of-right in the C-2-A Zone District is 50 feet. A PUD project in the C-2-A Zone District permits a maximum height of 65 feet. The C-2-B Zone District permits a maximum density of 3.5 FAR as a matter-of-right and 6.0 FAR in a PUD project. The maximum height allowed as a matter-of-right in the C-2-B Zone District is 65 feet. A PUD project in the C-2-B Zone District permits a maximum height of 90 feet. The R-5-B Zone District permits a maximum density of 1.8 FAR as a matter-of-right and 3.0 in a PUD project. The maximum height allowed as a matter-of-right in the R-5-A Zone District is 50 feet. A PUD project in the R-5-B Zone District permits a maximum height of 60 feet.

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

**How to participate as a witness.**

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

**How to participate as a party.**

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

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



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Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

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

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

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

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING**FORMAL CASE NO. 945 IN THE MATTER OF THE INVESTIGATION INTO ELECTRIC SERVICE MARKET COMPETITION AND REGULATORY PRACTICES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Sections 2-505(a) and 34-1518 of the District of Columbia Official Code,<sup>1</sup> of its intent to adopt the following amendments to Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

2. On September 12, 2014, the Commission published a Notice of Proposed Rulemaking (“NOPR”) to amend the Chapter 9: Net Energy Metering (“NEM”) of Title 15: Public Utilities and Cable Television Rules, in accordance with the “Community Renewable Energy Amendment Act of 2013” (“CREA”).<sup>2</sup> The CREA establishes a community net metering (“CNM”) program for the District’s retail customers.<sup>3</sup> In the September 12, 2014 NOPR, the Commission sought comments on the proposed amendments to Chapter 9 to ensure its provisions comport with the CREA. Specifically, the September 12, 2014 NOPR proposed to amend the following sections to Chapter 9 of Title 15 of the DCMR: 900, 906, and 999, and to add new Sections 907, 908, 909, and 910. The addition of the new sections resulted in the renumbering of Chapter 9 from Section 907 through 910.<sup>4</sup>

3. In response to the September 12, 2014 NOPR, the Commission received comments from the following entities: 1) the Potomac Electric Power Company (“Pepco”); 2) the Office of People’s Counsel (“OPC”); 3) the Interstate Renewable Energy Council (“IREC”); 4) the Vote Solar Initiative (“Vote Solar”), DC Solar United Neighborhoods (“DC SUN”), and the D.C. Chapter of the Sierra Club (collectively the “VSGGroup”); 5) Nixon Peabody LLP (“NPLaw”); and 6) U.S. Photovoltaics, Inc. (“USPV”).<sup>5</sup> The Commission received reply

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<sup>1</sup> D.C. Official Code §§ 2-505(a) and 34-1518 (2012 Repl. & 2014 Supp.).

<sup>2</sup> The Community Renewable Energy Amendment Act of 2013 (“CREA”) was enacted October 17, 2013. *See* D.C. Act 20-0186. The CREA became effective December 13, 2013. *See* D.C. Law 20-0047.

<sup>3</sup> *See* Sec. 2 of the CREA amending D.C. Official Code § 34-1501, Sec. 101 of the Retail Electric Competition and Consumer Protection Act of 1999.

<sup>4</sup> *Formal Case No. 945, In The Matter of the Investigation into Electric Service Market Competition and Regulatory Practices*, (“*Formal Case No. 945*”), 61 DCR 9370-9380 (September 12, 2014).

<sup>5</sup> *Formal Case No. 945*, Comments of U.S. Photovoltaics, Inc. to the September 14, 2014 NOPR (“USPV’s Comments”), filed October 9, 2014; Comments of the Potomac Electric Power Company to the Notice of the Proposed Rulemaking (“Pepco’s Comments”), filed October 14, 2014; Comments of the Office of People’s Counsel on the Proposed Rulemaking on the Community Renewable Energy Act of 2013 (“OPC’s Comments”), filed

comments from the following entities: Pepco, IREC, and CleanGrid Advisors (“CleanGrid”).<sup>6</sup>

4. Based on the comments and reply comments from the interested entities, the Commission proposes to further amend the proposed rules for Chapter 9. Specifically, the Commission further amends subsections in the following sections of Chapter 9 of Title 15 of the DCMR: 906, 907, 908 and 999. Additionally, these proposed amendments result in a renumbering of the subsections in Sections 906, 907 and 908. This NOPR replaces the NOPR which was published in the *D.C. Register* on September 12, 2014.<sup>7</sup> An explanatory Commission order regarding this amended NOPR is forthcoming.

**Chapter 9, NET ENERGY METERING, of Title 15, PUBLIC UTILITIES AND CABLE TELEVISION, of the DCMR is amended as follows:**

**900 GENERAL PROVISIONS**

**Subsection 900.1 is amended to read as follows:**

900.1 The purpose of this chapter is to set forth the policies and procedures for implementation of the net energy metering and community net metering provisions of the “Retail Electric Competition and Consumer Protection Act of 1999,”<sup>8</sup> as amended, the “Clean and Affordable Energy Act of 2008”<sup>9</sup> (“CAEA”), and the “Community Renewable Energy Amendment Act of 2013” (“CREA”).

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October 14, 2014; Comments on the Proposed Rules for the Interstate Renewable Energy Council, Inc. (“IREC’s Comments”), which represent the positions of the Maryland DC Virginia Solar Energy Industries Association (“MDV-SEIA”), DC SUN, Skyline Innovations (d/b/a Nextility Inc.), Clean Energy Collective (“CEC”), Vote Solar, the DC Sierra Club, filed October 14, 2014; Comments of the Vote Solar Initiative, DC Solar United Neighborhoods (“DC SUN”), and the D.C. Chapter of the Sierra Club to the Notice of Proposed Rulemaking, amending Chapter 9 of Title 15 of the District of Columbia Municipal Regulations (“VSGroup’s Comments”), filed October 14, 2014; Comments of Nixon Peabody in Response to the Notice of Proposed Rulemaking (“NPLaw’s Comments”), filed October 14, 2014; See also IREC’s Errata Comments filed October 15, 2014.

<sup>6</sup> *Formal Case No. 945*, Reply Comments of the Potomac Electric Power Company regarding the Notice of the Proposed Rulemaking (“Pepco’s Reply Comments”), filed October 27, 2014; Reply Comments on the Proposed Rules for the Interstate Renewable Energy Council, Inc. (“IREC’s Reply Comments”), filed October 27, 2014; Reply Comments of CleanGrid Advisors (“Clean Grid Advisors’ Reply Comments”), filed October 28, 2014.

<sup>7</sup> *Formal Case No. 945, In The Matter of the Investigation into Electric Service Market Competition and Regulatory Practices*, (“F.C. 945”), 61 DCR 9370-9380 (September 12, 2014).

<sup>8</sup> The Retail Electric Competition and Consumer Protection Act of 1999 was enacted January 18, 2000. *See* D.C. Act 13-0256. Retail Electric Competition and Consumer Protection Act of 1999 became effective May 9, 2000. *See* D.C. Law 13-107.

<sup>9</sup> The Clean and Affordable Energy Emergency Act of 2008 (“CAEA”) was enacted September 25, 2008. *See* D.C Act 17-508. The permanent version of the CAEA became law on October 22, 2008. *See* D.C Law 17-250.

**Subsection 900.2 is amended to read as follows:**

- 900.2 This chapter establishes the Public Service Commission of the District of Columbia's Rules and Regulations governing Net Energy Metering and Community Net Metering, including eligibility for participating in Net Energy Metering and Community Net Metering, a bill crediting mechanism, Net Energy Metering and Community Net Metering billing requirements for participants, net metering-related equipment requirements, requirements for reporting and contractual arrangements, and safety and performance standards. This chapter shall be cited as the "District of Columbia Net Energy Metering and Community Net Metering Rules."

**Subsection 900.3 is amended to read as follows:**

- 900.3 The provisions of this chapter are promulgated pursuant to the authority set forth in Section 34-1518 of the D.C. Official Code and the CREA.

**Section 906, WAIVER, is renamed and amended to read as follows:****906 COMMUNITY RENEWABLE ENERGY FACILITIES**

- 906.1 A CREF: (a) shall be directly interconnected with the Electric Company's distribution system and shall execute an Interconnection Agreement and CREF Rider with the Electric Company; (b) may be built, owned or operated by a third party under contract with a Subscriber Organization; (c) may add capacity and Subscribers to its facility if the added capacity and Subscribers do not reduce the electrical production benefit to existing Subscribers or cause the CREF to exceed five (5) megawatts in capacity; and (d) may update its Subscribers no more frequently than once per quarter, by providing the following information about its Subscribers to the Electric Company: (i) name, address and account number of each Subscriber; and (ii) the percentage interest of each Subscriber in the capacity of the CREF. Under no circumstances shall a CREF sell Subscriptions totaling more than one hundred percent (100%) of its energy generation.
- 906.2 The owners of any Subscriber Organization controlling a CREF: (a) shall not be considered public utilities or electricity suppliers solely as a result of their interest or participation in the CREF; (b) shall own any Renewable Energy Credits ("RECs") associated with the electricity generated by the CREF, unless the RECs were explicitly contracted for through a separate transaction independent of any interconnection agreement or contract; (c) shall follow all procedures and all standards for performance and safety for interconnection set forth in Chapter 40 of Title 15 of the District of Columbia Municipal Regulations; and (d) shall be subject to the distribution level generation requirements set forth in Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Section 4109.

- 906.3 Prices paid for Subscriptions and contractual matters between the CREF owner, Subscriber Organization, and Subscribers shall not be subject to the jurisdiction of the Commission.
- 906.4 All electricity exported to the grid by a CREF shall become the property of the SOS Administrator, pursuant to Section 118a(h) of the amended Retail Electric Competition and Consumer Protection Act of 1999, but shall not be counted toward the SOS Administrator's total retail sales pursuant to the Renewable Energy Portfolio Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et seq.*). If the electrical production of a CREF is not fully subscribed, the SOS Administrator shall purchase the unsubscribed energy produced by the CREF at the PJM Locational Marginal Price for energy in the Pepco zone. If applicable, the price shall be adjusted to include ancillary service charges for distribution services. The SOS Administrator shall use unsubscribed energy to offset purchases from wholesale suppliers for Standard Offer Service, and shall recover the cost for the purchase of the unsubscribed energy from SOS customers, in accordance with Chapter 41 of Title 15 of the District of Columbia Municipal Regulations, Subsection 4103.1.
- 906.5 A CREF shall have no less than two (2) Subscribers. In the event that a CREF falls below two (2) Subscribers, the CREF shall notify the Electric Company within seventy-two (72) hours. A CREF with fewer than two (2) Subscribers for more than thirty (30) days shall not provide energy for CREF credit pursuant to Subsection 907.6 or sell any energy supply to the SOS Administrator pursuant to Subsections 906.4 and 907.7 and is subject to disconnection by the Electric Company. The Electric Company shall provide notice of any CREFs which fall below two (2) Subscribers to the Commission, upon request.
- 906.6 The Electric Company shall be responsible for ensuring that public safety and system reliability is maintained, including during the interconnection and disconnection of a CREF.
- 906.7 A CREF applicant shall apply for an Interconnection Agreement as a generating facility that is authorized to export power pursuant to Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.
- 906.8 Within thirty (30) days of this rulemaking, the Electric Company shall create and submit to the Commission for approval a separate CREF Tariff with terms and conditions related to CREFs including but not limited to establishing and monitoring the annual level of a Subscriber's CNM credits, and applying CNM credits to the billing accounts of Subscribers. The Electric Company shall also create and submit to the Commission a CREF Rider to the existing Interconnection Agreement that sets out the additional terms and conditions related to the interconnection of a CREF Subscriber Organization and the Electric Company, including but not limited to the procedures for the installation and

inspection of the interval production meter and the suspension or disconnection of operations when a Subscriber Organization has less than two Subscribers.

**Add a new Section 907, BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS, to read as follows:**

**907 BILLING AND CREDITING FOR COMMUNITY NET METERING CUSTOMERS**

- 907.1 Each Subscription is intended to offset part or all of the Subscriber's own historical electrical requirements. In no event may a Subscriber offset more than one hundred and twenty percent (120%) of the Subscriber's billing meter electricity consumption over the previous twelve (12) months. To determine the Subscriber's previous twelve (12) months of electricity consumption, the Electric Company shall use the Subscriber's electricity consumption for the twelve (12) months immediately prior to the first billing cycle upon which a Subscriber is eligible to receive a credit for CREF generation. If the Subscriber does not have a twelve (12) month billing history as of that first billing cycle, the Electric Company shall allow the Subscriber to choose to use as a proxy for the Subscriber's previous twelve (12) months consumption either: (1) the twelve (12) month billing history associated with the Subscriber's premises, including the billing history of the Subscriber and/or the billing history of previous customers in the premises; or (2) the then current average annual consumption of a customer in the Subscriber's distribution service rate class. The Electric Company shall update the Subscriber's previous twelve (12) months of consumption once each year upon reaching the anniversary date of the first billing cycle that the Subscriber was eligible to receive a Community Net Metering Credit.
- 907.2 All individual billing meters for CREF Subscriptions shall be within the District of Columbia.
- 907.3 If a Subscriber designates a set of individual meters that are combined for billing purposes for its Community Net Metering Credit, the CNM Credit shall be applied to the single billing account and shall not be more than one hundred and twenty percent (120%) of the combined total of electricity consumption of all of the individual billing meters over the previous twelve (12) months.
- 907.4 The amount of electricity generated by a CREF each month and available for purchase as subscribed or unsubscribed energy shall be determined by a revenue quality interval meter (production meter) installed and paid for by the Subscriber Organization. The interval meter shall be capable of recording energy production based on intervals of at least five minutes. After installation of the interval meter, it shall be the Electric Company's responsibility to determine that the revenue quality interval meter has been properly installed, in accordance with industry standards. It shall also be the responsibility of the Electric Company to read the revenue quality interval meter. In no event shall the electricity generated by a

CREF be eligible for net energy billing.

- 907.5 The determination of the monetary value of credits allocated to each Subscriber of a particular CREF shall be based on each Subscriber's percentage interest of the total production of the CREF.
- 907.6 Each billing period, the Electric Company shall calculate the value of the CNM Credit for subscribed energy allocated to each Subscriber by multiplying the quantity of kilowatt hours allocated to each Subscriber by the CREF Credit Rate. If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy exceeds the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the remaining value of the CNM Credit shall carry over from month to month until the value of any remaining CNM Credit is used. If the value of the CNM Credit generated by the CREF and allocated to the Subscriber for subscribed energy is less than the amount owed by the Subscriber for electric supply as shown on Subscriber's bill at the end of the applicable billing period, the Subscriber shall be billed for the difference between the amount shown on the bill and the value of the available CNM Credit.
- 907.7 If the Subscriber is served by a Competitive Electricity Supplier, the Subscriber shall be billed by the Competitive Electricity Supplier for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the CES billing rate. If the Subscriber is served by SOS, the Subscriber shall be billed by the Electric Company for the full kilowatt-hours (kWh) consumed by the Subscriber during the applicable billing period at the SOS billing rate. Each billing period, the SOS Administrator shall transfer SOS funds equal to the value of the Subscriber's applicable CNM Credit to the Electric Company for purposes of settling against the total charges for electric supply that appear on the Subscriber's bill. The bill of a Subscriber that obtains electric supply from a Competitive Electricity Supplier shall be prepared by the Electric Company using its consolidated bill and shall not be prepared using separate billing (*i.e.*, billing by both the Electric Company and the CES).
- 907.8 The CNM credit, as well as the kWh and price upon which it is based, shall be line items on a Subscriber's Electric Company bill.
- 907.9 Any unsubscribed energy purchased by the SOS Administrator pursuant to Subsection 906.4 will be paid to the CREF Subscriber Organization on a monthly basis.
- 907.10 If the Electric Company determines that a Subscriber's share of CREF production has offset one hundred and twenty percent (120%) of the Subscriber's electricity consumption over the previous twelve (12) months, the Subscriber shall not be eligible for any additional CNM Credit for any billing periods between (i) the date the Subscriber reached the maximum allowable consumption offset and (ii) the

next anniversary date of the first billing cycle that the Subscriber was eligible to receive a CNM Credit for CREF production. Beginning with the Subscriber's next anniversary date, the Subscriber shall once again be eligible to receive a CNM Credit. Any CREF production allocable to a Subscriber in excess of the Subscriber's maximum allowable consumption offset shall be deemed unsubscribed energy and be made available for purchase by the SOS Administrator.

- 907.11 The Electric Company may require that a CREF and its Subscribers have their meters read on the same billing cycle. Subscribers shall be eligible to receive CNM Credits so long as the CREF continues to generate and provide electric supply to the Electric Company's distribution grid, regardless of the bankruptcy or contractual default of any Subscriber or of the Subscriber Organization, unless otherwise directed by a judicial order.

**Add a new Section 908, REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES, to read as follows:**

**908 REPORTING AND CONTRACTUAL REQUIREMENTS FOR COMMUNITY RENEWABLE ENERGY FACILITIES**

- 908.1 Each CREF shall register with the Electric Company. The Electric Company shall develop a Registration Form within thirty (30) days of these rules becoming final. The Registration Form shall include:

- (1) Name of Subscriber Organization;
- (2) Address of CREF;
- (3) City Ward where the CREF is located;
- (4) Generating technology used by the CREF;
- (5) Name Plate AC generating capacity of the CREF;
- (6) Copy of Interconnection Agreement between the CREF and the Electric Company, when obtained and executed;
- (7) Type of Organization that owns the CREF (if a for-profit making entity, a copy of the current DC Business License); and
- (8) List of CREF Subscribers, if available, including:
  - (a) Name and address of Subscriber,



- (b) Address of the individual billing meter in the District of Columbia to which the CNM credit will be applied,
- (c) Electric Company Account number, and
- (d) Percentage ownership in the CREF.

908.2 If an Interconnection Agreement has not been obtained and executed at the time that the CREF Registration Form is initially submitted, the CREF owner or operator shall submit it to the Electric Company once it is obtained and executed. No CREF shall begin operation until a list of at least two (2) Subscribers has been submitted to the Electric Company.

908.3 The CREF owner or operator may change the list of Subscribers or change the Subscribers' billing meters in its CREF on a quarterly basis or more frequently when the number of Subscribers falls below two (2). When there are changes to the list, the CREF owner or operator shall provide an updated list of its CREF Subscribers and their billing meters to the Electric Company quarterly by a date certain established by the Electric Company or more frequently when the number of Subscribers falls below two (2).

908.4 Within forty-five (45) days of this rulemaking, the Electric Company shall submit to the Commission, for the Commission's approval, a procedural manual, including related sample documents where appropriate, for the implementation of CREA that shall include, but not be limited to:

- (1) The arrangement between the Electric Company, the SOS Administrator and the CREF related to the SOS Administrator taking title to CREF output at the point of common connection between the CREF and the Electric Company's distribution grid;
- (2) The arrangement between the Electric Company, the SOS Administrator and the CREF relating to the SOS Administrator's purchase of, and payment for, unsubscribed energy from the CREF at the price specified in these rules;
- (3) The arrangement between Electric Company, the SOS Administrator and the CREF for the Electric Company to create the CNM Credit based on CREF output and the price specified in the rules;
- (4) Arrangement between the Electric Company, and the CREF to credit individual CREF Subscribers with the CNM Credit based on each Subscriber's ownership share in the CREF and the CREF's monthly output and to modify the list of Subscribers and the amount of each Subscriber's Subscription; and

- (5) Arrangement between the Electric Company and Competitive Electricity Suppliers to reflect the payments of the energy supply charges for CES customers who are also CREF subscribers.
- 908.5 Within one hundred twenty (120) days of the issuance of the final rulemaking, the Electric Company shall add a CREA page to its website with links to the procedural manual and the forms referenced therein.
- 908.6 Within thirty (30) days of this rulemaking, the Electric Company shall submit to the Commission for its approval the form of the line item on the Electric Company's bill for a Subscriber's CNM Credit.
- 908.7 Within ten (10) days of the end of the second and fourth quarter of each year the Electric Company shall submit to the Commission a report that provides:
- (1) An overview of the CREFs operating in the District including summary statistics as to the number of CREFs, the number of Subscribers, and the amount of electric supply being generated;
  - (2) A listing of each CREF including:
    - (a) Name and location (including zip code and Ward) of CREF,
    - (b) Name of Subscriber Organization,
    - (c) Type of Subscriber Organization,
    - (d) Type of generating technology used by the CREF,
    - (e) Name Plate AC generating capacity of the CREF,
    - (f) Monthly CREF output as measure by production meter,
    - (g) Number of CREF Subscribers,
    - (h) Any problems created by CREFs to the distribution system that are of concern to the Electric Company, with as much specificity as possible and quantified to the extent possible, including the nature, extent, and location of the problem(s), and
    - (i) To the extent possible, the benefits to the distribution system from CREFs including use of CREFs to supply ancillary services including, but not limited to, voltage support, volt-ampere reactive (VAR) support, and frequency regulation.

- (3) The identification of any feeder which approaches a net energy export within a ten percent (10%) margin (*i.e.*, a feeder where the total production from CREF and other net metering facilities is ninety percent (90%) or more of the total energy consumption for the feeder).

908.8 Any net costs for the implementation of Community Net Metering incurred by the Electric Company that are approved by the Commission shall be recovered solely through a rate assessment on Subscribers in a base rate case, pursuant to Section 122 of the amended Retail Electric Competition and Consumer Protection Act of 1999.

**Add a new Section 909, DISPUTE RESOLUTION, to read as follows:**

**909 DISPUTE RESOLUTION**

909.1 Any dispute related to the CREF Subscriber's bill regarding the accuracy or calculation of the bill is subject to the Commission's Complaint Procedures under Chapter 3 of Title 15 of the DCMR (rules for residential customer complaints), or Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.2 The owner of a CREF may file a complaint with the Commission to object to or appeal the cessation of payments to the CREF for unsubscribed energy supply or for the CREF's disconnection from the grid. As a Non-Residential entity, the CREF is subject to Chapter 18 of Title 15 of the DCMR (rules for non-residential customer complaints).

909.3 Any dispute regarding the contract between the CREF and its Subscribers is not within the jurisdiction of the Commission.

**Add a new Section 910, WAIVER, to read as follows:**

**910 WAIVER**

910.1 Upon request of any person subject to this chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this chapter that is not required by statute or inconsistent with the purposes of this chapter.

**Section 999, DEFINITIONS, is amended by amending and adding the following terms and definitions:**

When used in this chapter; the following terms and phrases shall have the following meaning:

**“Competitive Electricity Supplier” or “CES”** means a person, other than the SOS Administrator, including an aggregator, broker, or marketer, who

generates electricity; sells electricity; or purchases, brokers, arranges or, markets electricity for sale to customers, and shall have the same meaning as the term “Electricity Supplier” set forth Section 101 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501).

**“Community Net Metering” or “CNM”** means a billing arrangement under which the monetary value of electric energy generated by a Community Renewable Energy Facility and delivered to the Electric Company’s local distribution facilities is used to create a billing credit for CREF Subscribers.

**“Community Net Metering Credit” or “CNM Credit”** means the credit realized by the Subscriber, based on its ownership share in the CREF. The credit will be reflected on the Subscriber’s bills from the Electric Company.

**“Community Renewable Energy Facility” or “CREF”** means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as a Tier One Renewable Source in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15), as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and a CREF Rider with the Electric Company.

**“CREF Credit Rate”** means a credit rate applied to Subscribers of Community Renewable Energy Facilities which shall be equal to the Standard Offer Service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon Section 118 of the Retail Competition and Consumer Protection Act of 1999, as amended by the Community Renewable Energy Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-0047; D.C. Official Code § 34-1501 (12A)).

**“Electric Company”** means every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively owns, leases or manages, the internal distribution system serving the building and who supplies electricity and other related electricity services solely to occupants of the building for use of the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns

or operates equipment used exclusively for the charging of electric vehicles.

**“Individual Billing Meter”** means an individual meter within the District of Columbia or a set of individual meters within the District of Columbia when meters are combined for billing purposes.

**“Renewable Energy Credit” or “REC”** shall have the same meaning as that provided in Section 3(10) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(10)).

**“SOS Administrator”** means the provider of Standard Offer Service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Standard Offer Service”** means that electric service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Subscriber”** means a retail customer of a Competitive Electricity Supplier or a SOS customer of the Electric Company in the District of Columbia who owns a Subscription in a CREF and who has identified an individual billing meter within the District of Columbia to which the Subscription shall be attributed.

**“Subscriber Organization”** means any individual or for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more CREFs for the benefit of the Subscribers.

**“Subscription”** means a percentage interest in a CREF’s electrical production.

**“Tier One Renewable Source”** shall have the same meaning as that provided in Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15)), as amended.

5. Comments and reply comments on the subject matter of this proposed rulemaking action must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this Notice in the *D.C. Register*. All comments and reply comments must be made in writing to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, D.C. 20005. Once the comment period has expired, the Commission will take final rulemaking action on the proposed amendments to Chapter 9 of Title 15 of the District of Columbia Municipal Regulations.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING**FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505, 34-1504 and 34-1509 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 41 (The District of Columbia Standard Offer Service Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”) in not less than thirty (30) days after publication of this notice in the *D.C. Register*. On September 12, 2014, the Commission published a Notice of Proposed Rulemaking (“NOPR”) to amend Chapter 41, in accordance with the “Community Renewable Energy Amendment Act of 2013” (“CREA”) as well as make clarifying non-substantive changes to these rules.<sup>1</sup> Chapter 41 contains the District of Columbia Standard Offer Service (“SOS”) Rules, which were established pursuant to the Retail Electric Competition and Consumer Protection Act of 1999 as codified in Sections 34-1501 through 34-1520 of the D.C. Code.

2. In the September 12, 2014 NOPR, the Commission sought comments on the proposed amendments to Chapter 41 to ensure its provisions comport with the CREA. Specifically, the September 12, 2014 NOPR proposed to amend the following sections and subsections of Chapter 41 of Title 15 of the DCMR to incorporate CREA related changes: §§ 4100.3, 4101.2, 4102.1, 4102.4, 4103.1, 4103.4, 4104.3, 4107.1, 4108.2, 4108.3, and 4199.1 and to add a new Sections 4107.14, and 4109, while non-substantive changes are made in the following sections: §§ 4100.5, 4102.3, 4103.2, 4103.3, 4105.1, 4105.5, 4105.6, 4105.7, 4105.9, 4107.5, 4107.11.<sup>2</sup> The addition of a new Section 4109 resulted in the renumbering of sections 4110 to 4111.

3. In response to the September 12, 2014 NOPR, the Commission received comments from the Potomac Electric Power Company; the Office of the People’s Counsel; the Vote Solar Initiative on behalf of itself, DC Solar United Neighborhoods and the Washington, D.C. Chapter of the Sierra Club; and U.S. Photovoltaics, Inc.<sup>3</sup> The Commission received reply

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<sup>1</sup> The Community Renewable Energy Amendment Act of 2013 (“CREA”) was enacted October 17, 2013. See D.C. Act 20-0186. The CREA became effective December 13, 2013. See D.C. Law 20-0047.

<sup>2</sup> *Formal Case No. 1017, In The Matter of the Development and Designation of Standard Offer Service in the District of Columbia*, (“*Formal Case No. 1017*”), 61 DCR 9381-9394 (September 12, 2014).

<sup>3</sup> *Formal Case No. 1017*, Comments of the Potomac Electric Power Company Regarding the Notice of the Proposed Rulemaking, filed October 14, 2014; Comments of the Office of the People’s Counsel on the Proposed Rulemaking, filed October 14, 2014; Comments in Response to Notice of Proposed Rulemaking of the Vote Solar Initiative, DC Solar United Neighborhoods, and the Washington, D.C. Chapter of the Sierra Club, filed October 14, 2014; and, Comments of U.S. Photovoltaics, Inc., filed October 14, 2014.

comments from the Pepco and the Vote Solar Initiative.<sup>4</sup> Based on the comments and reply comments from the interested persons, the Commission proposes to further amend the proposed rules for Chapter 41. Specifically, the Commission further amends the following sections and subsections of Chapter 41 of Title 15 of the DCMR: §§ 4101.2, 4103.3, 4105.7, 4107.14, 4109.3, and 4199. The Commission further proposes non-substantive changes to the following sections: §§ 4100.4, 4100.5, 4101.1, 4101.3, 4101.4, 4101.5, 4102.1, 4102.2, 4102.3, 4102.4, 4102.5, 4102.6, 4103.1, 4103.2, 4103.3, 4103.4, 4103.5, 4103.6, 4103.7, 4103.8, 4104.1, 4104.2, 4104.3, 4104.6, 4104.7, 4105.1, 4105.2, 4105.3, 4105.4, 4105.5, 4105.6, 4105.7, 4105.8, 4105.9, 4106.1, 4106.2, 4106.3, 4106.4, 4106.5, 4106.6, 4106.7, 4107.1, 4107.2, 4107.3, 4107.4, 4107.5, 4107.6, 4107.7, 4107.8, 4107.9, 4107.10, 4107.11, 4107.13, 4107.14, 4108.1, 4108.2, 4108.3, 4109.1, 4109.2, 4109.3, 4109.4, 4109.5, 4110.1, 4111.1, 4111.2, 4111.3, 4111.4, and 4199. This NOPR replaces the NOPR which was published in the *D.C. Register* on September 12, 2014.<sup>5</sup>

4. The Commission will issue an explanatory order related to this rulemaking. As will be noted in that Order, the bulk of the new non-substantive changes substitute the phrase “SOS Administrator” for the phrase “Electric Company” throughout Chapter 41.

**Chapter 41 of Title 15 of the DCMR is amended as follows:**

**4100 GENERAL PROVISIONS; SCOPE, APPLICABILITY AND AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR STANDARD OFFER SERVICE**

**Subsection 4100.3 is amended to read as follows:**

4100.3 This chapter shall be applicable to the SOS Administrator to retail customers in the Electric Company’s distribution service territory. This chapter also establishes the rules by which the SOS Administrator shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and will apply to wholesale bidders who compete for the provision of wholesale full requirements services to the SOS Administrator. This chapter also establishes the rules by which the SOS Administrator shall obtain electric supply from Community Renewable Energy Facilities (“CREFs”) as defined in Section 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013. The provisions of this chapter are promulgated pursuant to authority set forth in Sections 34-1509(c), 34-1518.01(b), 34-1518.01(c), and 34-1504(c)(7) of the D.C. Code.

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<sup>4</sup> *Formal Case No. 1017*, Reply Comments of the Pepco regarding the Notice of the Proposed Rulemaking, filed October 27, 2014; and Reply Comments of the Vote Solar Initiative, DC Solar United Neighborhoods, and the Washington, D.C. Chapter of the Sierra Club, filed October 27, 2014.

<sup>5</sup> 61 DCR 9381-9394 (September 12, 2014).

**Subsection 4100.4 is amended to read as follows:**

4100.4 All Electric Company distribution customers are eligible for SOS from the SOS Administrator and are subject to the general terms and conditions of the Electric Company's tariffs and the Commission's regulations, as they may change from time to time subject to the Commission's approval or adoption of new regulations.

**Subsection 4100.5 is amended to read as follows:**

4100.5 SOS shall be available to: (1) customers who contract for electricity with a Competitive Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier; and (3) customers who do not choose a Competitive Electricity Supplier.

**4101 SELECTION OF WHOLESALE SOS PROVIDERS****Subsection 4101.1 is amended to read as follows:**

4101.1 The Electric Company shall continue as the SOS Administrator for retail customers in the Electric Company's distribution service territory until such time as the Commission directs otherwise.

**Subsection 4101.2 is amended to read as follows:**

4101.2 The SOS Administrator shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process and pursuant to the CREA. The procurement process shall solicit all of the electric supply for SOS customers except for the electric supply that is provided by CREFs.

**Subsection 4101.3 is amended to read as follows:**

4101.3 The specific procurement format, form of request, process, timeline, and evaluation process, evaluation criteria and process and model contract for electricity supply shall be submitted for Commission approval by the SOS Administrator by August 1 of the previous year. The SOS Administrator shall coordinate with other jurisdictions to ensure that bidding days do not coincide for multiple jurisdictions in the Mid-Atlantic area.

**Subsection 4101.4 is amended to read as follows:**

4101.4 Subject to the review and approval of the Commission, the SOS Administrator shall solicit for wholesale full requirements service pursuant to a Wholesale Full Requirements Service Agreement ("WFRSA") with the Wholesale SOS Providers, which shall include the provision of electric energy, energy losses, generation capacity, ancillary services and any other PJM- or FERC-approved



services associated with the SOS Administrator's load obligation, except for network integration transmission service, which will be obtained by the SOS Administrator. The Wholesale SOS Provider shall be responsible for all congestion costs up to the delivery point at which the SOS Administrator takes the power to serve its SOS load.

**Subsection 4101.5 is amended to read as follows:**

4101.5 The SOS Administrator shall solicit seasonally differentiated summer and winter prices.

**4102 COMPETITIVE WHOLESALE BID STRUCTURE**

**Subsection 4102.1 is amended to read as follows:**

4102.1 The SOS Administrator shall procure full requirements service to meet its SOS obligations using a competitive wholesale procurement process described in this chapter, as amended from time to time and as adjusted for offsetting electric supply procured from CREFs, for each SOS Customer Group (as those SOS Customer Groups are defined in Subsection 4102.3), until the Commission orders, following the major policy review outlined in Subsection 4102.2 below, that an alternative SOS procurement process shall be implemented.

**Subsection 4102.2 is amended to read as follows:**

4102.2 The Commission will conduct a review of the SOS Administrator's SOS program every other year, beginning in 2010, to make any appropriate adjustments to SOS as competitive developments in the District of Columbia change. All adjustments shall be prospective and all contracts entered into prior to these changes shall remain in full force and effect pursuant to the contract terms.

**Subsection 4102.3 is amended to read as follows:**

4102.3 The SOS Administrator shall establish three (3) groups of customers ("SOS Customer Groups"):

- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R, AE, R-TM, R-TM-EX, RAD, and Master Metered Apartment customers, subject to any revisions made to those tariff sheets made by the Commission;
- (b) Small Commercial Customers shall include the customers served under Electric Company Rate Schedules: GS-LV non-demand, GS-3A non-demand, T, SL, TS, TN and SL-TN, subject to any revisions made to those tariff sheets made by the Commission; and

- (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial Customers.

**Subsection 4102.4 is amended to read as follows:**

4102.4 The SOS Administrator shall issue Requests For Proposals (“RFPs”) to competitive wholesale bidders for contracts for the supply of SOS in order to maintain the following contract term balances for the various customer portfolios:

- (a) Residential Customers: The SOS Administrator shall solicit fixed-price offers for terms of one year, two years, or three or more years. The SOS Administrator’s portfolio shall contain contracts such that three or more year offers comprise at least forty percent (40%) of each year’s portfolio, unless the Commission has directed the SOS Administrator to solicit fixed-price offers based on a different mix of terms. The SOS Administrator and other parties may propose alternative portfolios of supply options for consideration by the Commission. The SOS Administrator shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The SOS Administrator shall select conforming offers to meet the Commission’s percentage target(s) in accordance with the evaluation provision included in the RFP. Unless the Commission has directed otherwise, the final contract mix should include contracts of at least three years for no less than forty percent (40%) of the total load.
- (b) Small Commercial Customers: The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one, two, and three or more year terms. The SOS Administrator shall compile a portfolio of one, two, and three or more year terms conforming offers such that at least forty percent (40%) of the load will be served under contracts of three or more year terms. The SOS Administrator shall select one, two, and three or more year conforming offers to meet this percentage target in accordance with the evaluation provision included in the RFP. The SOS Administrator and other parties may propose an alternative portfolio of supply options for consideration by the Commission; and
- (c) Large Commercial Customers: The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for one and/or two year terms.

The RFP shall alert the competitive wholesale bidders to the fact that final service requirements may be adjusted to accommodate offsetting electric supply obtained by the SOS Administrator from CREFs.

**Subsection 4102.5 is amended to read as follows:**

- 4102.5 The SOS Administrator shall continue to solicit offers for Wholesale Full Requirements Service for each SOS Customer Group until the Commission orders otherwise, subsequent to Commission review of the SOS procurement process.

**Subsection 4102.6 is amended to read as follows:**

- 4102.6 The SOS Administrator shall solicit wholesale bids for SOS supply using the existing rate structures of its existing rate classes. Nothing herein, however, precludes the SOS Administrator from filing for a different rate structure for any rate schedule or SOS Customer Group, subject to Commission review and approval, and provided that any such changes, adjustments, alterations, or modifications do not change or impact existing WFRSAs.

**4103 STANDARD OFFER SERVICE RETAIL RATES****Subsection 4103.1 is amended to read as follows:**

- 4103.1 The retail rates to SOS customers will consist of the sum of the following components:
- (a) The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service for each SOS Customer Group;
  - (b) Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges (“NITS”) and related charges and any other PJM charges and costs incurred by the SOS Administrator directly related to the SOS Administrator’s SOS load obligation for each SOS Customer Group;
  - (c) PJM Locational Marginal Price for energy in the Pepco Zone, adjusted for ancillary service charges as specified in Subsection 906.4, for all unsubscribed electric supply purchased from CREFs;
  - (d) An administrative charge; and
  - (e) Applicable taxes.

**Subsection 4103.2 is amended to read as follows:**

- 4103.2 When the winning wholesale bidder(s) are selected, the SOS Administrator shall submit to the Commission: (1) the names of the winning bidders, which shall remain confidential subject to Subsection 4111.5 of this chapter, and (2) the retail rates for all the customer classes according to the Commission pre-approved time

schedule. Such rates shall consist of all the components included in Subsection 4103.1. The filing required herein shall also include: (1) a detailed calculation and explanation of an administrative charge and (2) administrative charge true-up provisions.

**Subsection 4103.3 is amended to read as follows:**

4103.3 Parties to the proceedings can file comments within seven (7) calendar days and reply comments within twelve (12) calendar days of the SOS Administrator's submission of the retail rates and administrative charge pursuant to Subsection 4103.2. The Commission shall thereafter issue an Order approving or rejecting the retail rates and/or administrative charge. The SOS Administrator shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission's Order approving those rates and charge.

**Subsection 4103.4 is amended to read as follows:**

4103.4 The Administrative Charge will be designed to recover the SOS Administrator's incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as described in Subsection 4110.1), wholesale SOS bidding expenses, working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to Wholesale SOS Provider administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, costs related to the purchases of electric supply from CREFs and legal and regulatory filing expenses related to SOS requirements.

**Subsection 4103.5 is amended to read as follows:**

4103.5 Prior to the submission of bids, the SOS Administrator shall file a request with the Commission (with notice to all the Parties) for determination of the appropriate amount of its Administrative Charge to be included in the retail rates to SOS customers. In calculating the Administrative Charge, any return component on the Administrative Charge, if the inclusion of a return component is approved by the Commission, shall not be reflected for ratemaking purposes in the establishment of the Electric Company's distribution rates, including the determination of the Electric Company's return for providing distribution service.

**Subsection 4103.6 is amended to read as follows:**

4103.6 All customers eligible for SOS will be informed of the applicable SOS retail rates, to the extent practical, for the service at least two (2) months prior to the beginning of each service year. If it is not practicable to provide such notice, the SOS Administrator shall file with the Commission and serve upon the Parties notice of that fact, the reasons for the delay, and the expected date for the provision of such information.

**Subsection 4103.7 is amended to read as follows:**

4103.7 Retail prices to customers shall be adjusted at least twice a year to reflect seasonal pricing and other appropriate price changes. Prior to each year of SOS, the SOS Administrator shall file with the Commission, estimates of actual incremental costs for the upcoming year. Such costs will be collected from customers, on a load weighted average, subject to an annual adjustment to reflect actual costs.

**Subsection 4103.8 is amended to read as follows:**

4103.8 All investment, revenue and expenses associated with the provision of SOS by the Electric Company when serving as the SOS Administrator shall be separate from investment, revenues and expenses associated with the Electric Company's distribution service so that there will be no subsidization of the Electric Company's distribution rates.

**4104 COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS****Subsection 4104.1 is amended to read as follows:**

4104.1 The SOS Administrator shall solicit offers for Wholesale Full Requirements Service via the RFP approved by the Commission. The SOS Administrator shall remain the NITS provider and shall be the designated PJM Load Serving Entity ("LSE") for all SOS. The SOS Administrator, as the PJM LSE, shall provide the rights to nomination and make available to the Wholesale SOS Providers all Firm Transmission Rights/Auction Revenue Rights ("FTR/ARRs") to which it has rights pursuant to the PJM procedures applicable to FTR and ARR.

**Subsection 4104.2 is amended to read as follows:**

4104.2 The SOS Administrator shall solicit seasonally differentiated and, if applicable, time-of-use differentiated prices. In the case of multi-year-term contracts, prices shall, in addition, be annually specified. The solicitation shall be conducted through as many as four bidding rounds, as specified in the RFP.

**Subsection 4104.3 is amended to read as follows:**

- 4104.3 The total load associated with each SOS Customer Group shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each Wholesale SOS Provider will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Subsection 4109.1. The SOS Administrator may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.

**Subsection 4104.5 is amended to read as follows:**

- 4104.5 Potential Wholesale SOS Providers must demonstrate their qualifications to provide Wholesale Full Requirements Service by providing proof that they are qualified to participate in the PJM Markets and have all the necessary FERC authorizations to enter into wholesale energy contracts. Furthermore, the RFP and WFRSA shall specify the financial credit requirements that potential or actual Wholesale SOS Suppliers must demonstrate.

**Subsection 4104.6 is amended to read as follows:**

- 4104.6 The SOS Administrator's RFP will include specific forms of bid request, evaluation plan, and the WFRSA. The evaluation plan contained in the RFP will specify that all bids to serve the load associated with a specific SOS Customer Group and for a specific contract length will be compared on a discounted price basis to select the lowest cost winning bids.

**Subsection 4104.7 is amended to read as follows:**

- 4104.7 Upon completion of the bid evaluation process, the SOS Administrator will notify the winning bidders and execute a WFRSA with each winning bidder. Such contract execution will be contingent, however, on Commission approval of the bid awards, contracts and credit support provisions therein. The contract(s) will be deemed approved by the Commission unless the Commission orders otherwise within two (2) business days following their submission. Winning bidders will receive the actual prices in their offers for each year of the term of their supply contract. Winning bidders will not be permitted to revise prices or any other terms and conditions of the WFRSA, except as provided for in the WFRSA.

**4105 ESTABLISHMENT AND RE-ESTABLISHMENT OF STANDARD OFFER SERVICE; CUSTOMER SWITCHING RESTRICTIONS**

**Subsection 4105.1 is amended to read as follows:**

4105.1 SOS shall be provided to any customer who purchases a new service within the District of Columbia and who does not obtain electric generation service from a Competitive Electricity Supplier at that time. There shall be no fee for a customer to establish SOS in this manner.

**Subsection 4105.2 is amended to read as follows:**

4105.2 Any customer taking service from a Competitive Electricity Supplier may terminate service with the Competitive Electricity Supplier and elect SOS upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9.

**Subsection 4105.3 is amended to read as follows:**

4105.3 Any customer taking service from a Competitive Electricity Supplier who defaults may terminate service with the defaulting Competitive Electricity Supplier upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9.

**Subsection 4105.4 is amended to read as follows:**

4105.4 Any customer who is slammed or switched to a Competitive Electricity Supplier by mistake can terminate service with the Competitive Electricity Supplier upon notice to the Electric Company and the SOS Administrator as required by Subsection 4105.9, and such customer shall be returned to the service that the customer was receiving prior to being slammed or the mistake occurring as if the slamming or the mistake had not occurred.

**Subsection 4105.5 is amended to read as follows:**

4105.5 All residential customers shall be eligible to switch from SOS to Competitive Electricity Suppliers and return to SOS without restrictions.

**Subsection 4105.6 is amended to read as follows:**

4105.6 If a non-residential customer who has elected to purchase generation services from a Competitive Electricity Supplier subsequently returns to SOS, such non-residential customer shall be obligated to remain on SOS for a minimum term of twelve (12) months, provided, that in the case of a non-residential customer who returns to SOS as a result of a default by that non-residential customer's Competitive Electricity Supplier, such non-residential customer may within a

grace period of three (3) full billing cycles thereafter elect to purchase or contract for generation services from another Competitive Electricity Supplier or elect to receive service from the SOS Administrator at Market Price Service rates in which event the minimum term of twelve (12) months does not apply. A Competitive Electricity Supplier default occurs when the PJM Interconnection L.L.C. notifies the PJM members that the Competitive Electricity Supplier is in default.

**Subsection 4105.7 is amended to read as follows:**

4105.7 A non-residential customer who ceases to receive generation services from a Competitive Electricity Supplier may elect to receive service from the SOS Administrator at Market Price Service rates rather than Standard Offer Service rates. The minimum stay provisions stated in Subsection 4105.6 shall not apply to customers receiving service under Market Price Service rates. The Market Price Service rates shall be set in accordance with a tariff previously filed and approved by the Commission. The tariff shall contain a formula that reflects only the following components, or their functional equivalents in the future: the PJM locational marginal price for energy for the Electric Company zone, the PJM posted and verifiable market capacity price, transmission, ancillary services, line losses, appropriate taxes and a fixed retail adder of x mills per kWh. (The amount of the retail adder will be determined in the administrative cost proceeding.) The Market Price Service rates may vary by customer class and reflect actual costs.

**Subsection 4105.8 is amended to read as follows:**

4105.8 The contract provisions and exit fees of the Competitive Electricity Supplier remain valid and shall be enforced before a customer will be permitted to switch to SOS or another Competitive Electricity Supplier.

**Subsection 4105.9 is amended to read as follows:**

4105.9 Notice of Transfers; Transfer of Service; Bill Calculation:

- (a) Notice of Transfer into SOS: A customer who intends to transfer into SOS shall do so by notifying the Electric Company and the SOS Administrator or by canceling service with its Competitive Electricity Supplier.
- (b) Transfer into SOS: If the customer notifies the Electric Company and the SOS Administrator no less than seventeen (17) days before the customer's next normally scheduled meter read date, the Electric Company and the SOS Administrator shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the following meter read date. The Electric Company and the SOS Administrator shall accommodate the request to the greatest extent practicable.



- (c) Notice of Transfer out of SOS: Notice that a SOS customer will terminate SOS and obtain service from a Competitive Electricity Supplier shall be provided to the Electric Company and the SOS Administrator by the customer's Competitive Electricity Supplier pursuant to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations; and
- (d) Transfer out of SOS: If the Competitive Electricity Supplier notifies the Electric Company and the SOS Administrator no less than seventeen (17) days before the customer's next meter read date, the Electric Company and the SOS Administrator shall transfer the customer on the customer's next meter read date. Otherwise, transfer will occur on the subsequent meter read date.

## **4106 FINANCIAL CAPABILITY REQUIREMENTS**

### **Subsection 4106.1 is amended as follows:**

- 4106.1 Financial capability requirements shall be imposed on Wholesale SOS Providers and shall be consistent with provisions established herein.

### **Subsection 4106.2 is amended as follows:**

- 4106.2 Each Wholesale SOS Provider shall obtain and file with the Commission a bond, a letter of credit, or a corporate guarantee that will provide assurances of financial integrity and funding for replacement service in the event that the Wholesale SOS Provider fails to provide for uninterrupted service. If a corporate guarantee is obtained, it must conform to the Commission-approved form.

### **Subsection 4106.3 is amended as follows:**

- 4106.3 The amount of the financial capability requirement for the Wholesale SOS Provider in the Electric Company's service territory shall be equal to fifteen percent (15%) of the Wholesale SOS Provider's bid obligation for the SOS class(es) the provider is awarded, and expected to serve, in the Electric Company's service territory.

### **Subsection 4106.4 is amended as follows:**

- 4106.4 The amount of the financial capability requirement shall be commensurate with the remaining outstanding bid obligation of the Wholesale SOS Provider throughout the term of the Wholesale SOS Provider's awarded contract period, and reduced annually from the initial amount determined at the beginning of the term of the Wholesale SOS Provider's service.

**Subsection 4106.5 is amended to read as follows:**

4106.5 The proceeds of the bond, or letter of credit, or corporate guarantee, as necessary, shall be payable to the SOS Administrator to whom the wholesale bidder is obligated to provide service. The proceeds of the bond, letter of credit, or corporate guarantee shall be used only to defray the additional costs of replacement SOS in the event of interrupted service. For purposes of this provision, additional costs are all costs that are incurred or will be incurred to acquire replacement SOS, including supply and administrative costs, through the remaining SOS term that exceed the amounts paid or to be paid by SOS customers at the SOS rates in effect at the time of the Commission's declaration of a Wholesale SOS Provider's default.

**Subsection 4106.6 is amended to read as follows:**

4106.6 A corporate guarantee permitted by Subsections 4106.2, 4106.3, and 4106.4, may be issued by an affiliate of the Wholesale SOS Provider or a third party that meets the financial credit requirements set forth in Subsections 4106.2, 4106.3, and 4106.4.

- (a) The corporate guarantee must meet all of the requirements of Subsections 4106.2, 4106.3, and 4106.4, and shall be unconditional and irrevocable and provide for payment within five (5) business days for the period of the standard offer term.
- (b) A corporate guarantee may be used to satisfy the requirement of Subsections 4106.2, 4106.3, and 4106.4, if the corporate guarantor meets the following financial qualifications and capabilities:
  - (1) The senior unsecured debt obligations of the guarantor are publicly rated, at a minimum, "BBB-" from S&P or Fitch, or "Baa3" from Moody's;
  - (2) The total assets of the guarantor are at least 5.0 times the amount of the corporate guarantee amount required by Subsections 4106.2, 4106.3, and 4106.4; and
  - (3) The total common equity of the guarantor is at least 2.5 times the amount of the corporate guarantee amount required by Subsections 4106.2, 4106.3, and 4106.4.
- (c) If a corporate guarantor's senior unsecured debt obligations are rated by:
  - (i) two of the agencies listed in Subsection 4106.6(b)(1), the guarantor's rating will be determined by the lower assigned rating; or
  - (ii) all three of the agencies listed in Subsection 4106.6(b)(1), two of those agencies must have assigned ratings equal to or higher than the required ratings described

above.

- (d) If, at any time, the senior unsecured debt obligations of the corporate guarantor fail to meet the requirements of Subsection 4106.6(b), the corporate guarantor or the Wholesale SOS Provider shall immediately notify the Commission in writing.
- (e) If the corporate guarantor fails to meet any of the financial capability requirements, the Commission may, at its option, require the Wholesale SOS Provider to post a bond or file a letter of credit as described in Subsections 4106.2, 4106.3, and 4106.4.

**Subsection 4106.7 is amended to read as follows:**

4106.7 If at any time during the term of the supplier agreement between the Wholesale SOS Provider and the SOS Administrator, the SOS Administrator's credit rating is downgraded below investment grade, as defined in Section 4199, the Wholesale SOS Provider has the right to require the SOS Administrator to make payments to the Wholesale SOS Provider on an accelerated basis during the downgrade period. Payments made under the acceleration clause may be made on a weekly basis.

**4107 REPORTING REQUIREMENTS AND TRUE UP PROVISIONS**

**Subsection 4107.1 is amended to read as follows:**

4107.1 Within ninety (90) days of the conclusion of each year of SOS bidding, the SOS Administrator shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, on the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service), a report on the amount of electric supply acquired from CREFs during the previous year, and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the SOS Administrator.

**Subsection 4107.2 is amended to read as follows:**

4107.2 If the SOS Administrator conducts wholesale bidding for a type of service on the basis of aggregated rate classes, the SOS Administrator shall make any needed true-ups on an aggregated basis.

**Subsection 4107.3 is amended to read as follows:**

4107.3 In addition to the other true-ups described herein, the SOS Administrator shall true-up its total costs for providing each type of service (Residential, Small Commercial, and Large Commercial) with its total billed revenues for that

service. If the service type is still being provided when the true-up is completed, rates will be adjusted to reflect any over- or under-recoveries established in the true-up. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13. All retail price changes resulting from the true-up filings shall be reviewed annually by the Commission.

**Subsection 4107.4 is amended to read as follows:**

4107.4 The SOS Administrator will conduct the true-ups described herein to reflect the start of summer rates and concurrent with the start of non-summer rates. The SOS Administrator may conduct more frequent true-ups if it so chooses. Any revisions to retail electric rates resulting from the application of the true-up provisions shall be reflected in the prices posted on the Electric Company's web page. The true-ups are subject to audit by the Commission.

**Subsection 4107.5 is amended to read as follows:**

4107.5 The SOS Administrator shall true-up its billings to retail customers for services provided pursuant to Subsection 4103.1 against its payments to Wholesale SOS Providers and CREFs. The SOS Administrator shall also true-up its billings to retail customers to reflect any net damages recovered by the SOS Administrator from a defaulting Wholesale SOS Provider in accordance with Subsection 4111.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

**Subsection 4107.6 is amended to read as follows:**

4107.6 For the purpose of determining such true-up, the SOS Administrator's payments to its Wholesale SOS Providers shall exclude payments made with respect to the upward adjustment in a Wholesale SOS Provider's load arising from the activation of the Electric Company's load response programs and shall exclude any downward adjustment to a Wholesale SOS Provider's load arising from the SOS Administrator's acquisition of energy from a CREF.

**Subsection 4107.7 is amended to read as follows:**

4107.7 The retail price to Residential, Small Commercial, and Large Commercial customers posted pursuant to Subsection 4103.7 shall not change until after the first billing cycle following the start of service. Any difference between the SOS Administrator's incremental cost for serving SOS load and the SOS

Administrator's revenue from serving SOS load based on the awarded bid prices shall be included as part of the retail rate true-up.

**Subsection 4107.8 is amended to read as follows:**

4107.8 Price Elements - Subsection 4103.1 shall include the additional costs (if any) that a Wholesale SOS Provider incurs in meeting any future statutory renewables requirements with respect to Residential, Small Commercial, and Large Commercial SOS. In the event that legislation is enacted that provides for a renewable energy resource requirement during the term of any WFRSA that has already been executed, Wholesale SOS Providers under the WFRSA may pass through their commercially reasonable additional costs, if any, associated with complying with the new requirement.

**Subsection 4107.9 is amended to read as follows:**

4107.9 If at any time any additional price elements resulting from a change in law and directly related to the SOS are identified by the SOS Administrator or a Wholesale SOS Provider, the SOS Administrator and/or the Wholesale SOS Provider may file a request with the Commission (with notice to all the Parties) for approval of recovery of those costs and, to the extent the costs are found to be incurred because of a change in law in connection with the provision of SOS and are prudently incurred as determined by the Commission, the costs will thereafter be included in the service price.

**Subsection 4107.10 is amended to read as follows:**

4107.10 The net costs included in retail prices pursuant to Subsection 4103.1(b) shall be recovered on a cents/kWh basis (energy basis) for non-demand tariff schedules and/or on a \$/kW basis (demand basis) for demand tariff schedules. However, the SOS Administrator may request Commission approval to use alternate rate designs to recover NITS-related costs. The SOS Administrator may true-up its billings to retail customers for transmission services provided pursuant to Subsection 4103.1(b) against its payments for these services to PJM. The Commission may audit these true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

**Subsection 4107.11 is amended to read as follows:**

4107.11 To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to

elimination of through-and-out transmission charges will be included in the charges under Subsection 4103.1(b). Pursuant to the WFRSA, the Wholesale SOS Providers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the SOS Administrator may recover them through retail rates:

- (a) The SOS Administrator will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the SOS Administrator's retail rates under Subsection 4103.1(b); and
- (b) The Wholesale SOS Provider will charge the SOS Administrator only for those new costs that the Commission determines may be recovered in rates by the SOS Administrator. In no event will the SOS Administrator bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the SOS Administrator's retail transmission rates for SOS service, except to the extent (if any) provided in Subsection 4103.1.

**Subsection 4107.13 is amended to read as follows:**

4107.13 At the end of any SOS period for a Customer Group, and after actual costs incurred by the SOS Administrator pursuant to Subsection 4103.1 have been determined, the parties to the proceeding will agree upon a mechanism with respect to actual costs, to return any over-collection to, and to collect any under-collection from, all active customers who would have been eligible for the service type at the conclusion of any service type period. If the parties to the proceeding fail to agree within a reasonable period, the matter will be submitted to the Commission for decision.

**A new Subsection 4107.14 is added to read as follows:**

4107.14 Within ninety (90) days of the conclusion of each year's SOS bidding, the SOS Administrator shall submit a report to the Commission that details the value of the payments made to each Subscriber Organization for unsubscribed energy showing the price and the amount of unsubscribed energy underlying the payments for unsubscribed energy on a monthly basis.

**4108 BID DOCUMENTS AND INFORMATION PROVIDED BY THE SOS ADMINISTRATOR TO POTENTIAL BIDDERS****Subsection 4108.1 is amended to read as follows:**

4108.1 The Request For Proposal (“RFP”) is the document pursuant to which the SOS Administrator shall solicit Wholesale Full Requirements Service to meet its SOS obligations. The RFP shall include the bid request process, the bid evaluation methodology, the timeline for the RFP process, and the following five appendices:

- (a) Expression of Interest Form;
- (b) Confidentiality Agreement;
- (c) Credit Application;
- (d) Bid Form Spreadsheets; and
- (e) Binding Bid Agreement.

**Subsection 4108.2 is amended to read as follows:**

4108.2 The SOS Administrator shall provide to potential wholesale SOS bidders the following actual and historical information for the thirty-six (36) months preceding the month in which the data is to be submitted to the Commission. The SOS Administrator shall provide such data on its RFP website on a date to be specified by the Commission.

- (a) Monthly and hourly demand, energy consumption and load profile data, as defined by the Commission, aggregated for each SOS customer class. For Large Commercial customers, if an individual customer’s load data will be disclosed, customer written consent is required;
- (b) Number of customers in each SOS customer class and the number of customers taking SOS within each customer class;
- (c) Representative load shapes for each of the SOS Administrator’s profile group and sub-groups by month, provided that if an individual customer’s load shape will be disclosed, written customer consent is required;
- (d) Hourly delivery data;
- (e) Billing determinants on electronic spreadsheets;
- (f) System losses;

- (g) The amount of electric supply acquired from CREFs and the total capacity of all authorized CREFs; and
- (h) Other information as determined by the Commission to be necessary or useful to wholesale SOS bidders.

**Subsection 4108.3 is amended to read as follows:**

4108.3 The general requirements and conditions for information submitted by the SOS Administrator to potential wholesale SOS bidders are as follows:

- (a) Aggregate data: All information required to be provided by Subsection 4108.2 shall be provided on an aggregate class basis. Individual customer information shall not be provided without the customer's written consent.
- (b) Historic Data Period: All information provided will reflect usage during the most recent thirty-six (36) month period, where available. Information describing factors that would cause the information to be unrepresentative of electricity usage during the SOS period shall also be provided.
- (c) Due Care; Corrections: The SOS Administrator shall use due care in compiling the required information with the understanding that bidders will be relying on the data to formulate SOS bids. The SOS Administrator shall have the duty to correct any inaccuracies promptly upon discovery.
- (d) Affiliated Interests: The SOS Administrator shall not provide any information to an affiliated wholesale SOS bidder that is not provided to all potential wholesale SOS bidders. The SOS Administrator must comply with the code(s) of conduct adopted by the Commission.
- (e) Electronic Form; Standard Software: The SOS Administrator shall provide all information in electronic form usable by standard personal computer software packages; and
- (f) Scope and Format: The Commission will determine the scope and detail of the information required by Subsections 4108.2, 4108.3(a), 4108.3(b), and 4108.3(e).

**Add a new Section 4109, DISTRIBUTION LEVEL GENERATION, to read as follows:**

**4109 DISTRIBUTION LEVEL GENERATION**

4109.1 Community Renewable Energy Facilities ("CREFs") may provide electric supply to the SOS Administrator that shall be used to offset SOS purchases from Wholesale SOS Providers. All electric supply provided by CREFs shall become the property of the SOS Administrator, but shall not be counted toward the SOS



Administrator's total retail sales for purposes of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §§ 34-1431 *et seq.*).

- 4109.2 If the electric production of a CREF is fully subscribed, the SOS Administrator shall pay the CREF through a CREF Community Net Metering ("CNM") credit on the accounts of all of the CREF's Subscribers. The SOS Administrator shall make no additional payment to the CREF.
- 4109.3 If the electrical production of a CREF is not fully subscribed, the SOS Administrator shall pay the CREF for the subscribed energy through a CNM credit on the accounts of all of the CREF's Subscribers and shall purchase the unsubscribed energy produced by the CREF at the PJM Locational Marginal Price for energy in the PEPCO zone, adjusted for ancillary service charges as specified in Subsection 906.4. The SOS Administrator shall pay the Subscriber Organization for the purchased energy on a monthly basis consistent with Subsections 906.4 and 907.9.
- 4109.4 Transactions identified in Subsections 4109.1 through 4109.3 are outside of the WFRSA and not part of the Wholesale Full Requirement Service.
- 4109.5 The SOS Administrator shall file with the Commission for approval a draft of a contract to be used by the SOS Administrator to acquire energy generated by a CREF from a Subscriber Organization within forty-five (45) days of the date this revised rule becomes effective as set out in the Notice of Final Rulemaking published in the *D.C. Register*.

**The previous Section 4109 is renumbered 4110, MARKET MONITOR CONSULTANT and is amended to read as follows:**

**4110 MARKET MONITOR CONSULTANT**

- 4110.1 The Consultant RFP is the document to be issued to hire the Commission's Market Monitoring Consultant ("Consultant"). The SOS Administrator shall procure and pay for an independent consultant hired pursuant to the Consultant RFP. The Consultant shall be responsible for monitoring all aspects of the procurement of the SOS services. Specifically:
- (a) The Consultant shall be selected by, shall take its direction from, and shall provide its consultation and work products to the Commission.
  - (b) The costs incurred by the SOS Administrator in hiring the Consultant may be included in the SOS Administrator's incremental costs and may be recovered through the Administrative Charge, subject to Commission review and approval.

- (c) The Consultant shall provide the Commission and the Office of the People's Counsel with a final report as to each supply procurement and award.
- (d) The Commission shall determine the qualifications of and evaluate all bidders. The Commission shall further direct the SOS Administrator, in writing, as to which bidder to award a contract for consulting service and the terms and conditions of that contract with the exception of the terms and conditions specifically described in this section. The SOS Administrator shall execute the contract with the Consultant no later than four (4) weeks prior to the date of the initial pre-bid conference. The SOS Administrator shall be required to pay only for work that the Consultant does in reviewing the SOS Administrator's compliance with Section 4105 and any other work that the Commission asks the Consultant to perform.
- (e) The contract term for the contract between the SOS Administrator and the Consultant shall be for one-year, with an option to extend the contract for two (2) additional one-year terms. The option(s) shall be exercised by the Commission in its sole discretion; and
- (f) Prior to the expiration of the initial contract awarded under this section, the second and subsequent consultant services contracts shall be awarded and administered consistent with Subsections 4110.1(a)-(e) herein.

**The previous Section 4110 is renumbered 4111, MISCELLANEOUS PROVISIONS and is amended to read as follows:**

**4111 MISCELLANEOUS PROVISIONS**

- 4111.1 The SOS Administrator may at any time request Commission approval to make changes in the Electric Company's tariffs. However, to the extent that those tariff changes would require conforming changes to either the RFP, the WFRSA generally, or any WFRSA that may be in effect from time to time:
- (a) No such tariff changes may alter the rights and obligations of any Wholesale SOS Provider with respect to any WFRSA for which an RFP has already been issued, unless the Wholesale SOS Provider consents to have its rights or obligations changed;
  - (b) The SOS Administrator shall serve notice of the requested tariff change and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
  - (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the SOS Administrator is subject.

4111.2 If, after conducting the bid procedures in accordance with the RFP, the SOS Administrator still has SOS load that has not been awarded to a Wholesale SOS Provider and cannot be supplied by CREFs, then:

- (a) The SOS Administrator shall initially supply the unserved load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such unserved load, and shall include all the costs of such purchases in the retail rates charged for the service for which the purchases are made.
- (b) Within five (5) business days of it being determined by the SOS Administrator that the load is unserved, the SOS Administrator shall convene a meeting of all parties to the proceeding and Commission staff to discuss alternative ways to fill the unserved load, including but not limited to a rebid or a bilateral contract. The meeting process will conclude within ten (10) business days of the load being determined to be unserved, and within twenty (20) calendar days of it being determined that the load is unserved, the SOS Administrator shall file with the Commission, and serve upon the all parties to the proceeding, any proposal it has for serving the load in lieu of the procedure set forth in Subsection 4111.2(a); and
- (c) The Commission will resolve the SOS Administrator's filing on an expedited basis. Any alternative means that the Commission approves will expressly provide that the SOS Administrator's costs for filling the load will be recovered in retail rates in the same manner as all other charges pursuant to Subsection 4103.1. Until the Commission approves an alternate means of filling the load, Subsection 4111.2(a) will apply.

4111.3 If any load is left unserved after a Wholesale SOS Provider defaults:

- (a) The SOS Administrator shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting Wholesale SOS Provider, in the retail rates charged for the service for which the purchases are made; and
- (b) As soon as practicable after it is determined by the SOS Administrator that the load is unserved, the SOS Administrator shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA. Such a plan shall be submitted to the Commission within ten (10) business days after a Wholesale SOS Provider default. Until the Commission

approves a plan to fill the remaining term of the defaulted WFRSA, Subsection 4111.3(a) will apply.

- 4111.4 Access to confidential information relating to the SOS Administrator's procurement of SOS power supply will be governed by the OPC Confidentiality Agreement, the Consultant's Confidentiality Agreement contained in the Bidder RFP, and the Confidentiality Agreement contained in the RFP and the confidentiality provisions of the WFRSA (collectively the "Confidentiality Agreements").
- 4111.5 Ninety (90) days following the Commission's approval of the selection of winning bidders for the final tranche, the Commission will disclose upon request (a) the total number of bidders, and (b) the names of the winning bidders.

#### **4199 DEFINITIONS**

**Subsection 4199.1 DEFINITIONS is amended by adding or modifying the following terms and definitions to read as follows:**

**"Availability of Standard Offer Service"** means the Standard Offer Service available on and after the initial implementation date to: (1) customers who contract for electricity with a Competitive Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier; and (3) customers who do not choose a Competitive Electricity Supplier.

**"Competitive Electricity Supplier" or "CES"** means a person, other than the SOS Administrator, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or, markets electricity for sale to customers, and shall have the same meaning as the term "Electricity Supplier" set forth in Section 101 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501).

**"Community Renewable Energy Facility" or "CREF"** means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as tier one renewable sources in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(15), as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and CREF Rider with the Electric Company.

**“Electric Company”** includes every corporation, company, association, joint-stock company or association, partnership, or person and doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other related electricity services solely to occupants of the building for use by the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

**“Investment Grade”** means a BBB- or Baa3 credit rating with S&P or Moody’s respectively; provided, that if the SOS Administrator’s credit ratings by S&P and Moody’s are not equivalent, the lower of the credit ratings shall govern for purposes of these rules.

**“Retail Access”** means the right of Competitive Electricity Suppliers and consumers to use and interconnect with the electric distribution system on a nondiscriminatory basis in order to distribute electricity from any Competitive Electricity Supplier to any customer. Under this right, consumers shall have the opportunity to purchase electricity supply from their choice of licensed Competitive Electricity Suppliers.

**“Slamming”** means the unauthorized switching of a customer’s electricity service to a Competitive Electricity Supplier.

**“Standard Offer Service” or “SOS”** means electricity supply made available to: (1) customers who contract for electricity with a Competitive Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) customers who cannot arrange to purchase electricity from a Competitive Electricity Supplier; and (3) customers who do not choose a Competitive Electricity Supplier.

**“SOS Administrator”** means the provider of Standard Offer Service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

**“Subscriber”** means a retail customer of a Competitive Electricity Supplier or a SOS customer of the Electric Distribution Company in the District of Columbia who owns a subscription in a CREF and who has identified an individual billing meter within the District of Columbia to which the subscription shall be attributed.

**“Subscriber Organization”** means any individual or for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more CREFs for the benefit of Subscribers.

**“Subscription”** means a percentage interest in a CREF’s electrical production.

**“Wholesale Full Requirements Service Agreement”** is the document that will specify the terms and conditions that govern the contractual relationship between the SOS Administrator and each of the Wholesale SOS Providers that is awarded a contract pursuant to the bidding procedures specified in the RFP.

**“Wholesale Standard Offer Service Provider(s)” or “Wholesale SOS Provider(s)”** means the entity(ies) selected pursuant to this chapter to provide all or a specified portion of electric generation service to consumers receiving Standard Offer Service.

5. All persons interested in commenting on the subject matter of this NOPR may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2<sup>nd</sup> Floor, West Tower, Washington, DC 20005 or at the Commission’s website at [www.dcpsc.org](http://www.dcpsc.org). Persons with questions concerning this Notice should call 202-626-5150.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-048  
January 16, 2015

**SUBJECT:** Appointment – Interim Director, Mayor's Office of Legal Counsel

**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 section 101(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective October 23, 2013, D.C. Law 20-60, codified at D.C. Official Code §1-608.51a, it is hereby **ORDERED** that:

1. **RONALD ROSS** is appointed Interim Director of the Mayor's Office of Legal Counsel.
2. The Interim Director is authorized to delegate all or part of his authority to subordinates under the jurisdiction of the Interim Director.
3. This Order supersedes Mayor's Order 2014-270, dated November 14, 2014.
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, FEBRUARY 4, 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

- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00102;** Daniman, LLC, t/a Lee's Liquor, 2339 Pennsylvania Ave SE, License #95751, Retailer A, ANC 7B  
**Substantial Change (hours of operation)**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00098;** Donburi, LLC, t/a To Be Determined, 2438 18th Street NW, License #96770, Retailer CR, ANC 1C, **Application for a New License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00096;** Rosery Entertainment, LLC, t/a Mama Put, 7331 Georgia Ave NW, License #91361, Retailer CT, ANC 4B  
**Substantial Change (Transfer of Location)**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 14-PRO-00095;** Spo-dee-o-dee, LLC, t/a The Showtime, 113 Rhode Island Ave NW, License #89196, Retailer CT, ANC 5E  
**Substantial Change (sidewalk café with 6 seats)**
- Show Cause Hearing\*** **10:00 AM**  
**Case # 14-AUD-00043;** Justin's Café, LLC, t/a Justin's Café, 1025 1st Street SE License #83690, Retailer CR, ANC 6D  
**Failed to File Quarterly Statements (4th Quarter 2013)**



Board's Calendar  
February 4, 2015

**Show Cause Hearing\*** **11:00 AM**  
**Case # 14-CMP-00081;** Pure Hospitality, LLC, t/a Bandolero, 3241 M Street  
NW, License #75631, Retailer CR, ANC 2E  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age, Provided Entertainment Without an Entertainment  
Endorsement**

**Show Cause Hearing\*** **11:00 AM**  
**Case # 14-CC-00082;** WA-ZO-BIA Entertainment, Inc., t/a WA-ZO-BIA  
618 T Street NW, License #79306, Retailer CR, ANC 6E  
**No ABC Manager on Duty**

**BOARD RECESS AT 12:00 PM  
ADMINISTRATIVE AGENDA  
1:00 PM**

**Protest Hearing\*** **1:30 PM**  
**Case # 14-PRO-00082;** S & A Deli, Inc., t/a Good Hope Deli & Market, 1736  
Good Hope Road SE, License #93974, Retailer B, ANC 8A  
**Application to Renew the License**

**\*The Board will hold a closed meeting for purposes of deliberating these  
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY FEBRUARY 4, 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-081092 - **Sesto Senso/Andalu/Spot/Lupe/M I A** - Retail – CT - 1214 18TH ST NW  
[Establishment's license was previously cancelled on 11/12/14 (see Board Order No. 2014-465),  
but was later reinstated on 12/3/14 under the condition of paying all renewal and late fees.  
Renewal and Late Fees were never rendered to ABRA.]

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ABRA-092156 - **NTH (National Tap House)** – Retail – CT - 1331 CONNECTICUT AVE NW  
[Establishment's license was previously cancelled on 11/12/14 (see Board Order No. 2014-463),  
but was later reinstated on 12/3/14 under the condition of paying all renewal and late fees.  
Renewal and Late Fees were never rendered to ABRA.]

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ABRA-075456 – **Ruby Tuesday #5320** – Retail – CR – 3365 14<sup>th</sup> STREET NW  
[The Establishment has closed and the Licensee has requested cancellation of the license.]

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 4, 2015  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On February 4, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case#15-AUD-00013 Comet Pizza, 5037 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-074897

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2. Case#15-AUD-00008 Sisy's, 3911 14TH ST NW Retailer C Restaurant, License#: ABRA-076125

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3. Case#15-AUD-00015 Panache, 1725 DE SALES ST NW Retailer C Restaurant, License#: ABRA-060754

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4. Case#15-AUD-00012 Buck's Fishing & Camping, 5031 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060769

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5. Case#15-AUD-00022 TGI Friday, 2100 PENNSYLVANIA AVE NW Retailer C Restaurant, License#: ABRA-060813

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6. Case#15-AUD-00014 Zoo Bar Cafe, 3000 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-060391

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7. Case#14-251-00345 The Fireplace, 2161 P ST NW Retailer C Tavern, License#: ABRA-014419

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8. Case#15-AUD-00009 Siroc, 915 15TH ST NW Retailer C Restaurant, License#: ABRA-080975
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9. Case#15-AUD-00019 West Wing Cafe, 300 NEW JERSEY AVE NW Retailer C Restaurant, License#:ABRA-084607
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10. Case#15-AUD-00017 P.J. Clarke's And SideCar, 1600 K ST NW Retailer C Restaurant, License#: ABRA-084688
- 
11. Case#15-AUD-00018 Tackle Box, 3245 M ST NW Retailer C Restaurant, License#: ABRA-084952
- 
12. Case#15-AUD-00011 Renaissance Hotel, 999 9TH ST NW Retailer C Hotel, License#: ABRA-085654
- 
13. Case#15-AUD-00021 Paul Bakery, 801 Pennsylvania AVE NW Retailer D Restaurant, License#: ABRA-086639
- 
14. Case#15-AUD-00020 Panda Gourmet, 2700 NEW YORK AVE NE Retailer C Restaurant, License#: ABRA-086961
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15. Case#15-AUD-00016 H & PIZZA, 1118 H ST NE Retailer C Restaurant, License#: ABRA-089158
- 
16. Case#15-AUD-00023 Slate Wine Bar & Bistro, 2404 WISCONSIN AVE NW Retailer C Restaurant, License#:ABRA-089768
- 
17. Case#15-AUD-00010 Elephant & Castle Pub Restaurant, 900 19TH ST NW Retailer C Restaurant, License#:ABRA-089846
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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, FEBRUARY 4, 2015 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement between Baris Protestant Group and J&K Market, dated December 2, 2014. *J&K Market*, 234 15th Street, NE, Retailer B, License No.: 090684.

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2. Review of Settlement Agreement among ANC 1B, Gallagher Protestant Group and Wet Dog Tavern, dated January 20, 2015. *Wet Dog Tavern*, 2100 Vermont Avenue, NW, Retailer CT, License No.: 096176.

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3. Review of Amendment to Settlement Agreement between ANC 6A and Cusbah, dated January 11, 2015. *Cusbah*, 1128 H Street, NE, Retailer CR, License No.: 088779.

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\* In accordance with D.C. Official Code §2-574(b) Open Meetings Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, FEBRUARY 4, 2015 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 5C. SMD 5C07. Pending Enforcement Matter: 5/27/2012, Case #12-251-00190, After-hours, Simple Assault - this matter has not yet been before the Board. No outstanding fines/citations. No Settlement Agreement. *Lace Hospitality*, 2214 Rhode Island Avenue NE, Retailer CT, License No. 076369.
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2. Review Request for Change of Hours for Summer Garden. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday-Thursday, 5pm to 2am, Friday-Saturday 5pm to 3am. *Approved Hours of Live Entertainment for Summer Garden*: Sunday-Saturday 8pm to 1am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday-Thursday 5pm to 11pm, Friday-Saturday 5pm-2am. *Proposed Hours of Live Entertainment for Summer Garden*: Sunday-Saturday 5pm to 8pm. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Rock N Roll Hotel*, 1353 H Street NE, Retailer CT, License No. 072777.
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**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Architecture & Interior Design,**

**1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC. 20024**

**AGENDA**

**February 20th, 2015**

1. Call to Order - 9:30 a.m.
2. Attendees
3. Comments from the Public
4. Executive Session (Closed to the Public) – Roll Call of Board Members
  - A. Review of Applications
  - B. Legal Counsel Report
  - C. Review
5. Minutes – Review Draft
6. Approval of Applications
7. Review of Complaints/Legal Matters
8. Review of Interior Design Continuing Education Provider Submissions
9. Old Business
10. New Business
  - a) NCARB
  - b) NCIDQ
11. Review of Correspondence
12. Adjourn

Next Scheduled Regular Meeting, April 10th, 2015  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Barber and Cosmetology  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**Meeting Agenda  
February 2, 2015  
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – March 2, 2015



**Department of Consumer and Regulatory Affairs  
Occupational and Professional Licensing Division  
Board of Accountancy  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**AGENDA**

**February 6th, 2015  
9:00 A.M.**

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft
- 5) Old Business
- 6) New Business
- 7) Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
- 8) Action on applications discussed in executive session
- 9) Adjournment

Next Scheduled Meeting – TBD 2015  
Location: 1100 4<sup>th</sup> Street SW, Conference Room E300

Department of Consumer and Regulatory Affairs  
Occupational and Professional Licensing Division  
Board of Industrial Trades  
1100 4<sup>th</sup> Street SW, Room 300  
Washington, DC 20024

AGENDA

February 17, 2015  
1:00 P.M -3:30 P.M.

- I. Call to Order
- II. Ascertainment of Quorum
- III. Adoption of the Agenda
- IV. Acknowledgment of Adoption of the Minutes
- V. Report from the Chairperson
- VI. Executive Session  
Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).
- VII. Opportunity for Public Comments
- VIII. New Business
- IX. Old Business
  - DCMR updates
  - Recommendations from Committee(s)
- X. Adjournment

**Next Scheduled Board Meeting:** March 17, 2015 @ 1:00 PM to 3:30 PM  
Room 300 1100 4<sup>th</sup> Street, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Real Estate Appraisers  
1100 4<sup>th</sup> Street SW, Room 300 B  
Washington, DC 20024**

**AGENDA**

**February 18, 2015  
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Attendance (Start of Public Session) – 10:30 a.m.
3. Executive Session (Closed to the Public) – 10:00 – 10:30 a.m.
  - A. Legal Recommendations
  - B. Legal Counsel Report
  - C. Application Review
4. Comments from the Public
5. Minutes - Draft
6. Recommendations
  - A. Review - Applications for Licensure
  - B. Legal Report
  - C. Education Report
  - D. Budget Report
  - E. Calendar
  - F. Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, March 18, 2015  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
D.C. BOXING AND WRESTLING COMMISSION  
1100 4<sup>th</sup> Street SW-Suite E500, SW  
Washington, DC. 20024  
February 10, 2015  
7:00 P.M.

Website: [http://www.pearsonvue.com/dc/boxing\\_wrestling/](http://www.pearsonvue.com/dc/boxing_wrestling/)

## AGENDA

### CALL TO ORDER & ROLL CALL

### COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS

### REVIEW OF MINUTES

- Approval of Minutes

### OLD BUSINESS

1. Gym Equipment Distribution Update
- 2.

### NEW BUSINESS

1. U.S. Junior Olympic Boxing Trials
2. 5<sup>th</sup> Annual Dr. Arnold McKnight Event
3. Upcoming Amateur Events
- 4.

### ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS MARCH 10, 2015

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Funeral Directors  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**Meeting Agenda**

**February 5, 2015  
11:00 A.M.**

1. Call to Order – 11:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Executive Session (Closed to the Public)
6. Review of Correspondence
7. Draft Minutes, January 15, 2015
8. New Business
9. Old Business
10. Adjourn
11. Next Scheduled Board Meeting – March 5, 2015 at 11:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

**SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS**

**February 2015**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME/ LOCATION</b>
Jason Sockwell	Board of Accountancy	6	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	18	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	20	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	2	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	10	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	5	9:30am-2:00 pm
Lori Fowler	Board of Professional Engineering	26	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	10	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	17	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

## NOTICE OF PUBLIC MEETING

District of Columbia Real Estate Commission  
1100 4<sup>th</sup> Street, S.W., Room 4302  
Washington, D.C. 20024

## AGENDA

February 10, 2015

1. Call to Order - 9:30 a.m.
2. Executive Session (Closed to the Public) – 9:30 am-10:30 am
  - A. Legal Committee Recommendations
  - B. Review – Applications for Licensure
  - C. Legal Counsel Report
3. Attendance (Start of Public Session) – 10:30 a.m.
4. Comments from the Public
5. Minutes - Draft, January 13, 2015
6. Recommendations
  - A. Review - Applications for Licensure
  - B. Legal Committee Report
  - C. Education Committee Report
  - D. Budget Report
  - E. 2015 Calendar
  - F. Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, March 10, 2015  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

**DISTRICT DEPARTMENT OF THE ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**GRANTS FOR THE  
FY 2015 Green Building Fund Grant**

The District Department of the Environment (“DDOE”) is seeking nonprofit organizations, government agencies, or educational institutions, to help us meet the ambitious goals related to green buildings set out in the Mayor's Sustainable DC Plan.

Beginning 01/30/2015, the full text of the Request for Applications (“RFA”) will be available online at DDOE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

**Download** from DDOE’s website, [www.ddoe.dc.gov](http://www.ddoe.dc.gov). Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download and related information from the “attachments” section.

**Email** a request to [greenbuildingrfa.grants@dc.gov](mailto:greenbuildingrfa.grants@dc.gov) with “Request copy of RFA 2015-1501-OPS” in the subject line;

**Pick up a copy in person** from the DDOE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002 (call Jay Wilson at (202) 535-2460 to make an appointment and mention this RFA by name); or

**Write** DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Jay Wilson RE:2015-1501-OPS” on the outside of the letter.

**An Informational Conference Call and opportunity for Question and Answers will be held on 2/10/2015, at 3:00 p.m.** The call in number is: 1-857-232-0159; and Conference Code is: 131239.

**The deadline for application submissions is 03/02/2015, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [greenbuildingrfa.grants@dc.gov](mailto:greenbuildingrfa.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Government agencies; and
- Universities/educational institutions.

**Period of Awards:** The end date for the work of this grant program will be September 30, 2015 or as may be extended per the terms of the RFA.



**Available Funding:** The total amount available for this RFA is approximately \$250,000.00. The amount is subject to continuing availability of funding and approval by the appropriate agencies.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at [greenbuildingrfa.grants@dc.gov](mailto:greenbuildingrfa.grants@dc.gov).

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6965 to the Department of the Navy, Joint Base Anacostia-Bolling to construct and operate one 80 kWe emergency generator set with a 145 hp diesel fired engine at Joint Base Anacostia Bolling, AFIAA/MSMX, located at 240 Luke Avenue SW, Building 1304, Washington, DC 20032. The contact person for the facility is Kristin Riggs, Air Program Manager, at (202) 767-0193.

Emissions:

Maximum annual potential emissions from the unit are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM Total)	0.07
Sulfur Oxides (SOx)	0.07
Nitrogen Oxides (NOx)	1.06
Volatile Organic Compounds (VOC)	0.08
Carbon Monoxide (CO)	0.23

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the 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/kWm-hr)</b>		
NMHC+NOx	CO	PM
4.0	3.5	0.20

- 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.*
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers, and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 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 March 2, 2015 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

This notice supersedes the notice published in DC Register on January 16, 2015  
volume 62/3

**DEPARTMENT OF HEALTH (DOH)  
COMMUNITY HEALTH ADMINISTRATION (CHA)  
NOTICE OF FUNDING AVAILABILITY (NOFA)  
Request for Applications (RFA)  
CHA-RFA#HVEBP\_1.30.15**

**CANCELED  
Home Visiting Evidenced Based Programs**

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified applicants to implement one of the eight approved evidence-based home visiting models:

- Early Head Start - Home Visiting
- Early Intervention Program for Adolescent Mothers
- Family Check-Up
- Healthy Families America (HFA)
- Home Instruction for Parents of Preschool Youngsters (HIPPI)
- Nurse Family Partnership (NFP)
- Parents as Teachers (PAT)
- Play and Learning Strategies (PALS) Infant (PDF - 96 KB)

Up to \$500,000 will be made available for two awards. Funds are available for a program period of two years from April 1, 2015 through September 30, 2017, subject to the availability of funds. This funding is made available by the District of Columbia Fiscal Year 2015 Budget Support Act of 2014.

The following entities are eligible to apply: not-for-profit, public, and private organizations with experience working families facing challenges such as: single parenthood; low income; childhood history of abuse and adverse child experiences; and current or previous issues related to substance abuse, mental health issues, and/or domestic violence. Organizations must also be able to demonstrate a track record in providing home visiting services within the District of Columbia.

**The release date for CHA-RFA#HVEBP\_01.30.15 is Friday, January 30, 2015.** The complete RFA will be available on the Office of Partnerships and Grants Services website, <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> under the DC Grants Clearinghouse. A limited number of copies will also be available for pick-up at 899 North Capitol Street, NE, Third Floor (Reception Area), in Washington, D.C. 20002 beginning Friday, January 30, 2015.

Submission n deadline is **Friday, February 27, 2015**. All applications must be received in the DOH/CHA suite on the third floor **no later than 4:30 pm**.

The Pre-Application Conference will be held at the CHA offices located at 899 North Capitol Street, NE (Room 306) on Friday, February 6, 2015 from 2:30 pm to 4:00 pm. Please contact Belinda Logan at (202) 442- 9017 or at [Belinda.logan@dc.gov](mailto:Belinda.logan@dc.gov) for additional information.

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
January 28, 2015

On JANUARY 28, 2015 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA.

**KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL****REQUESTS FOR PROPOSALS****Startup Services**

Kingsman Academy Public Charter School is accepting proposals with references from qualified vendors for startup services, including finance and accounting services, human resources services, student data management services, and general legal consulting. Email questions, requests for the full RFP, and proposals to [proposals@kingsmanacademy.org](mailto:proposals@kingsmanacademy.org) with "Startup Services RFP" in the subject line. Deadline for submissions is 3:00 p.m. on Monday, February 9, 2015. **No phone calls please.**

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****General Contracting Services**

KIPP DC is soliciting proposals from qualified and licensed contractors for general contracting services for its 13,000 sf headquarters office space build-out. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, February 11, 2015 and should be sent to **BOTH** [lindsay.snow@kippdc.org](mailto:lindsay.snow@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org). Questions can be addressed to [lindsay.snow@kippdc.org](mailto:lindsay.snow@kippdc.org).

**End of the Year Award Ceremony Venue**

KIPP DC is looking for a location that holds 650 people to host a seated dinner award ceremony on Friday May 29, 2015. Proposals will be accepted until 5:00pm, EST on Friday, February 13, 2015. For a full RFP and/or more details, please email Rachel Yost at **BOTH** [rachel.yost@kippdc.org](mailto:rachel.yost@kippdc.org) and [procurement@kippdc.org](mailto:procurement@kippdc.org).





## Decision and Order

PERB Case No. 11-U-21

Page 2 of 4

of voting in any election or referendum on a civic matter in his or her community.” Section 1266.15 states:

Where the polls are not open at least three (3) hours either before or after an employee’s regular hours of work, an employee shall be granted an amount of administrative leave that will allow the employee to report for work three (3) hours after the polls open or leave work three (3) hours before the polls close, whichever requires the lesser amount of absence from duty.

Despite the DPM requirement that employees are only granted administrative leave when the polls are not open at least three hours either before or after an employee’s regular work hours, the Union alleges that the Agency’s past practice is to allow three hours of administrative leave without conditions. (Complaint at 3). The Union asserts that the past practice has existed for at least twelve years. *Id.*

The collective bargaining agreement between the Union and the Agency addresses administrative leave in Article 34, Section 3(D), which states that, “[d]uty time (Administrative Leave) may be granted for other purposes as provided by District Personnel Regulations. The preceding [sic] shall not preclude eligibility for other leave that may be prescribed in the District’s Personnel Regulations.”

Respondent did not file an Answer to the Complaint. Board Rule 520.7 provides in pertinent part: “[a] respondent who fails to file a timely answer shall be deemed to have admitted the material facts alleged in the complaint and to have waived a hearing.” Although the material facts alleged in the Complaint are deemed admitted, the Board must still determine whether the Complainant has met its burden of proof concerning whether an unfair labor practice has been committed. *See Virginia Dade v. National Ass’n of Government Employees, Service Employees International Union, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491 at p. 4, PERB Case No. 96-U-22 (1996). The Board has long held that “[to] maintain a cause of action, [a] Complainant must [allege] the existence of some evidence that, if proven, would tie the Respondent’s actions to the asserted [statutory violation]. *Goodine v. FOP/DOC Labor Committee*, 43 D.C. Reg. 5163, Slip. Op. No. 476 at p. 3, PERB Case No. 96-U-16 (1996).

The Union alleges violations of both 5 U.S.C. § 7116(a)(1) and (5) and D.C. Code § 1-617.04(a)(1), (2), and (5). (Complaint at 3). 5 U.S.C. § 7116 applies to federal government employees only, and is therefore outside the Board’s jurisdiction. 5 U.S.C. § 7101; *see also* D.C. Code §§ 1-617.02, 1.617.04. Hence, the Board will address the alleged violations of the Comprehensive Merit Personnel Act (“CMPA”) only.

As the Agency did not file an Answer, the Board must accept as fact: there is a past practice of allowing bargaining unit employees three hours of administrative leave to vote in elections, regardless of the restrictions set forth in Section 1266.15 of the DPM.

## Decision and Order

PERB Case No. 11-U-21

Page 3 of 4

In the instant case, the Agency unilaterally changed a past practice when it ceased allowing three hours of unrestricted administrative leave to vote in elections. This unilateral change constitutes an unfair labor practice. See *District Council 20, American Federation of State, County and Municipal Employees, Locals 1200, 2776, 2401 and 2087 v. District of Columbia Government, et al.*, 46 DC Reg. 6513, Slip Opinion No. 590, PERB Case No. 97-U-15A (1999). Therefore, the Union's Complaint is granted.

Respondent must post a notice acknowledging its violation of the CMPA. The Board has recognized that "when a violation is found, the Board's order is intended to have therapeutic as well as remedial effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices is the protection of rights and obligations." *Nat'l Assoc. of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority*, 47 D.C. Reg. 7551, Slip Op. No. 635 at pp. 15-16, PERB Case No. 99-U-04 (2000). Further, "it is in the furtherance of this end, i.e., the protection of employee rights...[that] underlies [the Board's] remedy requiring the post of a notice to *all employees* concerning the violation found and the relief afforded, notwithstanding the fact that all employees may not have been directly affected." *Bagentose v. District of Columbia Public Schools*, 41 D.C. Reg. 1493, Slip Op. No. 283 at p. 3, PERB Case No. 88-U-33 (1991).

Complainant requests that Respondent pay Complainant's costs in this matter. (Complaint at 4). The Board addressed the criteria for determining whether costs should be awarded in *AFSCME, D.C. Council 20, Local 2776 v. District of Columbia Department of Finance and Revenue*, 73 D.C. Reg. 5658, Slip Op. No. 245 at pp. 4-5, PERB Case No. 89-U-02 (2000):

First, any such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the fact of the statute that it is only those costs that are "reasonable" that may be ordered reimbursed...Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued...What we can say here is that among the situation in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive representative.

Decision and Order  
PERB Case No. 11-U-21  
Page 4 of 4

We find that under the circumstances of this case: (1) the Union prevailed in its Complaint; and (2) the Agency's conduct was undertaken in bad faith because it knew or should have known that a unilateral change to a past practice constitutes an unfair labor practice.

### ORDER

#### IT IS HEREBY ORDERED THAT:

1. The Unfair Labor Practice Complaint is granted;
2. The District of Columbia Department of Health, its agents and representatives, shall cease and desist violating D.C. Code § 1-617.04(a)(1), (2), and (5) by unilaterally changing its policy for administrative leave for voting in elections;
3. The District of Columbia Department of Health shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to employees are normally posted. The Notice shall remain posted for thirty (30) consecutive days.
4. Within fourteen (14) days from the date of this Decision and Order, the Department of Health shall notify the Public Employee Relations Board in writing that the attached Notice has been posted accordingly.
5. The District of Columbia Department of Health will pay AFGE Local 2978's reasonable costs of litigating this matter.
6. Within fourteen (14) days from the issuance of this Decision and Order, the Complainant shall submit to the Public Employee Relations Board a written statement of actual costs incurred in processing this unfair labor practice complaint. The statement of costs shall be filed together with supporting documentation. The Department of Health may file a response to the Complainant's statement of costs within fourteen (14) days from the service of the statement of costs upon it.
7. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

June 8, 2012.

**CERTIFICATE OF SERVICE**

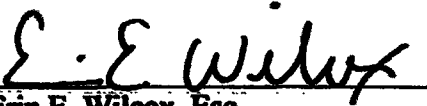
This is to certify that the attached Decision and Order in PERB Case No. 11-U-21 was transmitted via U.S. Mail and e-mail to the following parties on this the 8th day of June, 2012.

Mr. Robert Mayfield  
AFGE Local 2978  
PO Box 76588  
Washington, D.C. 20013  
afgerobert2978@yahoo.com

**U.S. MAIL and E-MAIL**

Mr. Mohammad N. Akhter  
Director  
D.C. Department of Health  
899 North Capitol St., NE  
5<sup>th</sup> Floor  
Washington, D.C. 20002  
mohammad.akhter@dc.gov

**U.S. MAIL and E-MAIL**

  
Erin E. Wilcox, Esq.  
Attorney-Advisor



Public Employee Relations Board



1100 4th Street S.W. Suite E630 Washington, D.C. 20024 Business: (202) 727-1822 Fax: (202) 727-9116 Email: perb@dc.gov

# NOTICE

**TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH ("DOH"), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1275, PERB CASE NO. 11-U-21 (June 8, 2012)**

**WE HEREBY NOTIFY** our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered DOH to post this notice.

**WE WILL** cease and desist from violating D.C. Code § 1-617.04(a)(1), (2), and (5) by the actions and conduct set forth in Slip Opinion No. 1275.

**WE WILL** cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act ("CMPA").

**WE WILL NOT**, in any like or related manner, interfere, restrain or coerce employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

District of Columbia Department of Health

Date: \_\_\_\_\_ By: \_\_\_\_\_

**This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.**

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4<sup>th</sup> Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

**BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

June 21, 2012

**D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION****MEETING UPDATE**

The D.C. Sentencing and Criminal Code Revision Commission hereby gives notice that the Commission meeting on February 17, 2015 is cancelled. The meeting was rescheduled for **Tuesday, February 10, 2015**. Inquiries concerning the meeting may be addressed to Mia Hebb, Staff Assistant, at (202) 727-8822 or [Mia.Hebb@dc.gov](mailto:Mia.Hebb@dc.gov).

**SOMERSET PREPARATORY DC PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSAL****Speech and OT SPED Services**

Somerset Preparatory DC Public Charter School is advertising the opportunity to bid on Special Education Speech and Occupational Therapy services for grades 6 - 9. Additional specifications outlined in the Request for Proposals (RFP) such as: student data, days of service, experience required, etc. may be obtained beginning on **Friday, January 30, 2015** from:

**JAMES GRIFFIN**

3301 WHEELER RD, SE, Washington, DC 20032

202-562-9170 ext 101 or 202-562-9104 ext 101

Email: [jgriffin@somersetprepdc.org](mailto:jgriffin@somersetprepdc.org)

Proposals will be accepted at the above address on **Monday, February 9, 2015** no later than 12 noon.

All bids not addressing all areas as outlined in the RFP will not be considered.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DC TAXICAB COMMISSION**

**NOTICE OF GENERAL COMMISSION MEETING**

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, February 11, 2015 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Suite 2320, Washington, DC 20020, inside the Hearing Room on the Second Floor. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at [www.dctaxi.dc.gov](http://www.dctaxi.dc.gov).

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on February 10, 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.**

**DRAFT AGENDA**

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, February 5, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. The final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

## DRAFT AGENDA

- |    |  |                       |
|----|--|-----------------------|
| 1. | <b>Call to Order</b>                               | Board Chairman        |
| 2. | <b>Roll Call</b>                                   | Board Secretary       |
| 3. | <b>Approval of January 8, 2015 Meeting Minutes</b> | Board Chairman        |
| 4. | <b>Committee Reports</b>                           | Committee Chairperson |
| 5. | <b>General Manager's Report</b>                    | General Manager       |
| 6. | <b>Action Items</b><br>Joint-Use<br>Non Joint-Use  | Board Chairman        |
| 7. | <b>Other Business</b>                              | Board Chairman        |
| 8. | <b>Adjournment</b>                                 | Board Chairman        |

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

**Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, February 19, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. The final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

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|--|--|
| <b>1. Call to Order</b>                                  | Committee Chairperson                          |
| <b>2. AWTP Status Updates</b><br>1. BPAWTP Performance   | Assistant General Manager,<br>Plant Operations |
| <b>3. Status Updates</b>                                 | Chief Engineer                                 |
| <b>4. Project Status Updates</b>                         | Director, Engineering &<br>Technical Services  |
| <b>5. Action Items</b><br>- Joint Use<br>- Non-Joint Use | Chief Engineer                                 |
| <b>6. Emerging Items/Other Business</b>                  |  |
| <b>7. Executive Session</b>                              |  |
| <b>8. Adjournment</b>                                    | Committee Chairperson                          |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on February 26, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. The final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dcwater.com](mailto:lmanley@dcwater.com).

**DRAFT AGENDA**

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|----|------------------------------------|------------------------------|
| 1. | Call to Order                      | Chairman                     |
| 2. | January 2015 Financial Report      | Director of Finance & Budget |
| 3. | Agenda for March Committee Meeting | Chairman                     |
| 4. | Adjournment                        | Chairman                     |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, February 24, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. The final agenda will be posted to the DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dcwater.com](mailto:لمانley@dcwater.com).

**DRAFT AGENDA**

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|----|---|-------------------------|
| 1. | Call to Order                               | Committee Chairman      |
| 2. | Monthly Updates                             | Chief Financial Officer |
| 3. | Committee Work plan                         | Chief Financial Officer |
| 4. | Other Business                              | Chief Financial Officer |
| 5. | Agenda for March 24, 2015 Committee Meeting | Committee Chairman      |
| 6. | Adjournment                                 | Chief Financial Officer |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Water Quality and Water Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, February 19, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. The final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

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|----|--------------------------------|--|
| 1. | Call to Order                  | Committee Chairperson                    |
| 2. | Water Quality Monitoring       | Assistant General Manager, Consumer Ser. |
| 3. | Action Items                   | Assistant General Manager, Consumer Ser. |
| 4. | Emerging Issues/Other Business | Assistant General Manager, Consumer Ser  |
| 5. | Executive Session              |  |
| 6. | Adjournment                    | Committee Chairperson                    |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Order No. 18725-A on the Motion for Reconsideration and Rehearing of the Application of Rafael Romeu**, pursuant to 11 DCMR § 3103.2, for a variance from lot occupancy requirements under § 403, a variance from the rear yard requirements under § 404, and a variance from the nonconforming structure requirements under § 2001.3, to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98).

<b>HEARING DATE:</b>	March 11, 2014
<b>DECISION DATE:</b>	March 11, 2014
<b>ORDER DATE:</b>	May 7, 2014
<b>RECONSIDERATION DECISION DATE:</b>	June 24, 2014

**ORDER DENYING RECONSIDERATION AND REHEARING**

By order dated May 7, 2014, the Board of Zoning Adjustment (the “Board”) granted the application of Rafael Romeu (the “Applicant”) submitted on December 30, 2013. The application requested variance relief from zoning requirements regarding lot occupancy, rear yard, and enlargement of a nonconforming structure to allow the construction of a rear deck in the DC/R-4 District at premises 1536 T Street, N.W. (Square 191, Lot 98) (“Subject Property”). After a public hearing on March 11, 2014, the Board granted the requested relief. The Board found that the Applicant’s detrimental reliance on the actions of the Department of Consumer and Regulatory Affairs (“DCRA”) constituted a unique zoning history, which contributed to the Subject Property’s exceptional condition. The Board noted in its written order that the Applicant relied in good faith on the assurances of a “DCRA zoning technician” and on the issuance of a DCRA building permit for the construction of the rear deck. The parties to the proceeding were the Applicant, Advisory Neighborhood Commission (“ANC”) 2B, and a consolidated party in opposition (the “Opposition Party”), including James Hill, Amir Afkhami, and Robert Uth.

On May 20, 2014, counsel for the Opposition Party filed a motion for reconsideration of the Board’s decision and rehearing of the case based on what it claimed to be new evidence. The evidence proffered by the Opposition Party was obtained from DCRA through a Freedom of Information Act (“FOIA”) request and showed that Jeannette Anderson, the DCRA employee on whose approval the Applicant initially relied, has the official job title of Engineering Technician and not Zoning Technician, as stated in the record and in the Board’s order. The Opposition Party also submitted the job description for Engineering Technician to support the allegation that Ms. Anderson’s position does not require knowledge or familiarity with the zoning regulations. Based on this evidence, the Opposition Party argued that the Applicant’s reliance on the assurances of Ms. Anderson was unreasonable, and therefore, the application should be reheard, reconsidered, and denied. The Opposition Party also raised the issue that the Applicant should have met with the Zoning Administrator (“ZA”) and sought a Preliminary Design Review

**BZA APPLICATION NO. 18725-A**  
**PAGE NO. 2**

Meeting instead of relying on the other actions of DCRA. This procedure, the Opposition Party asserted, is widely used and costs “only \$65.”

By letter dated May 28, 2014, counsel for the Applicant responded to the motion, arguing that the evidence submitted by the Opposition Party provides no new information and, further, provides no basis to rehear or reconsider the case. The Applicant noted that the Opposition Party did not challenge the Applicant’s reliance on DCRA’s issuance of a building permit, which would support a finding of detrimental reliance on its own. The Applicant also contended that the proffered job description does not support the Opposition Party’s argument as to Ms. Anderson’s qualifications, as the description contains references to the Engineering Technician’s need to “determine compliance with zoning codes” and to “develop zoning analyses for ... architects ... to ensure compliance with the District of Columbia construction standards, specifications, and zoning codes.” For these reasons, the Applicant requested that the Board deny the motion.

On May 29, 2014, the Opposition Party filed a response to the Applicant’s letter. The Opposition Party argued that the position description does not demonstrate a need to be familiar with the zoning regulations and that, if such familiarity were required, it would be indicated in the description. The Opposition Party also noted that the Applicant did not address the option of meeting with the ZA as a means of obtaining reliable zoning advice.

The Board considered the matter at its public meeting on June 24, 2014 and voted to deny the motion.

**CONCLUSIONS OF LAW**

Pursuant to § 3126.2 of the Zoning Regulations, any party may file a motion for reconsideration or rehearing of any decision of the Board, provided that the motion is filed within 10 days from the date of issuance of a final written order by the Board. In this case, the written order granting the application was issued on May 7, 2014 and the motion for reconsideration and rehearing was timely filed on May 20, 2014.

A motion for reconsideration must state specifically all respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought. (11 DCMR § 3126.4.) The Board will not consider a request for rehearing unless new evidence is submitted that could not reasonably have been presented at the original hearing. (11 DCMR § 3126.6.)

With its motion for reconsideration and rehearing, the Opposition Party introduced evidence that the official job title of Jeannette Anderson is Engineering Technician, and not Zoning Technician as represented in the record and in the Board’s order. The evidence presented by the Opposition Party was obtained by FOIA request, which could have been requested and made available at the time of the hearing. In any event, the Board finds that the evidence does not merit reconsideration or rehearing of the case.



**BZA APPLICATION NO. 18725-A**  
**PAGE NO. 3**

In granting the original application, the Board found that the Applicant had, in good faith, detrimentally relied on the assurances of DCRA. These assurances took two forms: the opinion of the aforementioned DCRA employee and the issuance of a building permit. It is well settled that “good faith detrimental reliance on zoning actions” constitutes unique zoning history and contributes to the exceptional condition of the property. *See Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097–98 (D.C. 1979). When determining whether good faith, detrimental reliance occurred in this case, the proper consideration is not whether Ms. Anderson’s job description demonstrates that she was, in fact, qualified to give zoning advice. Rather, the Board must consider whether Ms. Anderson represented herself as being authorized to provide zoning advice such that the Applicant relied on her approval in good faith. The evidence presented by the Opposition Party does not dispute that Ms. Anderson represented herself as a person authorized to undertake zoning reviews, nor does it dispute that the Applicant relied in good faith upon Ms. Anderson’s representation. The mere fact that her title was incorrectly reflected in the record and the Board’s order is therefore immaterial.

Nonetheless, as to the requirements of the Engineering Technician position, the Board concurs with the Applicant that the evidence proffered by the Party in Opposition undermines its argument. Despite “zoning” being absent from the position title, the requirements of Ms. Anderson’s role include the need to “determine compliance with zoning codes” and to “develop zoning analyses for ... architects ... to ensure compliance with the District of Columbia construction standards, specifications, and zoning codes.” The Board finds that these requirements demonstrate a need for the employee to be familiar with the zoning code in order to determine issues of compliance. In any event, the Applicant’s reliance on Ms. Anderson’s approval is secondary to his reliance on the building permit issued by DCRA, which would, on its own, support the Board’s finding of good faith detrimental reliance. *See e.g. Oakland Condominium v. District of Columbia Bd. of Zoning Adjustment*, 22 A.3d 748, 753 (D.C. 2011) (Holding that the Applicants’ reliance on the issuance of a DCRA building permit was reasonable, as they had no reason to believe they were not acting in accordance with the zoning regulations); *Application No. 18570 of 1845 North Capitol Street NE LLC* (2013) (Finding that the Applicant’s reliance on a DCRA building permit, which was subsequently revoked, gave rise to an exceptional condition to justify granting variance relief.)

In its motion and response letter, the Opposition Party mentions that the Applicant should have sought out the opinion of the Zoning Administrator himself, noting that the process is widely used and not costly. The alternative means an applicant could pursue to ensure compliance with the zoning regulations are not relevant to the Board’s considerations here. In *Oakland Condominium*, 22 A.3d at 753, the petitioner put forth a similar argument, claiming that the applicant was not sufficiently diligent in his efforts to ensure zoning compliance, and therefore, could not invoke reliance on a building permit as an exceptional condition. The Court rejected this argument, holding that the proper consideration is whether the applicant “had relied in good faith on the actions of city officials.” *Id.* at 753-54. As previously discussed, this is the standard by which the Board made its finding that the Applicant’s reliance on DCRA’s actions

**BZA APPLICATION NO. 18725-A**  
**PAGE NO. 4**

contributed to the exceptional condition of the property. Therefore, the Board finds no reason to revisit the issue.

Accordingly, it is **ORDERED** that the **Motion for Reconsideration and Rehearing** is **DENIED**.

**VOTE:**       **3-0-2** (Jeffrey L. Hinkle, Lloyd J. Jordan, and Anthony J. Hood (by absentee ballot) to Deny; S. Kathryn Allen not present, not voting, and Marnique Y. Heath not having heard the case, 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 15, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18791 of Community Connections, Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception for a community residence facility (eight residents<sup>1</sup> and three staff) under § 218, in the R-1-B District at premises 5422 Blair Road, N.E. (Square 3703, Lot 95).

**HEARING DATE:** July 8, 2014

**DECISION DATE:** July 8, 2014

**DECISION AND ORDER**

This self-certified application was submitted on April 24, 2014 by Community Connections, Inc. (the “Applicant”), the owner of the property that is the subject of the application. The application requests a special exception for a community residence facility, with eight residents and three staff, under § 218, in the R-1-B District at premises 5422 Blair Road, N.E. (Square 3703, Lot 95) (the “Subject Property”). Following a public hearing, the Board voted to approve the application.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated April 25, 2014, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 4; Advisory Neighborhood Commission (“ANC”) 4B, the ANC in which the Subject Property is located; and Single Member District/ANC 4B08. Pursuant to § 3113.13, the Office of Zoning mailed letters on May 2, 2014 providing notice of the hearing to the Applicant, ANC 4B, and the owners of all property within 200 feet of the Subject Property. Notice of hearing was published in the *D.C. Register* on May 2, 2014 at 61 DCR 4389.

Party Status. The Applicant and ANC 4B were automatically parties to this proceeding. The Board did not receive any additional requests for party status.

Applicant’s Case. The Applicant described the operations of its existing community residence facility for six individuals with mental health issues and with three rotating staff. The Applicant proposed to construct a two-story addition on the northern side of the property to accommodate the handicap-accessible portion of the building. With the addition, the Applicant proposed to increase the capacity of the facility from six to eight residents. The Applicant also indicated that the staff would serve in rotating shifts, such that no staff member would be sleeping on-site. Based on the information provided, the Applicant argued that the load increase to eight residents would meet the special exception requirements of § 3104.1 and § 218.

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<sup>1</sup> The initial application proposed to increase the capacity of the facility to 10 residents; however, after meeting with ANC 4B and neighborhood groups, the Applicant reduced the proposed number of residents to eight.

**BZA APPLICATION NO. 18791****PAGE NO. 2**

OP Report. By memorandum dated July 1, 2014, the Office of Planning recommended approval of the special exception relief pursuant to § 218, provided that the maximum number of residents be limited to eight and that a parking area for two vehicles be maintained in the rear yard for use by staff. (Exhibit 29.)

DDOT Report. By memorandum dated July 1, 2014, the District Department of Transportation indicated that it had no objection to the requested special exception relief. DDOT noted, however, its concerns regarding the Applicant's proposed new curb-cut on Kennedy Street. (Exhibit 28.)

ANC Report. By letter dated June 24, 2014, ANC 4B indicated that it discussed the application at its properly noticed, regularly scheduled meeting on June 23, 2014. With a quorum present, the ANC voted 7-2 in opposition to the proposal to increase the number of residents at the facility from six to 10. The report noted that some neighbors oppose any increase in the number of residents at the facility and that the ANC "strongly recommends" that the number of residents be limited to eight. (Exhibit 26.)

Persons in support. The District of Columbia Department of Behavioral Health submitted a letter in support on July 1, 2014. (Exhibit 30.) At the public hearing, Delabian Rice-Thurston and Robert Thurston, residents of 13 Kennedy Street, N.E., testified in support of the application. Both individuals were supportive of additional mental health facilities in the neighborhood and noted that, through their involvement with the National Alliance on Mental Illness, they have learned that Community Connections, Inc. is a well-respected organization.

Persons in opposition. Three neighboring residents submitted letters of opposition: Elizabeth Lazaro residing at 26 Kennedy Street, N.E. (Exhibit 24); Thelma Morris-Lindsey residing at 5425 Blair Road, N.E. (Exhibit 25); and Kevin Josey residing at 5421 Blair Road, N.E. (Exhibit 27). The letters raised concerns about the expansion of the community residence facility and requested additional information about the nature of the facility and its operations. Two nearby residents, Reverend Graylan Hagler and Jamie McAnce testified in opposition at the public hearing. Rev. Hagler's testimony indicated that he had concerns about the operations of the facility located at 11 Jefferson Street, N.E. and noted that the expansion of the Applicant's facility would change the character of the neighborhood. His testimony also raised the issue of a murder that had taken place on the Subject Property approximately seven years ago. Ms. McAnce testified about the potential parking impacts and privacy issues that could arise from the granting of the application.

**FINDINGS OF FACT**The Subject Property

1. The property that is the subject of this application is located at the corner of Kennedy Street, N.E. and Blair Road, N.E. at the address 5422 Blair Road, N.E. (Square 3703, Lot 95) (the "Subject Property"). The Subject Property abuts a 15-foot wide alley to the south.

**BZA APPLICATION NO. 18791****PAGE NO. 3**

2. The Subject Property is zoned R-1-B. The surrounding neighborhood includes two-story detached one-family dwellings.
3. The Subject Property is improved with a two-story detached dwelling with a basement. There are two off-street parking spaces on the lot. Vehicular access to the Subject Property is available from the alley.
4. On the Subject Property, the Applicant operates a community residence facility housing six individuals. The facility serves as a permanent residential facility for individuals with mental health issues, though some residents may move out to pursue more independent living arrangements or individuals may move in to seek additional support and care.
5. The Applicant operates 12 licensed group homes and various other independent housing units in the District.
6. The Applicant has operated the existing community residence facility on the Subject Property for 13 years, but more recently, the property has been vacant for approximately two years as the Applicant sought funds to complete a renovation on the building.
7. An existing community-based residential facility (“CBRF”) that houses eight individuals is located at 11 Jefferson Street, N.E., approximately 273 feet from the Subject Property.
8. Neighbors have raised concerns about the operations of the CBRF located at 11 Jefferson Street, N.E. Complaints about the facility include that, in the past, residents have been unsupervised and have walked to a nearby church to seek shelter.
9. Regarding the Applicant’s facility, neighbors indicated that the tendency of residents to sit on the rear porch and look into neighbors’ yards has created privacy concerns. In addition, neighbors sought additional information about the nature of the facility and its operations.
10. Neighbors also voiced concerns about a murder that occurred at the Applicant’s facility approximately seven years ago; however, such incidents are rare on the Applicant’s properties.
11. The Applicant has received no complaints regarding noise or traffic from neighboring residents throughout the 13 years of its operation on the Subject Property.

The Applicant’s Proposal

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12. The Applicant received grant funding from the Department of Housing and Community Development to renovate the existing structure in order to provide single-floor access to mobility-challenged individuals.
13. Accordingly, the Applicant proposes to construct a two-story plus basement addition on the existing structure.
14. Once the addition is completed, the Applicant proposes to increase the capacity of the facility from six residents to eight residents.
15. The Applicant plans for staff members of the facility to serve 12-hour rotating shifts. Previously, staff members served multiple-day shifts and would sleep at the facility. Under the Applicant's proposal, the facility would be staffed by at least one individual at all times. Part-time staff members would provide support during certain busy periods, such as mealtimes, and at most, three staff members would be on duty at one time. No staff member would be sleeping on-site.
16. The staff members at the facility are clinically trained to work with individuals with mental health issues.
17. Based on the proposed renovations, the Applicant intends to house, at maximum, four mobility-challenged individuals on the first floor and four individuals on the second floor.
18. The Applicant proposes to retain the two existing parking spaces on the Subject Property. Only one parking space is required by § 2101.1 for a community residence facility housing eight individuals.
19. The residents of the community residence facility would not drive or own vehicles. Therefore, the two on-site parking spaces would serve staff and visitors.
20. The Applicant's existing facility is in good standing with the District Department of Behavioral Health and the expansion of the facility to accommodate two additional residents would meet all code and licensing requirements.

The Zoning Relief Required

21. A community residence facility is a subcategory of CBRF that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1 (1986) (superseded). (11 DCMR § 199.1.)
22. In the R-1 District, a community residence facility for seven or eight residents is permitted as a matter of right, provided that there is no existing CBRF for seven or more

**BZA APPLICATION NO. 18791****PAGE NO. 5**

persons within the same square or within a 1,000 foot radius of any portion of the Subject Property. (11 DCMR § 201.1(v).)

23. Because an existing CBRF for eight individuals is located at 11 Jefferson Street, N.E., approximately 273 feet from the Subject Property, the Applicant may not establish the facility as a matter of right;<sup>2</sup> however, § 218 permits a community residence facility for up to 15 persons in the R-1 District by special exception.
24. The R-1 District is designed to protect quiet residential areas and to promote a suitable environment for family life. (11 DCMR §§ 200.1–200.2.)

**CONCLUSIONS OF LAW AND OPINION**

The Applicant requests special exception relief to establish a community residence facility for eight residents under § 218, in the R-1-B District at premises 5422 Blair Road, N.E. (Square 3703, Lot 95) (the “Subject Property”). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g) (2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR § 3104.1.)

In this case, the Applicant must meet the specific conditions enumerated in § 218, which include the following: First, there shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility. (11 DCMR § 218.3.) The proposed facility shall meet all applicable code and licensing requirements. (11 DCMR § 218.4.) Additionally, the facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area. (11 DCMR § 218.5.) Pursuant to § 218.2, a community residence facility permitted by special exception may not be located within the same square as or within 1,000 feet of an existing CBRF. Subsection 218.6 notes, however, that the Board may approve more than one community-based residential facility in a square or within a 1,000 foot radius if “the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.”

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must

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<sup>2</sup> Subsection 201.1 (f) permits, as a matter of right “community-based residential facility for occupancy by persons with disabilities; provided, that the determination of disability facility shall be made according to the reasonable accommodation criteria in 14 DCMR § 111, ‘Procedures for Reasonable Accommodation under the Fair Housing Act’.”

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grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

The Board finds that the Applicant has met the special exception requirements of § 218. First, the Board finds that the Applicant will provide appropriate off-street parking, as required by § 218.3. Although only one parking space is required under § 2101.1, there are two parking spaces located on site. As Applicant has testified, the residents of the facility do not drive; therefore, the parking spaces will be needed by staff and visitors only. As an additional measure to mitigate potential parking impacts, the Board has required the Applicant to prohibit staff members from using street parking in the neighborhood. Further, the Board credits OP’s report stating that the Applicant’s existing facility is in good standing with the District Department of Behavioral Health and that the expansion of the facility would meet all code and licensing requirements. In addition, the Board finds that the facility will create no adverse impacts because of traffic, noise, or operations. The Applicant has operated a community residence facility for six residents on the Subject Property for approximately 13 years and has shown that its operation of the facility has not created excessive noise or traffic in the area. The Applicant now proposes a modest increase in capacity, from six residents to eight residents, and the Board finds that the facility will continue to operate in a way that does not have an adverse impact on the surrounding properties. Specifically, the staffing plan proposed by the Applicant – to have staff members serve 12-hour shifts such that no staff members must sleep at the facility – will allow for the safe and orderly operation of the facility. Nevertheless, the Board is sensitive to neighbors’ concerns and their requests for better communication with the Applicant. Accordingly, the Board has required that the Applicant appoint a Community Relations Coordinator and to distribute the Coordinator’s name to neighbors.

As is required by § 218.6, the Board finds that the cumulative effects of the Applicant’s facility and the existing CBRF at 11 Jefferson Street, N.E. will not have an adverse impact on the neighborhood because of traffic, noise, or operations. Though some neighbors have raised concerns regarding the facility at 11 Jefferson Street, N.E., the Board finds that increasing the capacity of the Applicant’s facility by two residents will not result in a negative cumulative impact on the neighborhood. Therefore, the Board finds that the Applicant has met the requirements for special exception relief under § 218.

The Board also concludes that the Applicant has satisfied the burden of proof for a special exception pursuant to § 3104.1. The proposed community residence facility will be in harmony with the general purpose and intent of the zoning regulations and zoning plan for the R-1-B Zone District. The R-1 District is intended to serve as a quiet residential area, and the Board finds that the operation of the Applicant’s community residence facility as permanent housing for individuals with mental illness issues fits within that stated purpose. Further, as discussed in greater detail within the context of § 218, the Board finds that the facility will not tend to adversely affect the use of neighboring properties.



**BZA APPLICATION NO. 18791****PAGE NO. 7**

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)). For the reasons discussed, the Board concurs with OP’s recommendation to approve the requested relief.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. (Section 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) (2012 Repl.)).) In its report, ANC 4B indicated that it voted 7-2 in opposition to the proposal to increase the number of residents at the facility from six to 10, based on the Applicant’s original proposal. The report also noted that the ANC “strongly recommends that the number of residents remain limited to eight.” (Exhibit 26.) The Applicant subsequently reduced the proposed number of residents to eight, based on this recommendation. Therefore, this issue and concern has been addressed. The ANC further indicated generally that it had heard “comments and concerns from residents who oppose any increase in the number of residents at the Facility.” (Exhibit 26). The Board considered these concerns, as well as those raised by residents who provided testimony in opposition, and in light of these concerns, has imposed certain conditions on the Applicant. The conditions will provide for easier communication between the facility and its neighbors and will serve to mitigate potential impacts on parking in the area. Ultimately though, the Board was not persuaded to deny the application. As previously discussed, the Applicant has shown that the operation of the facility will cause no significant impacts on traffic or noise in the neighborhood.

Based on the findings of fact and conclusions of law, the Board finds that the Applicant has satisfied the burden of proof with regard to the request for special exception to establish a community residence facility, with eight residents and three staff, under § 218, in the R-1-B District at premises 5422 Blair Road, N.E. (Square 3703, Lot 95). Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT to APPROVED ARCHITECTURAL PLANS at EXHIBIT 4**, and **SUBJECT** to the following **CONDITIONS**:

1. The Applicant shall appoint a Community Relations Coordinator and shall distribute to neighbors within 200 feet of the Subject Property the name of the Community Relations Coordinator.
2. The Applicant shall prohibit staff from using on-street parking.

**VOTE:**           **3-0-2**           (Peter G. May, Jeffrey L. Hinkle, and Lloyd J. Jordan to Approve;  
S. Kathryn Allen and Marnique Y. Heath to Deny.)

**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 20, 2015

**BZA APPLICATION NO. 18791****PAGE NO. 8**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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. 18861 of Justin and Margaret Kitsch**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy (§ 403) and rear yard (§ 404) requirements, to allow a rear deck addition to a row dwelling in the R-4 District at premises 1330 5th Street, N.W. (Square 480, Lot 843).<sup>1</sup>

**HEARING DATES:** November 18, 2014 and January 13, 2015

**DECISION DATE:** January 13, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4, 8, 18, and 36.)

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") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report of support for the application. In its letter the ANC indicated that at a regularly scheduled, duly noticed public meeting on November 6, 2014, with a quorum present, the ANC voted 6-0-0 to support the application. (Exhibit 32.)

The Office of Planning ("OP") submitted two reports. In its original report dated November 11, 2014, OP stated that it could not support the variance relief that was initially requested. (Exhibit 30.) In its supplemental report dated December 2, 2014, OP changed its recommendation and indicated that it supported the amended application for special exception relief. (Exhibit 39.) The District Department of Transportation ("DDOT") submitted a timely report of no objection to the application. (Exhibit 28.)

Three letters of support were filed by neighbors. (Exhibits 22-23, 27.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 223, not meeting the lot occupancy (§ 403) and rear yard (§ 404) requirements, to allow a rear deck addition to a row dwelling in the R-4 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 Applicant amended the application by changing the request in relief from variances to special exception relief. The caption has been amended accordingly.

**BZA APPLICATION NO. 18861****PAGE NO. 2**

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 223, 403, and 404, 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.

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 REVISED PLANS IN THE RECORD AT EXHIBIT 35.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, and Anthony J. Hood to APPROVE; Jeffrey L. Hinkle, not present or participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 15, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE

**BZA APPLICATION NO. 18861****PAGE NO. 3**

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. 18894 of Mervin Richard and Judith Brodie**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the rear yard requirements (§ 404) and the nonconforming structure requirements (§ 2001.3), to allow the expansion of an accessory structure in the R-1-B District at premises 3509 Patterson Street, N.W. (Square 2001, Lot 9).<sup>1</sup>

**HEARING DATES:** December 2, 2014<sup>2</sup> and January 13, 2015  
**DECISION DATE:** January 13, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 3 and 28.)

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") 3G and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. The ANC submitted a report of support for the application. In its report the ANC indicated that at a regularly scheduled, duly noticed public meeting on November 10, 2014, with a quorum present, the ANC voted 7-0 to support the application. (Exhibit 26.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application (Exhibit 27) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report of no objection to the application. (Exhibit 24.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 223, not meeting the rear yard requirements (§ 404) and the nonconforming structure requirements (§ 2001.3), to allow the expansion of an accessory structure in the R-1-B 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> At the January 13<sup>th</sup> hearing, the Applicant amended the application by adding special exception relief from § 2001.3 and withdrawing the request for special exception relief from side yard requirements (§ 405). The caption has been amended accordingly.

<sup>2</sup> The application was removed from the Board's Expedited Review calendar of December 2, 2014 and scheduled for a public hearing on January 13, 2015.

**BZA APPLICATION NO. 18894****PAGE NO. 2**

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1, 223, 404, 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.

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 REVISED PLANS IN THE RECORD AT EXHIBITS 29 THROUGH 34.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Marnique Y. Heath, and Anthony J. Hood to APPROVE; Jeffrey L. Hinkle, not present or participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 20, 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

**BZA APPLICATION NO. 18894****PAGE NO. 3**

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.



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