



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 20-609, Omnibus Alcoholic Beverage Regulation Amendment Act of 2014
- D.C. Council enacts Act 20-616, Voter Registration Access and Modernization Emergency Amendment Act of 2014
- D.C. Council enacts Act 20-621, License to Carry a Pistol Amendment Act of 2014
- Executive Office of the Mayor proposes adoption of a new title 13 (Sign Regulations) of the D.C. Municipal Regulations
- Executive Office of the Mayor establishes the Office of Talent and Appointments (Mayor’s Order 2015-063)
- Board of Elections updates regulations for conducting special elections to fill vacancies
- D.C. Public Library updates rules regarding use of meeting rooms, fund raising activities, and weapons in D.C. public libraries

# DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-609**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2015**

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To amend Title 25 of the District of Columbia Official Code to establish a class C manufacturer's license, to clarify who can apply for a hotel license, to clarify that class CX and DX licenses are eligible to obtain a sidewalk café or summer garden endorsement, to clarify that the holder of a manufacturer's license, class A, may allow the sampling of wine with a tasting permit, to allow a holder of a manufacturer's license, class A, to apply for an on-site sales and consumption permit, to create a new festival license, to provide that when a licensee is transferred to a new location the burden shall be on the applicant to demonstrate that provisions of an existing settlement agreement do not apply to the new location, to clarify that an applicant for a manager's license is not required to be the true and actual owner of an existing or proposed business, to clarify that the 400-foot distance prohibition between off-premises retail licensees does not apply to internet businesses that are not open to the public, to clarify that the Alcoholic Beverage Control Board is not required to schedule an administrative review hearing in those instances when no protests have been received by the Board, to clarify when the record closes for a protested license application, to define the term license's renewal period to clarify when a request to amend or terminate a settlement agreement must be filed with the Board, to clarify that a Board-approved settlement agreement submitted by an affected Advisory Neighborhood Commission does not dismiss a valid protest filed by an abutting property owner, to clarify that a Board-approved manager or owner who personally superintends the establishment during licensed hours of sale shall not be under the influence of alcohol or illegal drugs, to clarify that the failure to post a warning sign regarding the dangers of alcohol consumption during pregnancy is a secondary tier violation, to eliminate the requirement that extended-hours applications be submitted by licensees annually, to require that all advertisements relating to alcoholic beverages can only be displayed in the window of a licensed establishment if the total area covered by the advertisements does not exceed 25% of the window space, to enhance the penalties for the prohibited sale of alcohol to minors or intoxicated persons, to provide Alcoholic Beverage Regulation Administration investigators with the authority to seize a liquor license from an establishment that has been suspended, revoked, or cancelled by the Board or is out of business or has been closed by another government agency, to clarify that it is a violation for a licensee to fail to follow the terms of its license approved by the Board, to clarify that it is a violation for a licensee to fail to preserve a crime scene, to

## ENROLLED ORIGINAL

allow the Board to hold licensees responsible for a single assault, sexual assault, or other violent act, to clarify that a licensee may be held accountable for a single violation of its settlement agreement, security plan, or Board order, to clarify that the summary suspension deadlines are business days, and to establish a process in those instances when a licensee fails to timely remit a fine.

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

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

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

"25-127. Festival license."

(2) Section 25-101 is amended as follows:

(A) Paragraph (19A) is redesignated as paragraph (19B).

(B) A new paragraph (19A) is added to read as follows:

"(19A) The term "disc jockey" shall not include anyone who plays or changes prerecorded music or programs prerecorded music; provided, that the person does not:

"(A) Make announcements or comments;

"(B) Take song requests;

"(C) Run contests or games;

"(D) Manipulate or mix the music;

"(E) Provide live entertainment;

"(F) Play music from a disc-jockey booth; or

"(G) Alter or manipulate a playlist while it is being played, including adding elements such as sound effects or additional pieces of music."

(3) Section 25-110(a) is amended as follows:

(A) Paragraph (1)(A)(ii) is amended by striking the phrase "The licensee may sell spirits to the consumer" and inserting the phrase "Except as provided in § 25-126, the licensee may sell wine and spirits to the consumer" in its place.

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

"(3)(A) A manufacturer's license, class C, shall authorize the licensee to operate a facility for the manufacture of alcohol-infused confectionery food products at the establishment described in the license.

"(B) The license shall authorize the licensee to sell the alcohol-infused confectionery food products manufactured under the license to:

"(i) Another licensee licensed under this title for resale;

"(ii) A dealer licensed under the law of any state or territory of the United States for resale; and

"(iii) A consumer.

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“(C) The licensee shall sell the alcohol-infused confectionery food products in a sealed or closed container.

“(D) Alcohol-infused confectionery food products shall not contain alcohol in excess of 5% by volume.

“(E) All alcohol-infused confectionery food products that are manufactured or sold that contain between one-half of one percent and 5% of alcohol by volume:

“(i) Shall not be sold to individuals under 21 years of age;

“(ii) Shall state on the label that the sale of the product to an individual under 21 years of age is prohibited;

“(iii) Shall state on the label the brand of alcohol used in the alcohol-infused confectionery food product; and

“(iv) Shall state on the label that the alcohol-infused confectionery food product contains alcohol up to 5% by volume.

“(F) A manufacturer’s license, class C, shall be required to obtain and maintain all appropriate licenses required by the Department of Health related to the sale and manufacture of alcohol-infused confectionery food products.

“(G) The minimum annual fee for a class C manufacturer’s license shall be \$1,000.”.

(4) Section 25-113(e) is amended by adding a new paragraph (6) to read as follows:

“(6) A restaurant operating inside of a hotel shall be eligible to obtain a hotel license; provided, that the restaurant has a written agreement with the hotel to sell and serve alcoholic beverages in the hotel’s dining rooms, lounges, banquet halls, other similar facility, or in the private rooms of registered guests.”.

(5) Section 25-113a(c) is amended by striking the phrase “CN, and DN,” and inserting the phrase “CN, DN, CX, and DX,” in its place.

(6) Section 25-118 is amended as follows:

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

“(a) A tasting permit shall be issued only to a licensee under a manufacturer’s license, class A or B, or a retailer’s license, class A or B, to utilize a portion of its licensed premises for the tasting of products as listed in subsection (c) of this section.”.

(B) Subsection (e) is amended by striking the phrase “of spirits,” and inserting the phrase “of wine and spirits,” in its place.

(7) Section 25-126 is amended as follows:

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

“(a) The holder of a manufacturer’s license, class A or B, may apply for an on-site sales and consumption permit to use a portion of the licensed premises for the on-premises sale, service, and consumption of beer brewed by the brewery, wine manufactured by the winery, and beverages with spirits distilled by the distillery.”.

(B) Subsection (b) is amended by striking the phrase “beer brewed by the brewery” and inserting the phrase “beer brewed by the brewery, wine manufactured by the winery, and beverages with spirits distilled by the distillery” in its place.

## ENROLLED ORIGINAL

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

“(c) The on-premises sales and consumption permit shall not obviate the requirement of the holder of a manufacturer’s license, class A or B, to obtain a tasting permit pursuant to § 25-118, to be authorized to provide samples of beer, wine, or spirits.”.

(D) New subsections (e) and (f) are added to read as follows:

“(e) Any additional spirits that are added to beverages primarily containing spirits distilled by the distillery shall be purchased from a wholesaler or manufacturer licensed under this title.

“(f) For the purposes of this section, the term “beverages” means brandy, cordials, fortified wines, liqueur, and non-alcoholic beverages.”.

(8) A new section 25-127 is added to read as follows:

“§ 25-127. Festival license.

“(a) A festival license shall authorize a licensee temporarily to sell, serve, and permit the consumption of alcoholic beverages at the specific premises described for consumption on the premises where sold; provided, that a festival license may be issued only for an event that includes the performance of sports or a cultural or tourism-related activity.

“(b) A festival license shall be issued for an event that is at least 5 consecutive days but no more than 15 consecutive days.

“(c) The issuance of a festival license shall be solely at the discretion of the Board.

“(d) The Board may deny the license application if the applicant had failed to control the environment of a previous event associated with either a festival license or a temporary license, or has sustained community complaints or police action.

“(e) There shall be 2 classes of festival licenses:

“(1) Class H (beer and wine); and

“(2) Class I (spirits, beer, and wine).

“(f) The holder of a festival license shall be permitted to receive deliveries from a wholesaler for up to 48 hours before a Board-licensed event occurring on a Saturday, Sunday, or a legal District or federal holiday; provided, that the alcoholic beverages delivered pursuant to this subsection shall not be consumed until the date and time of the event and shall be stored at a secure location before the event.

“(g) The minimum annual fee for a class H license shall be \$1,000. The minimum annual fee for a class I license shall be \$2,000.

“(h) Only one festival license shall be issued to an applicant in a 3-month period.”.

(b) Chapter 3 is amended as follows:

(1) Section 25-301(a)(5) is amended by striking the phrase “solicitor’s license,” and inserting the phrase “solicitor’s or manager’s license,” in its place.

(2) Section 25-317 is amended as follows:

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

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

“(b)(1) Notwithstanding the requirements set forth in § 25-446(d), an applicant filing an application to transfer to a new location may petition the Board in writing to not have provisions of an existing settlement agreement applied at the new location.

## ENROLLED ORIGINAL

“(2) The Board shall consider the petition; provided, that the Board shall deem the request to be a substantial change subject to the notice requirements set forth in §§ 25-421 and 25-423.

“(3) The burden shall be on the applicant to demonstrate to the satisfaction of the Board that the request will not adversely affect the locality, section, or portion of the District where the establishment is to be located under the appropriateness standards set forth in § 25-313 and that none of the provisions of the existing settlement agreement, or the agreement in its entirety, are applicable to the new location.

“(4) The Board may amend, terminate, or maintain the existing settlement agreement at the new location.”.

(3) Section 25-333 is amended by adding a new subsection (d) to read as follows:

“(d) This section shall not prohibit the issuance of a retailer’s license, class A or B, if the:

“(1) Applicant’s establishment will not be open to the public; and

“(2) Sale of alcoholic beverages will occur only through the Internet.”.

(4) Section 25-339(a) is amended to read as follows:

“(a) The number of nightclub or tavern license holders, class C or D, within the Georgetown historic district shall not exceed 6. No existing nightclub or tavern license shall be transferred to any other person or to any other location within the Georgetown historic district, except when the number of such licensed establishments in the Georgetown historic district is 6 or less.”.

(5) Section 25-340.01(b) is amended by striking the phrase “class A or B” both times it appears and inserting the phrase “class A or B off-premises retailer’s” in its place.

(c) Chapter 4 is amended as follows:

(1) Section 25-432(a) is amended by striking the phrase “schedule an administrative review to”.

(2) Section 25-433(b) is amended to read as follows:

“(b) For the purposes of this section, the record shall close 30 days after a hearing is concluded to allow the parties to submit proposed findings of fact and conclusions of law and any other document submissions requested by the Board.”.

(3) Section 25-446(d) is amended by adding a new paragraph (6) to read as follows:

“(6) For the purposes of this subsection, the term “license’s renewal period” means the 60-day period before the expiration date of a license.”.

(d) Section 25-609(b) is amended by striking the phrase “ANC or by a citizens association” and inserting the phrase “ANC, a citizens association, or an abutting property owner” in its place.

(e) Chapter 7 is amended as follows:

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

“25-703. Manager and owner conduct requirement.”.

(2) A new section 25-703 is added to read as follows:

“§ 25-703. Manager and owner conduct requirement.

## ENROLLED ORIGINAL

“The Board-approved manager of an establishment or owner of the establishment who personally superintends the establishment during licensed hours of sale shall not be under the influence of alcohol or illegal drugs.”.

(3) Section 25-712(e) is amended to read as follows:

“(e) A violation of this section shall be punishable as a secondary tier violation.”.

(4) Section 25-721(c) is amended by striking the phrase “class A or B” and inserting the phrase “class A, B, or C” in its place.

(5) Section 25-723(c)(4) is amended by striking the phrase “Once each calendar year and no fewer” and inserting the phrase “No fewer” in its place.

(6) Section 25-731 is amended by striking the word “retailer” wherever it appears and inserting the phrase “retailer or manufacturer” in its place.

(7) Section 25-765(a) is amended by striking the phrase “to the prices of alcoholic” and inserting the phrase “to alcoholic” in its place.

(8) Section 25-781(f) is amended to read as follows:

“(f) Upon finding that a licensee has violated subsection (a), (b), or (c) of this section in the preceding 4 years:

“(1) Upon the 1st violation, the Board shall fine the licensee not less than \$2,000, and not more than \$3,000, and suspend the licensee for 5 consecutive days; provided, that the 5-day suspension may be stayed by the Board for one year if all employees who serve alcoholic beverages in the licensed establishment complete an alcohol training program within 3 months;

“(2) Upon the 2nd violation, the Board shall fine the licensee not less than \$3,000, and not more than \$5,000, and suspend the licensee for 10 consecutive days; provided, that the Board may stay up to 6 days of the 10-day suspension for one year if all employees who serve alcoholic beverages in the licensed establishment complete an alcohol training program within 3 months;

“(3) Upon the 3rd violation, the Board shall fine the licensee not less than \$5,000, and not more than \$10,000, and suspend the licensee for 15 consecutive days, or revoke the license; provided, that the Board may stay up to 5 days of the 15-day suspension for one year if all employees who serve alcoholic beverages in the licensed establishment complete an alcohol training program within 3 months; and

“(4) Upon the 4th violation, the Board may revoke the license.

(9) Section 25-783(c) is amended by striking the phrase “preceding 2” and inserting the phrase “preceding 4” in its place.

(f) Chapter 8 is amended as follows:

(1) Section 25-801 is amended by adding a new subsection (g) to read as follows:

“(g) ABRA investigators may seize a liquor license from an establishment if:

“(1) The liquor license has been suspended, revoked, or cancelled by the Board;

“(2) The business is no longer in existence; or

“(3) The business has been closed by another District government agency.”.

(2) Section 25-823 is amended as follows:

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

(B) The newly designated subsection (a) is amended as follows:

## ENROLLED ORIGINAL

(i) Paragraph (5) is amended by striking the phrase “investigation; or” and inserting the phrase “investigation;” in its place.

(ii) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(iii) New paragraphs (7) and (8) are added to read as follows:

“(7) The licensee fails to follow the terms of its license approved by the Board; or

“(8) The licensee fails to preserve a crime scene.”.

(C) New subsections (b) and (c) are added to read as follows:

“(b) A single incident of assault, sexual assault, or violence shall be sufficient to prove a violation of subsection (a)(2) of this section; provided, that the licensee has engaged in a method of operation that is conducive to unlawful or disorderly conduct.

“(c) A licensee shall be required to comply with the terms and conditions of the licensee’s settlement agreement, security plan, or order from the Board that is attached to the license during all times that it is in operation. A single violation of a settlement agreement, security plan, or order from the Board shall be sufficient to prove a violation of subsection (a)(6) of this section.”.

(3) Section 25-826(c) is amended to read as follows:

“(c) A licensee may request a hearing within 3 business days after service of notice of a summary revocation, suspension, fine, or restriction of license. The Board shall hold a hearing within 2 business days of receipt of a timely request and shall issue a decision within 3 business days after the hearing.”.

(4) Section 25-830 is amended by adding a new subsection (k) to read as follows:

“(k)(1) A licensee’s failure to timely remit a fine issued pursuant to this section shall be cause for the Board to suspend the license until the licensee pays the fine.

“(2) If a licensee is 90 days delinquent on the payment of the fine, the Board shall give notice of its intent to revoke the licensee’s license.

“(3) The licensee shall have 14 days to respond to the notice issued pursuant to paragraph (2) of this subsection.

“(4) If the Board determines that the failure to pay the fine issued pursuant to this section is not for good cause, the Board shall revoke the licensee’s license.”.

### 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 26, 2015



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-610**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2015**

To prohibit, on a temporary basis, employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Pre-Employment Marijuana Testing Temporary Act of 2014".

Sec. 2. (a) An employer may only test a prospective employee for marijuana use after a conditional offer of employment has been extended, unless otherwise required by law.

(b) Nothing in this act shall be construed to:

- (1) Affect employee compliance with employer workplace drug policies;
- (2) Require an employer to permit or accommodate the use, consumption possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or at any time during employment;
- (3) Interfere with federal employment contracts; or
- (4) Prevent the employer from denying a position based on a positive test for marijuana.

(c) For the purposes of this section, the term:

(1) "Employer" shall have the same meaning as provided in section 2(6) of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1101(6)).

(2) "Prospective employee" means any individual applying for employment with an employer.

Sec. 3. Reporting.

Within 6 months after the effective date of this act, the Mayor shall:

- (1) Establish a public information campaign aimed at educating the public on the impact of marijuana use and abuse;
- (2) Report to the Council the type, frequency, provider, and school grade level of health educations programs in public schools related to substance abuse, including programs designed to address alcohol, tobacco, and marijuana use; and

ENROLLED ORIGINAL

(3) Evaluate the effectiveness of the District government's treatment programs regarding the use and abuse of marijuana.


Sec. 4. Fiscal impact statement.

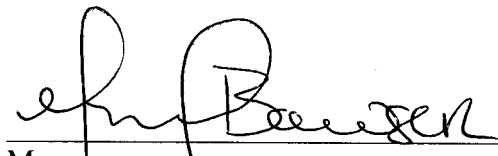
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

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 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 25, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-611**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2015**

To amend, on a temporary basis, section 47-4658 of the District of Columbia Official Code to clarify the real property tax abatement for Lot 808 in Square 5041 and Lot 811 in Square 5056.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Amendment Act of 2014".

Sec. 2. Section 47-4658 of the District of Columbia Official Code is amended as follows:

(a) The heading is amended by striking the phrase "Parkside Parcel E and J Mixed-Income Apartments;"

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

"(a) Subject to subsection (b) of this section, the real property described as Lot 808 in Square 5041 and Lot 811 in Square 5056 shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for each lot of \$300,000 per year for 10 property tax years commencing for Lot 808 and Lot 811 at the beginning of the first month following the date that specific lot is issued a final certificate of occupancy ("commencement date") and ending for each lot at the end of the 10th full real property tax year following the lot's commencement date."

(b) Subsections (c) and (d) are amended to read as follows:

"(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2018, upon the issuance of a final certificate for Lot 808 or Lot 811, any fees or deposits charged to and paid by the owner of that specific lot for the development of Lot 808 or Lot 811, including private space or building permit fees or public space permit fees ("related fees"), shall be refunded and any prospective related fees forgiven.

"(d) The tax abatements and fees and deposits exemptions provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the development of Lot 808 or Lot 811."

ENROLLED ORIGINAL


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 25, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-612**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2015**

To approve, on an emergency basis, Task Order Nos. T0002 and T0003 for Human Care Agreement No. DCRL-2013-H-0039H to provide case management and traditional family-based foster care services for children and youth and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Task Orders for Human Care Agreement No. DCRL-2013-H-0039H Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Task Order Nos. T0002 and T0003 for Human Care Agreement No. DCRL-2013-H-0039H with Foundations for Home and Community, Inc., to provide case management and traditional family-based foster care services for children and youth and authorizes payment in an amount not to exceed \$1,003,636.64 for services received and to be received under Human Care Agreement No. DCRL-2013-H-0039H for the first option year, from October 1, 2014 through September 30, 2015.

Sec. 3. Fiscal impact statement.

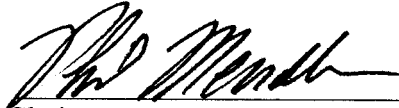
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 26, 2015

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 20-613**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2015**

To approve, on an emergency basis, Modification No. 2 and Proposed Modification No. 4 to Contract No. CW22520 with Holder Enterprises, Inc., to provide temporary support services and authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW22520 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 and Proposed Modification No. 4 to Contract No. CW22520 with Holder Enterprises, Inc., and authorizes payment in the aggregate not-to-exceed amount of \$10,000,000.00 for services received and to be received under the contract for option year one.

Sec. 3. Fiscal impact statement.

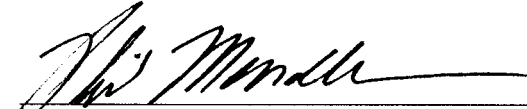
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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


ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
January 26, 2015



ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 20-614**

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2015**

To approve, on an emergency basis, Modification No. 1 and Proposed Modification No. 4 to Contract No. CW22523 with Digidoc Inc. dba Document Managers to provide temporary support services and authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW22523 Approval and Payment Authorization Emergency Act of 2014".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 and Proposed Modification No. 4 to Contract No. CW22523 with Digidoc Inc. dba Document Managers and authorizes payment in the aggregate not-to-exceed amount of \$10,000,000.00 for services received and to be received under the contract for option year one.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

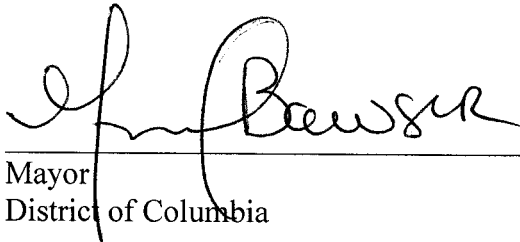
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 26, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-615**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2015**

To amend the District of Columbia Statehood Constitutional Convention Initiative of 1979 to repeal the Statehood Commission, repeal the Statehood Compact Commission, to establish the Office of the Statehood Delegation, and to establish the New Columbia Statehood Commission and New Columbia Statehood Fund; to repeal the 51<sup>st</sup> State Commission Establishment Act of 2010; to amend section 47-1812.11c of the District of Columbia Official Code to reflect the establishment of the New Columbia Statehood Fund; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish personnel authority for the Statehood Delegation over the Office of the Statehood Delegation; to amend the District of Columbia Health Occupations Revision Act of 1985 to repeal the Health Occupation Advisory Committees; to amend the Department of Health Functions Clarification Act of 2001 to re-establish the Health Occupation Advisory Committees under the Department of Health; to amend the Retail Service Station Act of 1976 to modify the membership and scope of the Gas Station Advisory Board; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the personnel authority for the District of Columbia Law Revision Commission; to amend the District of Columbia Law Revision Commission Act of 1980 to modify the membership of the commission and provide that members shall not be compensated for service; to amend section 47-355.07 of the District of Columbia Official Code to codify the role and responsibilities of the Board of Review for Anti-Deficiency Violations, and to revise the membership of the board; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify the compensation provisions for various boards and commissions, and to increase the statutory compensation cap for certain boards and commissions; to abolish certain boards and commissions; to amend Chapter 24 of Title 17 of the District of Columbia Municipal Regulations to repeal the authority for the Notary Public Board of Review; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014".

## ENROLLED ORIGINAL

## TITLE I – THE NEW COLUMBIA STATEHOOD INITIATIVE

Sec. 101. The District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Official Code § 1-121 *et seq.*), is amended as follows:

- (a) Sections 6 and 7 (D.C. Official Code §§ 1-125 and 1-126) are repealed.
- (b) Title II (D.C. Official Code § 1-129.01 *et seq.*) is amended to read as follows:

“TITLE II -- NEW COLUMBIA STATEHOOD INITIATIVE  
“SUBTITLE A. DEFINITIONS.

“Sec. 11. Definitions.

“For the purposes of this title, the term:

“ (1) “Commission” means the New Columbia Statehood Commission established pursuant to section 31.

“ (2) “Fund” means the New Columbia Statehood Fund established pursuant to section 32.

“ (3) “Statehood Delegation” means, collectively, the United States Representative and the 2 United States Senators holding office pursuant to section 4.

“ (4) “Statehood Fund” means the fund established by each United States Senator and United States Representative pursuant to section 4(g), and overseen by the Office of Campaign Finance.

“ (5) “United States Representative” means the District of Columbia public official elected pursuant to section 4 to the office of Representative.

“ (6) “United States Senator” means either of the 2 District of Columbia public officials elected pursuant to section 4 to the office of Senator.

“SUBTITLE B. DISTRICT OF COLUMBIA STATEHOOD DELEGATION

“Sec. 21. Office of the Statehood Delegation.

“ (a) The Office of the Statehood Delegation (“Office”) is established as an independent agency within the District of Columbia government, consistent with the meaning of the term independent agency as provided in section 301(13) 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 § 1-603.01(13)).

“ (b) The Office shall provide support to the Statehood Delegation in promoting statehood and voting rights for the citizens of the District of Columbia.

“ (c) The Office shall be headed by an Executive Director who shall be appointed by the Statehood Delegation. The Executive Director shall support the members of the Statehood Delegation and provide administrative support to the Commission.

“ (d) The Executive Director shall devote his or her full time to the duties of the Office. The salary of the Executive Director shall be determined by the Statehood Delegation, but shall not exceed 75% of the compensation for a Member of the Council as determined by section 1109(b) 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 § 1-611.09(b)).

“ (e) For Fiscal Year 2015, the compensation for the Executive Director shall be paid from funds budgeted for Statehood Initiatives under section 1112 of the Fiscal Year 2015 Budget

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Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990). Beginning in Fiscal Year 2016, the salary for the Executive Director shall be paid from the New Columbia Statehood Fund, subject to the availability of funds.

“SUBTITLE C. NEW COLUMBIA STATEHOOD COMMISSION AND  
NEW COLUMBIA STATEHOOD FUND

“Sec. 31. Establishment of the New Columbia Statehood Commission.

“(a) The New Columbia Statehood Commission is established as an independent agency within the District of Columbia government, consistent with the meaning of the term independent agency as provided in section 301(13) 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 § 1-603.01(13)).

“(b) The Commission shall:

“(1) Educate regarding, advocate for, promote, and advance the proposition of statehood and voting rights for the District of Columbia to District residents and citizens of the 50 states;

“(2) Solicit financial and in-kind contributions, grants, allocations, gifts, bequests, and appropriations from public and private sources to be deposited in the New Columbia Statehood Fund established pursuant to section 32 and used for the purposes of promoting statehood and voting rights; and

“(3) Develop an annual budget for, and oversee expenditures from, the New Columbia Statehood Fund.

“(c) The Commission shall be comprised of 5 voting members (“Commissioners”) as follows:

“(1) The Mayor, or his or her alternate;

“(2) The Chairman of the Council, or his or her alternate;

“(3) The United States Representative for the District of Columbia; and

“(4) The 2 United States Senators for the District of Columbia.

“(d) The Mayor and the Chairman of the Council shall serve as co-chairs of the Commission.

“(e) By March 1, 2015, the Commission shall adopt bylaws, and may adopt guidelines, rules, and procedures for the governance of its affairs and the conduct of its business.

“(f) The Commission shall meet, at a minimum, on a semiannual basis. A majority of the Commissioners shall constitute a quorum for the conduct of business.

“(g) The Commission, in carrying out its duties, may utilize pro bono services; provided, that such services are reported pursuant to section 33.

“(h) The Commission may recruit honorary members based on criteria the Commission shall determine. The honorary members shall have no vote on the operation of the Commission.

“Sec. 32. Establishment of the New Columbia Statehood Fund.

“(a) There is established as a special fund the New Columbia Statehood Fund, which shall be administered in accordance with subsections (b), (c), and (d) of this section.

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“(b)(1) All revenues from the following sources shall be deposited into the Fund:

“(A) An annual appropriation;

“(B) Any contributions to, and grants for, the benefit of the New Columbia Statehood Fund received from public and private sources;

“(C) Net receipts pursuant to the income tax check-off provided in D.C.

Official Code § 47-1812.11c.

“(2) For Fiscal Year 2015, all funds not expended pursuant to section 21(e) from the funds budgeted for Statehood Initiatives under section 1112 of the Fiscal Year 2015 Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), shall be deposited into the Fund.

“(c) The Fund shall be used to support the Statehood Delegation, each of the members thereof, the Commission, and efforts to promote statehood and voting rights for the citizens of the District of Columbia.

“(d)(1) To the extent that disbursements are to be made to the Statehood Fund of each member of the Statehood Delegation, the disbursements, as decided by the Commission, shall be equal to each member, except as provided in this subsection.

“(2) No disbursement shall be made under this subsection to a member of the District of Columbia Statehood Delegation who is out of compliance with the filing and disclosure requirements of this title and applicable District or federal law, or who has used funds in violation of section 35, until such time as the violation has been corrected. In this instance, the 1/3 disbursement held back shall become part of the corpus from which the next disbursement pursuant to this subsection may be made.

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

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

“(f) The Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures from the Fund. The Mayor’s submission shall be based on a budget prepared by the Commission, and shall include the rationale for any variance from the Commission’s request.

“(g) The Chief Financial Officer shall transmit to the Mayor and the Council, at least annually, a report summarizing the revenues and expenditures of the Fund.

“(h) All revenues and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit to the Mayor and the Council. The expenses of the annual audit shall be defrayed by the Fund.

“Sec. 33. Annual reporting requirements.

“(a) The Commission shall submit to the Mayor and the Chairman of the Council by September 1, 2015, and on a biannual basis thereafter, a detailed report including:

“(1) The Commission’s activities, revenues, and expenditures;

“(2) The full name, value, and form of each gift, grant, bequest, or appropriation to the New Columbia Statehood Fund; and

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“(3) Any other information considered appropriate by the Commission.

“(b) The Commission shall make each report available to the general public upon request.

“Sec. 34. Tax-exempt status.

“Contributions to the New Columbia Statehood Fund shall be tax deductible.

“Sec. 35. Use of funds by Statehood Delegation members.

“(a) Except as provided in subsection (b) of this section, members of the Statehood Delegation shall use New Columbia Statehood Fund monies for any expense closely and directly related to the operation of their offices.

“(b)(1) Fund monies shall not be used by members of the Statehood Delegation for:

“(A) Campaign expenses related to any election, local or national;

“(B) To influence the outcome of any election, local or national;

“(C) Any contributions or loans to any political party or candidate for federal or non-federal office;

“(D) Any personal expenses, or travel expenses not closely and directly related to the office the member holds; or

“(E) Any personal salary or stipend for the member.

“(2) The prohibition in paragraph (1)(E) of this subsection shall not limit the ability of a member of the Statehood Delegation to pay salaries to employees other than the member, or to pay vendors providing services closely and directly related to the office the member holds.

“(c) Upon request, but at least annually, each Statehood Delegation member shall provide the Chief Financial Officer with an accounting of the expenditures made with the money received from the Fund. The date by which the accounting is due shall be set by the Chief Financial Officer. Information submitted by members of the Statehood Delegation shall be included in the report required by section 33.”.

Sec. 102. The 51st State Commission Establishment Act of 2010, effective March 23, 2010 (D.C. Law 18-127; D.C. Official Code § 1-136.01 *et seq.*), is repealed.

Sec. 103. Section 47-1812.11c of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase “the Statehood Delegation Fund (“Fund”)", established by § 1-129.08” and inserting the phrase “the New Columbia Statehood Fund (“Fund”)", established by section 32 of the New Columbia Statehood Initiative, Omnibus Boards and Commissions, and Election Transition Reform Amendment Act of 2014, passed on 2nd reading on October 28, 2014 (Enrolled version of Bill 20-71)” in its place.

(b) Subsection (c) is repealed.

Sec. 104. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

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(a) Paragraph (21) is amended by striking the phrase "Administration; and" and inserting the phrase "Administration;" in its place.

(b) Paragraph (22) is amended by striking the phrase "Education." and inserting the phrase "Education; and" in its place.

(c) A new paragraph (23) is added to read as follows:

"(23) For the Executive Director of the Office of the Statehood Delegation, the personnel authority is the Statehood Delegation as defined in section 11(3) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 16, 2005 (D.C. Law 15-226; D.C. Official Code § 1-209.01(3))."

Sec. 105. Within 60 days of the effective date of the New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014, passed on 2nd reading on October 28, 2014 (Enrolled version of Bill 20-71), the Commission shall issue a report with findings as to whether the Statehood Delegation should receive compensation in the form of a salary or stipend and, if so, the appropriate amount of such compensation.

TITLE II -- OMNIBUS BOARDS AND COMMISSIONS REFORM  
SUBTITLE A. STRUCTURAL REVISIONS TO CERTAIN BOARDS AND  
COMMISSIONS

PART 1. HEALTH OCCUPATIONS ADVISORY COMMITTEES

Sec. 201. Section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), is amended by repealing subsections (b), (c-1), (c-2), (d), (d-1), (d-2), (d-3), (e), and (f).

Sec. 202. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended as follows:

(a) Redesignate Part A, Part B, and Part C as Subtitle A, Subtitle B, and Subtitle C, respectively.

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

"Subtitle D. Health Occupation Advisory Committees.

"Sec. 4941. Generally.

"(a) The Department of Health shall oversee the Health Occupation Advisory Committees established under this subtitle.

"(b) All appointments to the Health Occupation Advisory Committees shall be made by the Director of the Department of Health.

"(c) The Department of Health shall provide facilities and other administrative support for the Health Occupation Advisory Committees, as determined by the Director.

"(d) The Health Occupation Advisory Committees shall review applications for licensure to practice upon request of the Board of Medicine. The Health Occupation Advisory Committees shall submit their respective recommendations to the Board of Medicine for action.

"(e) For the purposes of this subtitle, the term:



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(1) "Board of Medicine" means the Board of Medicine established pursuant to section 203(a) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03(a)).

(2) "Health Occupation Advisory Committees" means the advisory committees established pursuant to this subtitle.

"Sec. 4942. Advisory Committee on Acupuncture.

"(a) There is established an Advisory Committee on Acupuncture to consist of 5 members as follows:

"(1) The Director of the Department of Health, or his or her designee;

"(2) Three non-physician acupuncturists licensed in the District;

"(3) A consumer member.

"(b) Of the appointees to the Advisory Committee on Acupuncture other than the Director, 2 shall serve an initial term of 2 years and 2 shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

"(c)(1) The Advisory Committee on Acupuncture shall develop and submit to the Board of Medicine guidelines for licensing acupuncturists and regulating the practice of acupuncture in the District.

"(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

"(B) The Advisory Committee on Acupuncture shall submit revised guidelines to the Board of Medicine by June 22, 2015.

"(3) The Advisory Committee on Acupuncture shall meet at least annually to review guidelines and make necessary revisions for submission to the Board of Medicine.

"Sec. 4943. Advisory Committee on Anesthesiologist Assistants.

"(a) There is established an Advisory Committee on Anesthesiologist Assistants to consist of 3 members as follows:

"(1) The Director of the Department of Health, or his or her designee;

"(2) An anesthesiologist licensed in the District with experience working with anesthesiologist assistants; and

"(3) An anesthesiologist assistant licensed in the District.

"(b) Of the appointees to the Advisory Committee on Anesthesiologist Assistants other than the Director, one shall serve an initial term of 2 years and one shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

"(c)(1) The Advisory Committee on Anesthesiologist Assistants shall develop and submit to the Board of Medicine guidelines for licensing and regulating anesthesiologist assistants in the District. The guidelines shall set forth the actions that anesthesiologist assistants may perform under the direct supervision of a licensed anesthesiologist, who shall be responsible for the overall medical direction of the care and treatment of patients.

"(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C.

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Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

“(B) The Advisory Committee on Anesthesiologist Assistants shall submit revised guidelines to the Board of Medicine by June 22, 2015.

“(3) The Advisory Committee on Anesthesiologist Assistants shall meet at least annually to review the guidelines and make necessary revisions for submission to the Board of Medicine.

“Sec. 4944. Advisory Committee on Naturopathic Medicine.

“(a) There is established an Advisory Committee on Naturopathic Medicine to consist of 3 members as follows:

“(1) The Director of the Department of Health, or his or her designee;

“(2) A licensed physician with experience in naturopathic medicine or in working with naturopathic physicians; and

“(3) A licensed naturopathic physician.

“(b) Of the appointees to the Advisory Committee on Naturopathic Medicine other than the Director, one shall serve an initial term of 2 years and one shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

“(c)(1) The Advisory Committee on Naturopathic Medicine shall develop and submit to the Board of Medicine guidelines for licensing naturopathic physicians and regulating the practice of naturopathic medicine in the District.

“(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

“(B) The Advisory Committee on Naturopathic Medicine shall submit revised guidelines to the Board of Medicine by June 22, 2015.

“(3) The Advisory Committee on Naturopathic Medicine shall meet at least annually to review the guidelines and make necessary revisions for submission to the Board of Medicine.

“Sec. 4945. Advisory Committee on Physician Assistants.

“(a) There is established an Advisory Committee on Physician Assistants to consist of 3 members as follows:

“(1) The Director of the Department of Health, or his or her designee;

“(2) A physician or osteopath licensed in the District with experience working with physician assistants; and

“(3) A physician assistant licensed in the District.

“(b) Of the appointees to the Advisory Committee on Physician Assistants other than the Director, one shall serve an initial term of 2 years and one shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

“(c)(1) The Advisory Committee on Physician Assistants shall develop and submit to the Board of Medicine guidelines for licensing and regulating physician assistants in the District.

The guidelines shall set forth the actions that physician assistants may perform in collaboration

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with a licensed physician or osteopath, who shall be responsible for the overall medical direction of the care and treatment of patients and the level of collaboration required for each action.

“(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

“(B) The Advisory Committee on Physician Assistants shall submit revised guidelines to the Board of Medicine by June 22, 2015.

“(3) The Advisory Committee on Physician Assistants shall meet at least annually to review guidelines and make necessary revisions for submission to the Board of Medicine.

“Sec. 4946. Advisory Committee on Polysomnography.

“(a) There is established an Advisory Committee on Polysomnography to consist of 3 members as follows:

“(1) The Director of the Department of Health, or his or her designee; and

“(2) Two polysomnographic technologists licensed in the District.

“(b) Of the appointees to the Advisory Committee on Polysomnography other than the Director, one shall serve an initial term of 2 years and one shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

“(c)(1) The Advisory Committee on Polysomnography shall develop and submit to the Board of Medicine guidelines for licensing, registration, and regulation of polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees in the District. The guidelines shall set forth the education and experience requirements for registration and licensure and the actions that polysomnographic technologists, polysomnographic technicians, and polysomnographic trainees may perform.

“(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

“(B) The Advisory Committee on Polysomnography shall submit revised guidelines to the Board of Medicine by June 22, 2015.

“(3) The Advisory Committee on Polysomnography shall meet at least annually to review the guidelines and make necessary revisions for submission to the Board of Medicine.

“Sec. 4947. Advisory Committee on Surgical Assistants.

“(a) There is established an Advisory Committee on Surgical Assistants to consist of 5 members as follows:

“(1) The Director of the Department of Health, or his or her designee;

“(2) A surgeon licensed in the District with experience working with surgical assistants; and

“(3) Three surgical assistants licensed in the District.

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“(b) Of the appointees to the Advisory Committee on Surgical Assistants other than the Director, 2 shall serve an initial term of 2 years and 2 shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

“(c)(1) The Advisory Committee on Surgical Assistants shall develop and submit to the Board of Medicine guidelines for licensing and regulating surgical assistants in the District. The guidelines shall set forth the actions that surgical assistants may perform in collaboration with a licensed surgeon, who shall be responsible for the overall medical direction of the care and treatment of patients.

“(2)(A) Guidelines approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.

“(B) The Advisory Committee on Surgical Assistants shall submit revised guidelines to the Board of Medicine by June 22, 2015.

“(3) The Advisory Committee on Surgical Assistants shall meet at least annually to review the guidelines and make necessary revisions for submission to the Board of Medicine.”.

## PART 2. GAS STATION ADVISORY BOARD

Sec. 211. Section 5-301 of the Retail Service Station Act of 1976, effective April 19, 1977 (D.C. Law 1-123; D.C. Official Code § 36-304.01), is amended as follows:

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

(1) Strike the phrase “structurally altered” and insert the phrase “discontinued, nor may be structurally altered” in its place.

(2) Strike the phrase “nonfull service facility” and insert the phrase “nonfull service facility or into any other use” in its place.

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

“(d)(1) An exemption may be granted to the prohibitions contained in subsections (b) and (c) of this section if:

“(A) A petition for exemption has been filed with the Gas Station Advisory Board (“Board”), established pursuant to subsection (e) of this section, by both a distributor and a retail dealer (collectively referred to as “petitioners”) that complies with the requirements of paragraph (2) of this subsection;

“(B) The Board makes a determination, pursuant to paragraph (3) of this subsection, that an exemption should be granted and makes a recommendation to the Mayor to grant the exemption; and

“(C) The Mayor, in agreement with the Board, grants the exemption.

“(2) To be considered for an exemption under this subsection, petitioners must file a petition with the Board that includes:

“(A) Plans and a certification by petitioners that the station will be improved in the following ways:

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reasonable level);

dispensers; and

restroom facilities for men and women, a working air hose for automobile and bicycle tires, and water for windshield cleaning equipment;

“(B) Any existing site market studies that justify the conversion;

“(C) Certification that petitioners have notified the Advisory Neighborhood Commission ("ANC") in which the station is located and any ANC within one-quarter mile of the station, and has met or offered to meet with any affected ANC before submission of the petition for exemption regarding their plans for the station and its impact on the neighborhood; and

“(D) Certification by petitioners that, should the application be granted, any later changes to the building design or lighting will be submitted to any affected ANC before the application for building permits.

“(3)(A) The Board shall only make a recommendation to grant an exemption if the Board finds that:

“(i) The operator of the full service retail service station is experiencing extreme financial hardship; and

“(ii) Another full service retail service station exists within one mile of the station which provides equivalent service facilities.

“(B) In addition to the requirements in subparagraph (A) of this paragraph, the Board shall give due weight to the views of the community and the affected ANC.

“(4) If the Board makes a recommendation to the Mayor that an exemption should be granted under this subsection, the Mayor shall issue a determination on the petition not less than 45 days, nor more than 60 days, after the date the petition is submitted, deemed complete, and notice of thereof has been published in the District of Columbia Register. If the Mayor does not issue a determination within the 60 days, the petition shall be deemed approved.”.

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

“(e)(1) There is established a Gas Station Advisory Board to consider petitions for exemption from the requirements contained in subsections (b) and (c) of this section.

“(2) The Board shall consist of 5 members as follows:

“(A) One member representing the retail service station dealers, appointed by the Mayor;

“(B) One member representing the oil companies, appointed by the Mayor;

“(C) One member representing the community interest, appointed by the Mayor;

“(D) One member representing the community interest, appointed by the Council;

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“(E) One member representing the Mayor.

“(3) Members of the Board appointed under this subsection shall continue to serve until their successors are appointed.

“(4) The Board shall establish and publish, for 30 days comment, the rules and procedures which shall govern its conduct. The Board may establish and publish, for 30 days comment, additional criteria which shall be used in reviewing the petitions for exemptions.”.

## PART 3. LAW REVISION COMMISSION

Sec. 221. Section 406(b)(11) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(11)), is amended by striking the phrase “the personnel authority is the District of Columbia Law Revision Commission” and inserting the phrase “the personnel authority is the Chairman of the Council” in its place.

Sec. 222. Section 2 of the District of Columbia Law Revision Commission Act of 1980, effective February 26, 1981 (D.C. Law 3-119; D.C. Official Code § 45-301), is amended as follows:

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

“(a) There is established as an advisory body to the Council of the District of Columbia the District of Columbia Law Revision Commission (“Commission”), which shall be composed of 9 members, as follows:

“(1) Four members appointed by the Council of the District of Columbia;

“(2) Two members appointed by the Mayor of the District of Columbia;

“(3) Two members appointed by Joint Committee on Judicial Administration in the District of Columbia; and

“(4) The Attorney General of the District of Columbia, or his or her designee.”.

(b) Subsection (b) is repealed.

(c) Subsection (c) is amended by striking the phrase “Except as provided in subsection (d) of this section, no” and inserting the phrase “No” in its place.

(d) Subsection (d) is repealed.

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

“(h) Each member of the Commission shall serve without compensation; provided, that each member may be reimbursed for actual expenses pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).”.

(f) Subsection (j) is repealed.

## PART 4. BOARD OF REVIEW FOR ANTI-DEFICIENCY VIOLATIONS

Sec. 231. Section 47-355.07 of the District of Columbia Official Code is amended to read as follows:

“Sec. 47-355.07. Board of Review for Anti-Deficiency Violations.

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“(a) The Board of Review for Anti-Deficiency Violations (“Review Board”) is established as an independent agency within the District of Columbia government, consistent with the meaning of the term independent agency, as provided in section 301(13) 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 § 1-603.01(13)).

“(b) The Review Board shall:

“(1) Advise and make recommendations to the Mayor, Council, Chief Financial Officer, and Inspector General on issues relative to anti-deficiency law violations in the District of Columbia; and

“(2) Convene within 30 days of learning of an alleged violation of § 47-355.02 to determine whether a violation occurred.

“(c)(1) The Review Board shall be comprised of 5 members of the District of Columbia government appointed as follows:

“(A) Two representatives who serve at the pleasure of the Chief Financial Officer, one of whom shall be appointed by the Chief Financial Officer to serve as Chairperson of the Review Board;

“(B) One representative who serves at the pleasure of the Mayor;

“(C) One representative of the Council, who shall be an employee of the Council and shall be appointed by the Chairman of the Council; and

“(D) One representative who serves at the pleasure of the Inspector General.

“(2) Members shall be appointed to a term of 3 years. Each member may serve beyond the end of their term until reappointed or replaced by the appropriate appointing authority.

“(3) Members shall serve without compensation; provided, that a member may be reimbursed for expenses incurred in the authorized execution of official duties of the Review Board if those expenses are approved in advance by the Chief Financial Officer.

“(d) If the Review Board determines that a violation of § 47-355.02 has occurred, it shall:

“(1) Assess the responsibility of culpable employees;

“(2) Except as provided in subsection (e) of this section, recommend an appropriate disciplinary action; and

“(3) Present a report to the Council within 30 days of the determination of a violation that includes all relevant facts, including:

“(A) The violation;

“(B) The name and title of the employees who were responsible for the violation;

“(C) Any justification; and

“(D) A statement of the action taken or proposed to be taken.

“(e)(1) A finding by the Review Board that a violation of § 47-355.02 has occurred shall not be a prerequisite for adverse personnel action under § 47-355.06.

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“(2) In recommending appropriate disciplinary action under subsection (d) of this section, the Review Board may make a recommendation that no action be taken where it finds justification for the violation. Justification may include overspending as a result of court orders, entitlements, or explicit authorization in an appropriations act.

“(f) The Review Board is authorized to establish subcommittees as needed. A subcommittee may include District government employees who are not members of the Review Board; provided, that each subcommittee is chaired by a member of the Review Board.

“(g) The Review Board may establish its own bylaws and rules of procedure, subject to the approval of the Chief Financial Officer or his or her designee.

“(h) The Office of the Chief Financial Officer shall provide administrative and staff support to the Review Board.”.

## PART 5. COMMISSION ON THE ARTS AND HUMANITIES

Sec. 232. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

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

(1) Paragraph 31 is amended by striking the period and inserting the phrase “; and” in its place.

(2) A new paragraph (32) is added to read as follows:

“(32) Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203).”.

(b) Subsection (f)(11) is repealed.

## SUBTITLE B. COMPENSATION FOR SERVICE ON CERTAIN BOARDS AND COMMISSIONS

Sec. 241. Section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08), is amended as follows:

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

“(a-1) Except as provided in subsection (a) of this section, members of boards and commissions shall not be compensated for time expended in the performance of official duties except as authorized by subsections (b), (c), (c-1), (c-2), and (c-3) of this section.”.

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

“(c) Members of the following boards and commissions shall be entitled to compensation in the form of a salary as currently authorized by law:

“(1) Public Service Commission;

“(2) Contract Appeals Board;

“(3) Rental Housing Commission;

“(4) The Chairperson of the District of Columbia Taxicab Commission;

“(5) District of Columbia Board of Ethics and Government Accountability; and

“(6) Full-time members of the Real Property Tax Appeals Commission.”.



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(c) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) Members of the following boards and commissions shall be entitled to compensation in the form of an hourly rate of pay as follows:

“(1) Board of Zoning Adjustment members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$12,000 for each board member per year;

“(2) Office of Employee Appeals members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$3,000 for each member per year;

“(3) District of Columbia Retirement Board Members shall be entitled to compensation as provided in section 121(c) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-711(c));

“(4) Police and Firefighters Retirement and Relief Board members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$8,000 for each board member per year;

“(5) Public Employee Relations Board members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$3,000 for each board member per year;

“(6) Zoning Commission members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$12,000 for each commission member per year;

“(7) Historic Preservation Review Board members shall be entitled to compensation at the hourly rate of \$25 for time spent in performance of duties at meetings, not to exceed \$3,000 for each board member per year;

“(8) Alcoholic Beverage Control Board members shall be entitled to compensation at the hourly rate of \$40 for time spent in performance of duties at meetings, not to exceed \$18,000 for each board member per year;

“(9) Part-time members of the Real Property Tax Appeals Commission shall be entitled to compensation at the hourly rate of \$50 for time spent in performance of duties at meetings;

“(10) District of Columbia Board of Elections members shall be entitled to compensation at the hourly rate of \$40 while actually in the service of the board, not to exceed the \$12,500 for each member per year and \$26,500 for the Chairman per year.

“(c-2) Members of the following boards and commissions shall be entitled to compensation in the form of stipend as follows:

“(1) Each Commissioner, other than the ex officio Commissioner and the Chairperson, of the Board of Commissioners of the District of Columbia Housing Authority shall be entitled to a stipend of \$3,000 per year for their service on the board; the Chairperson shall be entitled to a stipend of \$5,000 per year. Each Commissioner also shall be entitled to reimbursement of actual travel and other expenses reasonably related to attendance at board meetings and fulfillment of official duties. Stipends and reimbursements shall be made at least quarterly;

## ENROLLED ORIGINAL

“(2) Each member of the Education Licensure Commission shall be entitled to a stipend of \$4,000 per year for their service on the commission. Each member also shall be entitled to reimbursement of actual travel and other expenses reasonably related to the performance of the duties of the commission while away from their homes or regular places of business; and

“(3)(A) Public and industry members of the District of Columbia Taxicab Commission shall be entitled to compensation of \$25 per meeting or work session, not to exceed \$1,350 for each public or industry member per year.

“(B) Total compensation for all Commission members shall not exceed \$10,800, for all meetings and work sessions.

“(c-3) Chairpersons of the boards and commissions specified in subsections (c-1) and (c-2) of this section who are public members shall be entitled to an additional compensation of 20% above the annual maximum.”.

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

“(d) Members of boards and commissions shall not be entitled to reimbursement for expenses unless specifically authorized by law; except, that transportation, parking, or mileage expenses incurred in the performance of official duties may be reimbursed, not to exceed \$15 per meeting or currently authorized amounts, whichever is less.”.

#### SUBTITLE C. ABOLISHMENT OF CERTAIN BOARDS AND COMMISSIONS

Sec. 251. The Emerging Technology Opportunity Development Task Force Act of 2006, effective March 2, 2007 (D.C. Law 16-190; D.C. Official Code § 2-1221.31 *et seq.*), is repealed.

Sec. 252. The Litter and Solid Waste Act of 1985, effective February 21, 1986 (D.C. Law 6-84; D.C. Official Code § 3-1001 *et seq.*), is repealed.

Sec. 253. Section 101 of the Enhanced Professional Security Amendment Act of 2006, effective November 16, 2006 (D.C. Law 16-187; D.C. Official Code § 5-129.21), is repealed.

Sec. 254. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 6-201(2)) is repealed.

(b) Section 12 (D.C. Official Code § 6-211) is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase “Advisory Committee” and inserting the phrase “Executive Director” in its place.

(2) Subsection (c) is amended by striking the phrase “Advisory Committee” and inserting the phrase “Executive Director” in its place.

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

“(s) Commissioners shall be entitled to compensation as provided in section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).”.

(c) Section 13 (D.C. Official Code § 6-212) is repealed.

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Sec. 255. The Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01 *et seq.*), is amended as follows:

(a) Section 2302(b) (D.C. Official Code § 7-1811.01(b)) is amended by striking the phrase “Board of Trustees of the Tobacco Settlement Trust Fund established under section 2302a” and inserting the phrase “Office of the Chief Financial Officer” in its place.

(b) Section 2302a (D.C. Official Code § 7-1811.02) is repealed.

Sec. 256. Section 15 of the Choice in Drug Treatment Act of 2000, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3014), is repealed.

Sec. 257. Section 7 of the District of Columbia Soil and Water Conservation Act of 1982, effective September 14, 1982 (D.C. Law 4-143; D.C. Official Code § 8-1706), is repealed.

Sec. 258. The Make a Difference Selection Committee Establishment Act of 1998, effective April 30, 1998 (D.C. Law 12-98; D.C. Official Code § 9-1215.01 *et seq.*), is repealed.

Sec. 259. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended as follows:

(a) Section 4(d) (D.C. Official Code § 10-303(d)) is amended by striking the phrase “with recommendations from the Recreation Assistance Board established by section 7”.

(b) Section 7 (D.C. Official Code § 10-306) is repealed.

Sec. 260. Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 22-4251), is repealed.

Sec. 261. Section 802 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203; D.C. Official Code § 31-5608.02), is repealed.

Sec. 262. The Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1251.01 *et seq.*), is amended as follows:

(a) Section 103(1) (D.C. Official Code § 34-1251.03(1)) is amended repealed.

(b) Section 202(17) (D.C. Official Code § 34-1252.02(17)) is repealed.

(c) Section 301 (D.C. Official Code § 34-1253.01) is repealed.

Sec. 263. The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1208.01 *et seq.*), is amended as follows:

(a) Section 801(1) (D.C. Official Code § 38-1208.01(1)) is repealed.

(b) Section 803 (D.C. Official Code § 38-1208.03) is repealed.

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(c) Section 804 (D.C. Official Code § 38-1208.04) is repealed.

Sec. 264. The School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.01 *et seq.*), is amended as follows:

- (a) Section 201 (D.C. Official Code § 38-2973.01) is repealed.
- (b) Section 202 (D.C. Official Code § 38-2973.02) is repealed.

Sec. 265. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended as follows:

- (a) Section 9 (D.C. Official Code § 39-109) is repealed.
- (b) Section 10 (D.C. Official Code § 39-110) is repealed.
- (c) Section 11 (D.C. Official Code § 39-111) is repealed.

Sec. 266. The Office of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33, D.C. Official Code § 42-3531.01 *et seq.*), is amended as follows:

- (a) Section 2064(3) (D.C. Official Code § 42-3531.04(3)) is repealed.
- (b) Section 2068 (D.C. Official Code § 42-3531.08) is repealed.

Sec. 267. Chapter 45 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) Section 47-4501(3) is repealed.
- (b) Section 47-4504 is repealed.
- (c) Section 47-4512(b)(1) is amended by striking the phrase “and the Advisory Board”.

Sec. 268. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 954; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

- (a) Section 1(10) (D.C. Official Code § 51-101(10)) is repealed.
- (b) Section 3 (D.C. Official Code § 51-103) is amended as follows:
  - (1) Subsection (d) is amended by striking the phrase “in accordance with such regulations as the Board may prescribe”.
  - (2) Subsection (h) is amended as follows:
    - (A) Paragraph (1)(F) is amended by striking the phrase “, in accordance with such regulations as the Board may prescribe,”.
    - (B) Paragraph (4) is amended by striking the word “Board” and inserting the word “Director” in its place.
- (c) Section 7 (D.C. Official Code § 51-107) is amended as follows:
  - (1) Subsection (a) is amended by striking the phrase “, in accordance with such regulations as the Board may prescribe”.
  - (2) Subsection (c)(2) is amended by striking the phrase “, under regulations prescribed by the Board,”.

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

(A) Paragraph (2) is amended by striking the phrase "as provided in the regulations of the Board,".

(B) Paragraph (6)(A) is amended by striking the phrase "as provided in the regulations of the Board" .

(d) Section 9 (D.C. Official Code § 51-109) is amended by striking the phrase "in accordance with such regulations as the Board may prescribe".

(e) Section 10 (D.C. Official Code § 51-110) is amended as follows:

(1) Subsection (b)(3) is repealed.

(2) Subsection (e) is amended by striking the phrase "under regulations prescribed by the Board".

(f) Section 15 (D.C. Official Code § 51-115) is repealed.

Sec. 269. 17 DCMR § 2411 through 17 DCMR § 2422 are repealed.

TITLE III -- TECHNICAL, CONFORMING, AND OTHER AMENDMENTS  
SUBTITLE A. DEPARTMENT OF PARKS AND RECREATION NAME  
CLARIFICATION

Sec. 301. An Act To vest in the Commissioners of the District of Columbia control of street parking in said District, approved July 1, 1898 (30 Stat. 570; codified in scattered cites in the D.C. Official Code), is amended as follows:

(a) Section 6a (D.C. Official Code § 10-137.01) is amended by striking the phrase "Department of Recreation and Parks" in the title and inserting the phrase "Department of Parks and Recreation" in its place.

(b) A new section 8 is added to read as follows:

"Sec. 8. Name change to Department of Recreation and Parks.

"The Department of Recreation and Parks, established by Organization Order No. 10, approved June 27, 1968, shall be renamed the Department of Parks and Recreation."

Sec. 302. Section 2 of the Division of Park Services Act of 1988, effective March 16, 1989 (D.C. Law 7-209; D.C. Official Code § 10-166), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Department of Recreation" and inserting the phrase "Department of Parks and Recreation" in its place.

(b) Subsection (c) is amended by striking the phrase "Department of Recreation" and inserting the phrase "Department of Parks and Recreation" in its place.

(c) Subsection (f) is amended by striking the phrase "Department of Recreation and Parks" and inserting the phrase "Department of Parks and Recreation" in its place.

Sec. 303. Section 4a of Article II of An Act to create a Recreation Board for the District of Columbia, to define its duties and for other purposes, effective May 16, 1995 (D.C. Law 10-255; D.C. Official Code § 10-213.01), is amended by striking the phrase "Department of

## ENROLLED ORIGINAL

Recreation and Parks” and inserting the phrase “Department of Parks and Recreation” in its place.

Sec. 304. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 10-302) is amended by striking the phrase “Department of Recreation and Parks” in the section heading and inserting the phrase “Department of Parks and Recreation” in its place.

(b) Section 7(a)(7) (D.C. Official Code § 10-306(a)(7)) is amended by striking the phrase “Department of Recreation and Parks” and inserting the phrase “Department of Parks and Recreation” in its place.

## SUBTITLE B. CONFORMING AMENDMENTS

Sec. 311. Section 2(f)(45) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(45)), is repealed.

Sec. 312. Section 103(b)(ii)(V)(ee) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.03(b)(ii)(V)(ee)), is amended by striking the phrase “in conjunction with the Environmental Planning Commission”.

Sec. 313. The District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1001 *et seq.*), is amended as follows:

(a) Section 5(c) (D.C. Official Code § 8-1004(c)) is amended by striking the phrase “the Environmental Planning Commission established pursuant to section 2 of the Litter and Solid Waste Act of 1985, effective February 21, 1986 (D.C. Law 6-84; D.C. Official Code § 3-1001), and”.

(b) Section 8(b)(3) (D.C. Official Code § 8-1008(b)(3)) is amended by striking the phrase “, in conjunction with the Environmental Planning Commission,”.

Sec. 314. Section 4(f) of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1304(f)), is amended to read as follows:

“(f) Members of the Commission shall be entitled to compensation as provided in section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).”.

Sec. 315. Section 2552 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1805.52), is amended by striking the phrase “representatives of public charter schools, and the Public School

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Modernization Advisory Committee” and inserting the phrase “and representatives of public charter schools” in its place.

Sec. 316. Section 1104(c) of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803(c)), is amended as follows:

(a) Paragraph (4) is amended by striking the phrase “schools;” and inserting the phrase “schools; and” in its place.

(b) Paragraph (5) is repealed.

Sec. 317. Section 6(c) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-305(c)), is amended by striking the phrase “pursuant to section 1108(c)(2)(K) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c)(2)(K))” and inserting the phrase “pursuant to section 1108(c-2)(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1974, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-2)(3))” in its place.

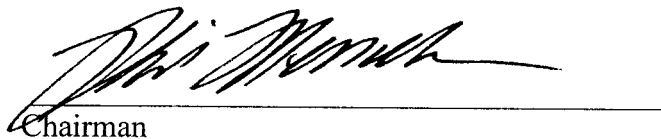
TITLE IV -- FISCAL IMPACT; EFFECTIVE DATE

Sec. 401. 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. 402. Effective date.

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



Chairman  
Council of the District of Columbia

UNSIGNED

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

January 28, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-616**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 28, 2015**

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to require a digital voter service system that may be executed by electronic signatures, to require the Department of Motor Vehicles to transmit to the District of Columbia Board of Elections the electronic signatures of those individuals who possess current Department of Motor Vehicles-issued identification and who submit registration applications through the digital voter service system to the Board, and to make conforming amendments.

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

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (27) and (28) to read as follows:

“(27) The term “digital voter service system” means a website or mobile application that allows an individual to do the following:

“(A) Apply to become a registered voter;

“(B) Change the individual’s name, address, or party affiliation in the individual’s existing voter registration record; and

“(C) Request an absentee ballot.

“(28) The term “DMV” means the Department of Motor Vehicles.”.

(b) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

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

(i) Subparagraph (A) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

(B) Paragraph (2) is amended by striking the phrase “driver’s license” and inserting the phrase “DMV-issued identification” in its place.

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

(A) Paragraph (2) is amended by striking the word “mailed” and inserting the word “mailable” in its place.

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



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“(2A) No later than 180 days following the effective date of the Voter Registration Access and Modernization Amendment Act of 2014, enacted on October 7, 2014 (D.C. Act 20-437; 61 DCR 10730), the Board shall implement a digital voter service system that includes a voter registration application form that may be executed by either:

“(A) An electronic signature provided by the applicant directly to the Board; or

“(B) An electronic signature provided to the Board by the DMV in accordance with paragraph (5) of this subsection.”.

(C) A new paragraph (5) is added to read as follows:

“(5) For each individual who submits a voter registration application using the Board’s digital voter service system required by paragraph (2A) of this subsection, the Board shall request, and the DMV shall furnish, an electronic copy of the applicant’s signature for the purpose of executing the application submitted for acceptance and approval; provided, that the applicant provides the applicant’s DMV-issued identification number and affirmatively consents to the use of that signature as the signature for the application submitted.”.

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

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

(i) Subparagraph (A) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(iii) Subparagraph (D) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(iv) Subparagraph (H) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(v) Subparagraph (I) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(vi) Subparagraph (K) is amended by striking the phrase “Bureau of Motor Vehicle Services” and inserting the acronym “DMV” in its place.

(B) Paragraph (2) is repealed.

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

(A) Paragraph (1) is amended by striking the phrase “in person at the Board’s office” and inserting the phrase “in person at the Board’s office, using the digital voter service system required by subsection (b)(2A) of this section,” in its place.

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

(i) Subparagraph (A) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(ii) Subparagraph (B) is amended by striking the period and inserting the phrase “; and” in its place.

(iii) A new subparagraph (C) is added to read as follows:

“(C) Voter registration applications and registration update notifications submitted through the digital voter service system required by subsection (b)(2A) of this section not later than the 30th day preceding any election.”.

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(5) Subsection (i)(6)(A) is amended by striking the phrase "driver's license" and inserting the phrase "DMV-issued identification" in its place.

(6) Subsection (j)(1)(D) is amended by striking the phrase "Bureau of Motor Vehicle Services" and inserting the acronym "DMV" in its place.

Sec. 3. Applicability.

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

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

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

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Voter Registration Access and Modernization Amendment Act of 2014, enacted on October 7, 2014 (D.C. Act 20-437; 61 DCR 10730), 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 28, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-617**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 28, 2015**

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to permit the District of Columbia Board of Elections to hold special elections to fill vacancies in the offices of the Delegate to the House of Representatives from the District of Columbia and an elected member of the State Board of Education on a Tuesday occurring at least 70 days but not more than 174 days after the date on which the vacancy occurs.

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

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 1-1001.01) is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

(b) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

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

"(5) The term "State Board of Education" means the State Board of Education established by section 402 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2651)."

(2) Paragraph (13) is amended by striking the phrase "the President and members of the Board of Education" and inserting the phrase "members of the State Board of Education" in its place.

(c) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) The heading is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

(2) Subsection (m) is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

(3) Subsection (n) is amended by striking the phrase "Board of Education" wherever it appears and inserting the phrase "State Board of Education" in its place.

(d) Section 10 (D.C. Official Code § 1-1001.10) is amended as follows:

(1) Subsection (a)(5) is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

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

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(A) Paragraph (1) is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "first Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next District-wide special, primary, or general election that is to occur within 60 days of the date on which the special election would otherwise have been held under the provisions of this subsection" and inserting the phrase "Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation" in its place.

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

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

(i) Strike the phrase "Board of Education" both times it appears and insert the phrase "State Board of Education" in its place.

(ii) Strike the phrase "1st Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board of Elections, unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next special, primary, or general election that is to occur within 60 days of the date on which a special election would otherwise have been held under the provisions of this subsection" and insert the phrase "Tuesday occurring at least 70 days and not more than 174 days after the date on which the vacancy occurs which the Board determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation" in its place.

(B) Paragraph (2) is repealed.

(4) Subsection (f) is amended by striking the phrase "Board of Education" both times it appears and inserting the phrase "State Board of Education" in its place.

(e) Section 11(a)(2) (D.C. Official Code § 1-1001.11(a)(2)) is amended by striking the phrase "President of the Board of Education, or member of the Board of Education" and inserting the phrase "or member of the State Board of Education" in its place.

(f) Section 15 (D.C. Official Code § 1-1001.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Board of Education" both times it appears and inserting the phrase "State Board of Education" in its place.

(2) Subsection (b) is amended by striking the phrase "Board of Education" and inserting the phrase "State Board of Education" in its place.

### Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report for the Special Election Reform Amendment Act of 2014, enacted on October 7, 2014 (D.C. Act 20-440; 61 DCR 10738), as the fiscal impact statement required by section 602(c)(3) of the District of

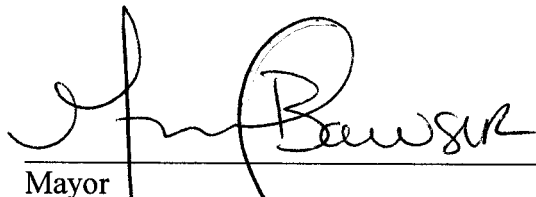
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Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 28, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-618**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 2, 2015**

To amend the District of Columbia Health Occupations Revision Act of 1985 to establish an Advisory Committee on Clinical Laboratory Practitioners that shall develop and submit to the Board of Pharmacy guidelines to regulate the practices of cytotechnology, histotechnology, and medical technology; to regulate the practices by cytotechnologists, histologic technicians, histotechnologists, medical laboratory technicians, medical technologists, and phlebotomists; and to establish the minimum qualifications for licensure of cytotechnologists, histologic technicians, histotechnologists, medical laboratory technicians, medical technologists, and registration of phlebotomists.

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

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 208. Board of Pharmacy." and insert the phrase "Sec. 208. Board of Pharmacy and Advisory Committee on Clinical Laboratory Practitioners." in its place.

(2) A new TITLE VII-F is added to read as follows:

"TITLE VII-F

"QUALIFICATIONS FOR LICENSURE TO PRACTICE AS A CLINICAL LABORATORY PRACTITIONER.

"Sec. 761. Qualifications for licensure.

"Sec. 762. Waiver.

"Sec. 763. Exemption from licensure for select clinical laboratory practitioners.

"Sec. 764. Transition of licensed and registered clinical laboratory practitioners."

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

"Sec. 912. Phlebotomist."

(b) Section 101 (D.C. Official Code § 3-1201.01) is amended by adding a new paragraph (1C) to read as follows:

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“(1C) “Clinical laboratory practitioner” means a cytotechnologist, histologic technician, histotechnologist, medical laboratory technician, medical technologist, or a phlebotomist.”

(b) Section 102 (D.C. Official code § 3-1201.02) is amended as follows:

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

“(3A) “Practice of cytotechnology” means the microscopic study or examination of body fluids, tissues, or cells desquamated from a body surface or lesion for the practice of clinical laboratory science, including detecting malignancy and microbiologic changes and the measurement of hormonal levels.”

(2) The existing paragraph (6A) is re-designated as paragraph (6A-ii)

(3) A new paragraph (6A) is added to read as follows:

“(6A) “Practice by histologic technicians” means the preparation of human and animal tissue samples for microscopic examination.”

(4) A new paragraph (6A-i) is added to read as follows:

“(6A-i) “Practice of histotechnology” means the preparation and processing of sections of body tissue for examination through the processes of fixation, dehydration, embedding, sectioning, decalcification, microincineration, mounting, and routine staining, and includes the identification of tissue structures, cell components, and their staining characteristics, and relating them to physiologic functions.”

(5) New paragraphs (6B-i) and (6B-ii) are added to read as follows:

“(6B-i) “Practice by medical laboratory technicians” means performing tests on tissue, blood, and body fluids for the purpose of assisting in the diagnosis and treatment of diseases while working under the supervision of a medical technologist or physician.

“(6B-ii) “Practice of medical laboratory technology” means performing clinical laboratory tests and procedures, including: monitoring tests and procedures, and preparing blood, urine, and tissue specimens for analysis; using sophisticated laboratory equipment to look for bacteria, parasites, and other microorganisms; analyzing the chemical content of fluids, matching blood for transfusions; and, testing for drug levels in the blood to show how a patient is responding to treatment, in areas of a clinical laboratory, with the exception of cytotechnology.”

(c) Section 208 (D.C. Official Code § 3-1202.08) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 208. Board of Pharmacy and Advisory Committee on Clinical Laboratory Practitioners.”

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

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

“(1) The Board shall regulate the practice of pharmacy, the practice of pharmaceutical detailing, the practice of pharmacy technicians, and the practice of clinical laboratory practitioners with guidelines approved by the Advisory Committee on Clinical Laboratory Practitioners.”

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

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“(1A) The Board shall administer the examination required for cytotechnologists, histologic technicians, histotechnologists, medical laboratory technicians, and medical technologists.”.

(3) Subsections (i), (j), (k), (l), and (m) are added to read as follows:

“(i) There is established an Advisory Committee on Clinical Laboratory Practitioners, which shall consist of 5 members appointed by the Mayor.

“(j) The Advisory Committee on Clinical Laboratory Practitioners shall develop and submit to the Board guidelines for the licensure of cytotechnologists, histologic technicians, histotechnologists, medical laboratory technicians, medical technologists, and the registration of phlebotomists.

“(k) Of the members of the Advisory Committee on Clinical Laboratory Practitioners, one shall be a pathologist certified by the American Board of Pathology or the American Board of Osteopathic Pathology; one shall be a medical technologist and supervisor; one shall be a medical technologist who is not a supervisor; one shall be a medical laboratory technician; and one shall be a consumer member with no direct affiliation with clinical laboratory practitioners or another health profession.

“(l) The qualifications for the professional members of the Advisory Committee on Clinical Laboratory Practitioners shall be as follows:

“(1) The pathologist, for at least 3 years preceding appointment, shall have been actively engaged as a pathologist in rendering professional services in pathology or in the education and training of medical personnel in pathology.

“(2) The medical technologist, for at least 3 years preceding the appointment, shall have been actively engaged as a medical technologist in rendering professional services in medical technology or in the education and training of medical technologists.

“(3) The medical laboratory technician, for at least 3 years preceding the appointment, shall have been actively engaged as a medical laboratory technician in rendering professional services as a medical technician.

“(m) The initial appointees of the Advisory Committee on Clinical Laboratory Practitioners, with the exception of the pathologist and the consumer representative, shall become licensed in the profession in which they have been practicing immediately upon their appointment and qualification as members of the Advisory Committee on Clinical Laboratory Practitioners.”.

(d) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “the audiologist and speech-language pathologist members initially appointed to the Board,” and inserting the phrase “the audiologist and speech-language pathologist members initially appointed to the Board, the clinical laboratory practitioner members initially appointed to the Board,” in its place.

(e) Section 501(a) (D.C. Official Code § 3-1205.01(a)) is amended as follows:

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

(A) Strike the phrase “chiropractic,” and insert the phrase “chiropractic, cytotechnology,” in its place.



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(B) Strike the phrase "dietetics," and insert the phrase "dietetics, histotechnology," in its place.

(C) Strike the phrase "massage therapy," and insert the phrase "massage therapy, medical laboratory technology," in its place.

(2) Paragraph (2) is amended by striking the phrase "nursing assistive personnel," and inserting the phrase "nursing assistive personnel, phlebotomist," in its place.

(f) A new Title VII-F is added to read as follows:

"TITLE VII-F

"QUALIFICATIONS FOR LICENSURE TO PRACTICE AS A CLINICAL LABORATORY PRACTITIONER.

"Sec. 761. Qualifications for licensure.

"(a) The Board of Pharmacy shall license as a cytotechnologist a person who, in addition to meeting the requirements of Title V, has:

"(1) At least a baccalaureate degree from an accredited institution that incorporates the academic coursework and minimum hours of supervised training required by the regulations adopted by the Board and whose program is accredited by an agency recognized by the U.S. Department of Education, or has qualified as a cytotechnologist under federal regulations; and

"(2) Passed a national certification examination given by the Board or from a body recognized by the Board.

"(b) The Board of Pharmacy shall license as a histologic technician a person who, in addition to meeting the requirements of Title V, has demonstrated, to the satisfaction of the Board, that he or she possesses the medical laboratory education, training, or experience that is appropriate for medical laboratory technicians concentrating in histology.

"(c) The Board of Pharmacy shall license as a histotechnologist a person who, in addition to meeting the requirements of Title V, has:

"(1)(A) At least a baccalaureate degree in biological sciences and chemistry from an accredited institution recognized by the U.S. Department of Education; or

"(B) Successfully completed a histotechnology program accredited by an agency recognized by the U.S. Department of Education or one year of full-time laboratory work experience in histology deemed acceptable by the Board of Pharmacy; and

"(2) Passed a national certification examination given by the Board or from a body recognized by the Board.

"(d) The Board of Pharmacy shall license as a medical laboratory technician a person who, in addition to meeting the requirements of Title V, has:

"(1) Successfully completed a medical laboratory technician program accredited by an agency recognized by the U.S. Department of Education or a military medical laboratory specialists program;

"(2) Obtained an associate degree or has at least 60 semester hours or 90 quarter hours from an accredited institution recognized by the U.S. Department of Education, including a minimum of 6 semester hours or 9 quarter hours of biological science

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and 6 semester hours or 9 quarter hours of chemical science, and has 3 years of full-time acceptable medical laboratory work experience within the last 5 years; or

“(3) Been previously qualified as a medical laboratory technologist under federal regulations; and

“(4) Passed a national certification examination given by the Board or from a body recognized by the Board.

“(e)(1) The Board of Pharmacy shall license as a medical technologist a person who, in addition to meeting the requirements of Title V, has:

“(A) At least a baccalaureate degree from an accredited institution that includes courses in biological science, chemistry, and mathematics, and has successfully completed a medical technology program accredited by an agency recognized by the U.S. Department of Education;

“(B) A baccalaureate degree from a regionally accredited institution recognized by the U.S. Department of Education, including a minimum of 16 semester hours or 24 quarter hours of biological science, 16 semester hours or 24 quarter hours of chemical science, including one semester or one quarter in organic chemistry or biochemistry, one semester or one quarter of mathematics, and 3 years of full-time, clinical laboratory work experience in the major disciplines of laboratory practice deemed acceptable by the Board of Pharmacy, within the last 5 years and one of the following:

“(i) Certification as a medical laboratory technologist by a national certifying organization acceptable to the Board;

“(ii) Successful completion of a medical laboratory technology program accredited by an agency recognized by the U.S. Department of Education; or

“(iii) Successful completion of an advanced military medical laboratory specialist program;

“(C) A baccalaureate degree from an accredited institution, including a minimum of 16 semester hours or 24 quarter hours of biological science, 16 semester hours or 24 quarter hours of chemical science, including one semester or one quarter in organic chemistry or biochemistry, one semester or one quarter of mathematics, and 5 years of full-time clinical laboratory work experience in the major disciplines of laboratory practice deemed acceptable by the Board of Pharmacy, within the last 10 years; or

“(D) Been previously qualified as a medical technologist under federal regulations, or has a baccalaureate degree and training or experience as the Board determines is appropriate for medical technologists concentrating in categories such as blood banking, chemistry, hematology, immunology, microbiology, and virology; and

“(E) Passed a national certification examination given by the Board or from a body recognized by the Board.

“(2) For the purposes of this subsection, the term “major disciplines of laboratory practice” includes blood banking, chemistry, immunology, and microbiology.”.

“Sec. 762. Waiver.

“The Board shall waive the requirements specified in section 761 for any

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cytotechnologist, histologic technician, histotechnologist, medical laboratory technician, or medical technologist who has passed an examination required by the Board, and who has received a certification from a national certifying organization acceptable to the Board that has current eligibility requirements that are equivalent to or exceed the qualifications established under this act.

“Sec. 763. Exemption from licensure for select clinical laboratory practitioners.

“(a) Section 1001 shall not apply to a cytotechnologist, histotechnologist, medical laboratory technologist, medical technologist, histologic technician, or phlebotomist who is:

“(1) Licensed or registered in the District of Columbia under any other act and who engages in the practice for which he or she is licensed or registered;

“(2) Employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee’s official duties;

“(3) Engaged exclusively in education or research; provided, that the results of any examination performed are not used in the diagnosis, prevention, or treatment of a disease, or assessment of a medical condition;

“(4) A student or trainee enrolled in a medical laboratory education program; provided, that the activities constitute a part of a planned course in the program, the person is designated by a title such as intern, trainee, or student, and the person works directly under a person licensed under section 761;

“(5) Exclusively performing laboratory tests, classified as waived pursuant to 42 CFR § 493, which are determined by the Secretary of the U.S. Department of Health and Human Services to have an insignificant risk of an erroneous result, including those which:

“(A) Have been approved by the United States Food and Drug Administration;

“(B) Employ methodologies that are so simple and accurate as to render the likelihood of erroneous results negligible; or

“(C) The Secretary of the U.S. Department of Health and Human Services has determined pose no reasonable risk of harm to the patient if performed incorrectly;

“(6) A pathologist or other licensed physician;

“(7) A laboratory manager who does not perform or supervise laboratory tests; or

“(8) Performing point-of-care testing; provided, that:

“(A) A laboratory director, or other licensed individual to whom the laboratory director has delegated his or her duties as a laboratory director, provides oversight and is responsible for ensuring the development and implementation of:

“(i) A protocol of implementation, including tests to be performed and staff who will perform the tests;

“(ii) Criteria to be used in selecting the method of testing to be used for point-of-care testing;

“(iii) Minimum training and education requirements for those

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who will perform point-of-care testing;

“(iv) Documented in-service training, initial and ongoing competency validation of personnel performing point-of-care testing;

“(v) An appropriate internal and external quality control protocol; and

“(vi) Record keeping requirements; and

“(B) Processes are in place and are acceptable to the Board that ensure and document the continued competency of point-of-care testing personnel.

“(b) For the purposes of this section, the term

(1) “Laboratory director” means:

“(A) A physician or dentist who is qualified and eligible to supervise and direct the technical and scientific operation of a medical laboratory by possessing the following:

“(i) Certification in anatomic or clinical pathology, or both, by the American Board of Pathology, the American Osteopathic Board of Pathology, or qualifications that are equivalent to those required for certification;

“(ii) Certification by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the laboratory specialties;

“(iii) Certification by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysts, or another national accrediting board in at least one of the laboratory specialties;

“(iv) Certification by the American Society of Cytopathology to practice cytopathology or qualifications that are equivalent to those required for certification;

“(v) Subsequent to graduation, 4 or more years of full-time general laboratory training or experience, of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a licensed medical laboratory; or

“(vi) Subsequent to graduation, other documented clinical laboratory training and experience as the Board determines by regulation is appropriate, taking into consideration the complexity and diversity of the laboratory tests to be performed; or

“(B) A dentist, certified by the American Board of Oral Pathology for the specialty of oral pathology only, or qualifications which are equivalent to those required for certification.

“(2) “Point-of-care testing” means analytical patient-testing activities that are performed under the supervision of the laboratory director within an institution, but are performed outside the physical facilities of the central medical laboratory and do not require permanent dedicated space, and include the use of analytical instruments that are temporarily brought to a patient care location.

“Sec. 764. Transition of licensed and registered clinical laboratory practitioners.

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“For a period of 2 years after the effective date of the Clinical Laboratory Practitioners Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-289), all references in this act to “clinical laboratory practitioners” shall be deemed to refer to persons meeting the requirements for licensure or registration in the District of Columbia, regardless of whether that person is licensed or registered.”

(g) A new section 912 is added to read as follows:

“Sec. 912. Phlebotomist.

“(a) For the purposes of this section, the term “phlebotomist” means an unlicensed person trained in the proper procedure for withdrawing blood by venipuncture or skin puncture for clinical laboratory test purposes.

“(b) A person who is engaged as a phlebotomist in the District of Columbia shall register with the Mayor, renew the registration as required by rule, and pay the required registration fee established by the Mayor.

“(c) Any person registered to practice as a phlebotomist shall work under the general supervision of a licensed physician, advanced practice nurse, or other licensed health professional as the Mayor determines by rule.”

(h) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (jj) to read as follows:

“(jj) Unless authorized to practice as a clinical laboratory practitioner under this act, a person shall not use or imply the use of the words or terms “medical technologist”, “cytotechnologist”, “medical laboratory technologist”, “histotechnologist”, “histologic technician”, “clinical laboratory scientist-generalist”, “clinical laboratory scientist-specialist”, “medical laboratory technician”, “phlebotomist”, or any similar title or description of services with the intent to represent that the person is a clinical laboratory practitioner.”

### Sec. 3. Fiscal impact statement.

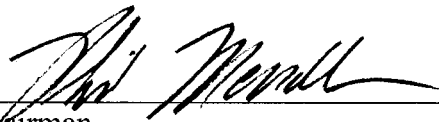
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

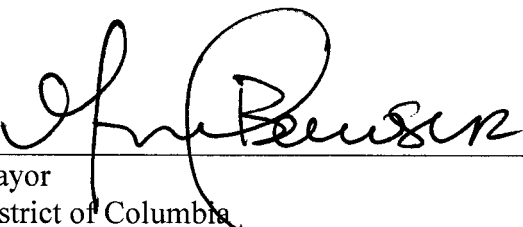
### Sec. 4. Effective date.

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,

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 2, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-619**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 5, 2015**

To provide a comprehensive scheme governing civil forfeiture in order to ensure that property owners are promptly notified after their property is seized and held for a civil forfeiture proceeding, to ensure that all property seized for purposes of a civil forfeiture proceeding is inventoried and catalogued by the Metropolitan Police Department, to eliminate the bond requirement as a prerequisite to a civil forfeiture proceeding, to ensure that property owners have an opportunity to request interim release of property pending the final disposition of a forfeiture hearing, to remove the burden of proof on the property owners to show that their property is not subject to forfeiture, to require law enforcement agencies to report data annually on civil forfeiture, and to provide that drug possession shall not be a forfeitable offense; to amend the District of Columbia Uniform Controlled Substances Act of 1981, the Firearms Control Regulations Act of 1975, the Illegal Dumping Enforcement Act of 1994, An Act To establish a code of law for the District of Columbia, and An Act For the suppression of prostitution in the District of Columbia to clarify the reforms to the burden of proof and the compliance procedures; and to amend section 2505 of Chapter 25 of Title 24 of the District of Columbia Municipal Regulations and the Fair Criminal Record Screening Amendment Act of 2014 to make technical amendments.

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

## TITLE I. FORFEITURE.

## Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) "By type of property" means the 4 distinct types of property: real property, vehicles, currency, and other personal property.
- (2) "Court" means the Superior Court of the District of Columbia.
- (3) "Currency" means cash, or the fair market value of seized property disposed of pursuant to section 103(e).
- (4) "Forfeitable offense" means an alleged violation of District law that can give rise to forfeiture pursuant to the following provisions: section 706a of the Firearms Control Regulations Act of 1975, effective June 3, 1997 (D.C. Law 11-273; D.C. Official Code § 7-2507.06a), section 6 of the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-905), section 3 of the Commercial Counterfeiting

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Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22-902), section 866 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1705), section 5 of An Act For the suppression of prostitution in the District of Columbia, effective May 7, 1993 (D.C. Law 9-267; D.C. Official Code § 22-2723), section 502 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-905.02), or section 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04).

(5) "Indigent" means a person who is financially unable to give any bond or give a bond in the required amount.

(6) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

(7) "Owner" means a person with a legal ownership interest in the property subject to seizure or forfeiture.

(8) "Relative" means a spouse, partner, sibling, parent, grandparent, child, grandchild, or the spouse, partner, or child thereof.

(9) "Sale proceeds" means all funds received by the District of Columbia as a result of the sale of seized property pursuant to section 103(e) or section 110.

Sec. 102. General provisions.

(a) Only property designated as forfeitable pursuant to a forfeitable offense shall be subject to forfeiture and may be forfeited only in accordance with the provisions of this act. Property that is contained within property subject to forfeiture does not automatically render that property subject to forfeiture.

(b) No property shall be subject to forfeiture by reason of an act or omission committed or omitted without the actual knowledge and consent of the owner, unless the owner was willfully blind to the knowledge of the act or omission.

(c) Except as provided in section 108, a conviction of a forfeitable offense shall not be required for the purpose of establishing that property is subject to forfeiture under this act.

(d) Property seized as evidence in a criminal case shall not be subject to this act while subject to evidentiary hold in a criminal case.

Sec. 103. Seizure; pre-seizure hearings for real property.

(a) Property subject to forfeiture under this title may be seized by the District:

(1) By judicial order; or

(2) Upon the District's determination that there is probable cause to believe that the property is subject to forfeiture.

(b)(1) Property seized for forfeiture under this title is deemed to be in the custody of the District. When property is seized pursuant to this title, the District shall:

(A) Place the property in an area designated by the District for safe storage until disposition;

(B) Ensure that the seized property is inventoried, including providing a full description of all property seized and all property contained therein;



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(C) Assign an individual property identification number to each specific item of property seized, including any additional property contained therein; and

(D) Maintain the property identification numbers and description of all items seized.

(2) For the purposes of this subsection, a sum of currency shall be deemed to be a single item of property.

(c) If the District retains possession of the property pending the outcome of the forfeiture proceedings in Court, the District is responsible for the following:

(1) The costs of storage; and

(2) Keeping the interest or rent earned by the property and distributing the interest or rent earned to the owner of the property if the property is not ultimately declared forfeited.

(d) When property is seized by a law enforcement officer, the officer shall give to the person from whom the property was seized a receipt that provides a description of the property seized.

(e)(1) If seized property is likely to perish, or be greatly reduced in value by its seizure, or the expense of keeping the property is disproportionate to its value, the District may dispose of the property.

(A) If, pursuant to paragraph (1) of this subsection, the District sells seized property, the sale proceeds shall become substitute property for the original seized property and shall be subject to forfeiture in accordance with the standards and procedures set forth in this act; provided, that determination of whether the property is subject to forfeiture shall be made based on the nature of the original seized property and not based on its current form of proceeds.

(B) If, pursuant to paragraph (1) of this subsection, the District discards seized property, the fair market value of the discarded property before its disposal shall become substitute property for the original seized property and shall be subject to forfeiture in accordance with the standards and procedures set forth in this act; provided, that determination of whether the property is subject to forfeiture shall be made based on the nature of the original seized property and not based on its current form of currency value.

(2) The District shall provide notice to the owner of seized property regarding its intent to dispose of the seized property in accordance with section 104.

(f)(1) The District may not seize real property for forfeiture unless, before the seizure, the owner of the property is afforded notice and an opportunity to be heard at a hearing requested by the District and conducted in accordance with section 106(f).

(2)(A) A hearing requested pursuant to paragraph (1) of this subsection need not be held if, before the hearing, the District reaches a written agreement with the owner as to conditions for the owner to retain the real property pending forfeiture proceedings.

(B) Permissible conditions are limited to the following:

(i) An agreement by the owner to prohibit certain individuals from using the real property;

(ii) An agreement by the owner to prohibit the use of the real property to facilitate illegal conduct;

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(iii) An agreement by the owner that he or she will not intentionally destroy, substantially damage, dispose of, or transfer title to the property;

(iv) A requirement that the owner present proof of ownership, which the owner may prove by the presentation of the title to the property; and

(v) An agreement by the owner to maintain property insurance.

(C) If, before the hearing under paragraph (1) of this subsection, the District reaches an agreement with the owner under paragraph (2) of this subsection, the District shall immediately notify the Court that it withdraws its request for a hearing.

(3) Any decision reached at a hearing conducted pursuant to this subsection shall be appealable pursuant to section 106(k).

(4) If the District alleges that the owner has violated a condition to retain custody of the real property pending final forfeiture proceedings, the allegation shall be made and heard in accordance with section 106(l).

Sec. 104. Notice.

(a)(1)(A) Upon the seizure of any property by law enforcement, the District shall take all reasonable steps to identify the owner or owners of the seized property and provide the owner or owners with notice of the intent of the District to seek forfeiture of the property.

(B) The notice shall be in writing and shall be provided in person or by certified or registered mail, return receipt requested. If an owner is detained or otherwise in the custody of the government, the District shall provide notice to the owner where he or she is detained or in custody. The District shall also publish on its official website notice of the seizure.

(C) Notice provided in person shall not be valid unless:

(i) The owner signs a return receipt acknowledging acceptance of the notice; or

(ii) A representative of the District attests in a sworn document to personal knowledge that the owner received notice but refused to sign a return receipt.

(D) The District shall send or provide notice to the owner:

(i) Within 10 business days after the seizure, if the property is not subject to an evidentiary hold;

(ii) Within 10 business days after receiving written notice from the prosecutorial authority that the property will not be needed as evidence in a criminal case if the property was subject to an evidentiary hold for a case that was not charged by the prosecutorial authority after an arrest; or

(iii) Within 5 business days after receiving written notice from the prosecutorial authority that the property will not be needed as evidence in a criminal case if the property was subject to an evidentiary hold for a case that was charged by the prosecutorial authority after an arrest.

(2)(A) The written notice shall identify the property seized and the property identification number.

(B) For each item seized, the notice shall also include:

(i) Whether the item is immediately returnable to the owner;

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(ii) Whether the District intends to seek forfeiture; and  
(iii) Whether the District intends to dispose of the property or has disposed of the property pursuant to section 103(e).

(C) The notice shall explain:

(i) The process by which the owner may retrieve items deemed immediately returnable;

(ii) The legal basis upon which the District seeks forfeiture of the property, the time period within which the owner must file a claim of interest and intent to contest forfeiture in the seized property pursuant to section 105, and the consequence of an owner's failure to file a claim of interest and intent to contest forfeiture within the time provided under section 105(c);

(iii) The process by which the owner may request interim release of the item pending forfeiture proceedings, and by which the District may seek to retain the property in the interim, including the expedited timing of the possible court hearing pursuant to section 106(c)(4);

(iv) The affirmative defenses available under section 108(f); and

(v) That the District cannot condition either the interim or permanent release of the owner's property on a requirement that the owner communicate with any agent of the District or representative of law enforcement other than by submission of the form described in subparagraph (D) of this paragraph.

(D) The notice shall include a claim form which the owner may use to assert his or her interest in the seized property, his or her intent to contest forfeiture, and to request the interim release of property pending the final outcome of any forfeiture proceedings.

(E) The notice shall also include the name and contact information of the District official to whom the owner shall return the claim form and direct any other correspondence.

(b)(1) If the notice required by subsection (a)(1)(A) of this section is not sent or provided to the owner as required by subsection (a)(1)(D) of this section, the seized property shall be returned without conditions to the owner unless the District demonstrates good cause particular to the circumstances of the case for the delay in notification of the owner.

(2) Release of the property for failure to comply with notice requirements shall not prejudice the right of the District later to file a libel of information seeking forfeiture pursuant to section 107.

#### Sec. 105. Contesting forfeiture.

(a) An owner may contest the seizure and forfeiture of the property by filing a claim with the District stating his or her interest in the property and intent to contest forfeiture. When filing a claim, the owner may also request interim release of the property or a portion of the property. The owner may request interim release of the property or of a portion of the property at any time before the District files a libel of information under section 107.

(b)(1) For purposes of making a claim of interest and intent to contest forfeiture pursuant to subsection (a) of this section, the owner shall be required to assert his or her claim under penalty of perjury. Neither a notarized statement nor additional documentary proof shall be

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required to make a claim. The owner filing the form provided pursuant to section 104(a)(2)(D), when signed by the owner under penalty of perjury, shall suffice to make a claim of interest and intent under this section.

(2) A claim of interest and intent filed pursuant to subsection (a) of this section must be made within 90 days after the owner of the seized property receives notice of the seizure pursuant to section 104.

(c)(1) If the District has on file a return receipt or a sworn document by the District indicating that the owner has received notice as required by section 104 and the owner has not filed a claim under section 104 within 90 days after the receipt of the notice, the District does not need to file a libel of information as required by section 107, but shall determine pursuant to this title whether the property is forfeitable and determine whether the forfeiture is proportional to the seriousness of the violation of District law that gave rise to the forfeiture.

(2) If the District determines that the property is forfeitable, the District shall declare the property forfeited and shall dispose of the property in accordance with section 110.

(3) If the District determines that the seized property, or a portion of the seized property, is not forfeitable, the District shall return the property, or, if applicable, the portion of the property, to its owner as soon as practicable.

(d)(1) If the District does not have on file a return receipt or a sworn document by the District indicating that the owner has received notice as required by section 104 within 180 days after the seizure if the property was not subject to an evidentiary hold or within 180 days after receiving written notice from the prosecutorial authority that the property will not be needed as evidence in a criminal case if the property was subject to an evidentiary hold, the District shall not pursue forfeiture.

(2) If the District is precluded from pursuing forfeiture pursuant to this subsection, the custody of the property, notification, and release to the owner or disposition by the District of the seized property shall be pursuant to sections 408 through 424a of the Revised Statutes of the United States Relating To The District of Columbia (D.C. Official Code §§ 5-119.01 – 5-119.10 and 5-119.12 – 5-119.19), and section 5 of An Act To amend provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes, approved September 25, 1962 (76 Stat. 591; D.C. Official Code § 5-119.11).

Sec. 106. Post-seizure property retention hearing.

(a) The District shall not release property seized for forfeiture while it is being retained as evidence in a criminal case.

(b) Except as prohibited by subsection (a) of this section, the District may, at any time, authorize interim release of property for use by the owner pending the final outcome of forfeiture proceedings.

(c)(1) Except as prohibited by subsection (a) of this section, upon an owner's request for interim release of the property, the District shall release the property to the owner without conditions pending the final outcome of a forfeiture proceeding or, if the District alleges compliance with the notice provisions of section 104(a), the District shall file a request for a hearing in accordance with paragraph (3) of this subsection seeking to retain possession of the

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property or to place conditions on the release of the property pending the final outcome of any forfeiture proceeding.

(2) Nothing in this subsection shall require the District to release a seized vehicle to its owner if the owner cannot demonstrate that the vehicle will be removed from the place at which it was stored by the District in a way that complies with District of Columbia law.

(3)(A) If the District intends to seek to retain possession of the property or to place conditions on the release of the property pending the final outcome of any forfeiture proceedings, the District shall file a request for a hearing with the Court within 5 business days after its receipt of the owner's request for interim release or within 5 business days after receiving written notice from the prosecutorial authority that the property will not be needed as evidence in a criminal case, whichever is later. The District shall not file a request for a hearing while property is being retained as evidence in a criminal case.

(B) A hearing with the Court shall be held as soon as practicable but no later than:

(i) If the seized property includes currency, 5 business days after the District requests an interim release hearing if the owner attests that the seized funds are necessary to either assist the owner in securing counsel of choice in a pending criminal matter related to the seizure or to meet the basic necessities of life, including the purchase of food, payment of utilities, provision of shelter, transportation costs, support of the owner's family, or operation of a lawful business;

(ii) If the seized property includes a motor vehicle, 5 business days after the District requests an interim release hearing; or

(iii) For all other property, 10 business days after the District requests an interim release hearing.

(C) Either party may request a continuance of the hearing of up to 5 business days.

(d)(1) A hearing requested pursuant to subsection (c) of this section need not be held if, before the hearing, the District reaches a written agreement with the owner as to conditions for interim release of the seized property. The District may not request any conditions for interim release if the District failed to provide notice as required by section 104(a)(1)(D), unless the District has demonstrated good cause under section 104(b)(1).

(2) Permissible interim release conditions are limited to the following:

(A) An agreement by the owner to prohibit certain individuals from using seized property;

(B) An agreement by the owner to prohibit the use of the seized property to facilitate illegal conduct;

(C) An agreement by the owner that he or she will not intentionally destroy, substantially damage, dispose of, or transfer title to the property;

(D) An agreement by the owner that he or she will deliver to the District the property subject to forfeiture if and when it is ultimately deemed forfeitable;

(E) If the owner is not indigent, the payment of a bond not to exceed 2.5% of the fair market value of the property, which for a vehicle shall be the bluebook value; and

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(F) In the case of a vehicle:

(i) A requirement that the owner present proof of ownership, which the owner may prove by the presentation of the title to the vehicle; and  
(ii) An agreement by the owner to maintain valid registration and insurance; or

(G) In the case of currency, an assignment of an interest in other property to the District to secure the fair market value of the property subject to forfeiture proceedings.

(3) If, before the hearing pursuant to subsection (c) of this section, the District reaches an agreement with the owner under subsection (d) of this section, the District shall immediately notify the Court that it withdraws its request for a hearing.

(e)(1) At the hearing, the Court shall determine if the District complied with the notice requirements of section 104 or had good cause particular to the circumstances of the case for failure to comply with section 104.

(2) If the Court concludes that the District did not comply with section 104, it shall deny the District's motion to retain the property and shall order the property released to the owner without conditions pending the final outcome of any forfeiture proceedings.

(f)(1)(A) At the hearing, the burden shall be on the District to establish that the seized property is subject to forfeiture under section 102.

(B) If the property is real property, a motor vehicle, or currency totaling \$1000 or less, the District must establish the property is subject to forfeiture by a preponderance of the evidence.

(C) For all other property, the District must establish the property is subject to forfeiture by probable cause.

(2) If the Court concludes that the District has failed to meet its burden under paragraph (1) of this subsection, it shall deny the District's motion to retain the seized property and order the property shall be released to the owner without conditions pending the conclusion of any forfeiture proceedings.

(3)(A) If the Court concludes that the District has met its burden under paragraph (1) of this subsection, the Court shall consider whether there is any condition or combination of conditions, other than retention of seized property, that will reasonably protect the interests of the District pending the conclusion of the forfeiture proceeding and whether those interests outweigh any countervailing interests of the owner.

(B) If the Court concludes that no condition or combination of conditions will reasonably protect the interests of the District pending the conclusion of the forfeiture proceedings and that those interests outweigh countervailing interests of the owner, the Court shall grant the District's motion to retain the property pending the conclusion of any forfeiture proceedings.

(C) If the Court concludes that a condition or combination of conditions will reasonably protect the interests of the District pending the conclusion of the forfeiture proceeding and that those interests do not outweigh the countervailing interests of the owner, the Court shall deny the District's motion and order the property released to the owner with any condition or combination of conditions necessary to protect the interests of the District pending the conclusion of the forfeiture proceeding, including:

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(i) Any condition permitted by subsection (d) of this section; and  
(ii) In the case of property other than real property and if the owner is not indigent, the payment of a bond not to exceed 5% of the fair market value of the property, which for a vehicle shall be the bluebook value.

(g)(1) If the owner establishes that there is probable cause that the seized currency is necessary to assist the owner in securing counsel in a pending criminal matter related to the seizure or to meet the basic necessities of life, including the purchase of food, payment of utilities, provision of shelter, transportation costs, support of the owner's family, or operation of a lawful business, the portion of the currency necessary for demonstrated needs shall be returned.

(2) If the District retains possession of the currency or any portion of the currency pending disposition of the forfeiture case, the currency shall continue to be treated in accordance with D.C. Official Code § 23-532.

(h) If the Court orders interim release of seized property with conditions, the order shall specify the official to whom the owner must submit documentation to prove compliance with the conditions.

(i) The District shall refund to the owner the bond the owner paid as a condition of interim release of property pursuant to subsection (d)(2)(E) or subsection (f)(3)(C)(ii) of this section when:

- (1) The property has been determined by the Court not to be forfeitable;
- (2) The District has decided not to pursue forfeiture; or
- (3) If the property is declared forfeited, the owner surrenders the property to the

District.

(j) The Court shall issue an order at the conclusion of the hearing or as soon thereafter as practicable unless the parties consent to the delay.

(k)(1) An order granting or denying the District's motion to retain the seized property is a final order for purposes of appeal.

(2) Upon motion of an appealing party, the Court may stay the effect of an order directing release of property pending appeal if the Court finds that:

(A) A substantial question is raised by the appeal;  
(B) Irreparable harm is likely to occur to the moving party if the stay is not granted; and

(C) The hardship to the opposing party is outweighed by the threat of irreparable harm to the moving party.

(l)(1) If the District alleges that the owner has violated a condition of interim release, the District shall file a motion with the Court requesting a hearing for the owner to show cause why interim custody should not be revoked pending final forfeiture proceedings. If the condition the owner is alleged to have violated was imposed by agreement pursuant to subsection (d) of this section, the District shall file the motion in court at the time it files the libel of information pursuant to section 107.

(2) At the hearing, if the Court determines the owner violated a condition of interim release:

(A) The owner shall lose custody of the property pending final forfeiture proceedings; and

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(B) Where the violation diminishes the value of the property, the owner shall be personally liable for diminished value if the property is ultimately deemed forfeitable; provided, that if the violation makes the property unavailable or entirely without value, the measure of the owner's liability shall be the fair market value of the property.

(m) Nothing in this section shall preclude the owner from seeking any other relief provided by law or regulation.

Sec. 107. Libel of information.

(a) If the owner of a seized property makes a claim contesting the seizure pursuant to section 105, the District shall return the property to the owner or file a libel of information seeking forfeiture of the property in Court.

(b)(1) If the owner is not in possession of all of the seized property, the District shall file a libel of information not later than 60 days after the owner has made a claim pursuant to section 105.

(2) If the owner is in possession of all of the seized property, the District shall file a libel of information not later than 90 days after the owner has made a claim pursuant to section 105.

(3) The Court may grant an extension of the time limits set forth in paragraphs (1) and (2) of this subsection upon a showing of good cause particular to the circumstances of the case or upon agreement by the parties.

(c) The District shall include in the libel of information a declaration, and any supporting documentation, to establish that the libel of information has been filed in accordance with the requirements of subsection (b) of this section.

(d) A libel of information seeking forfeiture is barred if it is not filed in accordance with the timing requirements set forth in subsection (b) of this section.

(e) If the property the District seeks to forfeit is real property, the District shall file a notice of the proceeding with the Recorder of Deeds within 10 business days after the libel of information is filed. The notice shall include the legal description of the property and indicate that civil forfeiture is being sought. The Recorder of Deeds shall record the notice against the title of any real property for which civil forfeiture is being sought. Upon resolution of the forfeiture proceeding, the District shall file with the Recorder of Deeds the disposition of the civil forfeiture action within 10 business days after the disposition.

Sec. 108. Forfeiture proceeding.

(a) An in rem civil forfeiture matter may be brought by the District against specific property, personal or real, by the filing of a civil libel of information in accordance with section 107.

(b) A party to a forfeiture action has a right to trial by jury.

(c) If the trial has not commenced within 60 days after the filing of the libel of information, the owner may move the court for interim release of the property or of a portion of the property pending the final outcome of the forfeiture proceeding. The court shall schedule a hearing on the request as soon as practicable. The court shall conduct the hearing in accordance with section 106.



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(d)(1)(A) The burden of proof shall be on the District to establish that the property is subject to forfeiture under section 102.

(B) The District shall establish that the property is subject to forfeiture by a preponderance of the evidence, except if the property is a motor vehicle or real property, the District shall establish that the property is subject to forfeiture by clear and convincing evidence.

(C) There shall be a rebuttable presumption that currency totaling \$1000 or less was not used or intended to be used in furtherance of a forfeitable offense, are not the proceeds of a forfeitable offense, and therefore are not subject to forfeiture under section 102. The government may rebut this presumption with clear and convincing evidence.

(2) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party:

(A) Did not have actual knowledge of the offense giving rise to the forfeiture;

(B) Did not consent to the commission of that offense; and

(C) Was not willfully blind to the commission of that offense.

(3) When determining whether an owner was willfully blind to acts or omissions that subjected the property to forfeiture:

(A) A showing of negligence or mistake is insufficient to support a finding that the owner was willfully blind; and

(B) A person's past criminal behavior shall not form the sole basis for an inference that the owner was willfully blind.

(4) If the property is the primary residence of the owner, in order for the property to be subject to forfeiture, the District must establish that an owner of the property was convicted of the crime giving rise to the forfeiture.

(e)(1) At any time after the filing of the libel of information, the Court, sua sponte or on motion of the owner, may determine whether the forfeiture is disproportional to the offense giving rise to the forfeiture.

(2) In determining whether the forfeiture is disproportional to the offense, the Court may not consider the value to the District of the property, but shall consider all relevant factors, including:

(A) The gravity of the forfeitable offense, including:

(i) The nature and duration of the forfeitable offense;

(ii) Any direct harm caused to other people as a result of the forfeitable offense;

(B) The fair market value of the property;

(C) The importance of the property to the owner, including the role of the property in the life of the owner or non-culpable members of the owner's family;

(D) The degree to which the forfeitable property was integral to the performance of the forfeitable offense;

(E) Whether the primary use of the property was to commit or attempt to commit a forfeitable offense;

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(F) The likelihood that the forfeitable property will be used again to commit similar illegal activity and the availability of other means for the District to address the illegality;

(G) The extent to which the owner of the forfeitable property participated in the forfeitable offense;

(H) The hardship caused by the forfeiture on the owner of the forfeitable property; and

(I) Any other criminal or civil penalties imposed on the owner of the forfeitable property for the same conduct.

(3) If the Court determines the forfeiture is disproportional to the offense giving rise to the forfeiture, the Court shall dismiss the libel of information. In the case of seized currency, the Court may dismiss the libel of information in total or as to the amount it determines to be disproportionate to the offense.

(f)(1) It shall be an affirmative defense to a forfeiture action that:

(A) The owner took reasonable action under the circumstances to prevent or stop the commission of the offense or the involvement of the property in the offense; or

(B) The owner did not take action to prevent or stop the commission of the offense or the property's involvement in the offense because the owner reasonably believed to have done so would have placed the owner or a third party in physical danger.

(2) The owner must establish an affirmative defense in paragraph (1) of this subsection by a preponderance of the evidence.

(g)(1) If the owner acquired his or her interest in the property after the commission of the forfeitable offense and the new owner did not know or had no reason to know of the property's forfeitability, there shall be a rebuttable presumption that the property is not subject to forfeiture.

(2) The government may rebut the presumption in paragraph (1) of this subsection with clear and convincing evidence that the property was proceeds of the forfeitable offense and that the current owner did not provide fair consideration in exchange for his interest in the property.

(h) If the District withdraws a forfeiture action or if the Court finds that property is not subject to forfeiture or otherwise issues a dispositive ruling that results in the termination of the action without an order of forfeiture, all claims of custody or title to the property by the District shall be relinquished. The Court, unless the parties agree otherwise, shall:

(1) Order the property returned to the owner or released from any conditions immediately or, if not immediately feasible, as soon as practicable;

(2) If the District disposed of the property pursuant to section 103(e)(1), determine the fair market value of the property at the time it was seized and award to the owner that value; provided, that if the property was disposed of by sale and the amount for which that property was sold is greater than the determined fair market value, the greater amount shall be awarded to the owner; or

(3) If the court enters a partial order of forfeiture, make any other rulings consistent with this subsection in the interests of justice.

(i) Evidence that was obtained as a result of a violation of the Fourth or Fifth Amendment of the Constitution shall not be admissible.

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## Sec. 109. Return of property.

(a) Property that is returnable under this title shall be returned to the owner.

(b) The owner shall acknowledge receipt and possession of each item of returnable property by reference to the specific property identification number assigned to the item pursuant to section 103(b)(1)(C). No receipt of acknowledgement shall be valid until the owner has viewed the item and confirmed that it is the item seized and returnable and that any returnable items contained within the item are also present and being returned.

(c)(1) No later than 6 months after the property is returned to the owner, the owner of returned property may make a claim against the District for:

(A) Total loss of property caused by the intentional or negligent conduct of the District or its employees;

(B) Any damage caused by the intentional or grossly negligent conduct of the District or its employees; provided, that wear and tear, decay, corrosion, act or omission of a third party other than employee of the District, or act of God shall not be subject to this subparagraph; or

(C) In the case of property disposed of pursuant to section 103(e)(1), the difference between the sale proceeds or compensation for disposal and the fair market value of the property at the time of seizure.

(2) For the purposes of paragraph (1)(B) of this subsection, the term "grossly negligent" shall have the same meaning as the term "gross negligence" as defined in section 5 of An Act To amend provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes, approved September 25, 1962 (76 Stat. 591; D.C. Official Code § 5-119.11).

(3) For the purposes of D.C. Official Code § 12-309, damages are sustained on the date the property is returned to the owner.

(d) When the owner acknowledges receipt and possession of returnable property pursuant to subsection (b) of this section, the District shall provide written explanation of the requirements, procedures, and deadlines to make a claim pursuant to subsection (c) of this section.

## Sec. 110. Disposal of forfeited property.

(a) When property is declared forfeited pursuant to section 105(c) or section 108, the District shall:

(1) Sell property that is not required by law to be destroyed and that is not harmful to the public or dispose of the property in a manner consistent with District law or, consistent with section 113, return the property, or the sale proceeds, to the owner;

(2) Deposit in the General Fund of the District of Columbia any currency and any proceeds from the sale of property pursuant to paragraph (1) of this subsection; and

(3) Beginning October 1, 2018, deposit in the General Fund of the District of Columbia the currency and sale proceeds received by a District agency from any state or federal agency pursuant to a multiple-jurisdiction or shared forfeiture program.

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(b) The law enforcement agency that seized property forfeited under this title may not retain the property for its own use or sell it directly or indirectly to an employee of the agency, to a relative of an employee, or to another law enforcement agency; provided, that nothing in this section shall prohibit an employee of the law enforcement agency or relative of an employee of the law enforcement agency from purchasing property offered for sale at a public auction.

Sec. 111. Prohibition on adoptive seizures.

Beginning October 1, 2018, the District shall not refer seized property to a federal agency seeking the adoption by the federal agency of the seized property. Nothing in this title shall be construed to prohibit the federal government, or any of its agencies, from seeking federal forfeiture.

Sec. 112. Reporting requirements.

By January 1, 2016, and on an annual basis thereafter, the Metropolitan Police Department and the Office of the Attorney General shall file with the Council of the District of Columbia and publish on their websites a report providing the following information for the preceding year:

- (1) The number of seizures and the number of forfeitures, by type of property seized;
- (2) The total quantity of each type of property seized and of each type of property forfeited;
- (3) The number of seizures and the number of forfeitures by type of asserted violation of District law that gave rise to the seizure or forfeiture;
- (4) The number of libels of information that were filed under section 107, by outcome;
- (5) The number of times the District exercised its authority pursuant to section 105(c) and determined the property to be forfeitable and the number of times the District determined the property was not forfeitable;
- (6) The number of seizures where the District either did not file a libel of information pursuant to section 107 or withdrew a libel of information, excluding seizures where the District had the authority to determine forfeitures pursuant to section 105(c);
- (7) The number of settlements reached between the District and an owner, pursuant to section 106(d);
- (8) Amount of currency received from forfeiture listed separately according to the provision of the District of Columbia law that gave rise to the forfeiture;
- (9) Gross and net proceeds received from forfeiture, listed separately according to the provision of District law giving rise to the forfeiture;
- (10) By type of property, the number of seized items determined to be returnable for which the District does not have on file a receipt of return as required by section 109(b); and
- (11) The total quantity of each type of property seized for forfeiture that the District treated as abandoned under sections 408 through 424a of the Revised Statutes of the United States Relating To The District of Columbia (D.C. Official Code §§ 5-119.01 – 5-119.10 and 5-119.12 – 5-119.19), and section 5 of An Act To amend provisions of law relating to

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personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes, approved September 25, 1962 (76 Stat. 591; D.C. Official Code § 5-119.11).

Sec. 113. Remission or mitigation.

(a) Whenever an owner files with the Mayor, either before or after the sale or disposition of property pursuant to section 110, a petition for remission or mitigation of the forfeiture, the Mayor shall consider the petition and, if the Mayor finds that mitigating circumstances so justify, shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable.

(b) The Mayor shall consider as a mitigating circumstance whether the forfeiture of property was proportional to the seriousness of the asserted violation of District law that gave rise to forfeiture, considering the factors set forth in section 108(e)(2).

Sec. 114. Rule of lenity; construction.

(a) Any ambiguities in this title relating to the District taking property through forfeiture shall be resolved in favor of the owner.

(b) Nothing in this title shall be construed to prohibit law enforcement from seizing and retaining property as evidence in a criminal case.

Sec. 115. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.

## TITLE II. SPECIFIC CRIMINAL OFFENSES

Sec. 201. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

(a) Section 102 ( D.C. Official Code § 48-901.02) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Contraband” means an item the mere possession of which is unlawful under District or federal law.”.

(b) Section 502 ( D.C. Official Code § 48-905.02) is amended to read as follows:

“Sec. 502. Forfeitures.

“(a) The following property is subject to forfeiture if determined to be used in furtherance of or as proceeds of the manufacture or distribution of a controlled substance as prohibited by section 401(a): containers, conveyances, equipment, raw materials, real property, money, currency, securities, negotiable instruments, instrumentalities, books, records, and research products, including formulas and data.

“(b) Contraband is not subject to forfeiture under this section, but may be seized and disposed of in accordance with applicable law; provided, that controlled substances shall be retained until the prosecutorial authority responsible for prosecuting a violation under this act certifies that such controlled substances are no longer needed as evidence.

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“(c) No property shall be subject to forfeiture for conduct involving only a violation of section 401(d).

“(d) All seizures and forfeitures under this section shall follow the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

## TITLE III - CONFORMING AND TECHNICAL AMENDMENTS.

Sec. 301. Section 503 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-905.03), is amended by adding a new subsection (c) to read as follows:

“(c) Subsections (a) and (b) of this section shall not apply to the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

Sec. 302. Section 706a of the Firearms Control Regulations Act of 1975, effective June 3, 1997 (D.C. Law 11-273; D.C. Official Code § 7-2507.06a), is amended to read as follows:

“Sec. 706a. Seizure and forfeiture of conveyances.

“Any conveyance in which a person or persons transport, possess, or conceal any firearm, as that term is defined in section 101, or in any manner use to facilitate a violation of section 202 or section 3 or section 4 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §§ 22-4503 and 22-4504), is subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

Sec. 303. Section 6 of the Illegal Dumping Enforcement Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-905), is amended to read as follows:

“Sec. 6. Forfeitures.

“All motor vehicles which are used, or intended to be used, to transport, or in any manner to facilitate a violation of this act shall be subject to forfeiture. All seizures and forfeitures of motor vehicles under this section shall follow the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

Sec. 304. Section 3(e)(1) of the Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22-902(e)(1)), is amended by striking the phrase “shall be forfeited” and inserting the phrase “shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48)” in its place.

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Sec. 305. Section 866(c) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1705(c)), is amended to read as follows:

“(c) All moneys, vehicles, furnishings, fixtures, equipment, stock (including, without limitation, furnishings and fixtures adaptable to nongambling uses, and equipment and stock for printing, recording, computing, transporting, safekeeping, or communication), or other things of value used or to be used in: (1) Carrying on or conducting any lottery, or the game or device commonly known as a policy lottery or policy, contrary to the provisions of section 863; (2) Setting up or keeping any gaming table, bank, or device contrary to the provisions of section 865; or (3) Maintaining any gambling premises shall be subject to forfeiture consistent with the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

Sec. 306. Section 5 An Act For the suppression of prostitution in the District of Columbia, effective May 7, 1993 (D.C. Law 9-267; D.C. Official Code § 22-2723), is amended to read as follows:

“Sec. 5. Property subject to seizure and forfeiture.

“(a) The following are subject to forfeiture:

“(1) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate a violation of a prostitution-related offense; and

“(2) All money, coins, and currency which are used, or intended for use, in violation of a prostitution-related offense.

“(b) All seizures and forfeitures of property under this section shall be pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48).”.

Sec. 307. Section 4(b)(2) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04(b)(2)), is amended to read as follows:

“(2) A motor vehicle being used in violation of subsection (a)(4) of this section shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-48). Such forfeiture may be in addition to the imposition of a fine or imprisonment as provided for in paragraph (1) of this subsection.”.

Sec. 308. Section 2505 of Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended by striking the phrase “10 business days” wherever it appears and inserting the phrase “10 calendar days” in its place.

Sec. 309. Section 4(b) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-12; 61 DCR 8906), is amended to read as follows:

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“(b) The administrative remedies referenced in section 5 are exclusive. A person claiming to be aggrieved by a violation of this act shall have no private cause of action in any court based on a violation of this act.”.

TITLE IV –FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 401. Fiscal impact statement.

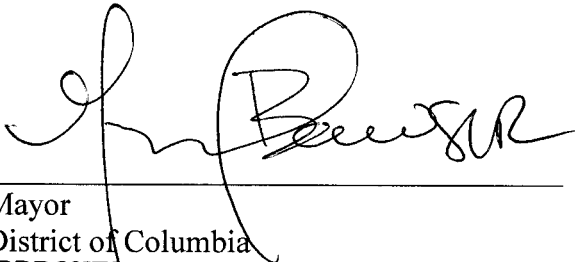
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 402. 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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 5, 2015



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-620**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 6, 2015**

To amend the District of Columbia Election Code of 1955 to alter the date of District of Columbia primary elections and make conforming amendments to facilitate compliance with federal election law.

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

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

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

(A) Paragraph (4) is amended to read as follows:

“(4) Provide for recording and counting votes by means of ballots or machines or both; provided, that the Board may begin counting votes 15 days before the day of the election, but may not publish or disclose tabulation results before 8:00 p.m. on the day of the election;”.

(B) A new paragraph (10A) is added to read as follows:

“(10A) Accept absentee ballots received by the Board by 8:00 p.m. on the day of the election;”.

(C) Paragraph (11) is amended to read as follows:

“(11) Certify nominees and the results of elections in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*);”.

(D) Paragraph (16) is amended by striking the word “and”.

(E) Paragraph (17) is amended by striking the period and inserting the phrase “; and” in its place.

(F) A new paragraph (18) is added to read as follows:

“(18) Tabulate all ballots in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*);”.

(2) Subsection (b)(1) is amended by striking the phrase “shall, on the 1st Tuesday in April” and inserting the phrase “shall, on the 2nd Tuesday in June” in its place.

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

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(A) Paragraph (5) is amended by striking the phrase “, and”.

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (7) is added to read as follows:

“(7) The documentation required for a qualified elector to verify residency and register to vote at the polling place.”.

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

(A) Paragraph (7) is amended by striking the word “and”.

(B) A new paragraph (7A) is added to read as follows:

“(7A) Recommendations for means by which the efficiency, accuracy, and speed of counting and reporting election results can be improved, including equipment or technology and an estimate of associated costs; and”.

(b) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

(1) Subsection (g)(5) is amended by striking the phrase “or Board regulation. Each individual who registers on Election Day shall cast a special ballot, subject to the Board’s verification of residence.” and inserting the phrase “or Board regulation, including a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board, that shows the current name and address of the voter. Each individual who successfully registers on Election Day shall cast a regular ballot.” in its place.

(2) Subsection (h) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The Board shall publish and display on its website for a period of not less than 14 days preceding each election held under this act a searchable copy of the list of qualified electors registered to vote as of the date the voter registry closed.”.

(3) Subsection (i)(4) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “polling place serving the current residence address.” and inserting the phrase “polling place serving the former residence address, subject to the requirements of section 302 of the Help America Vote Act, approved October 29, 2002 (116 Stat. 1706; 42 U.S.C. § 15483); provided, that the voter shall provide proof of address change in the form of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board that shows the current name and address of the voter either in person on election day or at the Board’s office or a voter registration agency following the election.” in its place.

(B) Subparagraph (B) is repealed.

(C) Subparagraph (C) is amended to read as follows:

“(C) A registered voter who files an election day change of address may vote by regular ballot on election day only within the polling place assigned by the Board before election day.”.

(c) Section 8(r) (D.C. Official Code § 1-1001.08(r)) is amended as follows:

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(1) Paragraph (2) is amended by striking the phrase “not later than 4:45 p.m. on the third day immediately following the date of the election” and inserting the phrase “not later than 4:45 p.m. on the day following the date of the election” in its place.

(2) Paragraph (3) is amended by striking the phrase “not later than 4:45 p.m. on the seventh day immediately following the date of the election” and inserting the phrase “not later than 4:45 p.m. on the third day immediately following the date of the election” in its place.

(d) Section 9 (D.C. Official Code § 1-1001.09) is amended as follows:

(1) Subsection (b)(3) is amended to read as follows:

“(3) Except pursuant to section 7(i)(4), no registered qualified elector of the District may cast a vote in a precinct that does not serve his or her current residence; provided, that a senior or voter with a disability whose precinct is inaccessible as defined by section 8 of the Voting Accessibility for the Elderly and Handicapped Act, approved September 28, 1984 (98 Stat. 1678; 42 U.S.C. § 1973ee-6), may be assigned by the Board to an accessible polling place.”.

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

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

“(1) For each primary and general election, the Board shall designate no fewer than 8 early voting centers, with at least one early voting center available in a central location within each election ward.”.

(B) Paragraph (2) is amended by striking the number “7” and inserting the number “10” in its place.

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

(A) Paragraph (2) is amended by striking the phrase “Not later than the Tuesday following the election” and inserting the phrase “In sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*)” in its place.

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

“(3) If the Board has made a preliminary determination that a challenged ballot shall not be counted, it shall afford the challenged voter an opportunity to contest that determination in a hearing before the Board. The hearings authorized pursuant to this paragraph shall take place not later than 2 days after that election. The Board shall inform the voter of the date scheduled for the hearing and the manner by which he or she may learn the Board's final decision to count or reject the voter's challenged ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. At the hearing, the voter may appear and testify. The Board shall make a final determination within one day after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within one business day after the date of the Board's decision. The decision of the court shall be final and not appealable.”.

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

“(4) If the Board has determined that a special ballot shall not be counted, it shall afford the voter an opportunity to contest that determination in a hearing held before the Board not later than 2 days after any election held pursuant to this act. The Board shall inform the voter

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in writing, at the time of voting, of the date scheduled for the hearing and the manner by which the voter may learn whether the Board has decided to count or reject his or her special ballot. The Board shall make a final determination within one day after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within one business day after the date of the Board's decision. The decision of the court shall be final and not appealable.”

(e) Section 9a(b) (D.C. Official Code § 1-1001.09a(b)) is amended by striking the phrase “primary, general, and special election,” and inserting the phrase “general and special election,” in its place.

(f) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “1st Tuesday in April” and inserting the phrase “2nd Tuesday in June” in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “1st Tuesday in April of each even-numbered year” and inserting the phrase “2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;” in its place.

(B) Subparagraph (B) is amended by striking the phrase “1st Tuesday in April in 1974, and every 2nd year thereafter,” and inserting the phrase “2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter,” in its place.

(C) Subparagraph (C) is amended by striking the phrase “1st Tuesday in April of every 4th year, commencing with calendar year 1974,” and inserting the phrase “1st Tuesday in September of every 4th year, commencing with calendar year 2018,” in its place.

Sec. 3. Section 101 of the Initiative, Referendum and Recall Procedures Act of 1979, effective June 7, 1979 (D.C. Law 3-1; D.C. Official Code § 1-1021.01), is amended by striking the word “thereafter” and inserting the phrase “thereafter; provided, that if the action is required for compliance with the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*), and the final date for completing the action falls on a Saturday, Sunday, or legal holiday, it shall be considered timely if taken on the immediately preceding regular business day” in its place.

Sec. 4. The Uniform Military and Overseas Voters Act of 2012, effective June 5, 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 1-1061.03) is amended as follows:

(1) Paragraph (2) is repealed.

(2) Paragraph (3) is repealed.

(3) Paragraph (4) is repealed.

(b) Section 104(d)(2) (D.C. Official Code § 1-1061.04(d)(2)) is repealed.

(c) Section 108 (D.C. Official Code § 1-1061.08) is repealed.

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(d) Section 110 (D.C. Official Code § 1-1061.10) is amended by striking the phrase “submitted by the voter on the date of the election by mailing or other authorized means of delivery no later than 12:01 a.m. at the place where the voter completes the ballot” and inserting the phrase “received by the Board of Elections no later than 8:00 p.m. on the date of the election” in its place.

(e) Section 112 (D.C. Official Code § 1-1061.12) is repealed.

(f) Section 116(a) (D.C. Official Code § 1-1061.16(a)) is amended by striking the number “100” and inserting the number “60” in its place.

(g) Section 119 (D.C. Official Code § 1-1061.19) is repealed.

Sec. 5. Applicability.

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

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

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

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

Sec. 6. Fiscal impact statement.


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

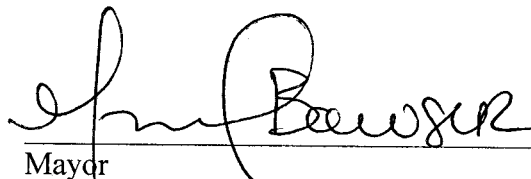
Sec. 7. Effective date.

This 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

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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  
February 6, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-621**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 6, 2015**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 211a. Freedom of information exception.

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

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

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

“TITLE IX – LICENSES TO CARRY A PISTOL.

“Sec. 901. Definitions.

“For the purposes of this title, the term:

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

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

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

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

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

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

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

“Sec. 902. Application requirements.

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



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“(1) Is at least 21 years of age;

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

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

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

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

“(A) Firearm safety;

“(B) Firearm nomenclature;

“(C) Basic principles of marksmanship;

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

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

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

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

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

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

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

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

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

“(c) An applicant may be exempt from some or all of the requirements of subsection (a)(4) and (a)(5) of this section if the applicant has submitted evidence that he or she has received firearms training in the United States military or has otherwise completed firearms training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required under subsection (a)(4) and (a)(5) of this section.

“(d) An applicant for a license may satisfy any component of the requirements of subsection (a)(4) and (a)(5) of this section by demonstrating to the satisfaction of the Chief that

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the applicant has met that particular component as part of a successful application to carry a concealed pistol issued by the lawful authorities of any state or subdivision of the United States.

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

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

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

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

“Sec. 903. Expiration and renewal of licenses.

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

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

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

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

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

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

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

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

“Sec. 904. Duties of licensees.

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

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

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

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

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

“(1) The license; and

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

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

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

“(2) Present the license and registration certificate;

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

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

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

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

“Sec. 905. Revocation and suspension of licenses.

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

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

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

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

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

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

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

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“Sec. 906. Carrying a pistol while impaired.

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

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

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

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

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

“Sec. 907. Prohibitions on carrying licensed pistols.

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

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

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

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

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

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

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

“(7) Any premises, or portion thereof, where alcohol is served, or sold and consumed on the premises, pursuant to a license issued under Title 25 of the District of Columbia Official Code; provided, that this prohibition shall not apply to premises operating under a temporary license issued pursuant to D.C. Official Code § 25-115, a C/R, D/R, C/H, D/H or caterer license issued pursuant to D.C. Official Code § 25-113, or premises with small-sample tasting permits issued pursuant to D.C. Official Code § 25-118, unless otherwise prohibited pursuant to subsection (b)(3) of this section;

“(8) A stadium or arena;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b)(1) The carrying of a concealed pistol on private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in

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control of the premises and communicated personally to the licensee in advance of entry onto the residential property.

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

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

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

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

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

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

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

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

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

## ENROLLED ORIGINAL

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

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

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

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

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

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

“(C) A public parking lot;

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

“(E) A public park; and

“(F) Other public grounds.

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

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

“Sec. 908. Concealed Pistol Licensing Review Board.

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

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

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

or

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

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

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

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

## ENROLLED ORIGINAL

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

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

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

“(i) One mental health professional; and

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

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

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

“(B) A member may be reappointed;

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

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

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

“(3) The Mayor shall select a chairperson.

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

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

“(d)(1) Within 30 days after the effective date of the License to Carry a Pistol Amendment Act of 2014, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), the Mayor, by rule, shall establish hearing procedures for a contested case review of any appeal, including the manner and time of appeals, and procedures for the Board to assign panels of 3 Board members to conduct such hearings and issue final decisions, pursuant to subsection (c) of this section.

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

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

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

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



## ENROLLED ORIGINAL

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

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

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

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

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

“(B) The number of licenses issued;

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

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

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

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

“Sec. 910. Penalties.

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

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

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

“Sec. 911. Rules.

“The Chief of the MPD, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the License to Carry a Pistol Amendment Act of 2014, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), including rules:

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

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

## ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ENROLLED ORIGINAL

or her person or property or has any other proper reason for carrying a pistol, and that he or she is a suitable person to be so licensed.

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

“(c) For any person issued a license pursuant to this section, or renewed pursuant to section 903 of the Firearms Control Regulations Act of 1975, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), the Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which the license is effective, and may subsequently limit, suspend, or revoke the license as provided under section 905 of the Firearms Control Regulations Act of 1975, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930).

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

“(e) Except as provided in section 905(b) of the Firearms Control Regulations Act of 1975, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), any person whose application has been denied or whose license has been limited or revoked may, within 15 days after the date of the notice of denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930).”

Sec. 4. Section 101 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2511), is repealed.

Sec. 5. Fiscal impact statement.

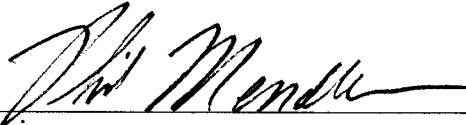
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 6, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-622**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 5, 2015**

To amend, on a temporary basis, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

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

Sec. 2. Section 5a of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective August 15, 2008 (D.C. Law 17-216; D.C. Official Code § 42-3131.05a)), is amended by striking the phrase "Notice shall also be posted on the vacant building" and inserting the phrase "Notice of the initial vacant or blighted property determination shall also be posted on the vacant building" in its place.

Sec. 3. Fiscal impact statement.

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

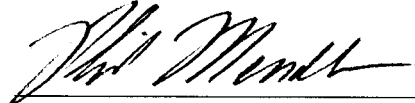
Sec. 4. Effective date.

(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)(l) of the District of Columbia Home Rule Act, approved

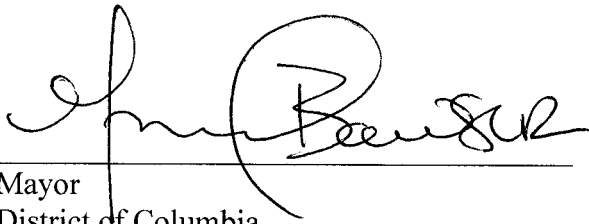
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December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.

(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  
February 5, 2015

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 20-623**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**FEBRUARY 5, 2015**

To amend, on a temporary basis, the Health Services Planning Program Re-establishment Act of 1996 to exempt the Not-For-Profit Hospital Corporation from the certificate-of-need requirements for a period of one year for the establishment of an ambulatory care clinic in Ward 8, provided that it establishes 2 mobile health clinics to operate in Wards 7 and 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Not-For-Profit Hospital Corporation Certificate of Need Exemption Temporary Amendment Act of 2015".

Sec. 2. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended as follows:

(a) Paragraph (12) is amended by striking the phrase "service; and" and inserting the phrase "service." in its place.

(b) Paragraph (13) is amended by striking the phrase "Hospital." and inserting the phrase "Hospital; and" in its place.

(c) A new paragraph (14) is added to read as follows:

"(14)(A) Operation by the Not-For-Profit Hospital Corporation of an ambulatory care clinic located in Ward 8; provided, that the Not-For-Profit Hospital Corporation also establishes 2 mobile health clinics to operate in Wards 7 and 8 within 180 days after the effective date of the Not-For-Profit Hospital Corporation Certificate of Need Exemption Emergency Amendment Act of 2014, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1021).

(B) The mobile health clinics established pursuant to subparagraph (A) of this paragraph shall also be exempt from certificate of need review.

(C) The exemptions provided in this paragraph shall expire one calendar year after the effective date of the Not-For-Profit Hospital Corporation Certificate of Need Exemption Emergency Amendment Act of 2014, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1021)."

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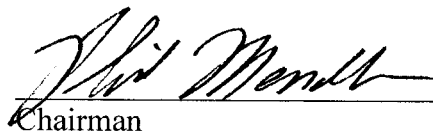
Sec. 3. Fiscal impact statement.

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  
February 5, 2015



ENROLLED ORIGINAL

## A RESOLUTION

20-740

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2014

To declare the existence of an emergency with respect to the need to approve an Agreement to Enter into a Long Term Subsidy Contract for a 15-year term to fund housing costs associated with affordable housing units for Contract No. 2013-009A with Jubilee Housing, Inc., for Local Rent Supplement Program units at the Maycroft, located at 1474 Columbia Road, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Local Rent Supplement Program Contract No. 2013-009A Approval Emergency Declaration Resolution of 2014”.

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899) (“BSA”), to provide funding for affordable housing for extremely low-income households in the District. The BSA created the Local Rent Supplement Program (“LRSP”), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority (“DCHA”) to administer the LRSP of behalf of the District.

(b) In April 2013, DCHA participated in a Request for Proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 18 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area’s median income, as well as the chronically homeless and individuals with mental or physical disabilities throughout Washington, D.C. Upon approval of the contract by the Council, DCHA will enter into an Agreement to Enter into a Long Term Contract (“ALTSC”) with the selected housing providers under the LRSP for housing services provided thereunder.

(c) There exists an immediate need to approve a certain ALTSC with Jubilee Housing, Inc., under the District of Columbia Housing Authority’s Local Rent Supplement Program in

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order to provide long-term affordable housing units for extremely low-income households in the District of Columbia for units at the Maycroft, located at 1474 Columbia Road, N.W.

(d) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Jubilee Housing, Inc., with respect to the payment of rental subsidy, and allow the owner to lease the rehabilitated units at the Maycroft and house District of Columbia extremely low-income households with incomes at 30% or less of the area median income.

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 Local Rent Supplement Program Contract No. 2013-009A Approval Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-741

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "License to Carry a Pistol Second Emergency Declaration Resolution of 2014".

Sec. 2. (a) On July 24, 2014, the United States District Court for the District of Columbia issued a decision in the case of *Palmer v. District of Columbia*, 2014 WL3702854 (D.D.C. 2014), finding the District's complete ban on the carrying of handguns in public is unconstitutional. This order was made public on July 26, 2014.

(b) The Court's ruling enjoined the District from enforcing local law prohibiting the carrying of firearms in public by District residents, and by non-residents based solely on the fact that they are not residents of the District of Columbia.

(c) On July 28, 2014, the District filed a motion to stay the Court's ruling pending appeal or, in the alternative, for 180 days. The District also asked the Court to grant an immediate stay of its ruling while it evaluated this motion.

(d) In response, on July 29, 2014, the Court granted the District's motion for a stay, for 90 days or until October 22, 2014, in order to allow the Council an opportunity to enact legislation consistent with the *Palmer* ruling.

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(e) On September 23, 2014, the Council approved Bill 20-926, the License to Carry a Pistol Emergency Amendment Act of 2014 (D.C. Act 20-447; 61 DCR 10765), which reflected the Council's response to the *Palmer* case, and put into place, on an emergency basis, a scheme for the Chief of Police to issue licenses to carry concealed pistols in the District to both residents and nonresidents.

(f) The License to Carry a Pistol Amendment Act of 2014, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930), a permanent version of Bill 20-926, was introduced simultaneously with Bill 20-926 in order to allow the public opportunity to comment on the measure with sufficient time for Council approval before the end of the Council Period.

(g) On October 7, 2014, the Council approved Bill 20-965, the License to Carry a Pistol Clarification Emergency Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-448; 61 DCR 10777), to correct an issue with the applicability of D.C. Act 20-447. Enacting Bill 20-965 was necessary in the interest of public safety and to ensure that carrying a concealed pistol will not be permitted in the District unless a license to do so has been obtained.

(h) On October 7, 2014, the Council also approved Bill 20-927, the License to Carry a Pistol Temporary Amendment Act of 2014, enacted on October 31, 2014 (D.C. Act 20-462; 61 DCR 11814), which enacted, on a temporary basis, the provisions of D.C. Act 20-447, as amended by D.C. Act 20-448.

(i) The permanent legislation has moved through the committee process, and on November 25, 2014, the Committee on the Judiciary and Public Safety approved Bill 20-930, with amendments.

(j) On December 2, 2014, the Committee of the Whole, to which Bill 20-930 was sequentially referred, approved Bill 20-930, with additional amendments.

(k) On December 2, 2014, the Council approved Bill 20-930, as amended by the Committee on the Judiciary and Public Safety and the Committee of the Whole, on 1<sup>st</sup> reading.

(l) Bill 20-930 is scheduled for 2<sup>nd</sup> reading on December 17, 2014.

(m) There exists an immediate need to implement the provisions of Bill 20-930, and to supersede D.C. Act 20-447 and D.C. Act 20-462, so that the legislation in place on an emergency basis reflects Bill 20-930 as approved by the Council.

(n) Enacting the License to Carry a Pistol Second Emergency Amendment Act of 2014 immediately will ensure implementation of a licensing scheme and enforcement on an immediate basis that is consistent with the provisions of Bill 20-930, and will continue to ensure that the District has a system in place for law-abiding and qualifying residents and non-residents of the District to apply to carry a concealed pistol in compliance with the Court's order in *Palmer*.

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 License to Carry a Pistol Second Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-742

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to declare as no longer needed for public purposes the District-owned real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fifth Street, N.W. and I Street, N.W. Surplus Property Declaration Emergency Declaration Resolution of 2014".

## Sec. 2. Findings.

(a) Development at Fifth Street, N.W., and I Street, N.W., is contingent upon milestones being met in development at 2100 Martin Luther King Avenue. At the 2100 Martin Luther King site, the development team will apply Low Income Housing Tax Credits. Council approval will allow the developer to begin applying for financing to construct the affordable housing units in the coming months.

(b) The developer for the project at Fifth Street, N.W., and I Street, N.W., has financing term sheets from potential lenders, bids from contractors, a letter of interest from The Standard Hotel, and other tentative agreements in place. Council approval on an emergency basis is necessary to allow the developer to execute the contracts at the terms discussed in the submission of their proposal.

(c) Council approval of the project will allow the District to move forward to finalize the arrangements for the renovation of the Milian and Seaton park with the Deputy Mayor for Planning and Economic Development, the Office of Planning, and the National Park Service.

(d) Expedited approval by the Council will enable the District to quickly realize the substantial benefits of affordable housing, condominiums, a hotel, 1,100 temporary jobs, 300 permanent jobs, and \$110 million dollars in tax revenue.

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 Fifth Street, N.W., and I Street, N.W., Surplus Property Declaration Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-743

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2014

To declare the existence of an emergency with respect to the need to approve the disposition of the District-owned real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fifth Street, N.W., and I Street, N.W., Disposition 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, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) (“Act”), the proposed method of disposition of the District-owned real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516 (“Property”), is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(b) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

(c) The Developer of the Property will be TPC 5<sup>th</sup> & I Partners, LLC, with a business address of 600 Madison Avenue, 24<sup>th</sup> Floor, New York, NY 10022 (the “Developer”).

(d) The Property is located at 901 Fifth Street, N.W., and consists of approximately 20,641 square feet of land.

(e) The intended use of the Property (the “Project”) is a hotel and mixed-use residential and retail development and any ancillary uses allowed under applicable law.

(f) The Project will also contain affordable housing as described in the term sheet submitted with this resolution.

(g) The Developer will enter into an agreement that shall require the Lessee 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.

(h) The Developer will enter into a First Source Agreement with the District that shall govern certain obligations of the Lessee 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-

**ENROLLED ORIGINAL**

219.03), and Mayor’s Order 83-265, issued November 9, 1983, regarding job creation and employment as a result of the construction on the Property.

(i) Without this emergency action, the proposed disposition resolution will expire at the end of Council Period 20. The redevelopment of 901 5th Street, N.W., has been in consideration since 2008 and residents want to see it move forward.

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 Fifth Street, N.W., and I Street, N.W., Disposition Emergency Approval Resolution of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-744

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to declare as no longer needed for public purposes the District-owned real property located at the northeast corner of 19<sup>th</sup> Street, S.E., and Massachusetts Avenue, S.E., known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Surplus Property Declaration Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The Hill East Redevelopment project has been in the planning phase for many years, and community stakeholders, particularly ANCs 7F and 6B, desire to see this project move forward expeditiously.

(b) Council approval will allow the development team to secure an anchor tenant that will be key to a successful redevelopment.

(c) Immediate Council approval will allow the development team to obtain financial commitments from potential lenders.

(d) Council approval will allow the District to declare the site as surplus to allow for redevelopment so the Districts and its residents can realize the many benefits of the project, including 354 units of new housing, 106 affordable housing units, and a village square with green space, parking, retail, and streetscape improvements.

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 Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Surplus Property Declaration Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

A RESOLUTION  
20-745

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 16, 2014

To declare the existence of an emergency with respect to the need to approve the disposition of the District-owned real property located at the northeast corner of 19<sup>th</sup> Street, S.E., and Massachusetts Avenue, S.E., known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Disposition 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, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*) (“Act”), the proposed method of disposition of the District-owned real property located at 19<sup>th</sup> Street, S.E., and Massachusetts Avenue, S.E., known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112 (“Property”), is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(b) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

(c) The Developer of the Property will be Donatelli Development, with a business address of 4416 East West Highway, Suite 410, Bethesda, MD 20814, and Blue Skye Development, with a business address of 5101 MacArthur Boulevard, N.W., Washington, D.C. 20016 (the “Developer”).

(d) The Property is located at the northeast corner of 19<sup>th</sup> Street, S.E., and Massachusetts Avenue, S.E., and consists of approximately 114,042 square feet of land.

(e) The intended use of the Property (the “Project”) is a mixed-use residential and retail development and any ancillary uses allowed under applicable law.

(f) The Project will contain affordable housing as described in the term sheet submitted with this resolution.

(g) The Developer will enter into an agreement that shall require the Transferee 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.

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(h) The Developer will enter into a First Source Agreement with the District that shall govern certain obligations of the Transferee 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, issued November 9, 1983, regarding job creation and employment as a result of the construction on the Property.

(i) Without this emergency action, the proposed disposition resolution will expire at the end of Council Period 20. The redevelopment of Hill East has been long awaited and the disposition of these two initial parcels will work to move the entire project forward. The surrounding community supports the disposition and wishes to see it move forward as swiftly as possible.

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 Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Disposition Approval Emergency Act of 2014” be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-746

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to approve Department of Housing and Community Development financing for The Grove at Parkside, an affordable apartment development located in the Parkside neighborhood in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Housing and Community Development Financing for The Grove at Parkside Approval Emergency Declaration Resolution of 2014".

Sec. 2. (a) It is necessary to pass emergency legislation addressing the immediate concerns related to The Grove at Parkside, an affordable residential property development in Ward 7.

(b) The Grove at Parkside is an affordable apartment development located in the Parkside neighborhood in Ward 7 being financed in part by the District of Columbia Housing Finance Agency ("DCHFA") and the Department of Housing and Community Development ("DHCD").

(c) The Council approved the DCHFA financing on Friday, July 11, 2014, but the DHCD portion has yet to be approved.

(d) The DCHFA Board of Directors ("Board") is scheduled to meet Tuesday, December 16, 2014, to approve the entire financing arrangement for The Grove at Parkside, but their approval is contingent upon the Council approving the DHCD portion of the financing.

(e) Passive Council approval of the DHCD funding will not occur until after the scheduled DCHFA Board meeting.

(f) This emergency legislation addresses immediate concerns by approving the DHCD financing as soon as possible to avoid complicating and delaying the closing and unnecessarily imperiling the financing for the project.

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 Department of Housing and Community Development Financing for The Grove at Parkside Emergency Approval Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-747

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To approve, on an emergency basis, the Department of Housing and Community Development financing for The Grove at Parkside, an affordable apartment development located in the Parkside neighborhood in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Department of Housing and Community Development Financing for The Grove at Parkside Emergency Approval Resolution of 2014”.

Sec. 2. Pursuant to section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), the Council approves the contract for the proposed loan agreement between the Department of Housing and Community Development (“DHCD”) and CI GD Parkside 7 LLC, in the amount of \$11,052,173 from the Housing Production Trust Fund. The proposed DHCD loan proceeds will be used to provide financing of the cost associated with the acquisition and new construction of The Grove at Parkside, which will consist of 186 affordable rental apartments located at 600 Kenilworth Terrace, N.E., in Ward 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. Transmittal.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-748

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to amend Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to regulate the sale of tickets from public space.

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

Sec. 2.(a) The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.08), and subsequent amendments do not address the sale of tickets from public space, or ticket scalping.

(b) The Vending Regulations Temporary Amendment Act of 2014, effective May 15, 2014 (D.C. Law 20-103; 61 DCR 5675), addresses this issue; however, it is set to expire on December 24, 2014.

(c) To continue to impose penalties for the sale of tickets from public space, it is necessary to move emergency legislation until permanent legislation can be addressed during the new Council period.

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 Ticket Sale Regulation Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-749

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to amend 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.

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

Sec. 2. (a) The University of the District of Columbia (“UDC”) is undergoing the reaccreditation process necessary to maintain its status as an accredited institution of higher education. UDC has identified budgetary challenges that could impede its ability to meet the requirements of the regional higher education accrediting body and is therefore raising private donations to address those needs.

(b) 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), established a matching fund that supports and incentivizes UDC to raise private donations towards meeting accreditation standards. The fund authorizes a match from the District to private funds raised by January 1, 2015, in an amount up to \$1 million.

(c) This emergency legislation would extend the deadline for UDC to raise funds from January 1, 2015, to April 10, 2015, giving UDC approximately 3 additional months to raise private funds in order to meet its accreditation goals.

(d) This legislation is helpful to the District’s only public university. It is necessary for the Council to act now, before the January 1<sup>st</sup> deadline.

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 UDC Fundraising Extension Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-750

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to assemble the soccer stadium site including through the use of eminent domain; to require the Mayor to amend the ground lease of the soccer stadium site, to require the Mayor to amend the development agreement for the construction of a new soccer stadium; to authorize the rental of airspace and vault space; to amend the Robert F. Kennedy Memorial Stadium and District of Columbia National Guard Armory Public Safety Act to make it applicable to the soccer stadium; to amend Title 25 of the District of Columbia Official Code to provide for licenses to be issued to the operator of the soccer stadium; to amend Title 47 of the District of Columbia Official Code to provide tax abatements; and to exempt the transfer of the stadium site from recordation and transfer taxes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Soccer Stadium Development Emergency Declaration Resolution of 2014".

Sec. 2. (a) On May 23, 2014, Chairman Phil Mendelson, at the request of the Mayor, introduced Bill 20-805, the Soccer Stadium Development Act of 2014. That legislation was referred to the Committee on Finance and Revenue, the Committee on Government Operations, the Committee on Economic Development, and the Committee of the Whole. A joint public hearing was held on June 26, 2014.

(b) The proposed legislation would enable the district to assemble land for the development of a soccer stadium for DC United at Buzzard Point in Southwest.

(c) The Council of the District of Columbia passed Bill 20-805 unanimously at its December 2, 2014 Legislative Meeting and the measure is due for its final reading on December 17, 2014; however, because of the need for congressional review of the legislation, it would not be effective until well into 2015.

(d) The Council is set to approve a financing package to accompany the stadium legislation on December 17, 2014 through a revised budget request act to provide funding to acquire the necessary land and address other costs relevant to Bill 20-805.

**ENROLLED ORIGINAL**

(e) Approval of emergency legislation will allow the District to proceed with assembling the land and horizontal development of the soccer stadium site in an expeditious manner with the funding authority granted under the proposed financing package.

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 Soccer Stadium Development Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

20-751

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Market-based Sourcing Inter Alia Clarification Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The original legislation, the Fiscal Year Budget Support Act of 2014, enacted on September 23, 2014 (D.C. Act 20-424; 61 DCR 9990), was intended to clarify the tax sale interest rate to be paid to certain purchasers at 1.5%.

(b) The original legislation was intended to be permanent for the tax years beginning after December 31, 2014, and coordinated with the single-sales factor legislation and other franchise tax legislation, all of which are applicable for tax years beginning after December 31, 2014.

(c) If the market-based sourcing provisions are made applicable on October 1, 2014, it will trigger part-year calculations. For example, taxpayers will have to use the cost-of-performance approach for part of the year and the market-based-sourcing approach for part of the year, which will create a compliance burden for both taxpayers and the tax administration.

(d) The original legislation was intended to provide an additional grant award amount to the Washington, DC Economic Partnership for Fiscal Year 2015.

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 Market-Based Sourcing Inter Alia Clarification Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-752

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to authorize 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Emergency Declaration Resolution of 2014”.

Sec. 2. (a) There exists an immediate need to approve the use of eminent domain to acquire Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110.

(b) 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”).

(c) Pursuant to the Anacostia Waterfront Framework Plan, the District 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 and enhance economic development in the District of Columbia.

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

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

(f) To ensure adequate response times to water and sewer emergencies, DC Water must also maintain a site west of the Anacostia River.

(g) 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”).

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

(i) The trash transfer station is a blighting factor in Brentwood and its surrounding communities.

**ENROLLED ORIGINAL**

(j) 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.

(k) 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.

(l) 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.

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 Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-753

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to approve a commemorative work located at the intersection of South Dakota Avenue, N.W., and New Hampshire Avenue, N.W., in a section of Fort Circle Park located on Square 3712, Lots 101, 102, 103, and 104, to be known as the Legacy Memorial Park.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Legacy Memorial Park Commemorative Work Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On May 28, 2014, Chairman Phil Mendelson, at the request of the Mayor, introduced PR 20-808, the Chuck Brown Memorial, Carter G. Woodson Memorial, and Metro Memorial Park Commemorative Works Approval Resolution of 2014. That legislation was referred to the Committee of the Whole, which held a hearing on the resolution on July 2, 2014.

(b) The proposed Metro Memorial Park contained in PR 20-808 has received necessary approvals from all relevant local and federal boards and commissions, including the Commission on the Arts and Humanities, the National Capital Memorial Advisory Committee, the National Capital Planning Commission (“NCPC”), the Commission of Fine Arts, the local Advisory Neighborhood Commission 4B, and the Commemorative Works Committee.

(c) Since the introduction of PR 20-808, the memorial has been redesignated as the Legacy Memorial Park.

(d) Legacy Memorial Park will be located at the intersection of South Dakota Avenue, N.W., and New Hampshire Avenue, N.W., in a section of Fort Circle Park located on Square 3712, Lots 101, 102, 103, and 104.

(e) The memorial will be a living memorial that honors the victims, first responders, and families whose lives were altered by the deadliest crash in the 47-year history of the Washington Metropolitan Area Transit Authority, also known as WMATA or Metro. Nine sculptural pieces will serve as symbols representing the 8 passengers and train operator who lost their lives, inspiring visitors to personally reflect on the events of June 22, 2009, and collectively grieve and celebrate the memories of loved ones.

(f) Because all necessary approvals have been obtained, funding has been identified, planning for the Memorial is well underway, and because of the need to move forward on completion of the memorial, the memorial should be approved.

**ENROLLED ORIGINAL**

(g) PR 20-808 contained approvals for 2 other memorials, one of which was passed by the Council on an emergency basis on July 14, 2014, and the other which was passed by the Council on an emergency basis on September 23, 2014. PR 20-808, however, cannot be adopted only in part to approve the Legacy Memorial Park. The Council did not act on PR 20-808 in whole because, at the time of its consideration, each memorial project had not yet received all necessary approvals. Legacy Memorial Park received its final NCPC approval on December 5, 2014, and the Commission on Fine Arts approval on December 8, 2014.

(h) Approval of emergency legislation will allow the development of the Legacy Memorial Park to proceed without the need to retransmit an additional resolution next year.

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 Legacy Memorial Park Commemorative Work Emergency Approval Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

20-754

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to appoint Ms. Sonia Ramirez to the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Occupational Safety and Health Board Sonia Ramirez Confirmation Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The emergency legislation will appoint Sonia Ramirez as a private sector member of the District of Columbia Occupational Safety and Health Board for a term to end on April 12, 2017.

(b) Sonia Ramirez is the Director of Government Affairs of the Building and Construction Trades Department, AFL-CIO. She leads all of the department’s legislative and political work in infrastructure investment, job creation, and labor standards.

(c) Appointments to the District of Columbia Occupational Safety and Health Board require Council approval. It is imperative that the appointment of Sonia Ramirez be moved expeditiously in order to have all the seats on the board filled so that the full board can continue to work toward safer workplaces for District residents.

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 District of Columbia Occupational Safety and Health Board Sonia Ramirez Confirmation Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-755

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To confirm, on an emergency basis, the appointment of Ms. Sonia Ramirez to the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Occupational Safety and Health Board Sonia Ramirez Confirmation Emergency Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Sonia Ramirez  
409 12th Street, S.E.  
Washington, D.C. 20003  
(Ward 6)

as a private sector labor member of the District of Columbia Occupational Safety and Health Board, established by section 6 of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1105), for a term to end April 12, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

20-756

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to appoint Eric J. Conn as a public member, and Chairman, of the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Occupational Safety and Health Board Eric J. Conn Confirmation Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The emergency legislation will appoint Eric J. Conn as a public member, and Chairman, of the District of Columbia Occupational Safety and Health Board for a term to end on April 12, 2017.

(b) Eric J. Conn is the head of the Occupational Safety and Health Administration for Epstein, Becker & Green, P.C. Previously, he was a partner in the Occupational Safety and Health Administration and Catastrophe Response Group for McDermott, Will & Emery, LLP. He represents employers in all aspects of safety and health regulatory inspections, investigations, enforcement actions, and congressional hearings, as well as manages investigations of incidents of explosions and chemical releases, and construction, manufacturing, and agricultural accidents.

(c) Mr. Conn also works extensively with forensic experts, witnesses, emergency responders, investigative agencies, and insurance companies during inspections and investigations of industrial accidents.

(d) Appointments to the District of Columbia Occupational Safety and Health Board require Council approval. It is imperative that the appointment of Eric J. Conn be moved expeditiously in order to have all the seats on the board filled so that the full board can continue to work toward safer workplaces for District residents.

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 District of Columbia Occupational Safety and Health Board Eric J. Conn Confirmation Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

20-757

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To confirm, on an emergency basis, the appointment of Mr. Eric J. Conn to the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Occupational Safety and Health Board Eric J. Conn Confirmation Emergency Resolution of 2014”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Eric J. Conn  
1818 Ontario Place, N.W.  
Washington, D.C. 20009  
(Ward 1)

as a public member and Chairman of the District of Columbia Occupational Safety and Health Board, established by section 6 of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1105), for a term to end April 12, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-758

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to reappoint Earl Woodland as a private sector management member of the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Occupational Safety and Health Board Earl Woodland Confirmation Emergency Declaration Resolution of 2014”.

Sec. 2. (a) The emergency legislation will reappoint Earl Woodland as a private sector management member of the District of Columbia Occupational Safety and Health Board for a term to end on April 12, 2017.

(b) Earl Woodland is an Occupational Safety and Health Administration Outreach instructor with 5 years of training experience. He is also a safety trainer and consultant with Woodland Safety Specialists, LLC, where he conducts construction-safety training on Occupational Safety and Health Administration standards, inspects construction sites, and writes reports outlining the safety violations observed at construction sites and recommending corrective action.

(c) Appointments to the District of Columbia Occupational Safety and Health Board require Council approval. It is imperative that the appointment of Earl Woodland be moved expeditiously in order to have all the seats on the board filled so that the full board can continue to work toward safer workplaces for District residents.

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 District of Columbia Occupational Safety and Health Board Earl Woodland Confirmation Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-759

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To confirm, on an emergency basis, the reappointment of Mr. Earl Woodland to the District of Columbia Occupational Safety and Health Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Occupational Safety and Health Board Earl Woodland Confirmation Emergency Resolution of 2014".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Earl Woodland  
3333 Croffut Place, S.E.  
Washington, D.C. 20019  
(Ward 7)

as a private sector management member of the District of Columbia Occupational Safety and Health Board, established by section 6 of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1105), for a term to end April 12, 2017.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

20-760

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 17, 2014

To declare the existence of an emergency with respect to the need to declare the sense of the Council that Black Lives Matter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council that Black Lives Matter Emergency Declaration Resolution of 2014”.

Sec. 2. (a) It is necessary to pass emergency legislation to immediately express the sense of the Council that Black Lives Matter.

(b) At the December 16, 2014 Committee of the Whole meeting, Councilmember Alexander introduced the Sense of the Council that Black Lives Matter Resolution of 2014 with the full support of all Councilmembers, who signed on as co-introducers.

(c) The December 17, 2014 legislative meeting is the last meeting of this Council Period and the last opportunity for the current Council to express its sense on the matter.

(d) The message of the Sense of the Council that Black Lives Matter Resolution of 2014 is one that is prescient and important, and the kind that should be expressed immediately to be registered in the public discourse that is ongoing yet ever evolving.

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 Sense of the Council that Black Lives Matter Emergency Resolution of 2014 be adopted on an emergency basis.

Sec. 4. This 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**  
**LEGISLATION**

**PROPOSED**

**BILLS**

- |        |   |
|--------|---|
| B21-64 | DC Community Impact Fund Act of 2015<br><br>Intro. 2-3-15 by Councilmember Evans and referred to the Committee of the Whole   |
| B21-66 | Language Access for Education Amendment Act of 2015<br><br>Intro. 2-3-15 by Councilmember Grosso and referred sequentially to the Committee on Education, Committee on Judiciary, and Committee of the Whole        |
| B21-67 | Fresh Foods, Fresh Minds Amendment Act of 2015<br><br>Intro. 2-3-15 by Councilmembers Alexander, Cheh, and Bonds and referred sequentially to the Committee on Education and Committee on Health and Human Services |
-

**PROPOSED RESOLUTIONS**

PR21-42            Contract No. CFOPD-15-C-003, 457 Deferred Compensation and 401  
(a) Defined Contribution Pension Plans Approval Resolution of 2015

Intro. 1-29-15 by Chairman Mendelson at the request of the Chief Financial  
Officer and retained by the Council with comments from the Committee on  
Finance and Revenue

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PR21-44            Medicaid Transitional Medical Assistance State Plan Amendment  
Approval Resolution of 2015

Intro. 2-2-15 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Health and Human Services

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PR21-45            Housing Finance Agency Board of Directors Polly Donaldson  
Confirmation Resolution of 2015

Intro. 2-2-15 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Housing and Community Development

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PR21-47            Deputy Mayor for Public Safety and Justice Kevin Donahue  
Confirmation Resolution of 2015

Intro. 2-4-15 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Judiciary

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

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

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

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PR21-0030, THE “DIRECTOR OF THE DEPARTMENT OF YOUTH REHABILITATION  
SERVICES CLINTON LACEY CONFIRMATION RESOLUTION OF 2015”**

**AND**

**PR21-0047, THE “DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE  
KEVIN DONAHUE CONFIRMATION RESOLUTION OF 2015”**

**Thursday, March 5, 2015, 2:00 p.m.  
Room 123, John A. Wilson Building  
1350 Pennsylvania Ave., N.W.  
Washington, D.C. 20004**

On Thursday, March 5, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public roundtable to consider the nominations of Clinton T. Lacey as the Director of the Department of Youth Rehabilitation Services and Kevin Donahue as the Deputy Mayor for Public Safety and Justice. This public roundtable will be held in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., at 2:00 p.m.

The Committee invites the public to testify or to submit written testimony, which will be made part of the official record. Anyone wishing to testify at the roundtable should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us), and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, March 2, 2015. Representatives of organizations will be allowed a maximum of five (5) minutes for oral testimony, and individuals will be allowed a maximum of three (3) minutes. Witnesses should bring ten copies of their written testimony and, if possible, also submit a copy of their testimony electronically to [kmitchell@dccouncil.us](mailto:kmitchell@dccouncil.us).

If you are unable to testify at the hearing, written statements are encouraged and will be made part of the official record. Copies of written statements should be submitted either to the Committee on the Judiciary or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on Tuesday, March 10, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2015**

**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

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

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>			
<b>NAME</b>	<b>POSITION TITLE</b>	<b>GRADE</b>	<b>TYPE OF APPOINTMENT</b>
Weisbard, Ariel	Legislative Director	7	Excepted Service - Reg Appt
Marks, Laura	Chief of Staff	6	Excepted Service - Reg Appt
Richards, Katharine	Chief of Staff	8	Excepted Service - Reg Appt
Opkins, Nichole	Legislative Counsel	6	Excepted Service - Reg Appt
Maggard, Ian	Legislative Intern	2	Excepted Service - Reg Appt
Rosen-Amy, Samuel	Legislative Assistant	6	Excepted Service - Reg Appt
Prince, Alicia	Legislative Counsel	6	Excepted Service - Reg Appt
Jackson, Tania	Chief of Staff	8	Excepted Service - Reg Appt
Barahona, Claudia	Constituent Services Director	5	Excepted Service - Reg Appt
Fazzini, Thomas	Deputy Chief of Staff	6	Excepted Service - Reg Appt
Nava, Maricela	Administrative Clerk	1	Excepted Service - Reg Appt
Shaffer, Charles	Senior Legislative Assistant	7	Excepted Service - Reg Appt
Burs, Danielle	Legislative Director	6	Excepted Service - Reg Appt
Keerikatte, Nishant	Deputy Committee Director	6	Excepted Service - Reg Appt
LeFevre, Cynthia	Legislative Counsel	7	Excepted Service - Reg Appt
Autrey, Chanell	Legislative Counsel	6	Excepted Service - Reg Appt
Barlow, Yulondra	Committee Director	8	Excepted Service - Reg Appt
Weise, Barry	Legislative Counsel	7	Excepted Service - Reg Appt



**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. 21-07:** Request to reprogram \$4,680,000 of Fiscal Year 2015 Local funds budget authority within the Department of Human Services (DHS) was filed in the Office of the Secretary on February 9, 2015. This reprogramming ensures that DHS is able to support the Permanent Supportive Housing for Veterans program.

RECEIVED: 14 day review begins February 10, 2015

**Reprog. 21-08:** Request to reprogram \$3,737,096 of Fiscal Year 2015 Local funds budget authority within the Department of Human Services (DHS) was filed in the Office of the Secretary on February 9, 2015. This reprogramming is necessary to match \$18.7 million in Medicaid funds for the maintenance of the new eligibility system, per the Affordable Care Act.

RECEIVED: 14 day review begins February 10, 2015

**Reprog. 21-09**

Request to reprogram \$6,538,773 of Fiscal Year 2015 Local funds budget authority from various agencies to the Workforce Investment Fund (WIF) was filed in the Office of the Secretary on February 9, 2015. This reprogramming ensures that FY 2015 Local funds budgeted to implement Classification and Compensation Reform for employees in Compensation Units 1 and 2, which were inadvertently allocated to agencies based upon a fixed percentage (1.5 percent) of the employees' salaries, are corrected.

RECEIVED: 14 day review begins February 10, 2015

**Reprog. 21-10**

Request to reprogram \$5,202,504 of Fiscal Year 2015 Local funds budget authority from the Department of Health Care Finance (DHCF) to the Department of Employment Services (DOES) was filed in the Office of the Secretary on February 9, 2015. This reprogramming provides additional funding for the District's Summer Youth Employment Program. The funds will allow youth ages 22 to 24 to participate; increase wages for youth aged 16 to 21, and provide a transportation subsidy for all participants.

RECEIVED: 14 day review begins February 10, 2015

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: February 13, 2015  
Petition Date: March 30, 2015  
Hearing Date: April 13, 2015  
Protest Hearing Date: June 24, 2015

License No.: ABRA-097534  
Licensee: Addis Restaurant, LLC  
Trade Name: Addis Ethiopian Restaurant  
License Class: Retailer’s Class “C” Restaurant  
Address: 707 H Street, N.E.  
Contact: Mike Pappas: 202-575-2450

WARD 6                      ANC 6C                      SMD 6C05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for June 24, 2015 at 4:30 pm.

**NATURE OF OPERATION**

A restaurant serving Ethiopian food with entertainment including DJ music only. The dance floor dimensions are 11ft. x 12ft.

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

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

**HOURS OF LIVE ENTERTAINMENT**

Thursday through Saturday 10 pm – 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION ON

2/13/2015

Notice is hereby given that:

License Number: ABRA-097380

License Class/Type: C Restaurant

Applicant: BUL Corp.

Trade Name: BUL

ANC: 1C07

Has applied for the renewal of an alcoholic beverages license at the premises:

2431 18TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

3/20/2015

HEARING WILL BE HELD ON

4/13/2015

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12:00 pm - 11:00 pm	12:00 pm -11:00 pm	n/a - n/a
Monday:	6 pm - 1:00 am	6 pm - 1:00 am	n/a - n/a
Tuesday:	6 pm - 1:00 am	6 pm - 1:00 am	n/a - n/a
Wednesday:	6 pm - 1:00 am	6 pm - 1:00 am	n/a - n/a
Thursday:	6 pm - 2:00 am	6 pm - 2:00 am	10:30 pm - 1:00 am
Friday:	6 pm - 3:00 am	6 pm - 3:00 am	10:30 pm - 2:00 am
Saturday:	12:00 pm - 3:00 am	12:00 pm - 3:00 am	10:30 pm - 2:00 am

Days	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe
Sunday:	12:00 pm - 11:00 pm	12:00 pm - 11:00 pm
Monday:	6 pm - 12:30 am	6 pm - 12:30 am
Tuesday:	6 pm - 12:30 am	6 pm - 12:30 am
Wednesday:	6 pm - 12:30 am	6 pm - 12:30 am
Thursday:	6 pm - 2:00 am	6 pm - 2:00 am
Friday:	6 pm - 2:00 am	6 pm - 2:00 am
Saturday:	12:00 pm - 2:00 am	12:00 PM - 2:00 am

FOR FURTHER INFORMATION CALL (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*Correction**

Posting Date: February 6, 2015

Petition Date: March 23, 2015

Hearing Date: April 6, 2015

License No.: ABRA-094523  
Licensee: Citymarket Hotel Development LLC  
Trade Name: Cambria Suites Washington City Market  
License Class: Retailer’s Class “C” Hotel  
Address: 899 O Street, N.W.  
Contact: Stephen J. O’Brien: 202-625-7700

WARD 6                      ANC 6E                      SMD 6E01

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

**NATURE OF SUBSTANTIAL CHANGE**

Request to add a 29-seat summer garden to the rooftop.

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

Sunday through Saturday 8am-11pm

**CURRENT HOURS OF OPERATION INSIDE PREMISES**

24 Hours

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

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

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE 2<sup>ND</sup> FLOOR SUMMER GARDEN**

Sunday through Saturday 8am-11pm \*\*

**CURRENT HOURS OF LIVE ENTERTAINMENT**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 13, 2015  
 Petition Date: March 30, 2015  
 Hearing Date: April 13, 2015  
 Protest Date: June 24, 2015

License No.: ABRA-097671  
 Licensee: Grand Cata, LLC  
 Trade Name: Grand Cata  
 License Class: Retailer’s Class “A” Liquor Store  
 Address: 1550 7<sup>th</sup> Street, N.W.  
 Contact: Andrew Kline: 202-686-7600

WARD 6                      ANC 6E                      SMD 6E01

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 14<sup>th</sup> 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 24, 2015 at 1:30 pm.

**NATURE OF OPERATION**

Liquor store with Tasting Endorsement.

**HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

Sunday through Saturday 10 am – 10 pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: February 13, 2015  
 Petition Date: March 30, 2015  
 Hearing Date: April 13, 2015  
 Protest Hearing Date: June 24, 2015

License No.: ABRA-097742  
 Licensee: Topo Atrio, LLC  
 Trade Name: Jose  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 1100 Pennsylvania Avenue, N.W.  
 Contact: Kayla Brown: 407-506-0514

WARD 2                      ANC 2C                      SMD 2C01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for June 24, 2015 at 1:30 pm.

**NATURE OF OPERATION**

An upscale restaurant offering a Spanish-themed menu which includes the sale of beer, wine, and spirits for consumption on the premises. No entertainment. No nude performances. No dancing. Seating for 212 and total occupancy load of 262.

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

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Posting Date: February 6, 2015  
Petition Date: March 23, 2015  
Hearing Date: April 6, 2015  
Protest Date: June 17, 2015

License No.: ABRA-077812  
Licensee: TGR, Inc.  
Trade Name: Look  
License Class: Retailer’s Class “C” Restaurant  
Address: 1909 K Street, N.W.  
Contact: Erin Sharkey: 202.686.7600

WARD 2                      ANC 2B                      SMD 2B06

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 14<sup>th</sup> 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 17, 2015 at 1:30 pm.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a class change from Class “C” Restaurant to Class “C” Tavern.

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

Sunday through Thursday 11:30 am – 2am and Friday & Saturday 11:30 am – 3 am

**HOURS OF LIVE ENTERTAINMENT**

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

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

Sunday 5 pm – 11 pm, Monday through Friday 11 am – 11 pm, and Saturday 5 pm – 11 pm



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: February 13, 2015  
 Petition Date: March 30, 2015  
 Roll Call Hearing Date: April 13, 2015  
 Protest Hearing Date: June 24, 2015

License No.: ABRA-097957  
 Licensee: Raku at Cathedral Commons LLC  
 Trade Name: Raku  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 3312 Wisconsin Avenue, N.W.  
 Contact: Marcel The: 301-213-1652

WARD 3                      ANC 3C                      SMD 3C07

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 Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for June 24, 2015 at 4:30pm.

**NATURE OF OPERATION**

New, full-service casual restaurant serving Pan-Asian cuisine and sushi. Total occupancy load of 114 inside premises. Sidewalk Café with seating for 36. No entertainment.

**HOURS OF OPERATION**

Sunday through Saturday 7am-2am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

Sunday through Saturday 10am-2am

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR THE SIDEWALK CAFÉ**

Sunday through Thursday 10am-1am, Friday and Saturday 10am-2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 13, 2015
Petition Date: March 30, 2015
Hearing Date: April 13, 2015

License No.: ABRA-001782
Licensee: Alamac, Inc.
Trade Name: The River Inn/Dish
License Class: Retailer's Class "C" Hotel
Address: 924 25th Street, N.W.
Contact: Michael Fonseca: 202-625-7700

WARD 2

ANC 2A

SMD 2A03

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 sidewalk café with 28 seats.

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

Sunday through Saturday 7 am – 1:30 am

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

Sunday 11 am – 9 pm and Monday through Saturday 11 am – 10 pm

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, February 3, 2015 of DC Preparatory Academy Public Charter School’s request to amend its charter by adding a new facility located on 1100 W Street SE, Washington, DC 20020. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, March 23, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, April 20, 2015 at 6:30pm.

For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) to submit public comment.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, MARCH 31, 2015  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD SIX**

18964            **Application of 1220 Potomac Avenue SE, LLC**, pursuant to 11 DCMR §  
ANC-6B            3103.2, for a variance from the minimum number of required parking spaces  
provisions under § 2101.1, to construct an eight-unit apartment building in the R-  
5-B District at premises 1220 Potomac Avenue S.E. (Square 1021, Lot 40).

**WARD TWO**

18965            **Appeal of Peter and Diana Minshall**, pursuant to 11 DCMR §§ 3100 and  
ANC-2E            3101, from a November 26, 2014 decision by the Zoning Administrator,  
Department of Consumer and Regulatory Affairs, to issue Building Permit No.  
B1410905 to construct a retaining wall in the R-3 District at premises 3329 Q  
Street N.W. (Square 1278, Lot 266).

**WARD FIVE**

18966            **Application of RAP, INC**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a  
ANC-5E            variance from the limitation on the number of stories requirements under § 400.1,  
and a special exception from the roof structure setback requirements under §§  
411.11 and 400.7(b), to extend stairs to allow access to the roof in the R-4  
District at premises 1959 4th Street N.E. (Square 3615, Lot 51).

**WARD TWO**

18951            **Application of Matthew Seligman**, pursuant to 11 DCMR § 3104.1 for a  
ANC-2B            special exception under § 223, not meeting the rear yard setback requirements  
under § 404.1, and the nonconforming structure requirements under § 2001.3, to  
allow the construction of a deck addition to an existing flat in the DC/R-4 District  
at premises 1534 Swann Street N.W. (Square 191, Lot 92).

BZA PUBLIC HEARING NOTICE

MARCH 31, 2015

PAGE NO. 2

**THIS APPLICATION WAS POSTPONED FROM THE PUBLIC HEARING OF FEBRUARY 24, 2015:**

**WARD FOUR**

18925            **Application of Hwa Golden**, pursuant to 11 DCMR § 3104.1, for a special  
ANC-4A            exception from the parking lots requirements under § 213, to operate an  
                         accessory parking lot containing 40 spaces in the R-1-B District at premises 6400  
                         Georgia Avenue, N.W. (Square 2945, Lot 852).

**WARD THREE**

**THIS APPLICATION WAS REMOVED FROM THE EXPEDITED REVIEW CALENDAR ON THE MEETING AGENDA OF NOVEMBER 18, 2014 AND POSTPONED FROM THE PUBLIC HEARING OF JANUARY 27, 2015:**

18886            **Application of Niloufar Hoorazor**, pursuant to 11 DCMR § 3104.1 for a  
ANC-3C            special exception under § 223, not meeting the lot occupancy requirements under §  
                         403.2, and the side yard requirements under § 405.8, to allow a two-story addition  
                         to an existing single family dwelling in the R-1-B District at premises 2709 36th  
                         Street, N.W. (Square 1938, Lot 811).

**PLEASE NOTE:**

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

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

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

BZA PUBLIC HEARING NOTICE

MARCH 31, 2015

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

**LLOYD J. JORDAN, CHAIRMAN, MARNIQUE Y. HEATH, VICE CHAIRPERSON, S.  
KATHRYN ALLEN, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING  
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING**

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2014 Repl.)), hereby gives notice of final rulemaking action to adopt amendments to Chapter 9 (Filling Vacancies) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The amendment to Chapter 9 establishes the timeframe in which the Board must conduct special elections to fill vacancies.

A Notice of Emergency and Proposed Rulemaking with respect to these amendments was published in the *D.C. Register* on December 12, 2014, at 61 DCR 12638. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed.

The Board adopted these rules as final at a regular meeting on Wednesday, February 4, 2015. These final rules will become effective upon publication of this notice in the *D.C. Register*.

**Section 910, SPECIAL ELECTIONS, of Chapter 9, FILLING VACANCIES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended in its entirety to read as follows:**

**910 SPECIAL ELECTIONS**

- 910.1 The D.C. Board of Elections shall conduct a special election in order to elect an individual to serve the unexpired portion of the term of office vacated, except that no special election shall be conducted when:
- (a) A vacancy occurs in the office of Delegate on or after May 1st of the last year of the Delegate's term of office; or
  - (b) A vacancy occurs in the office of member of the Board of Education on or after February 1st of the last year of the term of the affected office.
- 910.2 At the time of the certification of a vacancy, the Board shall, if applicable, call a special election. A call for a special election shall include the following:
- (a) The date upon which the special election is to be held;
  - (b) The date upon which nomination petition forms will be made available to candidates; and
  - (c) Other relevant election calendar information.

- 910.3 A special election held pursuant to this chapter shall be held on a Tuesday occurring at least seventy (70) days and not more than one hundred seventy-four (174) days after the date on which such vacancy occurs, which the Board determines, based on a totality of the circumstances, taking into account, *inter alia*, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation.
- 910.4 Within seven (7) days after the certification of a vacancy, the Board shall make available nomination petition forms to candidates seeking nomination to fill the vacancy.
- 910.5 The qualifications for ballot access of candidates and the rules governing the access in any special election held to fill a vacancy shall be the same as those for direct nomination to the office in any general election, as provided for in D.C. Official Code § 1- 1001.08(j) (2006 Repl.) and Chapter 16 of this title.
- 910.6 All elections provided in this section are special elections, even though the balloting may be at the same time as a previously scheduled primary or general election.



## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 805 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive Director, through D.C. Official Code § 39-105(a)(10)(2012 Repl.), to establish rules and manage the day-to-day operations of the library. A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 26, 2014 at 61 DCR 13172 to amend the rules to reflect the current policies at the D.C. Public Library (DCPL). No comments were received.

The Executive-Director of the DCPL approved these rules as final on November 12, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 8, PUBLIC LIBRARY, of Title 19, AMUSEMENT, PARKS AND RECREATION, is amended as follows:**

**Section 805, USE OF MEETING ROOMS: MARTIN LUTHER KING MEMORIAL LIBRARY, Subsections 805.7, 805.13 – 805.15, 805.20, 805.22, and 805.25, are amended to read as follows:**

- 805.7            Food is not permitted in meeting rooms unless there is prior authorization. Drinking with covered cups is allowed in all meeting rooms.
- 805.13            [REPEALED].
- 805.14            [REPEALED].
- 805.15            [REPEALED].
- 805.20            The room capacities are as follows:

- 805.20 The room capacities are as follows:
- (a) Room A-3 = 5-35 persons
  - (b) Room A-5 = 50-250 persons
  - (c) Room A-9 = 10-40 persons
  - (d) Room A-10 = 25-60 persons
  - (e) Room 221 = 4-15 persons
- 805.22 Reservations should be made online at [dclibrary.org/services/instructions](http://dclibrary.org/services/instructions). A library card is required to make a reservation. Customers who need of guidance with the online reservation process may contact the Public Services Office at 202-727-1221.
- 805.25 The library provides a listing of meetings, locations, and times of meetings in the Great Hall. No other signs shall be permitted.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 807 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 26, 2014 at 61 DCR 13174 to amend the rules to reflect the current policies at the D.C. Public Library (DCPL). No Comments were received.

The Executive-Director of the District of Columbia Public Library (DCPL) approved these rules as final on November 12, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION, is amended as follows:**

**Section 807, FUND RAISING ACTIVITIES ON LIBRARY PREMISES, Subsection 807.3 is amended to read as follows:**

807.3 The following library-related organizations shall be allowed to use library buildings and grounds for fund-raising purposes:

- (a) Friends of the library groups;
- (b) Library advocacy groups, such as the citizens advocates for libraries and the D.C. Library Association; and
- (c) D.C. Public Library Foundation.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 819 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.) to establish rules and manage the day-to-day operations of the library. A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 26, 2014 at 61 DCR 13176 to allow the District of Columbia Public Library (DCPL) to prohibit the carrying and use of firearms in the library. No comments were received.

The Executive-Director of the DCPL approved these rules as final on November 12, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION, is amended by adding a new Section 819 to read as follows:**

**819 WEAPONS**

- 819.1 In accordance with D.C. Official Code § 22-4503.02 and D.C. Official Code § 22-4502.01, no person shall carry or possess firearms on and/or within 1000 feet of D.C. Public Library property.
- 819.2 The exceptions granted in D.C. Official Code § 22-4502.1 shall apply to this section.
- 819.3 No person shall carry or possess knives, razors or blades longer than three (3) inches on D.C. Public Library property.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend the following Section 4306 of Chapter 43 (District of Columbia Public Library: Procurement) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Library Trustees has appointed the Executive-Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 26, 2014 at 61 DCR 13178 to amend the rules to reflect the current policies at the D.C. Public Library (DCPL). No comments were received.

The Executive-Director of the DCPL approved these rules as final on November 12, 2014, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Section 4306 of Chapter 43, DISTRICT OF COLUMBIA PUBLIC LIBRARY: PROCUREMENT), of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION, is amended to read as follows:**

**4306 NON-COMPETITIVE SIMPLIFIED PROCUREMENTS**

- 4306.1 A procurement for ten thousand dollars (\$10,000) or less shall be considered a small purchase and may be made without obtaining competition if the contracting officer determines the price to be fair and reasonable.
- 4306.2 Small purchase requirements shall be reserved for local, small or disadvantaged businesses to the maximum extent practicable.
- 4306.3 Small purchase requirements shall be spread equitably among suppliers to ensure usage of as many suppliers as possible and to provide procurement opportunities to as many suppliers as possible.
- 4306.4 [REPEALED].

OFFICE OF THE MAYOR

NOTICE OF SECOND PROPOSED RULEMAKING

The Mayor of the District of Columbia, pursuant to Section 1 of An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, effective April 27, 2013 (D.C. Law 19-289; D.C. Official Code § 1-303.21 (2012 Repl.)), and Mayor’s Order 2011-181, dated October 31, 2011, hereby gives notice of the intent to adopt a new Title 13 (Sign Regulations) of the District of Columbia Municipal Regulations (DCMR).

The proposed new title would update and consolidate the District’s current sign regulations into a single title, removing the bulk of these provisions from the Building Code and scattered sections of the DCMR. It would clarify provisions relating to approval of Special Signs and billboards; amend the current rules to respond to issues raised by the Federal Highway Administration; create new Designated Entertainment Areas that would be open to the display of new signs; clarify the existing regulations as they relate to signs on public space, private property, and specific areas of the District; establish a means for enforcement; and establish a permit application fee schedule.

This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published on August 17, 2012 at 59 DCR 10022, and reflects changes made in response to comments received from the public.

Section 1 of the Act requires the Mayor to submit the proposed rules to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The proposed rules shall not become effective until the rulemaking is approved by the Council.

The Mayor also gives notice of her intent to take final rulemaking action to adopt the proposed new title in not less than ninety (90) days after the date of publication of this notice in the *D.C. Register*.

**A new Title 13 DCMR, SIGN REGULATIONS, is added to read as follows:**

**TITLE 13: SIGN REGULATIONS**

**CHAPTER 1: PURPOSE AND SCOPE**

- 100 PURPOSE
- 101 SCOPE

**CHAPTER 2: GENERAL PROVISIONS**

- 200 APPLICABILITY
- 201 PERMITTING AND ENFORCEMENT OFFICIALS

- 202 PERMIT REQUIRED
- 203 SUBSTITUTION OF CONTENT
- 204 PERMIT APPLICATION PROCESS
- 205 ACTION ON A PERMIT APPLICATION
- 206 COMPLIANCE WITH CONSTRUCTION CODES
- 207 IMPLEMENTATION PROVISIONS
- 208 SIGN PERMIT PRELIMINARY REVIEW

**CHAPTER 3: SIGNS SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS**

- 300 APPLICABILITY
- 301 PERMITTING AND ENFORCEMENT OFFICIALS
- 302 PERMIT REQUIRED
- 303 PERMIT APPLICATION PROCESS
- 304 PROHIBITED SIGNS
- 305 PERMITTED SIGNS AND REQUIREMENTS
- 306 EXCEPTIONS

**CHAPTER 4: SIGNS SUBJECT TO REVIEW BY THE HISTORIC PRESERVATION REVIEW BOARD**

- 400 APPLICABILITY
- 401 PERMITTING AND ENFORCEMENT OFFICIALS
- 402 PERMIT REQUIRED
- 403 PERMIT APPLICATION PROCESS
- 404 PROHIBITED SIGNS
- 405 MASTER PLAN FOR SIGNS
- 406 TEMPORARY SIGNS
- 407 SIGNS ON AWNINGS AND CANOPIES

**CHAPTER 5: CHINATOWN DISTRICT REVIEW PROCEDURES**

- 500 APPLICABILITY
- 501 PERMITTING AND ENFORCEMENT OFFICIALS
- 502 PERMIT REQUIRED
- 503 PERMIT APPLICATION PROCESS

**CHAPTER 6: SIGNS ON PUBLIC SPACE**

- 600 APPLICABILITY
- 601 PERMITTING AND ENFORCEMENT OFFICIALS
- 602 PROHIBITED SIGNS
- 603 PERMIT REQUIRED
- 604 PERMIT APPLICATION PROCESS
- 605 ACTION ON A PERMIT APPLICATION
- 606 GENERAL REQUIREMENTS AND RESTRICTIONS

607	TEMPORARY SIGNS ON PUBLIC SPACE
608	SIDEWALK SIGNS ON PUBLIC SPACE
609	BANNERS ON PUBLIC SPACE
610	PERMANENT SIGNS ON PUBLIC SPACE
611	SIGNS ON VEHICLES

#### **CHAPTER 7: SIGNS ON PRIVATE PROPERTY**

700	APPLICABILITY
701	PERMITTING AND ENFORCEMENT OFFICIALS
702	PROHIBITED SIGNS
703	PERMIT REQUIRED
704	PERMIT APPLICATION PROCESS
705	ACTION ON A PERMIT APPLICATION
706	CERTIFICATE OF INSPECTION
707	GENERAL REQUIREMENTS AND RESTRICTIONS
708	NON-COMMERCIAL SIGNS
709	TEMPORARY SIGNS ON PRIVATE PROPERTY
710	BANNERS ON PRIVATE PROPERTY
711	PROJECTING SIGNS
712	SIGNS ON ROOFS
713	FREESTANDING SIGNS
714	VARIABLE MESSAGE SIGNS
715	TRANSIT INFORMATION SIGNS
716	MAXIMUM SIZE OF SIGNS
717	FIRST STORY SIGNS
718	FAÇADE SIGNS ABOVE THE FIRST STORY
719	GROUP R-2 OCCUPANCIES
720	RESIDENTIAL OR SPECIAL PURPOSE DISTRICT LIMITATIONS
721	TEMPORARY CONSTRUCTION SIGNS
722	UNIMPROVED LOTS, SEASONAL BUSINESSES, AND SPECIAL EVENTS
723	LUMINANCE

#### **CHAPTER 8: REAL ESTATE SIGNS**

800	APPLICABILITY
801	PERMITTING AND ENFORCEMENT OFFICIALS
802	PERMIT REQUIRED
803	PERMIT APPLICATION PROCESS
804	ACTION ON A PERMIT APPLICATION
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9900 DEFINITIONS

**CHAPTER 1: PURPOSE AND SCOPE****100 PURPOSE**

- 100.1 Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and other public and private places.
- 100.2 Signs are used by individuals and public, private, and government organizations to communicate information to the public. Signs are vital to a healthy business environment and civic communications. They can create a vibrant sense of place and foster economic development.
- 100.3 The unregulated display of signs may, however, constitute a public nuisance detrimental to the health, safety, convenience, and welfare of the residents of the District of Columbia.
- 100.4 The purpose of this title is to establish reasonable and objective regulations for all signs, whether exterior signs or interior signs intended to be visible from the outside, on public space or on private property.
- 100.5 These regulations regulate the display of signs in order to convey information; maintain the health, safety, convenience, and welfare of residents and businesses of the District; and improve the overall visual appearance of outdoor space throughout the District.
- 100.6 These regulations do not apply to interior signs that are not fully visible from the exterior of a building. Such signs remain subject to all other applicable statutes and regulations.
- 100.7 These regulations are further intended to:
- (a) Reduce the traffic hazards caused by signs that may distract, confuse, or impair the vision of motorists and pedestrians, and ensure the effectiveness of traffic signs and signals;
  - (b) Protect property values by ensuring the compatibility of signs with the property surrounding them;
  - (c) Provide an appropriate and attractive visual environment in the District that emphasizes different land use goals for different parts of the city;
  - (d) Allow for the reasonable promotion of commerce and expression of business identification;

- (e) Provide for distinctive signs in areas of the city that have been identified as Designated Entertainment Areas (DEAs), when not in conflict with any federal or local law;
- (f) Ensure compliance with federal laws and Federal Highway Administration requirements;
- (g) Protect the public investment in streets, highways and other public improvements; and
- (h) Protect and improve the public health, safety, and general welfare.

100.8 The regulations in this title directly advance these governmental interests and objectives and are the minimum amount of regulation necessary to achieve them.

## **101 SCOPE**

101.1 This title governs the display of signs on private property and public space, except:

- (a) Signs displayed by the District of Columbia or the United States in furtherance of their governmental responsibilities;
- (b) Signs permitted by contracts or legal agreements with the District of Columbia government;
- (c) Signs displayed on the interior of a building that are not fully visible from the exterior;
- (d) Signs expressly regulated by the D.C. Construction Codes, including accessibility, capacity and egress signs, street number displays, and street signs governed by 12-A DCMR § 118 of the D.C. Building Code Supplement; and
- (e) Signs otherwise required by law to be displayed.

101.2 This title shall not require the removal, alteration, or abandonment of an existing sign, nor prevent the continued use and maintenance of an existing sign if the sign was lawfully constructed prior to the effective date of this title under a valid permit and is being used in conformity with all applicable requirements in effect when the permit was issued.

101.3 The future alteration, repair, or replacement of any existing sign covered by § 101.2 shall be subject to this title.

101.4 All new signs, including signs replacing existing signs, displayed after the effective date of this title shall be subject to this title.

101.5 This title shall supplement any additional, relevant requirements stated elsewhere in District law.

**CHAPTER 2: GENERAL PROVISIONS**

**200 APPLICABILITY**

200.1 Unless otherwise specifically stated, the general provisions in this chapter shall apply to all signs subject to this title.

**201 PERMITTING AND ENFORCEMENT OFFICIALS**

201.1 Unless otherwise specifically stated, the permitting and enforcement officials responsible for issuing sign permits and enforcing the rules for signs subject to this title shall be the persons designated in the chapters governing the particular types of signs, or their designees.

**202 PERMIT REQUIRED**

202.1 Unless specifically exempted in this title, no sign shall be displayed without a sign permit. Signs with an area no greater than one square foot (1 sq. ft.) shall be exempt from this permit requirement.

202.2 Where a permit is required by this title to display a sign, the permit shall be kept on the premises where the sign is displayed. The permit holder shall show the permit to the permitting or the enforcement official upon request.

202.3 Every sign for which a permit is issued shall be marked with the permit number and the date of the permit’s issuance in a format and location approved by the permitting official.

202.4 Exemption from permit requirements shall not relieve the owner of a sign from responsibility for displaying the sign safely.

**203 SUBSTITUTION OF CONTENT**

203.1 A non-commercial message may be substituted for the content of any commercial message on any sign allowed under this title, without any additional action with respect to a permit.

**204 PERMIT APPLICATION PROCESS**

- 204.1 An application for a sign permit shall be made in the form required by the permitting official and in accordance with the chapters in this title governing the particular types of signs.
- 204.2 An applicant for a sign permit shall obtain all applicable electrical, zoning, or other permits or approvals required for the display of a sign from the District or federal government entities responsible for issuing them prior to applying for the sign permit. Evidence of these permits and approvals shall accompany the sign permit application.
- 204.3 A sign permit application shall be considered submitted when the application has been fully completed, all information and drawings required by the permitting official have been provided, the sign has been approved by other reviewing entities where required, and all application fees have been paid.

## **205 ACTION ON A PERMIT APPLICATION**

- 205.1 The permitting official shall approve or deny the permit application within the applicable timeframes stated in this title or within such period as the applicant and the permitting official may agree to establish for the review.
- 205.2 If the permitting official denies a permit application, the permitting official shall state the basis for the denial. Upon request, the permitting official shall notify the applicant in writing of the reasons for the denial no later than three (3) business days after receiving a request for explanation.

## **206 COMPLIANCE WITH CONSTRUCTION CODES**

- 206.1 All signs shall comply with and be subject to the D.C. Construction Codes, including the D.C. Building Code Supplement, Title 12-A DCMR, and the D.C. Electrical Code Supplement, Title 12-C DCMR. Signs shall be maintained in accordance with the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.

## **207 IMPLEMENTATION PROVISIONS**

- 207.1 Every existing sign that was constructed under a valid permit issued prior to the effective date of this title and that has been used in compliance with all regulations and approvals applicable to that permit shall remain subject to those regulations and approvals, even if subsequent regulations and approvals have changed the requirements.
- 207.2 Section 207.1 shall not apply to the luminance standards stated in § 723 or the certificate of inspection requirements stated in § 706.

- 207.3 Every existing sign constructed without a required sign permit shall be subject to these regulations. The sign owner shall obtain a permit or remove the sign within ninety (90) days of the effective date of this title, or such longer period as may be designated by the permitting official.
- 207.4 Permit applications for new signs and alterations to existing signs filed on or after the effective date of these regulations shall comply with this title.
- 207.5 Work authorized by a valid permit issued before the effective date of this title may be carried to completion, subject to applicable permit expiration, termination and revocation provisions. These provisions include those stated in, the D.C. Building Code Supplement, Title 12-A DCMR, Chapter 1.

## **208 SIGN PERMIT PRELIMINARY REVIEW**

- 208.1 When a sign permit application is subject to review by multiple agencies, the permitting official shall, upon request and according to its procedures, conduct a preliminary review of a proposed sign to determine its compliance with this title prior to the formal submission of a permit application.

## **CHAPTER 3: SIGNS SUBJECT TO REVIEW BY THE COMMISSION OF FINE ARTS**

### **300 APPLICABILITY**

- 300.1 This chapter governs signs that are subject to additional review by the Commission of Fine Arts (Commission). Commission requirements may be stricter than those imposed under this title.
- 300.2 Signs are subject to review by the Commission when they are on buildings within the following areas:
- (a) The area controlled by An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital (Old Georgetown Act), approved September 22, 1950 (64 Stat. 904; D.C. Official Code §§ 6-1201 *et seq.* (2012 Repl.)); and
  - (b) The area controlled by An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital (Shipstead-Luce Act), approved May 16, 1930 (46 Stat. 366; D.C. Official Code §§ 6-611.01 *et seq.* (2012 Repl)).

300.3 The Commission shall review permit applications and provide comments to the permitting official pursuant to Section 1 of the Shipstead-Luce Act (D.C. Official Code § 6-611.01) and Section 2 of the Old Georgetown Act (D.C. Official Code § 6-1202).

### **301 PERMITTING AND ENFORCEMENT OFFICIALS**

301.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this chapter shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

### **302 PERMIT REQUIRED**

302.1 Notwithstanding any other provision of this title, signs in areas subject to review by the Commission shall require a permit, except signs exempted from the permit requirement under § 202.1.

### **303 PERMIT APPLICATION PROCESS**

303.1 An application for a sign permit subject to Commission review under this chapter shall be made in a form and with the supporting documentation required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property. The application shall also include any additional information required by the Commission.

303.2 Notwithstanding § 204.2, where Commission review of a proposed sign is required under this chapter, the permit application shall be submitted to the permitting official for referral to the Commission.

303.3 Upon receipt of a permit application, the Commission shall respond according to the timelines set forth in its rules or the application shall be deemed approved by the Commission.

303.4 Additional information and guidelines for signs in areas subject to Commission review and approval are available directly from the Commission.

### **304 PROHIBITED SIGNS**

304.1 Special signs, billboards, signs on roofs, digital signs, full motion video signs, and revolving signs are prohibited in the area controlled by the Shipstead-Luce Act and the Old Georgetown Act. Projecting signs are subject to the restrictions in § 305.1.

304.2 Notwithstanding § 304.1, variable message signs, including full motion video, are permitted on college and university campuses in areas controlled by the Old Georgetown Act if they are not visible from public rights of way and if they



provide college or university-related information or publicize college or university events.

### **305 PERMITTED SIGNS AND REQUIREMENTS**

305.1 The following signs are allowed in areas subject to review by the Commission if they comply with all other applicable provisions of this title:

- (a) In areas controlled by the Shipstead-Luce Act, single-faced signs on the exterior walls of buildings that project no more than twelve inches (12 in.) beyond the building or building restriction line; provided, that any such sign advertises a commercial business operating on-site with a valid and current certificate of occupancy;
- (b) In areas controlled by the Old Georgetown Act, projecting or blade signs on properties with addresses on the principal commercial streets of Wisconsin Avenue NW, M Street NW, or K Street/Water Street NW and are limited to:
  - (1) Identifying a business located above another business on the street level; or
  - (2) Identifying a business on a side street adjacent to one of the principal commercial streets stated above;
- (c) Signs flat against awnings;
- (d) Signs on show windows, or any other windows that abut or overlook a street or public way; provided, that the signs have an aggregate area of not more than twenty-five square feet (25 sq. ft.) per business or are less than or equal to twenty percent (20%) of the area of the window, whichever is less; and
- (e) Other signs consistent with this title and not otherwise prohibited by this chapter.

305.2 The aggregate area of all signs associated with any one (1) business or entity on a building or premises shall be limited to twenty-five square feet (25 sq. ft.) per street frontage.

305.3 If not otherwise prohibited or limited by this section or the Commission, signs may be illuminated if they are authorized by an annual illumination permit and meet the luminance standards stated in § 723.

### **306 EXCEPTIONS**

- 306.1 When the Commission finds that a sign or the conditions surrounding a sign subject to this chapter justifies granting an exception from any of the requirements of this chapter, and the Commission further finds that granting such an exception will not impair the intent and purpose of this chapter or of the Old Georgetown Act or the Shipstead-Luce Act, the Commission shall notify the applicant, or the permitting official if appropriate, of its support of such an exception.
- 306.2 The permitting official may approve an application to display a sign not conforming to the requirements of this chapter pursuant to the Commission's recommendation if the sign satisfies all other requirements of this title.

#### **CHAPTER 4: SIGNS SUBJECT TO REVIEW BY THE HISTORIC PRESERVATION REVIEW BOARD**

##### **400 APPLICABILITY**

- 400.1 This chapter shall supplement Title 10-C DCMR and the Historic Landmark and Historic Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code §§ 6-1101 *et seq.* (2012 Repl. & 2013 Supp.)) (Historic Preservation Act) and shall govern signs on buildings or land:
- (a) Within a historic district designated by the Historic Preservation Review Board (HPRB); or
  - (b) Designated as a historic landmark by the HPRB.
- 400.2 Signs governed by this chapter shall be subject to the review and recommendations of either the HPRB or the Historic Preservation Office (HPO) under delegated authority established in Title 10-C DCMR.
- 400.3 Proposed sign location and design shall be evaluated against the principles, standards and design guidelines in Title 10-C DCMR, Chapter 25. The HPO and the HPRB shall refer to these principles, standards, and design guidelines when reviewing an application for a sign or sign master plan.
- 400.4 Signs and related building features subject to this chapter and the jurisdiction of the Commission shall be reviewed by the Commission and the HPRB.

##### **401 PERMITTING AND ENFORCEMENT OFFICIALS**

- 401.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

401.2 In addition, the Office of Planning (OP) shall have enforcement authority with respect to signs subject to this chapter.

#### **402 PERMIT REQUIRED**

402.1 Signs in areas subject to this chapter shall require a permit unless expressly exempted by this chapter. Signs exempted from permitting requirements under § 202.1 in areas subject to this chapter shall not require a permit.

#### **403 PERMIT APPLICATION PROCESS**

403.1 An application for a permit requiring HPRB review under this chapter shall be made in the form required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property.

403.2 The applicant shall obtain HPRB review of the proposed sign and evidence of HPRB approval pursuant to procedures established by the HPRB.

403.3 The permitting official shall not approve a permit for a sign subject to HPRB review without prior HPRB review and approval. Upon receipt of the permit application, the HPRB, or HPO if so delegated, shall review the application and take action as appropriate.

403.4 If the application is consistent with the appropriate standards, guidelines, and delegation of authority established by the HPRB, the HPO shall clear the application for issuance.

403.5 The HPO shall return a cleared application to the applicant, within three (3) business days after clearance.

403.6 If the application is not consistent with standards, guidelines, or delegation of authority established by HPRB and the HPO is not able to resolve the deficiencies directly with the applicant, the HPO shall prepare and forward the case for review by the HPRB pursuant to Title 10-C DCMR.

403.7 If not cleared for issuance by the HPRB, the HPO shall notify the applicant, within fifteen (15) business days after HPRB has reviewed the application, of the right to request a hearing before the Mayor's Agent pursuant to Title 10-C DCMR.

403.8 The permitting official shall not issue a sign permit unless the HPO, HPRB, or the Mayor's Agent has cleared the application for issuance.

403.9 Upon receipt of the HPO clearance and the application for a sign permit, the permitting official shall issue a sign permit, provided that the sign is in compliance with all other applicable provisions of this title.

403.10 If there is a conflict between the requirements of this title and the requirements of Title 10-C DCMR, the more restrictive shall apply.

#### **404 PROHIBITED SIGNS**

404.1 Billboards and Special Signs are prohibited on historic landmarks and on any property in a historic district.

404.2 Signs on roofs are prohibited on historic landmarks and on any property in a historic district, except for vintage, historic, or replica signs as provided for in 10-C DCMR § 2513.

404.3 Variable message signs, including full motion video signs, are prohibited on the exterior of any historic landmark and on the exterior of any building in a historic district, except as provided in § 404.4.

404.4 Variable message signs, including full motion video signs, are permitted on college and university campuses in historic districts if they are not visible from public rights of way and if they provide college or university-related information or publicize college or university events.

404.5 If not otherwise prohibited or limited by this section or by the HPRB, illuminated signs are allowed provided they meet the luminance standards set forth in § 723 and the owner obtains an annual illumination permit.

#### **405 MASTER PLANS FOR SIGNS**

405.1 If a master plan for signs is created, it shall be submitted to the HPRB for review according to the provisions for concept design review outlined in 10-C DCMR, Chapter 3.

#### **406 TEMPORARY SIGNS**

406.1 Temporary signs on historic properties or in historic districts shall require a permit unless they are exempted by § 202.1.

406.2 HPO shall routinely recommend approval of temporary signs to be installed for less than ninety (90) days and temporary signs that are less than twenty square feet (20 sq. ft.) in area; provided that the sign is installed in a manner that does not cause permanent damage to the historic property.

406.3 HPO shall review temporary signs that do not meet the standards of § 406.2 according to the standards and criteria for permanent signs.

406.4 HPO may make recommendations to the permitting official regarding the size, placement, type, shape, and material of the sign as necessary to prevent a temporary sign from causing permanent damage to a historic property; provided, the change is consistent with the requirements of this title, and principles, standards, and design guidelines in Title 10-C DCMR, Chapter 25.

406.5 HPRB may recommend denial of a temporary sign permit if the sign is incompatible with the architecture and characteristics of the building, site, or district, or if its installation is likely to cause permanent damage to the historic property.

**407 SIGNS ON AWNINGS AND CANOPIES**

407.1 Signs identifying the name or trade of an occupant may be placed on an approved awning or canopy.

407.2 Signs on awnings shall be consistent with the following criteria:

- (a) Signs on the valance of an awning shall be limited to lettering and logos no taller than twelve inches (12 in.);
- (b) A logo may be permitted on the slope of an awning;
- (c) A sign on the valance of an awning shall not be illuminated, except that unobtrusive storefront lighting fixtures may be attached to the underside of an awning; and
- (d) Signs on canopies shall not be illuminated.

**CHAPTER 5: CHINATOWN DISTRICT REVIEW PROCEDURES**

**500 APPLICABILITY**

500.1 This chapter governs signs on buildings or land within Chinatown, being that area bounded by Mount Vernon Square, Massachusetts Avenue, NW, 5th Street, NW, G Street, NW, and 8th Streets NW, as defined by Title 10-B DCMR, Chapter 24.

500.2 Signs in Chinatown shall be subject to the review and recommendations of the OP and, where applicable, HPO and HPRB.

500.3 Proposed sign location and design shall be reviewed and evaluated by the OP, the Chinatown Steering Committee, and other relevant agencies, against the principles, standards, and design guidelines in Title 10-B DCMR, Chapter 24 and this chapter.

500.4 This chapter does not apply to federally owned properties within Chinatown.

## **501 PERMITTING AND ENFORCEMENT OFFICIALS**

501.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this chapter shall be the same as those stated in §§ 601 and 701 with respect to signs on public space and private property.

501.2 OP shall also have enforcement authority with respect to signs subject to this chapter.

## **502 PERMIT REQUIRED**

502.1 Signs in Chinatown shall require a permit, except signs exempted under § 202.1.

## **503 PERMIT APPLICATION PROCESS**

503.1 An application for a sign permit under this chapter shall be made in the form and with the supporting documentation required by the permitting official pursuant to Chapters 6 and 7 with respect to signs on public space and private property. Applications for signs in Chinatown shall also include:

- (a) A statement setting forth the historic preservation constraints on Chinese design character and how Chinese design character has been accommodated within those constraints to achieve an appropriate balance between potentially competing objectives; and
- (b) A statement setting forth the relationship of the proposed sign to the objectives of the *Chinatown Design Guidelines Study Report*.

503.2 An applicant for a sign permit shall obtain review of the proposed sign by OP and HPRB or HPO, as applicable, and obtain evidence of any necessary HPRB and OP approval pursuant to procedures established by HPRB and OP.

503.3 The permitting official shall not approve a permit for a sign subject to OP or HPRB or HPO review without these agencies' review and approval. Upon receipt of the permit application, OP and the HPRB or HPO, as applicable, shall review the application and take appropriate action.

503.4 If the application is consistent with standards and guidelines that apply to the particular location, OP and HPRB shall clear the application for issuance.

503.5 OP and HPRB shall return the application to the applicant within three (3) business days after clearance. Each agency shall provide the applicant with a report indicating that the application has been cleared.

- 503.6 If either OP or HPRB, as applicable, does not clear the application for issuance, the relevant agency shall notify the applicant within three (3) business days of this decision.

## **CHAPTER 6: SIGNS ON PUBLIC SPACE**

### **600 APPLICABILITY**

- 600.1 This chapter shall govern all signs on public space in the District, except those excluded under § 101.1. Where applicable, signs on public space are also subject to Chapters 3 – 5.
- 600.2 Signs on private property that project more than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists, into public space shall be governed by this chapter.

### **601 PERMITTING AND ENFORCEMENT OFFICIALS**

- 601.1 The permitting official responsible for issuing permits for signs on public space shall be the Director of the District Department of Transportation (DDOT). The enforcement official responsible for enforcing the provisions of this title for signs on public space shall be the Director of DDOT. The Director of the Department of Public Works (DPW) shall also have enforcement authority for violations of §§ 606.1 through 606.7 and 607.

### **602 PROHIBITED SIGNS**

- 602.1 Commercial signs are prohibited on public space, public buildings, public structures, and public fixtures, including benches, furniture, art, trash receptacles, planters, and other objects on public space, except as specifically allowed by this chapter or as consented to in writing by the permitting official and a District government entity with jurisdiction over the public space, public building, public structure or public fixture.

### **603 PERMIT REQUIRED**

- 603.1 All signs on public space shall require a permit except temporary signs governed by § 607.8 and those exempted under § 202.1.
- 603.2 Any illuminated sign, including a digital sign, shall require a separate electrical permit and shall comply with the luminance standards in § 723.

603.3 Permits for banners shall be valid for no longer than six (6) months. Permits for permanent signs shall be valid for the life of the sign.

#### **604 PERMIT APPLICATION PROCESS**

604.1 An application for a permit under this chapter shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the applicant(s) and the adjacent property owner(s) or their authorized agents, where applicable;
- (b) The size of the sign, the location where the sign will be displayed, and whether the sign will be illuminated; and
- (c) Any other material required by this title, DDOT, or the Public Space Committee.

604.2 In addition to the permit application requirements stated in § 604.1, an applicant for a sidewalk sign permit shall:

- (a) Demonstrate that the applicant is the owner or authorized agent of the business where the sign will be displayed; and
- (b) Provide design specifications showing that the sign complies with the standards stated in § 608.

604.3 In addition to the permit application requirements stated in § 604.1, an applicant for a banner permit shall:

- (a) Send a copy of all proposed banners electronically to the permitting official;
- (b) Provide banner design, mounting hardware specifications, and décor rigger information showing that the sign complies with the standards stated in § 609;
- (c) Submit an Application to Install Electric Wiring in Public Space and a public space electrical permit if electrical service is required.
- (d) Secure an agreement with the electric supplier for energy use and present it with the application;
- (e) Provide a site map or plan showing the location of poles, including pole numbers, if the applicant proposes to mount banners on lamp posts; and



- (f) Show proof of insurance to indemnify the District for property damage and personal injury resulting from the installation or removal of the banners.

604.4 In addition to the permit application requirements stated in § 604.1, an applicant for a permanent sign permit shall:

- (a) Demonstrate that the applicant is the owner or authorized agent of the property adjacent to where the sign will be displayed; and
- (b) Provide design specifications showing that the sign complies with the standards stated in § 610.

604.5 An applicant for a permit for a permanent sign on public space shall obtain the approval of the Public Space Committee for the proposed sign and provide evidence of this approval, including a Public Space Committee authorized signature, with the application.

## **605 ACTION ON A PERMIT APPLICATION**

605.1 If an applicant submits an application to the permitting official without evidence of prior approval by other applicable agencies, the permitting official shall reject the application as incomplete.

605.2 The permitting official shall approve or deny the application within thirty (30) days of receipt of a complete application.

## **606 GENERAL REQUIREMENTS AND RESTRICTIONS**

606.1 Signs placed on public space shall not reduce the clear pedestrian path to less than ten feet (10 ft.) in the Central Business District as defined in 18 DCMR § 9901 nor to less than seven feet (7 ft.) in all other areas of the District. The clear pedestrian path shall be a continuous section of sidewalk running parallel to the curb.

606.2 It shall be unlawful to display a sign directly on a sidewalk or a public building in any manner whatsoever without the permitting official's express written consent or the written consent of another District government entity with jurisdiction over the sidewalk or public building. This includes projecting images or shadows on the sidewalk or public building or the use of lenses or reflectors.

606.3 It shall be unlawful to deface any public building or any structure or fixture on public space by use of lime, mortar, paint, ink, adhesive, chemical, chisel, or any other material or device.

- 606.4 It shall be unlawful to mark, paint, or engrave a sidewalk, roadway, curb, or any other surface on public space.
- 606.5 Unless permitted by these regulations or the permitting official, it shall be unlawful to attach any guy-wire, rope, chain, or other object to a fixture on public space for the purpose of displaying a sign.
- 606.6 It shall be unlawful for any person, other than an employee or agent of the District, to climb or use any tool or equipment to scale a fixture on public space, without a permit.
- 606.7 It shall be unlawful to display material on any tree or in any tree box on public space except:
- (a) The Metropolitan Police Department (MPD) may display signs in the interest of public safety or crime investigation outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space;
  - (b) Emergency No Parking or Reserved Parking signs may be displayed as authorized by the permitting official; and
  - (c) Temporary road work signs authorized by the permitting official may be displayed outside the drip line of the tree's canopy in a continuous tree strip, but never in the rectangular tree box space.
- 606.8 Any sign displayed on a tree in accordance with § 606.7 shall be affixed in a manner that does not puncture, strip, or otherwise harm the bark of the tree. Nailing, stapling, tacking, pasting, or similarly affixing a sign to a tree on public space is prohibited. The use of flagging ribbon or tape is permissible. Signs shall not be affixed to trees along federal aid highways.
- 606.9 No sign shall be affixed to the front or rear face of a traffic control sign as defined in the Manual of Uniform Traffic Control Devices (MUTCD) or on any part of a traffic signal light or pole.
- 606.10 All signs shall be maintained in a structurally sound condition. Any sign that is unsafe or not properly maintained shall be subject to removal.
- 606.11 No sign shall be allowed on public space that pictorially represents the commission of or the attempt to commit a crime or depicts nudity (male or female genitals, pubic areas or buttocks with less than a fully opaque covering, female breasts with less than a fully opaque covering on any part of the areola or nipples, or the covered genitals in a discernibly turgid or other recognizable state) or sexual intercourse or other sexual act.

- 606.12 The following signs and sign locations are prohibited:
- (a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic;
  - (b) Except as provided for elsewhere in this chapter, signs encroaching upon or overhanging a public right-of-way;
  - (c) Signs, including those that blink or flash, that resemble traffic safety signs or lights, or municipal vehicle warnings from a distance;
  - (d) Portable signs except as allowed in Section 608; and
  - (e) Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this paragraph, "temporarily" means no more than twenty-four (24) hours before an event or twenty-four (24) hours after the event and no more than twenty (20) days in any calendar year.

**607 TEMPORARY SIGNS ON PUBLIC SPACE**

- 607.1 It shall be unlawful to display a temporary sign on public space, except as provided in this section.
- 607.2 No temporary sign that publicizes the sale of goods or services shall be displayed on public space.
- 607.3 A temporary sign that is not prohibited by § 607.2 may be displayed on public space or affixed to a public lamp post for no more than one hundred eighty (180) days.
- 607.4 A sign related to a specific event shall be removed no later than thirty (30) days following the event to which it is related. This subsection does not extend the time limit in Subsection 607.3.
- 607.5 Signs allowed under this section shall not be displayed in a public parking by anyone other than an owner, authorized agent, or occupant of the adjacent building.
- 607.6 Temporary signs authorized by § 607.3 shall:
- (a) Be no larger than six square feet (6 sq. ft.);
  - (b) Be affixed or displayed securely to avoid being torn or disengaged by normal weather conditions;

- (c) Not be affixed by adhesives or by any other method that is likely, either in the installation or removal, to damage the fixture;
- (d) Not block or actively interfere with any portion of the pedestrian or vehicular public right of way; and
- (e) Comply with § 606.1.

607.7 No more than three (3) versions or copies of a temporary sign shall be displayed on one (1) side of a street within one (1) block. Temporary signs in a public parking that are displayed by an owner or occupant of the adjacent building are not subject to this restriction.

607.8 Temporary signs authorized by § 607.3 that are not subject to review by the Commission, OP, the HPRB or HPO, CFA, or the Chinatown Steering Committee do not require a permit. Each of these signs shall contain the date upon which it was initially displayed on public space.

607.9 Temporary construction signs may be displayed, under permit, on public space on temporary barricades, covered walkways, construction offices, and public space between the building line and such structures.

607.10 Temporary construction signs may give the name and address of the engineers, architects, contractors, and financing institutions, and identify the project or purpose of the building. On a covered walkway they may indicate the entrance to a business that is operating during construction.

607.11 The total area of temporary construction signs shall be a maximum of two square feet (2 sq. ft.) for each foot of street frontage of the lot, with a maximum area of forty square feet (40 sq. ft.) for a property within a Residential District and two hundred square feet (200 sq. ft.) for a property within any other district. An additional five square feet (5 sq. ft.) of sign area shall be permitted on barricades or covered walkways to identify each adjoining premises or business.

607.12 Temporary directional signs indicating the holding of an event at a particular location may be displayed without a permit; provided that these signs are:

- (a) Six square feet (6 sq. ft.) or less;
- (b) First posted on the day of the event; and
- (c) Removed within twenty four (24) hours after the event concludes.

## 608 SIDEWALK SIGNS ON PUBLIC SPACE

- 608.1 It shall be unlawful to place a sidewalk sign on public space without a permit.
- 608.2 Permits shall be issued only for valet parking signs and signs authorized under §§ 608.3 and 608.6.
- 608.3 The owner, occupant, or authorized representative of a business premises with a sidewalk sign permit may, during the time the establishment is open for business, use the space in front of the building for the display of one (1) sidewalk sign.
- 608.4 A sidewalk sign shall:
- (a) Be secured from blowing over in inclement weather either by attachment to the building, by weight at the bottom, or by another method;
  - (b) Not be attached to the sidewalk or any other structure or fixture on public space by post, pole, chain, or any other method; and
  - (c) Be placed only in one (1) of the following locations:
    - (1) Up to three feet (3 ft.) from the building wall;
    - (2) On a paved sidewalk area up to two feet (2 ft.) from the front face of the roadway curb and at least five feet (5 ft.) from any marked cross walk, curb ramp, alley or driveway; or
    - (3) For a business with a sidewalk café, inside the perimeter of the café.
- 608.5 Signs displayed under § 608.3 shall:
- (a) Be no larger than six square feet (6 sq. ft.);
  - (b) Be no taller than forty-two inches (42 in.), including the height of any post or stand used to display or secure the sign;
  - (c) Be no wider than twenty six inches (26 in.);
  - (d) Advertise only those goods, wares, merchandise, or services provided within the establishment; and
  - (e) Comply with § 606.1.
- 608.6 Sidewalk signs indicating the location of parking facilities for patrons of a business are allowed on public space under permit, subject to the restrictions of this section; provided they are no larger than ten square feet (10 sq. ft.).

608.7 Sidewalk signs indicating the location of a public market may be displayed on public space without a permit during the time of the operation of the public market, subject to the restrictions of this section.

**609 BANNERS ON PUBLIC SPACE**

609.1 No banner shall be displayed on public space without a permit. Banners attached to private property that extend over public space must be approved by both the Department of Consumer and Regulatory Affairs (DCRA) and DDOT.

609.2 Banners shall not extend over public space more than forty-two inches (42 in.), or be maintained less than fourteen feet (14 ft.) above public space or a public parking.

609.3 The permitting official may issue a permit to erect a banner, ornament, or set of lights between lamp posts or across a street or avenue between buildings or lamp posts; provided, that these objects do not obstruct the free passage of pedestrian or vehicular traffic.

609.4 It shall be unlawful to attach any electrical wiring, lighting, banners, or other similar objects to trees on public space.

609.5 Supports for banners shall be rigid. Banners shall be installed by trained and insured installers.

609.6 Banners shall be non-commercial and shall serve a public, civic, cultural, neighborhood or community interest.

609.7 Sponsor logos may occupy up to ten percent (10%) of the lower portion of a banner.

609.8 Supports for pendant poles, as defined in the Standard Specifications for Highways and Structures, shall have a minimum of sixteen feet (16 ft.) of clearance from the bottom of the lower arm to the bottom of the banner.

609.9 Mounting hardware shall be made of corrosion-resistant material.

609.10 All electrical work shall comply with Chapter 12 of this title and the D.C. Electrical Code Supplement, Title 12-C DCMR;

609.11 For Twin 20 street light poles, as defined in the Standard Specifications for Highways and Structures, a banner shall not exceed:

- (a) Two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) of clearance from the bottom of the banner if located on the pedestrian walkway side of the pole; or

- (b) One and one half feet (1.5 ft.) wide by three feet (3 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) of clearance from the bottom of the banner if located on the roadway side of the pole.

609.12 For #18 street light poles, as defined in the Standard Specifications for Highways and Structures, the banner shall not exceed:

- (a) Two feet (2 ft.) wide by four feet (4 ft.) high and shall have an absolute minimum of twelve feet (12 ft.) of clearance from the bottom of the banner if located on the pedestrian walkway side of the pole; or
- (b) One and one half feet (1.5 ft.) wide by two feet (2 ft.) high and shall have an absolute minimum of fourteen feet (14 ft.) of clearance from the bottom of the banner if located on the roadway side of the pole.

609.13 For #16 street light poles, as defined in the Standard Specifications for Highways and Structures, the banner:

- (a) Shall not exceed two feet (2 ft.) wide by two and one half feet (2.5 ft.) high and shall have an absolute minimum of eleven feet (11 ft.) of clearance from bottom of the banner if located on the pedestrian walkway side of the pole; and
- (b) Shall not be attached on the roadway side of this type of pole.

609.14 Banners shall not be attached to fiberglass poles.

609.15 The owner of a permitted banner shall notify the permitting official when the banner has been removed. If, upon inspection, there is damage to one (1) or more poles, the District shall repair the damage and the owner shall pay the cost of repairing the damage.

609.16 The owner of a permitted banner shall follow a traffic control plan approved by the permitting official for the use of curb space during banner installation. No work may take place in travel lanes during rush hours.

609.17 The owner shall remove a banner that is torn, damaged, or badly faded within forty-eight hours (48 hrs.) after the permitting or enforcement official provides notice to the owner of the banner's unacceptable condition.

## **610 PERMANENT SIGNS ON PUBLIC SPACE**

610.1 It shall be unlawful to display a permanent sign on public space, except as authorized by this section.

- 610.2 Except as provided in § 202.1, permanent signs displayed on public space shall require a permit. Permanent signs on public space are subject to the review and approval of the Public Space Committee.
- 610.3 Bulletins may be displayed on public space under permit; provided they:
- (a) Announce non-commercial events that are open to the public or provide non-commercial information of general interest;
  - (b) Are located on a public parking;
  - (c) Do not exceed twenty square feet (20 sq. ft.);
  - (d) Are supported on posts or pilasters or included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign; and
  - (e) Comply with the luminance standards in § 723 if the bulletin uses illumination.
- 610.4 Public facility signs, such as signs and nameplates for public schools, libraries, recreation centers, and parks, may be displayed on public space under permit and subject to the following conditions:
- (a) The text of the sign is limited to the name of the facility and street number;
  - (b) The sign faces the street or streets upon which entrances to the facility are located; and
  - (c) The area of the sign does not exceed forty square feet (40 sq. ft.) or, if displayed at an entrance driveway, the sign is not more than six square feet (6 sq. ft.).
- 610.5 Neighborhood signs that promote neighborhood identity and are sponsored by non-government organizations may be displayed on public space under permit and subject to the following conditions:
- (a) The signs are located at the boundaries of a neighborhood;
  - (b) No more than four (4) signs are displayed for each neighborhood;
  - (c) The signs are either twenty-four inches (24 in.) by twenty-four inches (24 in.) or forty inches (40 in.) by seventy-two inches (72 in.); and



(d) The signs are supported by posts or pilasters or are included in a monument sign that does not exceed forty-two inches (42 in.) in height, including the height of any post or stand used to display or secure the sign.

610.6 Signs denoting Historic Districts may be displayed on public space under permit. These signs shall be of a design approved by the HPO.

610.7 Signs for a school, college, hotel, philanthropic institution, non-profit organization, hospital, residential care facility, or place of worship may be displayed on public space under permit. These signs shall be limited to a total area of forty square feet (40 sq. ft.).

610.8 When approved by the permitting official and the Public Space Committee, a nameplate or nameplates may be displayed on the public parking at entrance driveways. No plate shall be more than six square feet (6 sq. ft.). The area of the nameplates shall not be counted toward the limits on total sign area specified in § 610.7.

## **611 SIGNS ON VEHICLES**

611.1 Unless otherwise specifically allowed by §§ 611.4 through 611.7, no sign that relates to the sale of goods or services shall be transported over public space, except signs displayed on motor vehicles that advertise the *bona fide* business of the owner.

611.2 The prohibition stated in § 611.1 shall include any sign attached to, or placed on, a vehicle or trailer parked on public space, except where:

- (a) The primary purpose of the vehicle or trailer is not the display of signs;
- (b) The signs are magnetic decals, or painted upon an integral part of the vehicle or equipment;
- (c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, when applicable, and actively used or available for use in the daily function of the business to which the signs relate; and
- (d) The vehicles or trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter, or distribution points for commercial products or services for the general public.

611.3 No digital sign or full motion video sign shall be affixed to any part of a motor vehicle.

- 611.4 Bumper stickers are allowed.
- 611.5 Commercial advertising on the rear and side exteriors, or entire exterior surfaces of Metrobus public transit vehicles under the control and operation of the Washington Metropolitan Area Transit Authority, or other publicly owned transit vehicles under the control and operation of a public transit agency, may be displayed subject to the following conditions:
- (a) No advertisement shall be displayed that violates this title or any other District or federal law; and
  - (b) The rear and side exterior advertising space on at least ten percent (10%) of the total number of Metrobus vehicles available for public transit operations shall be reserved for free public service announcements and advertisements regarding community, art, cultural, educational, or similar events.
- 611.6 Commercial advertising may be displayed on D.C. Circulator vehicles and other assets pursuant to an agreement with the permitting official.
- 611.7 Commercial advertising may be displayed on pedicabs and other non-motorized vehicles; provided that such advertising signs shall not:
- (a) Extend past the frame of the vehicle; or
  - (b) Obstruct or interfere with any safety devices.
- 611.8 Unless otherwise specifically allowed by § 611.8 (a) and (b), no sign that relates to the sale of goods or services shall be transported over the waterways.
- (a) A sign advertising a business conducted on, or products sold on a vessel may be displayed on the exterior of the vessel if the sign is no greater than ten square feet (10 sq. ft.) in area.
  - (b) No more than two (2) signs, ten square feet (10 sq. ft.) or less in area may be used on any vessel. The signs shall be displayed with one (1) sign on the port side and one (1) sign on the starboard side of the vessel.

## **CHAPTER 7: SIGNS ON PRIVATE PROPERTY**

### **700 APPLICABILITY**

- 700.1 This chapter shall govern the display of signs on private property. Where applicable, signs on private property are also subject to Chapters 3 – 5.

- 700.2 The following signs are not subject to this chapter except as expressly stated:
- (a) Interior signs expressly regulated by the D.C. Construction Codes, 12 DCMR, including, but not limited to, accessibility, capacity and egress signs;
  - (b) Required street number displays and street sign specifications that comply with the D.C. Building Code Supplement, 12-A DCMR § 118 and the D.C. Property Maintenance Code Supplement, 12-G DCMR § 304.3;
  - (c) Real Estate Signs (Chapter 8);
  - (d) Designated Entertainment Areas (Chapter 9);
  - (e) Special Signs (Chapter 10); and
  - (f) Billboards (Chapter 11).
- 700.3 Where a Board of Zoning Adjustment or Zoning Commission order imposes more stringent sign requirements on a specific use or occupancy, the terms of the order shall take precedence over this chapter.
- 700.4 Permits for signs on private property shall be subject to the administrative and enforcement provisions of Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR; provided that, if a conflict arises between the provisions of the D.C. Building Code Supplement and this title, this title shall take precedence.
- 700.5 Signs on private property shall be maintained in accordance with the D.C. Property Maintenance Code Supplement and this title; provided that, if a conflict arises between the D.C. Property Maintenance Code Supplement and this title, this title shall take precedence.

## **701 PERMITTING AND ENFORCEMENT OFFICIALS**

- 701.1 The permitting and enforcement official responsible for issuing permits and enforcing the provisions of this title for signs on private property shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

## **702 PROHIBITED SIGNS**

- 702.1 Commercial signs on private property containing off-premises advertising are prohibited.
- 702.2 The following signs and sign locations are prohibited:

- (a) Signs located in a manner that obstructs or otherwise interferes with an official traffic sign, signal or device, or obstructs or interferes with a driver's view of approaching, merging or intersecting traffic;
- (b) Except as provided for elsewhere in this title, signs encroaching upon or overhanging a public right-of-way; and
- (c) Signs, including those that blink and flash, that resemble traffic safety signs or lights, or municipal vehicle warnings from a distance.

### **703 PERMIT REQUIRED**

- 703.1 No sign on private property shall be displayed without a permit unless exempted by § 202.1 or this chapter.
- 703.2 Any sign that will be illuminated, including a digital sign, shall require a separate electrical permit and shall comply with the luminance standards in § 723.

### **704 PERMIT APPLICATION PROCESS**

- 704.1 An application for a permit under this chapter shall be made in a form required by the permitting official and shall include:
- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign company and property owner(s) or their authorized agents;
  - (b) The size of the sign, the location where the sign will be displayed, the dimensions of the premises and whether the sign will be illuminated;
  - (c) The documents and other materials required under Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR, that are required for a building permit authorizing the construction of the sign; and
  - (d) Any additional information or documentation required by the permitting official.
- 704.2 A permit application to authorize the display of a sign on private property shall be submitted separately from and in addition to an application to authorize construction or alteration of a building on which the sign will be displayed.
- 704.3 Signs indicated on a building permit application shall not be reviewed or approved during processing of the building permit application, and shall not be deemed approved by the issuance of the building permit.
- 704.4 A sign permit separate from the building permit is required to display the sign and to engage in any construction or other work necessary to display the sign.

- 704.5 A permit to authorize a sign related to a new building or an existing building undergoing alteration shall not be granted until after the building permit for the building's construction or alteration has been issued.
- 704.6 Where an application filing deposit for a sign permit has been paid before the effective date of this title pursuant to Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR, the application shall be processed under the regulations in effect on the date the application was filed.
- 704.7 Work authorized by a permit issued pursuant to § 704.6 may be carried to completion, subject to the following conditions:
- (a) The application shall have been accompanied by plans and other information sufficient to allow processing of the permit without substantial change or deviation;
  - (b) The permit fee shall be paid in full and the permit obtained by the applicant within three (3) months after the effective date of this title;
  - (c) All work authorized by the permit shall comply with the terms of the permit; and
  - (d) A permit granted under this section shall not be extended if it expires or is revoked as provided in Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR.

## **705 ACTION ON A PERMIT APPLICATION**

- 705.1 The permitting official shall review and approve or deny the sign permit application within thirty (30) days of submission of a complete application.
- 705.2 An application for a sign permit is complete when:
- (a) All information and documents required by § 704.1 are filed and all required fees are paid; and
  - (b) The application contains any necessary approvals of the sign by the Commission, the HPRB or HPO, OP, and the Chinatown Steering Committee, as applicable.
- 705.3 The permitting official shall reject a permit application at the time of filing if the application is incomplete.

- 705.4 If deficiencies in the application are discovered during processing, the permitting official shall, if reasonably feasible, give the applicant an opportunity to correct the deficiencies prior to taking action to approve or reject the application.
- 705.5 The time frames included in this chapter shall not apply until the application is complete.
- 705.6 If the application does not satisfy the requirements of this title and the D.C. Building Code Supplement, the permitting official shall deny the application in accordance with the procedures in Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR.
- 705.7 All permits authorizing the construction of a sign shall expire in accordance with 12-A DCMR § 105.5 of the D.C. Building Code Supplement. Extension of permits shall be governed by 12-A DCMR § 105.5.1.
- 705.8 Where a sign is constructed and displayed under a valid permit and a certificate of inspection is obtained in accordance with § 706, no further authorization is required to display the sign, unless bi-annual renewal of the certificate of inspection is required pursuant to § 706.5.
- 705.9 Where a sign is displayed pursuant to a permit, and the sign is damaged or otherwise requires repair or replacement, the permit holder shall apply for a new permit, unless repair of the sign is an ordinary repair not requiring a permit pursuant to the D.C. Building Code Supplement, 12-A DCMR § 105.2.2.

706 **CERTIFICATE OF INSPECTION**

- 706.1 The permit holder shall obtain a final inspection of a sign requiring a permit from the permitting official to verify that the work complies with the permit.
- 706.2 The permit holder shall provide the permitting official with at least two (2) business days advance notice of the final display of the sign and request a final inspection within this two (2) business day period.
- 706.3 If the work complies with the permit upon final inspection, the permitting official shall issue a certificate of inspection approving the sign.
- 706.4 The most current certificate of inspection shall be available for inspection by the enforcement official on the premises where the sign is located, or such other location as the enforcement official may approve.
- 706.5 Owners of signs in the following categories shall bi-annually submit to the permitting official a request for renewal of the applicable certificate of inspection:
- (a) Special Signs;

- (b) Billboards;
- (c) Signs within a Designated Entertainment Area;
- (d) Permanent commercial signs advertising goods or services; and
- (e) Illuminated and digital signs.

706.6 The permitting official may require the owner of a sign subject to § 706.5 to certify, as a condition of bi-annual renewal of the certificate of inspection, that there has been no alteration of the sign.

## **707 GENERAL REQUIREMENTS AND RESTRICTIONS**

707.1 No sign shall be displayed on private property unless the sign advertises a *bona fide* business lawfully conducted on the premises, except for non-commercial signs pursuant to § 708.

707.2 When a sign advertises a business on the premises and the business is discontinued, the property owner shall immediately remove the sign, subject to the issuance of any required DCRA demolition permit.

707.3 Every sign shall be subject to inspection by the permitting and enforcement official. The permitting and enforcement official may enter any premises at any reasonable time to inspect a sign to determine whether it complies with a sign permit or the provisions of this title.

707.4 All signs shall be maintained in a structurally sound condition. Any sign that is unsafe or not properly maintained shall be subject to repair or removal, as applicable, pursuant to the D.C. Property Maintenance Code Supplement, Title 12-G DCMR, and the provisions of this title.

707.5 All signs displayed without a required permit shall be subject to removal, and to other applicable remedies and penalties, pursuant to the enforcement provisions of Chapter 1 of the D.C. Building Code Supplement, 12-A DCMR, and the Civil Infractions Act.

707.6 For buildings or premises approved by the Board of Zoning Adjustment or Zoning Commission, the total area of signs and other sign restrictions for the building or premises shall not exceed the lesser of the limits prescribed in this chapter or any other more restrictive limitations imposed by the Board of Zoning Adjustment or Zoning Commission.

## **708 NON-COMMERCIAL SIGNS**

- 708.1 Non-commercial signs may be displayed without a permit on private property by the owner or occupant of the property, provided, that the sign:
- (a) Is not more than ten square feet (10 sq. ft.) in area;
  - (b) Does not use electricity; and
  - (c) Does not require approval by the Commission, HPRB or HPO, OP, or the Chinatown Steering Committee.

708.2 Non-commercial signs that exceed ten square feet (10 sq. ft.) in area shall require a permit to confirm compliance with the structural requirements in Chapter 12.

### **709 TEMPORARY SIGNS ON PRIVATE PROPERTY**

709.1 It shall be unlawful to display a temporary commercial sign on private property, except as provided in this section.

709.2 A temporary commercial sign may be displayed on private property without a permit for no more than one hundred eighty (180) days, provided that the sign does not use electricity and does not require approval by the Commission, HPRB or HPO, OP or the Chinatown Steering Committee.

709.3 Temporary commercial signs authorized by § 709.2 shall be no larger than six square feet (6 sq. ft.) and shall be affixed or displayed securely to avoid being torn or disengaged by normal weather conditions;

709.4 Each temporary sign authorized by § 709.2 shall contain the date upon which it was initially displayed.

709.5 Temporary directional signs indicating the holding of an event at a particular property may be displayed without a permit; provided that these signs are:

- (a) Six square feet (6 sq. ft.) or less;
- (b) First posted within twenty-four (24) hours of the event; and
- (c) Removed within twenty-four (24) hours after the event concludes.

### **710 BANNERS ON PRIVATE PROPERTY**

710.1 Banners on private property shall require a permit unless they meet the requirements in §§ 709.2 and 709.3, or are non-commercial banners within the scope of § 708.



- 710.2 Banners that extend from private property over public space shall comply with § 711.
- 710.3 Banners shall not exceed the maximum size restrictions set forth in §§ 716 - 722.
- 710.4 Banners for the sale or lease of land or premises are governed by Chapter 8.
- 710.5 The supports for banners shall be installed so as to be rigid. Banners shall be firmly affixed at all corners to prevent movement with air currents.

## **711 PROJECTING SIGNS**

- 711.1 Signs projecting beyond a lot line or building restriction line shall be allowed under permit when supported on iron or steel brackets and stayed securely or affixed in an approved equivalent manner, subject to the limitations imposed by this section.
- 711.2 No sign, banner or flag may project more than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists, into or above public space.
- 711.3 Hooded lights may be placed on projecting signs solely to illuminate the signs, subject to luminance standards in § 723, and provided that the hoods of the lights shall not project more than an additional six inches (6 in.).
- 711.4 No part of a projecting sign shall have less than eleven feet (11 ft.) of clearance above the surface of a sidewalk or any other space used by pedestrians, nor less than fifteen feet (15 ft.) of clearance above the surface of any driveway in public space.
- 711.5 No portion of a projecting sign shall extend over public space closer than eighteen inches (18 in.) from the curb lane. No sign, including illumination, shall project more than six inches (6 in.) beyond the lot line in a public alley.
- 711.6 Double-faced projecting signs on the front of buildings shall not extend above the roof or parapet a distance of more than one-third (1/3) of the height of the sign nor more than four feet (4 ft.). Such signs may return over the roof or parapet not over eighteen inches (18 in.) back of the face of the wall.
- 711.7 No sign attached to a building or installed on private property and projecting over public space shall be erected or hung so as to swing, sway, or revolve in any manner, except banners or flags.
- 711.8 Signs may be supported by canopies, marquees, porticos, and roofs of show windows constructed so as to safely support the weight of the sign or signs, in addition to the required snow and wind loads. These signs shall not extend more

than forty-two inches (42 in.) beyond the lot line or building restriction line, if one exists.

711.9 Signs may be placed or painted on the vertical faces of valances, or on top of or hung from a canopy, marquee, portico, or awning if the sign designates only the street number of the premises and the name or trade name of the occupant or building.

## **712 SIGNS ON ROOFS**

712.1 Signs on roofs are allowed, under permit and subject to the requirements of this chapter, if they meet the following conditions:

- (a) The top of the sign is not above the building height limit established by the Zoning Regulations for the zoning district in which the sign is located;
- (b) The base of the sign is not less than six inches (6 in.) nor more than eighteen inches (18 in.) above the top of the roof parapet wall on which it is erected or affixed;
- (c) The height of the sign does not exceed half of the width of its base; and
- (d) The maximum area of the sign does not exceed one hundred square feet (100 sq. ft.) facing any one street frontage.

712.2 All roof signs shall be securely braced and fastened by an approved structurally sound method.

712.3 Roof signs shall not be erected or hung so as to swing, sway, or revolve in any manner.

712.4 Complete structural plans indicating roof construction, method of attachment, and sign framing shall be provided with all applications for permits for signs on roofs.

712.5 Variable message signs are prohibited on roofs.

## **713 FREESTANDING SIGNS**

713.1 Freestanding signs are allowed, under permit and subject to the requirements of this chapter, if they meet the following conditions:

- (a) The sign and any supporting structure is located entirely on the land of the owner, and in back of the lot line or building restriction line, if one exists; and

- (b) The sign and its supporting structure complies with the structural requirements set forth in Chapter 12 and the aggregate maximum size limits set forth in §§ 716 - 722.

713.2 Only one (1) freestanding sign may be displayed per building street frontage. Freestanding signs may be two-sided.

713.3 Freestanding signs in Commercial, Industrial or Waterfront Districts are subject to the following conditions in addition to those stated in §§ 713.1 and 713.2;

- (a) The top of the sign, including its supporting structure, shall not exceed a maximum height of fifteen feet (15 ft.) above grade measured from the ground elevation to the top of the sign;
- (b) The sign face shall not exceed two square feet (2 sq. ft.) per linear foot of the lot's street frontage for multi-use lots, or one and one-half square feet (1.5 sq. ft.) per linear foot for single-use lots; or
- (c) The supporting structure shall be located at least five feet (5 ft.) from the front lot line.

713.4 Freestanding signs in Residence, Mixed Use and Special Purpose Districts are subject to the following conditions in addition to those stated in §§ 713.1 and 713.2:

- (a) The sign face shall not exceed twenty square feet (20 sq. feet); and
- (b) The top of the sign, including its supporting structure, shall not exceed four feet (4 ft.) above grade.

## **714 VARIABLE MESSAGE SIGNS**

714.1 Variable message signs, excluding full motion video signs, are allowed under permit in Commercial, Industrial, Waterfront and Mixed Use Districts when they are:

- (a) Located entirely upon the land of the owner;
- (b) Not located within two hundred feet (200 ft.) of a Residence or Special Purpose District; and
- (c) Not projecting beyond the lot line or building restriction line, if one exists.

714.2 Variable message signs that contain full motion video are prohibited in all Zoning Districts, except for Designated Entertainment Areas subject to the requirements in Chapter 9.

- 714.3 Variable message signs are prohibited on the roofs of buildings or structures.
- 714.4 Complete details of the erection and operation of variable message signs shall be submitted with the sign permit application.
- 714.5 The area of a variable message sign shall not exceed forty square feet (40 sq. ft.).
- 714.6 Variable message signs shall have not less than eight feet (8 ft.) clearance above the adjacent ground level and the total height of the sign above grade shall not exceed twenty feet (20 ft.), except for free-standing signs which are subject to the height restrictions § 713.
- 714.7 For digital signs, the duration of each display shall not be less than eight (8) seconds and the transition time between messages shall not be greater than two (2) seconds.
- 714.8 During the message transition described in § 714.7, the sign shall not display any visible effects, such as action, motion, fading, dissolving, blinking, intermittent or flashing light or the illusion of such effects.
- 714.9 All variable message signs shall comply with the luminance standards in § 723.
- 714.10 No variable message sign shall be displayed if the permitting official determines that the sign location, size, or height above violates a specific standard in federal or District law, including 23 U.S.C. § 131, Control of Outdoor Advertising.

## **715 TRANSIT INFORMATION SIGNS**

- 715.1 Transit Information Signs on private property are allowed and shall not require a permit if:
- (a) No more than ten percent (10%) of the screen contains commercial advertisements;
  - (b) The sign is not installed or constructed within an interior or exterior wall of a building; and
  - (c) The sign does not exceed six square feet (6 sq. ft.).

## **716 MAXIMUM SIZE OF SIGNS**

- 716.1 Signs on private property subject to this chapter shall comply with the size restrictions and requirements in §§ 716 – 722.

- 716.2 The size restrictions and requirements in §§ 717 and 718 apply to signs in Commercial, Mixed Use, Industrial and Waterfront Districts, except for Residential Group R-2 buildings, which are subject § 719. Signs in Residence and Special Purpose Districts are subject to § 720.
- 716.3 Where this chapter requires the sign face area to be calculated as a percentage of the wall or façade of a building, the area of the wall or façade shall include the windows it contains.
- 716.4 Where 24 DCMR § 609 requires the posting of a schedule of automobile parking rates, a sign setting forth this schedule, not more than forty square feet (40 sq. ft.) in area, is permissible, in addition to the aggregate maximum sign areas otherwise allowed under §§ 716 through 722.
- 716.5 A permanent parking directional sign not more than six square feet (6 sq. ft.) in area indicating the location of parking facilities may be attached to a building under permit. This sign shall be in addition to the aggregate maximum sign areas otherwise allowed under §§ 716 through 722.
- 716.6 A permanent parking directional sign:
- (a) May be illuminated if an electrical permit is obtained;
  - (b) Shall not contain advertising; and
  - (c) Shall comply with the luminance standards set forth in § 723.
- 716.7 The area of any sign displayed on a marquee or awning, or any freestanding sign, shall be included in determining the total area of signs displayed on a lot.
- 716.8 For corner lots, or lots with more than one (1) street frontage, each frontage shall be measured separately for purposes of determining the aggregate maximum allowable sign area.

## **717 FIRST STORY SIGNS**

- 717.1 The maximum aggregate sign area of all signs on the first story of a building, including wall, window, overhanging structure signs, and freestanding signs, shall not exceed two square feet (2 sq. ft.) per foot of building street frontage. When the building is located on a corner lot, each street frontage shall be calculated separately.
- 717.2 Wall mounted signs on the first story of a building shall be located no higher than twenty feet (20 ft.) above the sidewalk grade and shall not extend beyond either end of the wall on which the sign is erected.

717.3 When a retail business is located on the first story, the sign for that business shall be located within the limits of the business’ street frontage, and the business shall be allowed maximum sign area of two square feet (2 sq. ft.) per linear foot of street frontage for that business.

717.4 In multi-story buildings with more than one (1) non-retail tenant located above the first story, signs at the lobby or entry level shall be permitted, no higher than twenty feet (20 ft.) above the sidewalk for such non-retail tenant(s) in lieu of signs above the first story to which the business would have been entitled under Table 718.1, subject to the building owner’s permission. The aggregate maximum size of the additional signs permitted by this section shall comply with the provisions of Table 718.1 for signs above the first story.

**718 FAÇADE SIGNS ABOVE THE FIRST STORY**

718.1 The total area of all signs above the twenty foot (20 ft.) height specified in § 717.2 shall not exceed the limits set forth in Table 718.1 for each street frontage.

**TABLE 718.1  
SIGNS ABOVE THE FIRST STORY  
In Multi-Tenant, Multi-Story Buildings**

<b>Area of Building Façade on Street Frontage</b> <i>(Above the First Story)</i>	<b>Aggregate Maximum Allowable Sign Area on Street Frontage</b> <i>(Above the First Story)</i>
Up to and including 1600 sq. feet	40 sq. ft.
More than 1600 sq. feet, up to and including 4000 sq. feet	2.5% of façade area above 20 ft. height
More than 4000 sq. feet	2.5% of façade area above 20 ft. height

718.2 Where an entire building over one (1) story in height is occupied by one (1) business, store, or occupant, the total area of all signs on each street frontage, regardless of location above the sidewalk, shall not exceed the limits set forth in Table 718. 2.

**TABLE 718. 2  
SIGNS ON SINGLE-OCCUPANT MULTI-STORY BUILDINGS**

Area of Building Façade on Street Frontage	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 4000 sq. ft.	100 sq. ft.
More than 4000 sq. ft.	2.5% of façade area

**719 GROUP R-2 OCCUPANCIES**

719.1 For Residential Group R-2 occupancies, regardless of the Zoning District in which they are located, signs shall be limited to the name and street number of the building. These signs shall only be permissible if they face the street or streets upon which entrances to the building are located.

719.2 Signs for Residential Group R-2 occupancies shall not exceed the limits in Table 719.1 for each building frontage. Notwithstanding § 716.7, signs placed on a marquee, canopy, or awning, as allowed under § 711.9, shall not be counted towards the area limitation specified in Table 719.1.

**TABLE 719.1  
RESIDENTIAL GROUP R-2 SIGNS**

Street Frontage of Building <i>(Linear feet)</i>	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 45 ft.	4 sq. feet
Over 45 ft.	4 sq. feet plus 1 sq. foot for each additional 5 feet of the building's street frontage

719.3 Signs for the sale or lease of Group R-2 buildings or units within those buildings are governed by Chapter 8.

**720 RESIDENCE AND SPECIAL PURPOSE DISTRICT LIMITATIONS**

720.1 Signs in Residence Districts are prohibited, except for non-commercial signs (§ 708), temporary signs (§ 709), Group R-2 signs (§ 719), home occupation signs (§

720.4), temporary construction signs (§ 721), and on-premise advertising signs for commercial activities lawfully conducted in a Residence District.

720.2 If an illuminated sign is authorized in a Residence or Special Purpose District, the sign shall be illuminated by steady white lighting only, and shall not exceed a maximum allowable luminance of fifty (50) nits. No variable message signs are allowed in a Residence or Special Purpose District.

720.3 For buildings or premises located in Residence or Special Purpose Districts, the total aggregate area of on-premise advertising signs on buildings or premises (not including Residential Group R-2 occupancies) shall not exceed the limits set forth in Table 720. 1.

**TABLE 720. 1  
ON-PREMISE ADVERTISING SIGNS  
IN RESIDENCE AND SPECIAL PURPOSE DISTRICTS**

Street Frontage of Building <i>(Linear feet)</i>	Aggregate Maximum Allowable Sign Area on Street Frontage
Up to and including 40 ft.	40 sq. ft.
Over 40 up to and including 100 ft.	1 sq. ft. per foot of street frontage
Over 100 ft.	100 sq. ft. plus 0.5 sq. ft. per foot of street frontage over 100 feet

720.4 No permit shall be required for a sign on a dwelling or building in which a home occupation is lawfully practiced, subject to the following conditions:

- (a) The home occupation use is authorized by the Zoning Regulations;
- (b) No more than one (1) exterior sign is displayed on a dwelling or other building in which a home occupation is practiced, regardless of the number of home occupations permitted in the dwelling or building;
- (c) The sign does not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (d) The sign is flush-mounted;



- (e) The sign is not illuminated; and
- (f) The sign states only the name(s) of the practitioner(s) and the type(s) of home occupation(s).

## **721 TEMPORARY CONSTRUCTION SIGNS**

- 721.1 Temporary construction signs may be displayed on premises for which a building permit has been approved giving the name and address of the engineers, architects, contractors, and financing institutions, and identifying the project or purpose of the building.
- 721.2 Temporary construction signs that exceed the one hundred eighty (180) day limit specified in § 709.2 or the size limitations specified in § 709.3, may be installed, under permit, on private property, subject to the conditions of this section.
- 721.3 The total area of temporary construction signs shall be a maximum of two square feet (2 sq. ft.) for each foot of street frontage of the lot, with a maximum area of forty square feet (40 sq. ft.) for property in a Residence or Special Purpose District and two hundred square feet (200 sq. ft.) for property in a Commercial, Industrial, Mixed Use, or Waterfront District.
- 721.4 Business identification signs may be installed, under permit, on premises where building operations are being conducted during authorized construction activities, including on temporary barricades, covered walkways, or construction offices; provided that, if the sign is located wholly or partially on public space, the requirements of Chapter 6 shall apply.
- 721.5 The aggregate maximum sign area of temporary construction signs and business identification signs during construction shall not exceed the size limitations in §§ 716 through 722. An additional five square feet (5 sq. ft.) of sign area shall be permitted on barricades to identify each adjoining premises or business.
- 721.6 Real estate signs on construction fencing or scaffolding, for sale or lease of buildings or premises that are being constructed or altered pursuant to a building permit, and which are unoccupied during construction, are governed by § 805.

## **722 UNIMPROVED LOTS, SEASONAL BUSINESSES, AND SPECIAL EVENTS**

- 722.1 Where a business is lawfully conducted on an unimproved lot or a lot with a small office such as a parking lot, the maximum amount of permitted signage shall be two square feet (2 sq. ft.) of sign area for each linear foot of the lot's street frontage, up to a maximum aggregate sign area of twenty square feet (20 sq. ft.) per frontage.

722.2 Where a seasonal or temporary business, such as the licensed retail sale of fireworks or Christmas trees, is lawfully conducted on private property, signs up to a maximum aggregate sign area of nine square feet (9 sq. ft.) may be displayed without a separate sign permit for the duration of business operations, not to exceed one hundred eighty (180) days.

722.3 Signs are allowed pursuant to § 722.2 if:

(a) The business has obtained a building permit from DCRA for structures relating to the business activity; and

(b) The building permit application shows the size and location of signs.

722.3 Where a special event is lawfully conducted on private property, and a Special Event License is required under D.C. Official Code § 47-2826 and Chapter 13 of Title 19 DCMR, any proposed signs shall be included and reviewed as part of the application for the Special Event License.

## **723 LUMINANCE**

723.1 The maximum allowable luminance of signs subject to this chapter shall comply with the standards in this section, subject to additional restrictions imposed by appropriate reviewing entities pursuant to Chapters 3, 4 or 5.

723.2 Permitted signs in Residence and Special Purpose Districts shall not exceed a maximum allowable luminance of fifty (50) nits between sunset and sunrise.

723.3 Signs in Commercial (lower density), Mixed Use, and Waterfront Districts shall not exceed a maximum allowable luminance of two hundred fifty (250) nits between sunset and sunrise. Commercial (lower density) for purposes of this section means C-1 and C-2 Districts as defined by the Zoning Regulations.

723.4 Signs in Commercial (higher density) and Industrial Districts shall not exceed a maximum allowable luminance of five hundred (500) nits between sunset and sunrise except for signs located within two hundred feet (200 ft.) of a Residence or Special Purpose District, which shall not exceed a maximum allowable luminance of two hundred (200) nits between sunset and sunrise. Commercial (higher density) for purposes of this section means C-3, C-4 and C-5 Districts as defined by the Zoning Regulations.

723.5 Variable message signs located in Commercial, Mixed Use, Industrial, and Waterfront Districts shall not exceed a maximum allowable luminance from sunrise to sunset of two thousand (2000) nits. The maximum allowable luminance of variable message signs, from sunset to sunrise, shall comply with §§ 723.3 or 723.4, based on location.

- 723.6 The maximum luminance of a neon sign shall not exceed the following limits:
  - (a) Neon signs are prohibited in Residence and Special Purpose Districts.
  - (b) Neon signs in Commercial (lower density), Mixed Use, and Waterfront Districts shall not exceed a maximum allowable luminance of one thousand (1000) nits.
  - (c) Neon signs in Commercial (higher density) and Industrial Districts shall not exceed a maximum allowable luminance of two thousand (2000) nits.
- 723.7 Indirect lighting for signs shall direct all light toward the sign surface, fully shielding it from the sky and from surrounding uses or buildings.
- 723.8 Signs in Designated Entertainment Areas shall comply with the luminance standards set forth in Chapter 9.
- 723.9 Lighting for a sign that is installed or altered after the adoption of this title shall have:
  - (a) An ambient light monitor that allows automatic adjustment of the brightness level of the sign based on ambient light conditions to reduce light levels at night and under cloudy or darkened conditions; and
  - (b) An easily accessible dimming controller to allow immediate corrections where the luminance levels established in this section are exceeded.
- 723.10 Signs in existence on the date of adoption of this title shall have twelve (12) months to comply with this section.

**CHAPTER 8: REAL ESTATE SIGNS**

**800 APPLICABILITY**

800.1 This chapter shall govern the display of real estate signs on public space and private property.

**801 PERMITTING AND ENFORCEMENT OFFICIALS**

801.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title for signs on public space and private property shall be those stated in § 601 and § 701.

**802 PERMIT REQUIRED**

- 802.1 Real estate signs greater than ten square feet (10 sq. ft.) shall require a permit.
- 802.2 Temporary directional signs indicating the holding of a real estate open house at a particular property may be displayed without a permit; provided that these signs are:
- (a) Six square feet (6 sq. ft.) or less;
  - (b) First posted on the day of the event; and
  - (c) Removed within twenty four (24) hours after the event concludes.

### **803 PERMIT APPLICATION PROCESS**

- 803.1 An application for a permit under this chapter shall be made in the form and with content required by the permitting official according to the requirements in Chapters 6 and 7.

### **804 ACTION ON A PERMIT APPLICATION**

- 804.1 Action on permit applications for real estate signs shall be taken in accordance with § 605 for real estate signs on public space and § 705 for real estate signs on private property.

### **805 GENERAL REQUIREMENTS AND RESTRICTIONS FOR PERMITTED REAL ESTATE SIGNS**

- 805.1 Signs for the sale or lease of land or premises may be placed on private property or attached to the exterior of any building with the written consent of the owner or the owner's agent, provided that:
- (a) Only one (1) sign may be displayed for buildings in Residence or Special Purpose Districts or for buildings up to and including four (4) stories outside a Residence or Special Purpose District; and
  - (b) Multiple signs may be displayed for commercial buildings more than four (4) stories in height located outside a Residence or Special Purpose District.
- 805.2 For purposes of this section, commercial buildings shall mean all buildings except:
- (a) Residential Group R-2, R-3 or R-4 buildings; and

- (b) Buildings regulated by the D.C. Residential Code Supplement, Title 12-B DCMR.

805.3 The total area of real estate signs shall not exceed:

- (a) Twenty square feet (20 sq. ft.) for a property located within a Residence or Special Purpose District;
- (b) Sixty square feet (60 sq. ft.) for a building up to and including four (4) stories located outside a Residence or Special Purpose District; and
- (c) Eight hundred square feet (800 sq. ft.) for a building over four (4) stories located outside a Residence or Special Purpose District.

805.4 Real estate signs shall be located only on the premises advertised.

805.5 Signs marketing residential units for lease or sale shall be allowed for a maximum of one hundred eighty (180) days from date of permit issuance.

805.6 Digital signs, variable message signs, including full motion video signs, and internally illuminated signs are prohibited as real estate signs.

## **806 CONSTRUCTION PROJECTS**

806.1 For new construction or the alteration of an unoccupied building, a permit is required for real estate signs to be displayed on fencing, scaffolding or wrapping, if they exceed the limitations in § 709.

806.2 Signs allowed under this section may bear images of the proposed project along with information relating to the sale, leasing or construction of any part of the project, provided that text and numbers shall occupy no more than the larger of:

- (a) One hundred twenty square feet (120 sq. ft.) on each street frontage; and
- (b) Twenty percent (20 %) of the area of the screening on a construction fence along the project's street frontage (provided when a project is located on a corner lot each street frontage will be calculated separately for signage purposes).

806.2 Any sign displayed under this section shall be removed upon completion of construction.

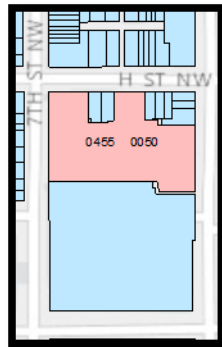
**CHAPTER 9: DESIGNATED ENTERTAINMENT AREA SIGNS**

**900 APPLICABILITY**

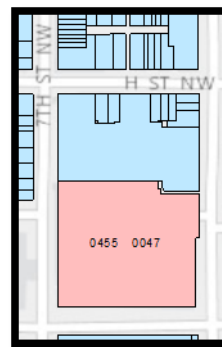
900.1 This chapter shall govern signs within Designated Entertainment Areas (DEAs).

900.2 DEAs shall include the following:

- (a) The Gallery Place Project, comprising of property and building located at Square 455, Lot 50 and the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47; and the northern façade of the Verizon Center;
- (b) The Verizon Center property and building located at Square 455, Lot 47, including the Gallery Place Metro Entrance on the corner of 7th and F Streets, NW;
- (c) The Ballpark Area between South Capitol Street, SE, and First Street, SE, from M Street, SE, to Potomac Avenue, SE;
- (d) The Southwest Waterfront (SW Waterfront), including the Southwest Fish Market, between Maine Avenue, SE, and the Washington Channel, from the 12th Street Expressway to a line north of M Street, SW, as it would be extended to Washington Channel; and
- (e) Other areas the Mayor designates as a result of a process determined by the Mayor which shall include consultation with the Office of Planning, the Department of Consumer and Regulatory Affairs (DCRA), the District Department of Transportation (DDOT), the appropriate Advisory Neighborhood Commissions (ANCs), and appropriate federal agencies if required based on the location of the proposed DEA.



900.2(a) The Gallery Place Project



900.2(b) The Verizon Center



900.2(c) The Ballpark Area



900.2(d) SW Waterfront and Fish Market

900.3 DEA signs may include projections of static or moving images onto:

- (a) The Gallery Place Project, including the private alley located between the Project and the property known as the Verizon Center;
- (b) Buildings in squares 700 and 701 within the Ballpark area, with the exception of any façade facing South Capitol Street; and
- (c) Non-residential buildings within the SW Waterfront, with the exception of any façade facing Maine Avenue, SW.

**901 PERMITTING AND ENFORCEMENT OFFICIALS**

901.1 The permitting and enforcement officials responsible for issuing permits and enforcing the provisions of this title for signs in DEAs on public space and private property shall be those stated in § 601 and § 701.

**902 PERMIT REQUIRED**

902.1 New signs and alterations of existing signs in DEAs shall require a permit, unless exempted by § 202.1 or they are temporary signs on public space, real estate signs, transit information signs, and non-commercial signs exempted from permit requirements pursuant to §§ 607.8, 708, 709, 715, and 802.

902.2 Signs in DEAs shall also require a valid certificate of inspection, obtained and renewed bi-annually in accordance with Section 706.

902.3 Any sign that uses electricity for illumination or any other purpose shall require the issuance of a separate electrical permit and shall be designed in accordance with the D.C. Electrical Code Supplement, Title 12-C DCMR.

**903 APPLICANT QUALIFICATIONS**

- 903.1 At the time of the submission of an application for a sign in a DEA, the applicant shall:
- (a) Have a valid Basic Business License in the District of Columbia;
  - (b) Have a valid Good Standing Certificate issued by DCRA pursuant to D.C. Official Code § 29-102.08; and
  - (c) Be in compliance with the Clean Hands Act.

**904 PERMIT APPLICATION PROCESS**

- 904.1 An application for a permit under this chapter shall be made in the form required by the permitting official and shall include:
- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign owner and property owner(s) or their authorized agents;
  - (b) Documents showing the size of the sign, the location where the sign will be displayed, the height of the sign the dimensions of the premises, whether the sign will be illuminated and any other information needed to determine the allowable area of the sign, materials for the sign and its support, and all electrical and structural details including the method of attachment of the sign; and
  - (c) Any additional information or documentation required by the permitting official.
- 904.2 Sign permits shall be issued in the name of the applicant and shall pertain solely to the location identified on the permit.
- 904.3 The provisions of §§ 704.2 through 704.7 shall apply to permit applications for signs on private property in DEAs.

**905 ACTION ON A PERMIT APPLICATION FOR SIGNS IN DEAs**

- 905.1 The permitting official shall not issue a sign permit if the sign would be located on a private property classified by the Office of Tax and Revenue (OTR) as Class 3 or Class 4 for property tax assessments.
- 905.2 No application shall be deemed complete until all information required by this chapter, and Chapter 1 of the D.C. Building Code Supplement, Title 12-A DCMR, is filed and all required fees are paid. The permitting official shall reject a permit application that is not substantially complete at the time of filing.



- 905.3 The time frames included in this chapter shall not apply until the permitting official determines that the application is complete.
- 905.4 The permitting official shall refer all applications for DEA sign permits to DDOT and OP within three (3) business days after the permitting official determines that the application is complete. DDOT and OP shall review the application and make recommendations concerning the requested permit
- 905.5 DDOT and OP shall submit a written report to the permitting official within thirty (30) days from the referral date, except that the permitting official may allow an extension of up to thirty (30) additional days upon written request.
- 905.6 The permitting official shall refer signs and related building features subject to the jurisdiction of the Commission to the Commission for review and recommendation pursuant to Chapter 3 of this title at the same time as they are referred to DDOT or OP.
- 905.7 The permitting official shall review and approve or deny a DEA sign permit application within twenty (20) business days after the expiration of the time period provided in § 905.5 or the receipt of a Commission report, whichever is later; provided that where a permit application requires notice to an Advisory Neighborhood Commission, action shall be no earlier than forty-five (45) days after the date of such notice.
- 905.8 No permit shall be granted if, within the time period provided in this section:
- (a) DDOT reports in writing that the location, size, lighting, or height above grade of the sign negatively impacts vehicular traffic safety or violates the Highway Beautification Act; or
  - (b) OP reports in writing that the proposed sign would adversely impact the character and integrity of the DEA or the immediately adjacent neighborhood.
- 905.9 If deficiencies in the application are discovered during processing, the permitting official shall, if reasonably feasible, give the applicant an opportunity to correct the deficiencies prior to taking action to approve or deny the application.
- 905.10 Where a sign is constructed or altered in accordance with a valid permit and a certificate of inspection is obtained, no further authorization is required to display the sign, except bi-annual renewal of the certificate of inspection as required pursuant to § 706.5.
- 905.11 Where a sign is displayed pursuant to a permit, and the sign is damaged or otherwise requires repair or replacement, the permit holder shall apply for a new

permit, unless the repair is considered an ordinary repair not requiring a permit pursuant to the D.C. Building Code Supplement, 12-A DCMR § 105.2.2.

## 906 GENERAL DEA REQUIREMENTS

- 906.1 The following requirements shall apply to all DEA signs.
- 906.2 Variable message signs, including signs containing full motion video, are permitted in DEAs including in private alleys and private spaces that are open to the general public, subject to the conditions of § 714.
- 906.3 Signs that identify a specific location on private property such as a pier, market, or stadium are allowed across entrances to these locations, including private alleys and private spaces that are open to the general public.
- 906.4 No single sign shall exceed an area of one thousand two hundred square feet (1200 sq. ft.).
- 906.5 No sign shall:
- (a) Have such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle;
  - (b) Cast light directly or indirectly into a residential unit; or
  - (c) Adversely impact an owner's enjoyment of residential property located within or adjacent to a DEA.
- 906.6 Illuminated signs shall comply with the luminance standards provided in § 908.
- 906.7 No sign shall emit sound other than *de minimis* sound caused by general operation.
- 906.8 No variable message or animated sign or image shall be placed on the exterior of any building in a DEA such that the sign or image is directly across from and parallel to any residential building, including buildings where fifty percent (50%) or more of the gross floor area contains Residential Group R-2, R-3 or R-4 occupancies as defined in the D.C. Building Code Supplement, 12-A DCMR.
- 906.9 Signs on roofs in a DEA shall be subject to the following restrictions and requirements:
- (a) No part of a sign on a roof or its support structure shall exceed the lesser of the permitted height limit of the zoning district in which the sign is placed or ninety feet (90 ft.);

- (b) The maximum total length of a sign on a roof shall be no greater than seventy percent (70%) of the building width;
- (c) The maximum total height of a sign on a roof shall be the lesser of twenty five percent (25%) of the building height or ten feet (10 ft.);
- (d) The maximum total area of a sign on a roof placed on one (1) roof shall be two-hundred square feet (200 sq. ft.);
- (e) No more than two (2) signs shall be placed on a roof of any building;
- (f) A sign on a roof shall not have moving graphics or flashing or strobe lights;
- (g) Luminance of a sign on a roof shall compliance with standards set forth in § 908;
- (h) All signs on roofs shall be located:
  - (1) At least ten feet (10 ft.) from interior lot lines;
  - (2) A distance from the edge of the roof equal to at least sixty percent (60%) of the sign's total height;
  - (3) With the plane of the sign face approximately parallel to the face of the building; and
  - (4) No closer than five hundred feet (500 ft.) to:
    - (A) A Residence or Special Purpose District ;
    - (B) The National Mall;
    - (C) A national memorial;
    - (D) The U.S. Capitol Building and Grounds; or
    - (E) The White House.

906.10

The permitting official shall notify potentially affected Advisory Neighborhood Commissions in writing of the submission of an application for any sign that includes motion or moving images within ten (10) days of receipt of the application and invite the ANC to submit a written response within forty-five (45) days of the date of the notice.

906.11 The total area of all signs attached to any building façade facing a public street may not exceed twenty percent (20%) of the total area of that building façade.

906.12 A Special Sign may be transferred into a DEA subject to the requirements of this chapter and Chapter 10. Such a sign not count toward the total sign area permitted by this chapter.

## **907 SPECIFIC LOCATION REQUIREMENTS**

907.1 Gallery Place Project Graphics shall be displayed in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6 (Illustrations), which are incorporated by reference into this chapter and are available in the office of the permitting official.

907.2 Signs in a DEA may advertise off-premises businesses, including the goods and services sold at these businesses; provided that the businesses advertised are located within the same DEA as the sign and the sign complies with any restrictions applicable to that DEA. Full motion video shall not be used for off-premises advertising.

907.3 The following specific rules apply to projecting Gallery Place Project Graphics:

- (a) The signs shall be located in those areas identified in the Illustrations as the "Corner Heroic Sign Area" or the "Additional Signage Area";
- (b) No Gallery Place Project Graphic located in any area shown as crosshatched in the Illustrations shall project more than eight inches (8 in.) beyond the façade of the structure; and
- (c) Gallery Place Project Graphics located in the "Storefront Signage Areas" depicted on the Illustrations shall project no more than forty-eight inches (48 in.) beyond the building line or building restriction line on the street frontage of a building.

907.4 The following signs are permitted on the specified location on the Verizon Center:

- (a) Two (2) separate variable message signs on the western side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.), which would replace two static canvas displays on the western side of Verizon Center as they existed on June 11, 2012;
- (b) One (1) variable message sign that forms a right angle around the southwest corner of the Verizon Center with each display panel of the digital sign forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in width with the top of

each panel of the digital sign starting at the top of the glass windows on Verizon Center existing as of June 11, 2012;

- (c) Two (2) separate variable message signs, each measuring no more than three feet (3 ft.) in height and eighteen feet (18 ft.) in width, mounted on the exterior of the top of the western and southern entrances to the Gallery Place Metro station at the corner of 7th and F Streets, NW;
- (d) Up to two (2) variable message signs or static canvas signs in the interior space above and around the escalators in the Metro station identified in paragraph (c) above;
- (e) One (1) static canvas sign that forms a right angle around the southeast corner of the Verizon Center with each panel forming the right angle measuring no more than twenty-four feet (24 ft.) in height and forty-three feet (43 ft.) in width with the top of each such panel starting at the top of the glass windows on the Verizon Center as they existed on June 11, 2012; and
- (f) Up to two (2) separate static canvas signs on the eastern side of the Verizon Center, each measuring no more than one thousand two hundred square feet (1200 sq. ft.).

907.5 As part of a Verizon Center Graphics permit application, the owner of the Verizon Center or the owner's designee may apply to the permitting official for a change in the number, location, and size of the static canvas signs authorized in Subsection 907.4, but shall not do so for variable message signs. The Director shall grant such application if:

- (a) The total number of permits for Verizon Center Graphics does not exceed ten (10); and
- (b) The display size of any one (1) static canvas sign does not exceed one thousand two hundred square feet (1200 sq. feet).

907.7 The permitting official shall notify potentially affected ANCs in writing of an application for a change in Verizon Center Graphics within ten (10) days of receipt of the application and invite the ANC to submit a written response within forty-five (45) days of the date of such notice.

## **908 LUMINANCE**

908.1 Signs in a DEA shall not exceed a maximum allowable luminance of five hundred (500) nits between sunset and sunrise and five thousand (5000) nits between sunrise and sunset.

- 908.2 Lighting for a sign installed or modified after the effective date of this title shall have an ambient light monitor that allows automatic adjustment of the brightness of the sign based on ambient light conditions. This automatic adjustment shall reduce light levels at night and under cloudy or darkened conditions. The signs shall also have an easily accessible dimming controller to allow immediate corrections where maximum luminance levels are exceeded.
- 908.3 Signs in existence on the effective date of this title shall have twelve (12) months from the effective date to comply with §§ 909.1 and 909.2.

## **909 MAINTENANCE**

- 909.1 Whenever the enforcement official finds an authorized DEA sign on private property to be unsafe or to constitute an imminent danger to the public, pursuant to the D.C. Property Maintenance Code Supplement, 12-G DCMR § 106, the enforcement official shall notify the sign owner and the owner of the real property on which the sign is located and order the repair or removal of the sign within a specified time.
- 909.2 If the enforcement official finds that removal is necessary then the owner shall have at least ten (10) days to remove the sign, unless an imminent danger requires less time due to public safety concerns. The owner shall obtain any demolition permit required for removal of the sign.
- 909.3 If the unsafe sign is located on public space, the enforcement official shall proceed in accordance with Section 9k of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.01 *et seq.*), as added by the Public Space Enforcement Amendment Act of 2014, passed on final reading on November 18, 2014 (Engrossed version of Bill 20-905).

## **CHAPTER 10: SPECIAL SIGNS**

### **1000 APPLICABILITY**

- 1000.1 This chapter shall govern Special Signs. Where applicable, Special Signs are also subject to Chapters 3 – 5.

### **1001 PERMITTING AND ENFORCEMENT OFFICIAL**

- 1001.1 The permitting and enforcement official responsible for permitting Special Signs and enforcing the provisions of this chapter shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

**1002 INSPECTION OF EXISTING SPECIAL SIGNS**

1002.1 Within thirty (30) days after the effective date of this title, owners of Special Signs shall request an inspection by DCRA to confirm the location, size, artwork and other relevant characteristics of their Special Signs. DCRA shall issue a Certificate of Inspection if the sign complies with the owner’s Special Sign permit. Thereafter, each owner of a Special Sign shall renew the Certificate of Inspection bi-annually pursuant to § 706.

**1003 PERMIT REQUIRED**

1003.1 No new permits relating to Special Signs shall be issued after the effective date of this title, except for permits authorizing changes in artwork pursuant to § 1005 and transfers of location pursuant to § 1009.

1003.2 No Special Sign shall be authorized to change artwork or transfer location without a valid permit issued in accordance with this chapter.

**1004 APPLICANT QUALIFICATIONS**

1004.1 An applicant for a permit to change location or artwork of a Special Sign, at the time of the submission of the application, shall:

- (a) Have a valid Basic Business License;
- (b) Have a valid Good Standing Certificate issued by DCRA Corporations Division pursuant to D.C. Official Code § 29-102.08;
- (c) Be in compliance with the Clean Hands Act;
- (d) Be the owner of an existing, permitted Special Sign; and
- (e) Have a current certificate of inspection, pursuant to § 706.

**1005 PERMIT APPLICATION PROCESS FOR SPECIAL SIGN RELOCATION**

1005.1 An application for a permit to change the location of a Special Sign shall be made in the form required by the permitting official and shall include:

- (a) The name(s), address(es), telephone number(s), and email address(es) of the sign owner;
- (b) The name of the property owner(s) of the location to which the Special Sign will be transferred or the property owner(s)’ agent(s);

- (c) The size of the sign, the location where the sign will be placed, the dimensions of the premises and whether the sign will be illuminated; and
- (d) Any additional information or documentation required by the permitting official.

1005.2 The permitting official shall, within three (3) business days of receipt of a complete application to change the location of a Special Sign, simultaneously refer the application to the following agencies for review and recommendations before a permit is issued:

- (a) DDOT, which shall determine whether the proposed Special Sign location, size, lighting, and height above grade comply with federal law and whether it negatively impacts vehicular or pedestrian traffic safety; and
- (b) OP, which shall determine whether the proposed Special Sign location violates Chapters 3, 4, and 5 of this title.

1005.3 The agencies identified in § 1005.2 shall submit a written report to the permitting official within thirty (30) days after the referral date, either approving or objecting to the proposed relocation. If the agencies do not submit the written report by the thirty (30) day deadline, the agencies shall be deemed to have no objections to the permit application or to the proposed location, and the permitting official shall proceed accordingly.

1005.4 Within five (5) business days of receiving a report from the agencies identified in § 1005.2 approving or objecting to the permit application, or following conclusion of the thirty (30) day period specified in § 1005.3, the permitting official shall approve or deny the permit application.

1005.5 A permit authorizing a change of location of a Special Sign shall be issued in the name of the applicant and shall pertain solely to the Special Sign location identified on the permit, subject to the transferability provisions of § 1007.

1005.6 No permit to relocate a Special Sign shall be issued unless the Special Sign complies with all applicable District and federal laws and regulations.

## **1006 LOCATION LIMITATIONS ON SPECIAL SIGNS**

1006.1 No Special Sign shall be displayed upon buildings or land located:

- (a) Within one hundred feet (100 ft.) of a Residence or Special Purpose District;



- (b) Within one hundred feet (100 ft.) of a school or place of religious worship with a valid certificate of occupancy for such use;
- (c) Within one hundred feet (100 ft.) of a federal or District of Columbia park or monument;
- (d) Between one hundred and two hundred feet (100 ft.- 200 ft.) of a Residence or Special Purpose District, unless the Special Sign faces away from the Residence or Special Purpose District and is placed at an angle of forty-five degrees (45°) or less with the closest Residence or Special Purpose District boundary line;
- (e) In or within sixty feet (60 ft.) of any Historic District, Historic Landmark, or site listed on the most current edition of the “District of Columbia Inventory of Historic Sites,” unless the Special Sign is located on a side-wall or back-wall of a building or site outside a Residence or Special Purpose District, and HPO approves the Special Sign, if necessary;
- (f) In or within one hundred feet (100 ft.) of premises within the area controlled by the Old Georgetown Act;
- (g) In a Waterfront District if prohibited by the Zoning Regulations;
- (h) On a property that is classified by the OTR as Class 3 or Class 4 for property tax assessments; or
- (i) On a property whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.

## **1007 RELOCATION OF SPECIAL SIGNS**

1007.1 The twelve (12) approved self-standing Special Signs existing as of January 1, 2004, shall be allowed to remain or be transferred within the area specified in § 1007.2(c); provided, that the transfer of an existing self-standing Special Sign to a new self-standing Special Sign location is subject to the following conditions, in addition to the other conditions contained in this section:

- (a) A transferred self-standing Special Sign shall be issued a permit to relocate and shall be allowed to remain in its transferred location for only a twenty-four (24) month period beginning on the latter of:
  - (1) The date of issuance of the permit to relocate the Special Sign; or

- (2) The date of issuance of the associated building permit for the construction site on which the Special Sign is located; and
- (b) The location to which the self-standing Special Sign is transferred shall be a future construction site, to be developed in the foreseeable future as demonstrated by development plans, marketing materials, or ongoing administrative processes.

1007.2 A Special Sign Location permit shall be transferable to a new location only under the following conditions:

- (a) The proposed new location of the Special Sign complies with all applicable provisions of this title and all applicable District and federal law;
- (b) Except for transfers from locations presently outside the area defined in § 1007.2(c), the transfer is only for the following causes:
  - (1) The lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid;
  - (2) The Special Sign is partially or totally obstructed; or
  - (3) The location of the Special Sign is or would be no longer feasible because of construction or development; and
- (c) The proposed new location of the Special Sign is within:
  - (1) The Central Business District (C-4 or the successor thereto), as defined by the Zoning Regulations;
  - (2) A Commercial or Industrial District located within the New York Avenue corridor;
  - (3) One of the areas within the Central Employment Area that are bounded as follows:
    - (A) Beginning at the corner of F Street, NW, and 17th Street, NW, west along F Street, NW, to 20th Street, NW, north along 20th Street, NW, to Pennsylvania Avenue, NW, west along Pennsylvania Avenue, NW, to 21st Street, NW, north along 21st Street, NW, to M Street, NW, east along M Street, NW, to 20th Street, NW, north along 20th Street, NW, to N Street, NW, east along N Street, NW, to 19th Street, NW, south along 19th Street, NW, to G Street, NW,

east along G Street, NW, to 17th Street, NW, south along 17th Street, NW, to F Street, NW;

(B) Beginning at the corner of Rhode Island Avenue, NW, and M Street, NW, northeast along Rhode Island Avenue, NW, to Massachusetts Avenue, NW, east along Massachusetts Avenue, NW, to 15th Street, NW,, south along 15th Street, NW, to M Street, NW, west along M Street, NW, to 16th Street, NW, south along the east side of 16th Street, NW, to I Street, NW, north along the west side of 16th Street, NW, to M Street, NW, west along M Street, NW, to Rhode Island Avenue, NW;

(C) Beginning at the intersection of Massachusetts Avenue, NW, and H Street, NW, east along H Street, NW, to the closed alley (formerly Smith Court) in the mid-block between 1st Street, NW, and North Capitol Street, south along that closed alley line to G Street, NW, east along G Street, NW, to North Capitol Street, south along North Capitol Street, NW, to Massachusetts Avenue, NW, northwest on Massachusetts Avenue, NW, to H Street, NW; and

(D) Beginning at the intersection of Florida Avenue, NE, and North Capitol Street, southeast along Florida Avenue, NE, to 4th Street, NE, south along 4th Street, NE, to M Street, NE, west along M Street, NE, to 3rd Street, NE, south along 3rd Street, NE, to K Street, NE, west along K Street, NE, to 1st Street, NE, south along 1st Street, NE, to G Place, NE, west along G Place, NE, to North Capitol Street, north along North Capitol Street to Florida Avenue, NE;

(4) Any Designated Entertainment Area.

1007.3 The size of the display area of the proposed Special Sign is equal to or lesser than the total square footage of the display area of the Special Sign that is being relocated.

**1008 INSTALLATION**

1008.1 Except for a self-standing Special Sign, a Special Sign shall be installed on a building. No part of either the Special Sign or its supporting structure shall protrude above or beyond the wall upon which it is installed.

1008.2 Subject to the limitations placed on the permitted transfer of a self-standing Special Sign in § 1007.1, the height of a self-standing Special Sign shall not

exceed thirty feet (30 ft.). The self-standing Special Sign shall provide at least eight feet (8 ft.) of clearance from the ground, as measured from the adjacent grade.

- 1008.3 A Special Sign shall not be installed on a building wall so as to cover any existing window.
- 1008.4 A Special Sign shall not be installed so as to extend above the lowest portion of the roofline of an existing building.
- 1008.5 The topmost point of a Special Sign or its supporting structure shall be no higher than the allowable height for a new building at the premises, as provided by the Zoning Regulations.

### **1009 PERMIT FOR CHANGE OF SPECIAL SIGN ARTWORK**

- 1009.1 Prior to installation of new or replacement artwork on a Special Sign a permit must be obtained from the permitting official. The applicant must comply with the qualifications set forth in § 1004.1.
- 1009.2 The application for a permit to change Special Sign Artwork shall be made in the form required by the permitting official and shall include:
- (a) The name(s), address(es), telephone number(s), and email address(es) of the applicant(s);
  - (b) Four (4) copies of drawings, drawn to scale, showing the visual characteristics of the proposed artwork and text, including, but not limited to, dimensions and lettering; and
  - (c) Other documentation required by the permitting official to confirm compliance with the provisions of this chapter.
- 1009.3 The permitting official need not refer an application to change Special Sign Artwork to any other agency if the size and location of the proposed Special Sign Artwork is the same as the Special Sign Artwork that it is replacing.
- 1009.4 A permit application to change Special Sign Artwork shall be submitted either as part of a permit application to change location of a Special Sign or as a separate application. If the artwork is being changed or replaced in conjunction with the transfer of a Special Sign location, the applicant may file one (1) permit application to cover the artwork and location changes.
- 1009.5 The permitting official shall not approve a Special Sign Artwork change permit if the artwork violates District or federal law or contains any sign illuminated from within.

- 1009.6 The permitting official shall review the Special Sign Artwork permit application and approve or deny the Special Sign Artwork permit within five (5) business days of submission of a complete application.
- 1009.7 The permitting official shall not issue a permit to change Special Sign Artwork unless:
- (a) The identification of the sponsor of the Special Sign, when provided, is limited to the bottom center, bottom right, or bottom left corner of the Special Sign artwork, and is limited to the words “Sponsored by [Name and/or Logo of Sponsor]”;
  - (b) The sponsor identification is no higher than one-tenth (1/10) of the maximum vertical dimension of the face of the sign, and no wider than one-third (1/3) of the maximum horizontal width of the face of the sign;
  - (c) The Special Sign Artwork is predominantly pictorial with textual matter on no more than twenty-five percent (25%) of the display area of the sign; and
  - (d) Words included in the body of the Special Sign Artwork do not directly or indirectly identify the sponsor or any of the sponsor’s recognizable campaign slogans, or serve as a direct “Call to Action” on behalf of the sponsor, except as provided in § 1009.7(a).
- 1009.8 The space occupied by any sponsor identification shall not be counted against the twenty-five percent (25%) limitation. Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, shall be considered pictorial and shall not count in the calculation of the percentage of textual matter.
- 1009.9 The permitting official shall not issue a permit to change Special Sign Artwork if the Special Sign Artwork would be located on a property:
- (a) Classified by the OTR, at the time the permit application is submitted, as Class 3 or Class 4 for property tax assessments; or
  - (b) Whose owner of record, as listed in the property tax records of the OTR, at the time the application is submitted cannot demonstrate compliance with the Clean Hands Act or owes more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia, as evidenced in the records of the OTR.
- 1009.10 Once a permit to change Special Sign Artwork is approved, the permitting official shall stamp as “approved” two (2) copies of the artwork. One (1) copy of the

artwork shall be retained by the permitting official and made available for inspection in accordance with procedures established by the permitting official pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-531 *et seq.* (2012 Repl.)). One (1) copy shall be returned to the applicant.

## **1010 LUMINANCE**

- 1010.1 A Special Sign shall not contain any movable parts or highly reflective or fluorescent materials, nor shall it contain three (3)-dimensional, moving, animated, or periodically-changing images or text.
- 1010.2 A Special Sign located within five hundred feet (500 ft.) of a Residence or Special Purpose District shall not be illuminated.
- 1010.3 A Special Sign located more than five hundred feet (500 ft.) from a Residence or Special Purpose District may be indirectly illuminated by projecting artificial light on the surface of the Special Sign. A Special Sign shall not be internally illuminated and shall not be constructed of or incorporate neon or any other type of gas or vapor lights.

## **1011 REMOVAL**

- 1011.1 The removal of any Special Sign that is painted, drawn, or attached to an existing structure shall be done in a manner that leaves the existing structure in a stable, undamaged, and sign-free condition. The sign owner shall obtain a demolition permit if required.
- 1011.2 The owner of a Special Sign at a location not authorized by § 1007 shall remove the Special Sign in a manner that complies with § 1011.1 before a Special Sign permit shall be issued allowing for its transfer to a new location in an area approved under § 1007. The applicant shall submit photographic or other evidence showing that the removal complied with § 1011.1.
- 1011.3 No Special Sign shall be permitted in a location from which a Special Sign has been removed if the location is not within an area approved under § 1007.
- 1011.4 The enforcement official shall notify the owner of record of any property where an unauthorized Special Sign is located and shall order the removal of the unauthorized Special Sign by the sign owner and the property owner.

**CHAPTER 11: BILLBOARDS ON PRIVATE PROPERTY****1100 APPLICABILITY**

1100.1 This chapter shall govern billboards on private property in the District.

**1101 PERMITTING AND ENFORCEMENT OFFICIAL**

1101.1 The permitting and enforcement official responsible for issuing permits and enforcing the provision of this title shall be the Director of the Department of Consumer and Regulatory Affairs (DCRA).

**1102 PERMITS FOR NEW BILLBOARDS PROHIBITED**

1102.1 No permit shall be issued for the erection of any new billboard, or the relocation of any Authorized Billboard, in the District of Columbia.

1102.2 No permit shall be issued to replace an authorized billboard listed in § 1104.2 with a sign that is illuminated from within.

**1103 PERMITS FOR AUTHORIZED BILLBOARDS**

1103.1 The owner of an authorized billboard listed in § 1104.2 shall submit to the permitting official an application for a sign permit, within ninety (90) days of the effective date of this title, or within ninety (90) days of verification pursuant to § 1106. The permitting official shall issue a Certificate of Inspection, pursuant to § 706, if the billboard complies with the terms of its prior authorization and the requirements of this title.

1103.2 The owner of an authorized billboard shall renew the certificate of inspection bi-annually in accordance with § 706.

1103.3 The permit application required under this section shall contain sufficient information to allow the permitting official to determine that the billboard:

- (a) Contains no moving parts;
- (b) Contains no flashing, intermittent, moving, or neon lights;
- (c) Will be lighted so as not to permit beams of light to be directed at any portion of a public right-of-way or to cause glare or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of a motor vehicle;

- (d) Will not obstruct or undermine the traffic information systems of signs and lights;
- (e) Has not been changed from its original height, size, dimensions, height above grade, or any other matter that affects its location; and
- (f) Conforms to the D.C. Construction Codes.

1103.4 Failure to submit a sign permit application for a billboard within the period stated in § 1103.1 shall constitute abandonment of the billboard and the billboard shall no longer be authorized.

1103.5 The owner of record of the property shall immediately remove an unauthorized or abandoned billboard and shall obtain a demolition permit from DCRA if required.

1103.6 The enforcement official shall notify the property owner that a billboard on the property is unauthorized and order the property owner to remove the billboard.

**1104 AUTHORIZED LIST OF BILLBOARDS**

1104.1 Only those billboards that were in existence on the effective date of this title and are described in the Authorized List in § 1104.2, or verified pursuant to § 1106 may remain in place, subject to the requirements of this chapter.

1104.2 The Authorized List of Billboards (“Authorized List”) is as follows:

<b>Street Address</b>	<b>Square &amp; Lot Number</b>	<b>Number of Displays</b>	<b>Size (feet)</b>
1200 Block 3 <sup>rd</sup> Street, NE	0747 0008	1	14 x 48
1021 Brentwood Road, NE	PAR 01430083	2	12 x 25
2200 Block New York Avenue, NE	4102 0248	1	14 x 48
1815 Montana Avenue, NE	4107 0241	2	12 x 25
190 Riggs Road, NE	3766 0005	1	14 x 48
2800 Block of V Street, NE	PAR 0173 0102	4	12 x 25
1601 South Capitol Street, SW	0660 0011	1	14 x 48



1104.3 The Authorized List in § 1104.2 shall repeal and replace the Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs, dated November 30, 1931.

1104.4 No change in size or location of a billboard is permitted. All authorized billboards shall be maintained and repaired in accordance with § 1107.

### **1105 RAZED, DEMOLISHED, OR REMOVED BILLBOARDS**

1105.1 A billboard included in the Authorized List in § 1104.2 that is razed, demolished, or removed shall be considered stricken from the Authorized List and shall not be replaced in any form or in any location.

### **1106 UNAUTHORIZED BILLBOARDS**

1106.1 A billboard shall be unauthorized if it is not included in the Authorized List in § 1104.2 and if its owner cannot demonstrate that the District government issued a permit for or otherwise authorized its construction. The billboard's owner shall demonstrate the billboard's prior authorization within six (6) months of the effective date of this title, or the enforcement official may require its removal.

1106.2 The enforcement official shall notify the owners of an unauthorized billboard and any property where an unauthorized billboard is located that the billboard is unauthorized and shall order the removal of the billboard.

### **1107 MAINTENANCE AND REPAIR**

1107.1 Whenever the enforcement official finds that an authorized billboard is unsafe or constitutes an imminent danger, the enforcement official pursuant to § 106 of the D.C. Property Maintenance Code Supplement, 12-G DCMR, shall notify the owner of the billboard and the owner of the real property on which the billboard is located that the billboard is unsafe or dangerous.

1107.2 The enforcement official shall order the repair or removal of the billboard within a specified time, pursuant to the procedures set forth in § 106 of the D.C. Property Maintenance Code Supplement, Title 12-G DCMR. If the enforcement official finds that removal is necessary the owner shall have at least ten (10) days to remove the billboard, unless an imminent danger requires less than ten (10) days due to public safety concerns. The owner shall obtain any demolition permits required for removal of the billboard.

1107.3 All billboards ordered to be removed shall be stricken from the Authorized List in § 1104.2 on the later of (1) expiration of the time limit set in the removal notice or order, if the owner has not appealed the order; or (2) if the owner has filed a timely appeal, upon affirmation of the order. Failure to comply with a removal order shall subject the relevant owners, upon adjudication, to the fines provided

for under the Civil Infractions Act and other penalties and remedies set forth in the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.

## **CHAPTER 12: ADDITIONAL STRUCTURAL AND TECHNICAL REQUIREMENTS**

### **1200 APPLICABILITY**

1200.1 This chapter shall apply to all signs displayed pursuant to this title, including associated appurtenant and auxiliary devices.

### **1201 GENERAL REQUIREMENTS**

1201.1 Signs and sign support structures, together with their supports, braces, guys and anchors shall be kept in good repair. The display surfaces of signs shall be kept neatly painted or posted at all times.

1201.2 Where not galvanized or constructed of approved corrosion-resistant, noncombustible material, signs shall be painted.

1201.3 The owner of every sign shall maintain the immediate premises occupied by the sign in a clear, sanitary, and healthful condition.

1201.4 No sign shall be displayed in a manner that obstructs a fire escape or any window, door, or opening used for egress or that prevents free passage from one part of a roof to another. No sign shall be attached to a fire escape or placed in a manner that interferes with an opening required for ventilation.

### **1202 STRUCTURAL AND MATERIAL REQUIREMENTS**

1202.1 Signs shall be designed and constructed to withstand wind pressure as required in Title 12-A DCMR, Chapter 16 (Structural Design) of the D.C. Building Code Supplement.

1202.2 Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as stated in Title 12-A DCMR, Chapter 16 of the D.C. Building Code Supplement.

1202.3 The allowable working stresses shall satisfy the requirements of Title 12-A DCMR, Chapter 16 of the D.C. Building Code Supplement. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners, except that:

- (a) The allowable working stresses for steel and wood shall be in accordance with Title 12-A DCMR Chapters 22 (Steel) and 23 (Wood) of the D.C. Building Code Supplement; and
- (b) The working strength of chains, cables, guys, or steel rods shall not exceed one fifth (1/5) of the ultimate strength of the chains, cables, guys, or steel rods.

1202.4 Signs attached to all structures shall be safely and securely fastened by metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. The structures to which signs are attached shall be designed to support the loads applied. Signs shall not be attached to or supported by unbraced parapet walls.

1202.5 For design of lateral bracing in the direction of the length of the sign, the wind shall be assumed at an angle of forty-five degrees (45°) with the front or back of the sign, and the bracing designed for the force on the projected area perpendicular to the wind.

1202.6 Ground supports shall comply with the following requirements:

- (a) Where wood is embedded in the soil, the wood shall be pressure treated with an approved preservative; and
- (b) Metal materials shall be protected from corrosion.

### **1203 COMBUSTIBLE AND NONCOMBUSTIBLE MATERIALS**

1203.1 Plastic materials shall burn at a rate no faster than two and one half inches (2 1/2 in.) per minute when tested in accordance with the most recent version of ASTM D 635.

1203.2 The following signs shall be made of noncombustible material except that sign capping, decorations, lettering, and moldings may be of combustible materials:

- (a) Wall signs exceeding forty square feet (40 sq. ft.) in area, flat against or supported not more than fifteen inches (15 in.) away from the wall;
- (b) Projecting signs exceeding two and one half square feet (2 1/2 sq. ft.) in area;
- (c) Ground-supported signs located six feet (6 ft.) or less from any building;
- (d) Roof signs, irrespective of height or area; and
- (e) Signs using electricity.

**1204 GLASS**

1204.1 Glass in signs shall be double-strength plain glass, plate glass, or wired glass. Glass shall be designed per the following table, except that no panel of more than ten square feet (10 sq. ft.) of glass other than wired glass shall be used in signs projecting over public space:

Maximum Size of Exposed Panel		Minimum Thickness of Glass	Type of Glass
Any dimension (inches)	Area (square inches)	(inches)	
30	500	1/8	Plain, plate, or wired
45	700	3/16	Plain, plate, or wired
144	3,600	1/4	Plain, plate, or wired
>144	>3,600	1/4	Wired

**1205 ELECTRICAL**

1205.1 A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the D.C. Electrical Code Supplement, 12-C DCMR. No spark or open flame shall be used for display purposes unless specifically approved.

1205.2 Except as otherwise provided in 12-A DCMR § 2611 of the D.C. Building Code Supplement, where internally illuminated signs have facings of wood or approved plastic, the area of such facing section shall not be more than one hundred twenty square feet (120 sq. ft.) and the wiring for electric lighting shall be entirely enclosed in the sign cabinet with clearance of not less than two inches (2 in.) from the facing material.

1205.3 The dimensional limit of one hundred twenty square feet (120 sq. ft.) stated in § 1205.2 shall not apply to sign facing sections made from flame-resistant coated fabric (ordinarily known as “flexible sign face plastic”) that weighs less than twenty ounces per square yard (20 oz. per sq. yd.) and that, when tested in accordance with the D.C. Fire Code Supplement, 12-H DCMR, meets the fire propagation performance requirements of both Test 1 and Test 2, or that, when tested in accordance with an approved test method, exhibits an average burn time

of two seconds (2 sec.) or less and a burning extent of five and nine tenths inches (59/10 in.) or less for ten (10) specimens.

- 1205.4 Signs that require electrical service shall comply with the D.C. Electrical Code Supplement, 12-C DCMR, and with the electrical permitting requirements of 12-A DCMR, Chapter 1.

## **1206 ANIMATED DEVICES**

- 1206.1 Signs that contain animated devices shall have fail-safe provisions that prevent the section or ornament from releasing and falling or shifting its center of gravity more than fifteen inches (15 in.).
- 1206.2 The fail-safe device shall be in addition to the mechanism and the mechanism's housing that operate the animated device. It shall be capable of supporting the full dead weight of the device when the moving mechanism releases.

## **CHAPTER 13: ENFORCEMENT AND ADJUDICATION**

### **1300 GOVERNING AUTHORITY**

- 1300.1 Enforcement and adjudication of this title with respect to signs on private property shall be governed by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) (Civil Infractions Act), and associated rules at 16 DCMR Chapter 31 and shall be conducted by the Director of the Department of Consumer and Regulatory Affairs (DCRA).
- 1300.2 The Director of DCRA is authorized to issue notices of violation or orders to the person(s) responsible for the unauthorized display of a sign or any other violation of this title with respect to signs on private property. The Director may also undertake abatement and corrective actions, pursuant to the procedures set forth in the D.C. Construction Codes, including the D.C. Property Maintenance Code Supplement, Title 12-G DCMR.
- 1300.3 Enforcement and adjudication of this title with respect to signs on public space and other public property shall also be governed by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) (Civil Infractions Act), and associated rules at 16 DCMR Chapter 31 and shall be conducted by the Director of the District Department of Transportation (DDOT).

- 1300.4 The Director of DDOT may also enforce this title through Section 9k of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921 *et seq.*).
- 1300.5 Notwithstanding § 1300.3, the Director of the Department of Public Works (DPW) may also enforce and adjudicate violations of §§ 606.1, through 606.7 and § 607 pursuant to the Litter Control Administration Act of 1985, effective March 25, 1985 (D.C. Law 6-10; D.C. Official Code §§ 8-801 *et seq.*) and associated rules at 24 DCMR Chapter 1300.
- 1300.6 Enforcement and adjudication of permits granted by DCRA pursuant to this title, shall be governed by Chapter 1, 12-A DCMR.
- 1300.7 The imposition of penalties prescribed in this title shall not preclude the Office of the Attorney General for the District of Columbia from instituting appropriate action to prevent unlawful display of a sign or to restrain, correct or abate a violation of this title.

#### CHAPTER 14: PERMITTING FEES

##### 1400 PERMIT APPLICATION FEES

- 1400.1 Fees for permit applications for signs on public space are listed in 24 DCMR § 225, Public Space Permit Fees.
- 1400.2 Fees for permit applications for signs on private property are listed in 12-M DCMR Chapter 1, DCRA Permits Division Schedule of Fees.
- 1400.3 Fees for basic business license renewal (Companies engaged in outdoor advertising) are listed in Title 17 DCMR (Business, Occupations, and Professionals), Chapter 5 (Basic Business License Schedule of Fees).

#### CHAPTER 99: DEFINITIONS

- 9900.1 As used in this title, the following terms shall have the meaning ascribed:

**Animated** – actual motion or the illusion of motion through devices activated by wind, thermal changes or other natural environmental input, or by a mechanical system powered by electric motors or other mechanically induced means. Animated devices include spinners, pinwheels, pennant strings and other devices that respond to naturally occurring external motivations.

**ASTM** – the American Society for Testing Materials.

**Awning** – an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is composed of a lightweight, rigid skeleton structure over which a covering is attached.

**Banner** – a hanging sign, typically of fabric, that can be hung perpendicular or parallel to the face of a building.

**Billboard** – a permanent signboard or structure on which lettering or images can be attached or posted.

**Building restriction area** – the portion of a lot between a building restriction line and a lot line adjoining a street.

**Building restriction line** – a line that defines a required set-back on a lot, a certain distance from the public right-of-way, that is recorded on the records of the Surveyor of the District of Columbia. Any area between a lot line adjoining a street and the building restriction line is private property set aside and treated as public space.

**Bulletin** – a free-standing or wall-mounted sign box usually constructed of metal with a hinged glass face, housing a letter board for changeable copy.

**Business day** – a day other than Saturday, Sunday, or a legal holiday in the District of Columbia. If business day is not specified, a day shall mean a calendar day.

**Call to Action** – an explicit, specific or blatant message to consumers from the sponsor that asks consumers to take action by purchasing, using, or considering the use of a sponsor's product or service, including providing price or value information and inducements to act.

**Canopy** – an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and at the outer end by at least one stanchion. A canopy is comprised of a rigid structure over which a covering is attached.

**Chinatown** – the area bounded by Mount Vernon Square, Massachusetts Avenue NW, 5th Street, NW, G Street, NW, and 8th Street, NW, as defined by Title 10-B DCMR, Chapter 24.

**Chinatown Steering Committee** – the Chinatown community organization, authorized under Mayor's Order 89-132, effective June 9, 1989, to advise

the District government on physical, economic, and social impacts in Chinatown.

**Chinatown Design Guidelines Study Report** – the publication that establishes building design guidelines and streetscape standards for Chinatown. See <http://planning.dc.gov/DC/Planning/In+Your+Neighborhood/Wards/Ward+2/Small+Area+Plans+&+Studies/Chinatown+Design+Guidelines+Study>.

**Civil Infractions Act** – the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.* (2012 Repl.)).

**Clean Hands Act** – the Clean Hands Before Receiving A License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861 *et seq.* (2012 Repl. & 2014 Supp.)).

**Commercial advertising** – a type of advertising that promotes or directs attention to businesses, goods, services, matters or activities for the purpose of encouraging their sale.

**Commission** – the Commission of Fine Arts.

**D.C. Building Code** – the 2012 International Building Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Building Code Supplement, 12-A DCMR, or any successor thereto.

**D.C. Construction Codes** – the 2012 International Codes published by the International Code Council and the 2011 National Electrical Code published by the National Fire Protection Association, and any subsequent editions thereof (together, the International Codes), as adopted by the District of Columbia with any additions, insertions, deletions and changes to the International Codes as set forth in the 2013 District of Columbia Construction Codes Supplement, 12 DCMR, or any successor thereto.

**D.C. Electrical Code** – the 2011 National Electrical Code published by the National Fire Protection Association and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Electrical Code Supplement, 12-C DCMR, or any successor thereto.

**D.C. Fire Code** – the 2012 International Fire Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes



as set forth in the 2013 District of Columbia Fire Code Supplement, 12-H DCMR, or any successor thereto.

**D.C. Property Maintenance Code** – the 2012 International Property Maintenance Code published by the International Code Council and any subsequent editions thereof, as adopted by the District of Columbia with any additions, insertions, deletions and changes as set forth in the 2013 District of Columbia Property Maintenance Code Supplement, 12-G DCMR, or any successor thereto.

**Designated Entertainment Area** – a specific area recognized by the Mayor as a destination venue that provides a concentrated number of venues for events, performances, or activities designed to entertain others.

**Digital sign** – A sign that is internally illuminated and displays static images or variable messages on an alternating basis. Digital signs do not include full motion video signs.

**Directional sign** – a sign providing information, either written or visual, that helps direct a person to a destination.

**District, Commercial** – C-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**District, Industrial** – CM-prefixed and M-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**District, Mixed Use** – CR-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**District, Residence** – R-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**District, Waterfront** – W-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**Display** – to construct, install, erect, hang, place, post, paint, project, or exhibit a sign.

**Drip line** – the area beneath the tree canopy that extends from a tree trunk's outermost leaves.

**Event** – an occurrence, happening, activity, or series of activities, specific to an identifiable time and place, if referenced on the sign itself or reasonably determined from all circumstances by the enforcement official.

**First story** – the story with the floor nearest to the average elevation of the surface of the ground where it meets the front wall of the building.

**Fixture** – a permanent installation on public space that includes lamp posts, telephone poles, and electric poles. The term fixture does not include traffic boxes, bus shelters, traffic lights, or regulatory signs.

**Freestanding sign** – a sign supported by one or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building or fence.

**Full motion video** – images presented on an internally illuminated device, including a television or a video monitor, that change at a rate that makes objects appear to move smoothly and continuously.

**Historic Preservation Office or HPO** – the administrative staff of the Mayor's Agent, State Historic Preservation Officer, and Historic Preservation Review Board.

**Historic Preservation Review Board** – the Historic Preservation Review Board established by the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code §§ 6-1101 *et seq.* (2012 Repl.)).

**Historic sign** – a sign that is original to a building, historically significant, or at least fifty (50) years old and that has features, qualities, or associations that may warrant preservation.

**Illumination** – artificial light emanating from within a sign, as from a video monitor, or projected onto a sign, as from a spot light.

**Logo** – the symbol, emblem, typeface, or other visual device used by an entity to identify itself and to distinguish itself from others in the marketplace.

**Lot line** – a line dividing one lot from another, or from a street or any public place.

**Luminance** – the luminous intensity emitted by the surface area of 1 cm<sup>2</sup> of the light source. The unit of luminance is cd/m<sup>2</sup> (or 1 nit).

**Mayor's Agent** – the person officially designated by a Mayor's Order to carry out specified functions pursuant to the Historic Protection Act, or the hearing officer to whom the officially designated Mayor's Agent has delegated the authority to hold public hearings pursuant to that act.

**National Capital Planning Commission (NCPC)** – the U.S. government agency that provides planning guidance for Washington, D.C. and the surrounding National Capital Region.

**Nit** – a brightness measurement of light whose standard is the amount of light that one candle gives off in one square meter of area. The nit is a unit of measurement that is used for light given off in illuminated displays such as computer screens, video games and other visual appliances.

**Neon sign** – a sign with luminous tubing that contain neon or other inert gases, which are illuminated through electrification and which displays a static or variable message

**Non-commercial advertising** – a type of advertising that is typically for the purpose of educating viewers on non-commercial matters or promoting specific ideas.

**Off-premise advertising** – advertisement of a brand name or trade name where the product or service advertised is only incidental to the principal activity, or it brings rental income to the property owner.

**Old Georgetown Act** – An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital, approved September 22, 1950 (64 Stat. 904; D.C. Official Code §§ 6-1201 *et seq.* (2012 Repl.)).

**On-premise advertising** – advertisement of the name of the establishment or the establishment’s principal or accessory products or services offered on the property.

**Permit holder** – the person, organization, or other entity issued a permit by a permitting official.

**Person** – any individual, corporation, company, association, partnership, firm, organization, or society.

**Public market** – a vending operation that takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site. The term “public market” may include a farmer’s market, flea market, antiques market, or other similar type of market.

**Public parking** – the area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or

planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.

**Public space** – all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District including any roadway, tree space, sidewalk, or parking between such property lines. Any building restriction area, where one exists on a lot, shall be treated as public space.

**Public Space Committee** – the committee established for the purpose of making final determinations in cases involving the use of public space as specified by Mayor's Order No. 1977-150, dated August 31, 1977, as amended.

**Real estate sign** – a sign announcing the sale or lease of land or premises.

**Replica sign** – a sign that replicates a historic or vintage sign.

**Residential Group R** – a building classification that includes Groups R-1, R-2, R-3 and R-4 occupancies.

**Shipstead-Luce Act** – An Act To regulate the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital, approved May 16, 1930 (46 Stat. 366; D.C. Official Code §§ 6-611.01 *et seq.* (2012 Repl.)).

**Show window** – a window for a street-level business behind which goods or services are displayed to passersby.

**Sidewalk sign** – a portable (typically double-sided, unlit) sign designed to stand independently upon a surface on which it is placed.

**Sign** – a physical medium or display, including its structure and component parts, used to advertise, to identify a person, object, or entity, to provide information, or to convey a message, consisting of words, letters, figures, designs, symbols, numbers, illumination, or projected images.

**Special Purpose District** – SP-prefixed zoning districts (or the successors thereto) as defined by the Zoning Regulations.

**Special Sign** – a sign that is displayed on an outdoor structure or exterior wall or surface of a building pursuant to a Special Sign permit issued by the Director of the Department of Consumer and Regulatory Affairs under the Rules for Special Signs adopted September 22, 2000 (47 DCR 7695).

**Special Sign Artwork** – the visual characteristics on a Special Sign.

**Sponsor** – the entity that contracts with the permit holder for the use of a Special Sign to display the sponsor's artwork.

**Temporary sign** – a sign erected for a limited and defined period of time.

**Transit information sign** – a sign that provides real time information on a variety of public transportation options at a location, including buses, trains, and shared vehicles.

**Variable message sign** – an electronic, dynamic-sign (often abbreviated VMS, CMS, or DMS) upon which the images or messages provided change. Variable message signs include digital signs, full motion video signs, and electronic traffic signs used on roadways to give travelers information about special events.

**Vintage sign** – a sign more than fifty (50) years old that has distinctive characteristics or aesthetic qualities that lend character to a building or district.

**Zoning Regulations** – Title 11 DCMR.

**12-A DCMR § 3107 and 12-A DCMR Appendix N of the D.C. Building Code Supplement are repealed.**

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than sixty (60) days after the publication of this notice in the *D.C. Register*, with Alice Kelly, Manager, Policy Branch, Policy, Planning and Sustainability Administration, District Department of Transportation, 55 M Street, S.E., 5<sup>th</sup> Floor, Washington, D.C. 20003. An interested person may also send comments electronically to [policy.ddot@dc.gov](mailto:policy.ddot@dc.gov). Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at [www.ddot.dc.gov](http://www.ddot.dc.gov).

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Title IX of the Firearms Regulations Control Act of 1975 (Act), effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), and any substantially similar emergency, temporary, or permanent versions of this legislation, and Mayor’s Order 2015-36, dated January 9, 2015, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to establish procedures for the newly-created Concealed Pistol Licensing Review Board to conduct hearings from appeals of any denials of an application for a concealed pistol license issued by the Chief of the Metropolitan Police Department.

A recent court decision has determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491). Additionally, the establishment of hearing procedures is necessary to protect and promote the health, safety, security, and welfare of District residents by assuring that any applicant that is subject to an adverse decision by the Chief may obtain administrative review of such decision.

This emergency rulemaking was adopted on January 21, 2015, became effective immediately, and will remain in effect for up to one hundred twenty (120) days or until May 21, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. In addition, the City Administrator gives notice of the intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**A new Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, is added to Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, to read as follows:**

**CHAPTER 12 CONCEALED PISTOL LICENSING REVIEW BOARD**

<b>Sec.</b>	<b>Title</b>
<b>1200</b>	<b>General Provisions</b>
<b>1201</b>	<b>Computation of Time</b>
<b>1202</b>	<b>Request for Appeal</b>
<b>1203</b>	<b>Notice of Contested Case Hearing</b>
<b>1204</b>	<b>Appearances and Representation</b>
<b>1205</b>	<b>Service of Papers</b>
<b>1206</b>	<b>Record of Meetings and Hearings</b>

- 1207 Meetings and Hearings
- 1208 Evidence
- 1209 Pre-Hearing Conferences and Discovery
- 1210 [RESERVED]
- 1211 [RESERVED]
- 1212 Stipulations
- 1213 Continuances
- 1214 Nonappearance of Parties and Defaults
- 1215 Assignment of Board Members to Hearing Panels
- 1216 Interpreters
- 1217 Specific Rules of Hearing Procedure
- 1218 Burden of Proof
- 1219 Post-Hearing Procedures
- 1220 Proposed Findings
- 1221 Final Decision
- 1222 Reconsideration
- 1223 Subpoenas and Depositions
- 1224 Service of Subpoena or Notice of Deposition
- 1225 Transcripts: Citation and Cost
- 1226 Summary Suspension Hearing
- 1299 Definitions

**1200 GENERAL PROVISIONS**

- 1200.1 The purpose of this chapter is to implement Section 908 of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)), to establish review and hearing procedures for the Concealed Pistol Licensing Review Board (Board) created by the Act.
- 1200.2 In any conflict within this chapter between general and specific provisions, the specific provisions shall govern.
- 1200.3 In any conflict between this chapter and any provision of the Act, the Act shall govern.
- 1200.4 Any reference to “the Board” shall mean the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to conduct hearings and render final decisions by the Act.
- 1200.5 The Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

**1201 COMPUTATION OF TIME**

- 1201.1 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.
- 1201.2 The last day of the computed period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- 1201.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation unless an applicable statute expressly provides otherwise.
- 1201.4 For the purposes of this chapter, “legal holiday” includes the following:
- (a) New Year’s Day;
  - (b) Martin Luther King Jr.’s Birthday;
  - (c) President’s Day;
  - (d) District of Columbia Emancipation Day;
  - (e) Memorial Day;
  - (f) Independence Day (4th of July);
  - (g) Labor Day;
  - (h) Columbus Day;
  - (i) Veterans Day;
  - (j) Thanksgiving Day;
  - (k) Christmas Day; and
  - (l) Any other day designated a legal holiday by the President of the United States or the District of Columbia government.
- 1201.5 When an act is required or allowed to be done at or within a specified time, the Board may at any time in its discretion and for good cause shown, do either of the following:
- (a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or



- (b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

## **1202 REQUEST FOR APPEAL**

1202.1 Within the time periods established by the Act, a person may file a request for an appeal hearing to the Board if the Chief of the Metropolitan Police Department (Chief) has:

- (a) Denied the person's application or renewal application for a license to carry a concealed pistol in the District pursuant to the Act; or
- (b) Issued a limitation or revocation of a license to carry a concealed pistol pursuant to the Act.

1202.2 A request for an appeal hearing shall be submitted in writing to the Board at the address contained in any notice of final action of the Chief that was issued to the person.

1202.3 The request for hearing need not follow any specific format, although blank forms may be created and made available by the Board. A request for hearing should contain the following information:

- (a) A short description of the Chief's final action being appealed;
- (b) A description of reasons why the Chief's final action was in error and the relief sought from the Board;
- (c) A copy of the Chief's final action being appealed;
- (e) The appellant's full name, address, email address, and telephone and fax numbers, as well as the same information for any attorney representing the appellant in the appeal; and
- (f) All written materials that the appellant wishes the Board to consider at any hearing.

1202.4 Not later than ten (10) days after receipt of the request for appeal hearing, the Chairperson of the Board shall:

- (a) Assign a three (3) member panel (Panel) and appoint a presiding member (Presiding Member) to review the request for hearing or assign the hearing to the full Board;
- (b) Deliver a copy of the request for appeal hearing to the Chief, a notice of the names of the three (3) member panel and Presiding Member, if

applicable, and a notice to provide the Board with information concerning the final action that is the subject of the request for appeal hearing; and

- (c) Send a notice to the appellant of receipt of the request for hearing, the names of the three (3) member panel, and the Presiding Member, if applicable.

1202.5 Not later than ten (10) days after receipt of any information provided by the Chief pursuant to § 1202.4(b), the Board or Panel shall meet to determine if based upon the information submitted by the appellant and Chief there is a dispute that requires the Board or Panel to conduct a contested case hearing.

1202.6 If the Board or Panel determines that their resolution of the matters in dispute will not be aided by a contested case hearing, the Board or Panel shall issue a decision to sustain the final action of the Chief, reverse the action of the Chief, or modify the decision of the Chief and also include in the decision the basis for its decision to forego a contested case hearing.

1202.7 If the Board or Panel determines that a contested case hearing is necessary for the resolution of the matters in dispute, then it shall issue a notice of hearing to the appellant and Chief to take place on a date not less than thirty (30) or more than forty-five (45) days from the date of the notice.

### **1203 NOTICE OF CONTESTED CASE HEARING**

1203.1 A notice of hearing issue by the Board shall:

- (a) Provide the time, date, and location of the hearing;
- (b) Reference applicable statutes, rules, or regulations;
- (c) State the matters in dispute;
- (d) Advise the parties that they may be represented by counsel or other representative of their choosing;
- (e) Advise the parties that they may present oral testimony through themselves or witnesses and they may seek to have the attendance of a witness compelled by subpoena; provided, that the name of any witness to be presented by a party is submitted to the opposing party not less than ten (10) days prior to the date of the hearing;
- (f) Advise the parties they may supplement any materials previously submitted pursuant to § 1202.3(f) and present any relevant written or recorded statements made by the parties and any books, papers, documents, photographs, tangible objects, or other evidence which is in their possession for consideration by the Board; provided, that copies of

such evidence is delivered to the opposing party not less than ten (10) days prior to the date of the hearing;

- (g) Advise the parties that any witness may be cross-examined by the opposing party or questioned by any member of the Board;
- (h) Advise the parties that pursuant to the Act, the burden of proof, the burden of production of evidence, and the burden of persuasion is on the appellant;
- (i) Advise the parties that they may present rebuttal evidence within any limits established by the Presiding Member;
- (j) Advise the parties that they may apply for the services of a qualified interpreter if they or a witness is deaf, hearing impaired, or cannot readily understand or communicate the spoken English language;
- (k) Advise the appellant that failure to appear for the hearing will, absent good cause to permit the hearing to be rescheduled, result in the Board entering a dismissal of the appeal and sustaining the final action of the Chief; and
- (l) Advise the parties of the date, time, and location or manner of any pre-hearing conference.

**1204 APPEARANCES AND REPRESENTATION**

- 1204.1 In a proceeding before the Board, any person or party may appear on his or her own behalf.
- 1204.2 Any person or party may be represented by any other person duly authorized in writing to do so.
- 1204.3 The authorization shall be in a manner prescribed by the Board and shall state either that the individual is an attorney duly licensed to practice law in the District or, if not an attorney duly licensed to practice law in the District of Columbia, that the authorization includes the power of the agent or representative to bind the person in the matter before the Board. An attorney licensed to practice law by a jurisdiction within the United States may represent a person before the Board.

**1205 SERVICE OF PAPERS**

- 1205.1 Any paper required to be served upon a party shall be served upon him or her or upon the representative designated by him or her, or on any person otherwise designated by law to receive service of papers.

- 1205.2 When a party has appeared through an attorney or representative, service shall be made upon the attorney or representative of record.
- 1205.3 Service may be made by personal delivery, by mail, by email, or as otherwise authorized by law.
- 1205.4 Service upon a party shall be completed as follows:
- (a) By personal delivery: On handing the paper to the person to be served, or leaving it at his or her office with his or her administrative assistant or time clerk or other person in charge or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, by leaving it at his or her usual place of residence with some person of suitable age and discretion then residing in that place;
  - (b) By email: Upon sending the paper electronically to his or her email address or to the email address of his or her attorney or representative as listed on the written appearance submitted pursuant to § 1204.
  - (c) By mail: On depositing the paper in the United States mail, properly stamped and addressed to the address provided by a person on any application for license or that appears on any license issued by the Chief; or
  - (d) Upon being served in the specific manner prescribed by an order of the Board made in any proceeding.
- 1205.5 Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document served.
- 1205.6 Proof of service may be made by filing with the Board any of the following:
- (a) A written acknowledgment of the party served or his or her attorney of record;
  - (b) A certificate of the attorney of record if he or she has made the service; or
  - (c) A certificate of the person making the service.
- 1205.7 For the purposes of this chapter, the phrase “filing with the Board,” means the actual or electronic delivery to, and physical or electronic receipt by, the Board of pleadings and other papers.

1205.8 All documents filed with the Board relating to a hearing shall bear a caption which identifies the appellant, the Board's case or reference number, and the title of the pleading or document.

1205.9 All documents filed with the Board shall be printed on letter-sized paper using a font no smaller than twelve (12) point.

## **1206 RECORD OF MEETINGS AND HEARINGS**

1206.1 All meetings whether open or closed shall be recorded by electronic means; provided, that if a recording is not feasible, detailed minutes of the meeting shall be kept.

1206.2 Changes in the official transcript may be made only when they involve errors affecting substance and upon the filing of a motion by a party to correct a transcript with the Board.

1206.3 Copies of any motion to correct a transcript shall be served simultaneously on all opposing parties or legal representatives.

1206.4 Objections to the motion to correct a transcript shall be filed with the Board within five (5) days and served upon the parties.

1206.5 The transcript may be changed by the Board at a public meeting to reflect any corrections.

## **1207 MEETINGS AND HEARINGS**

1207.1 Hearings shall be scheduled as needed for the purpose of receiving evidence and testimony on specific matters.

1207.2 Meetings and hearings shall be held at the time and place the Presiding Member designates.

1207.3 The Presiding Member may conduct all or part of any prehearing conference, or decision meeting by telephone, television, video conference, or other electronic means.

1207.4 An evidentiary hearing may be conducted by telephone, television, video conference, or other method only if:

(a) All parties consent; or

(b) The Presiding Member finds that this method will not impair reliable determination of the credibility of testimony, and each party must be given an opportunity to attend, hear, and be heard at the proceeding as it occurs.

1207.5 A Board member attending the decision meeting and having read the transcript or listened to or viewed any available electronic recording of the hearing, and having reviewed the complete record may vote even though that member may not have attended any or all of the prior meetings or hearings on a matter before the Board.

## **1208 EVIDENCE**

1208.1 Evidence shall be taken in conformity with D.C. Official Code § 2-509(b) (2012 Repl.).

1208.2 The Presiding Member may permit rebuttal evidence.

1208.3 Any party objecting to the admissibility of evidence shall state the grounds of the objection(s) relied upon.

1208.4 A party may place on the record a statement summarizing any evidence excluded by the Presiding Member.

1208.5 If excluded evidence consists of documentary evidence, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.

1208.6 The Presiding Member, in his or her discretion, may receive into evidence certified copies of documents in place of the originals.

1208.7 If a party is offering materials contained in a book or larger document, that party shall plainly designate the relevant portions. The remaining material contained in that book or document shall be excluded.

1208.8 Except as provided in D.C. Official Code § 2-509(b) (2012 Repl.), no document or other writing shall be accepted for the record after the close of the hearing, except with the consent of the Presiding Member after due notice to the opposing parties and only when the receipt of the document will not unfairly affect the interest of a party.

1208.9 Witnesses may be examined or cross-examined by each member of the Board, or any party or the party's representative.

1208.11 The Presiding Member may admit hearsay evidence during an evidentiary hearing if the Presiding Member determines it will be relevant and material to the resolution of any factual issue in dispute in the matter before the Board.

## **1209 PRE-HEARING CONFERENCES AND DISCOVERY**

1209.1 Prior to any scheduled evidentiary hearing, the Presiding Member may require that the appellant and/or his or her attorney or representative appear for a pre-

hearing conference with the Chief and/or the Chief’s representative to consider the following:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the issues in dispute;
- (c) The possibility of obtaining the admission of facts and documents which will avoid unnecessary proof;
- (d) Limitation of the number of witnesses; and
- (e) Other matters which may aid in the disposition of the appeal.

1209.2 The Presiding Member may issue a pre-hearing statement which recites the action taken at the conference, the amendments allowed to the issues in dispute, and the agreements made by the parties as to any of the matters considered which limit the issues for hearing to those issues not disposed of by admissions or agreements of counsel or parties.

1209.3 The Presiding Member may issue a pre-hearing order concerning the timing and manner of discovery and any pretrial motions or orders.

**1210 [RESERVED]**

**1211 [RESERVED]**

**1212 STIPULATIONS**

1212.1 Apart from stipulations reached during or as a result of the pre-hearing conference, the parties may stipulate in writing at any stage in the proceeding or orally during the hearing any relevant fact or the contents or authenticity of any document.

1212.2 Post-conference stipulations may be received as evidence.

1212.3 Parties may also stipulate the procedure to be followed in the proceeding and such stipulation may, on motion of all parties, be approved by the Presiding Member and govern the conduct of the proceeding.

**1213 CONTINUANCES**

1213.1 A hearing scheduled to be conducted before the Board shall not be delayed by a continuance unless a motion for the continuance is made not less than five (5) days before the scheduled hearing date.

1213.2 A continuance shall not be granted unless the motion for continuance, in the Board’s opinion, sets forth good and sufficient cause for the continuance.

1213.3 Conflicting engagements of counsel or a party’s representative or absence of counsel or a party’s representative shall not be regarded as sufficient cause for continuance unless set forth in a motion filed promptly after notice of the hearing has been given. The employment of new counsel or a new representative shall not be regarded as sufficient cause for continuance unless a motion for continuance is filed promptly after the party becomes aware that the employment of the former counsel or representative will end.

**1214 NONAPPEARANCE OF PARTIES AND DEFAULTS**

1214.1 The Presiding Member may wait a reasonable length of time for a party to appear before beginning a proceeding. After a reasonable time, however, if a party who has received notice has not appeared, the Presiding Member may proceed as follows:

- (a) The Presiding Member may proceed with the hearing, obtain the testimony of those persons present, and, on the basis of the testimony and the record, the Board may issue a decision in the case;
- (b) The Presiding Member, for good cause, may postpone the hearing without taking testimony; or
- (c) In the case of the appellant failing to appear, the Presiding Member, with the concurrence of a majority of the members present, may dismiss the appeal and sustain the decision of the Chief.

**1215 ASSIGNMENT OF BOARD MEMBERS TO HEARING PANELS**

1215.1 Board members shall sit on hearing panels in such order and at such times as the Chairperson of the Board directs.

1215.2 In determining the composition of a hearing Panel, the Chairperson shall:

- (a) Comply with the requirements of Section 908(c) of the Act;
- (b) Assign the Board member designated by the Director of the Department of Behavioral Health or the public member who qualifies as mental health professional to any hearing panel at which an issue concerning the mental health of the appellant will be adjudicated; and
- (c) Make hearing assignments in a manner that equitably divides the workload evenly among the Board members.



1215.3 In the sole discretion of the Chairperson, a hearing may be assigned to the full Board.

1215.4 Any decision of a hearing Panel shall be the final decision of the Board with no right of any party to request consideration by the full Board; provided, a party may request reconsideration, rehearing, or re-argument before the Panel pursuant to Section 1222.

## **1216 INTERPRETERS**

1216.1 The Board shall ascertain before the hearing whether an interpreter will be required, pursuant to the notice issued pursuant to Subsection 1203.1, and shall make appropriate arrangements if an interpreter is required.

1216.2 An oath or affirmation shall be administered to the interpreter orally or in writing.

## **1217 SPECIFIC RULES OF HEARING PROCEDURE**

1217.1 A party may cross-examine any other party or person, except that the Presiding Member may rule a question out of order when it is irrelevant, immaterial, or unduly repetitious.

1217.2 Witnesses shall be examined and cross-examined orally under oath or affirmation.

1217.3 The order of procedure at the hearing shall be as follows:

- (a) Call to order and opening comments by the Presiding Member;
- (b) Consideration of pending motions and procedural matters;
- (d) The appellant's case;
- (e) The Chief's case; and
- (g) Any rebuttal offered by the appellant.

1217.4 In an evidentiary hearing, no decision or order of the Board shall be made except upon the exclusive record of the proceedings before the Board.

## **1218 BURDEN OF PROOF**

1218.1 In all cases before the Board the appellant has the burden of persuading the Board that the Chief's final action should be reversed or modified based on substantial evidence.

1218.2 The appellant has the burden of producing evidence that (1) the appellant met all the non-discretionary requirements of the Act, and (2) that having met all the non-discretionary requirements of the Act, the Chief's exercise of discretion was not supported by reliable, probative, and substantial evidence.

**1219 POST-HEARING PROCEDURES**

1219.1 The record shall be closed at the end of the hearing, except that the record may be kept open for a stated period for the receipt of specific exhibits, information, or legal briefs, as directed by the Chairperson or Presiding Member.

1219.2 Prior to issuing the final decision, the Board may, on its own motion, reopen the record and require further hearing or briefing on designated issues before the Board.

1219.3 Notice of a further hearing along with a designation of issues shall be forwarded to any party who participated in the earlier proceedings, or his or her legal representative. Notice shall be given at least fourteen (14) days prior to the date set for further hearing.

**1220 PROPOSED FINDINGS**

1220.1 The Board may request parties to submit proposed findings of fact and conclusions of law for the consideration of the Board within the time the Presiding Member may direct.

1220.2 Copies of proposed findings and conclusions shall be served by each party upon the opposing party.

**1221 FINAL DECISION**

1221.1 Within ninety (90) days after the conclusion of the hearing, the Board shall render its decision in writing setting forth findings of fact and conclusions of law and giving the reasons for the decision.

1221.2 The conclusions or opinion in the decision shall be governed by and based upon all the evidence adduced at the hearing.

1221.4 A decision shall be supported by substantial evidence on the record. Pursuant to the substantial evidence rule, courts shall uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.

1221.5 The decision shall sustain, reverse, or modify the final action as requested by the appellant or the Chief.

1221.6 The decision shall include an instruction that the appellant or the Chief may pursue judicial review in the manner provided by the Act.

## **1222 RECONSIDERATION**

1222.1 Any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case hearing shall be filed by a party within ten (10) days of the order having become final. The motion shall be served upon the opposing party. The Board shall not receive or consider any motion for reconsideration, rehearing, or re-argument of a final decision in a contested case proceeding that is filed prior to the order having become final.

1222.2 A motion for reconsideration, rehearing, or re-argument shall state specifically the respects in which the final decision is claimed to be erroneous, the grounds of the motion, and the relief sought.

1222.3 Within seven (7) days after a motion has been filed and served, an opposing party may file a response in opposition to or in support of the motion.

1222.4 Neither the filing nor the granting of the motion shall stay a decision unless the Board orders otherwise.

1222.5 A motion for reconsideration, rehearing, or re-argument shall not be a prerequisite to judicial review.

## **1223 SUBPOENAS AND DEPOSITIONS**

1223.1 The Board may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence.

1223.2 Each subpoena issued by the Board shall include the following:

- (a) The name of the respondent;
- (b) The title of the action;
- (c) A specification of the time allowed for compliance with the subpoena; and
- (d)
  - (1) A command to the person to whom it is directed to attend and give testimony at a time and place specified in the subpoena; or
  - (2) A command to the person to whom it is directed to produce and permit inspection and copying of the books, papers, documents, or tangible things designated in the subpoena.

- 1223.3 Any party may, by a written motion, request the Board to subpoena particular persons or evidence.
- 1223.4 A request for subpoena shall state the relevancy, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence, the identification of all documents desired and the facts to be proven by them in sufficient detail to indicate materiality and relevance.
- 1223.5 Any person to whom a subpoena is directed may, prior to the time specified in the subpoena for compliance, request the Board to quash or modify the subpoena.
- 1223.6 Any application to quash a subpoena shall be accompanied by a brief statement of the reasons supporting the motion to quash.
- 1223.7 The Board may quash or modify the subpoena upon a showing of good cause.
- 1223.8 Upon written notice and for extraordinary circumstances, such as the need to preserve testimony or the need to obtain testimony from a non-resident witness or party, the Board may order testimony to be taken by deposition, before any person who is designated by the Board to administer oaths. Such deposition may be conducted by video conference or other electronic means approved by the Board.

#### **1224 SERVICE OF SUBPOENA OR NOTICE OF DEPOSITION**

- 1224.1 A subpoena or notice of deposition may be served by any person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena or notice upon a person named therein shall be made by delivering a copy of the subpoena to the person and, if the person's attendance is commanded, by tendering to that person the fees for one (1) day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or the District of Columbia or an officer or agency thereof, fees and mileage need not be tendered.
- 1224.2 Witnesses are entitled to a witness fee of forty dollars (\$40) per day and the cost of public transportation to the proceeding or a mileage fee calculated at seventeen cents (17¢) per mile.
- 1224.3 Service of a subpoena or notice of deposition, and fees, to an individual may be made by any of the following means:
- (a) Handing the subpoena or notice to the person;
  - (b) Leaving the subpoena or notice at the person's District Government office with the person in charge of the office;

- (c) Leaving the subpoena or notice at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing in that dwelling place or abode; or
- (d) Mailing the subpoena or notice by registered or certified mail to the person at the person's last known address.

1224.4 When the person to be served is not an individual, a copy of the subpoena or notice of the deposition and fees shall be delivered by one (1) of the following ways:

- (a) Handing the subpoena or notice to a registered agent for service;
- (b) Handing the subpoena or notice to any officer, director, or agent in charge of any office of that person; or
- (c) Mailing the subpoena or notice by registered or certified mail to the representative at his or her last known address.

1224.5 The individual serving a subpoena shall file with the Board a return of service setting forth the facts establishing proper service.

1224.6 The Board may, upon the failure by any person to obey a subpoena served upon that person, apply to the D.C. Superior Court for an order requiring the person to appear before the Board to give testimony, produce evidence, or both. If a person fails to obey the order without an adequate excuse, the Board may apply for an order that the person be held by the court for contempt.

## **1225 TRANSCRIPTS: CITATION AND COSTS**

1225.1 All evidentiary proceedings, except for settlement conferences, shall be recorded. The recording is the official record of what occurred at the proceeding.

1225.2 Any party may obtain a copy of the recording of a hearing at the party's expense.

1225.3 Transcripts of the recording of the proceedings shall be prepared by a qualified reporter or transcriber who shall personally certify that he or she is not a party or counsel to a party or otherwise related to or employed by a party or counsel in the case; that he or she has no material interest in the outcome of the case; and that the transcript represents the testimony and proceedings of the case as recorded.

1225.4 In filings, a party may only rely upon a transcript prepared according to this section.

- 1225.5 Unless otherwise stipulated by the parties or ordered by Board, if a party cites to a portion of a transcript, the entire transcript of the case must be filed with the Board, and a copy must be served on the opposing party.
- 1225.6 In any case in which a party files a petition for review in the District of Columbia Court of Appeals, the Board will arrange for the preparation and filing of a transcript without charge only if the Court of Appeals has permitted the Petitioner to proceed *in forma pauperis*. In all other cases, the Board will arrange for preparation and filing of a transcript only after the Board receives payment for the cost of preparing the transcript.

## **1226 SUMMARY SUSPENSION HEARINGS**

- 1226.1 Any person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3, within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board.
- 1226.2 The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing.
- 1226.3 The Board shall notify the Chief and the appellant of the date and location of the hearing as soon as practical.
- 1226.4 The Chief shall have the burden of production and the burden of persuasion for the summary suspension.
- 1226.5 A summary evidentiary hearing shall be conducted in a manner that provides opportunity to the licensee to challenge the basis of the Chief's suspension action through the presentation of documentary evidence and testimony, as well as the ability to examine and cross examine any witness.
- 1226.6 If the Board sustains the suspension, it shall issue a written decision setting forth its findings of facts and conclusions of law. The decision to sustain the suspension will expire within thirty (30) days unless the Chief has served the licensee a notice of intent to revoke pursuant to Section 905 of the Act. If the Chief has served the licensee a notice of intent to revoke pursuant to section 905 of the Act, the summary suspension shall remain in effect until the Chief revokes the permit or, if a timely request for an appeal of the notice of revocation has been filed with the Board, the conclusion of the notice of revocation appeal.
- 1226.7 Any decision of the Board to sustain a suspension shall be a temporary decision and not a final action. There is no right of appeal from a decision of the Board to sustain a summary suspension action. Any right of appeal upon facts or conclusions that formed the basis of a summary suspension must follow a final

decision of the Board to sustain a revocation of the license that was the subject of the summary suspension.

## 1299 DEFINITIONS

1299.1 For the purposes of this chapter, the term:

“**Act**” – means Title IX of the Firearms Regulations Control Act of 1975, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866 (January 23, 2015)) and any substantially similar emergency, temporary, or permanent versions of this legislation.

“**Board**” – means the Concealed Pistol Licensing Review Board created by the Act, or any hearing panel authorized to conduct hearings and render final decisions by the Act.

“**Chairperson**” – means the Chairperson of the Concealed Pistol Licensing Review Board created by the Act.

“**Chief**” – means the Chief of the Metropolitan Police Department or his or her designee.

“**Panel**” – means a hearing panel authorized by the Act and comprised of three (3) members of the Board designated to review an appeal, conduct any evidentiary hearing, and render any temporary or final decision on the appeal.

“**Presiding Member**” – means the Board member presiding over an appointed hearing panel, or the Chairperson when an appeal is assigned to the full Board.

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

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 1915, entitled “Host Home Services”, of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of host home services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S Department of Health and Human Services, Centers for Medicaid and Medicare Services, for a five-year period beginning November 20, 2012. Host home without transportation services provide essential supports whereby a homeowner assists the person with multiple activities, including activities of daily living, to enable him/her to live successfully in the community.

A Notice of Emergency and Proposed rulemaking was published in the *D.C. Register* on October 3, 2014 at 61 DCR 10377, amending the previously published final rules by increasing the rates, using the approved rate methodology, to reflect the increase in the D.C. Living Wage to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)). Comments were received and these emergency and proposed rules revise the previously published emergency and proposed rules by: (1) updating requirements for the health care monitoring of persons in host homes by a registered nurse to occur at least every one hundred twenty days (120) for a person not on medication; and (2) clarifying requirements about weekly progress notes.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of host home without transportation services. The ID/DD Waiver serves some of the District’s most vulnerable residents. The rate increase is necessary to ensure a stable workforce and provider base. In order to ensure that the residents’ health, safety, and welfare are not threatened, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on January 7, 2015 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until May 7, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.



The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Section 1915, HOST HOME, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**1915 HOST HOME WITHOUT TRANSPORTATION SERVICES**

- 1915.1 The purpose of this section is to establish standards governing Medicaid eligibility for host home without transportation services under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver), and to establish conditions of participation for providers of host home services.
- 1915.2 Host home without transportation services enable a person to retain or improve skills related to: health; activities of daily living; money management; community mobility; recreation; cooking; shopping; use of community resources; community safety; and to develop other adaptive skills needed to live in the community.
- 1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:
- (a) Provided in a private home, referred to as “host home”, which may be leased or owned by the principal care provider; and
  - (b) Identified as a need in the person’s Individual Support Plan (ISP) and Plan of Care.
- 1915.4 The total number of persons living in the host home (including those served in the ID/DD Waiver), who are unrelated to the principal care provider cannot exceed three (3).
- 1915.5 In order to be reimbursed by Medicaid, the principal care provider shall:
- (a) Use the Department of Disabilities Services (“DDS”) approved person-centered thinking tools to develop an assessment that includes what is important to and for the person, within the first month of the person residing in the home;
  - (b) Participate in the development of the ISP and Plan of Care to ensure the ISP goals are clearly defined;

- (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current ISP;
- (d) Develop a support plan with measurable outcomes using the information from the DDS approved person-centered thinking tools, the ISP, Plan of Care, and other information as appropriate to assist the person in achieving their goals; and
- (e) Review the person's ISP and Plan of Care goals, objectives, and activities at least quarterly, and more often as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.

1915.6 In order to be reimbursed by Medicaid, the principal care provider shall provide personal supports and assistance to the person in the host home. These services shall include, but are not limited to, the following:

- (a) Room and board (not included in the ID/DD Waiver reimbursement rate);
- (b) Assistance with eating and food preparation;
- (c) Assistance with personal hygiene;
- (d) Assistance with dressing;
- (e) Assistance with monitoring the person's health and physical condition;
- (f) Assistance with the administration of medication;
- (g) Assistance with communication between the person and other health care providers;
- (h) Assistance with interpersonal and social skills;
- (i) Assistance with household chores;
- (j) Assistance with mobility;
- (k) Assistance with motor and perceptual skills;
- (l) Assistance with problem-solving and decision-making;
- (m) Maintenance of medical records;

- (n) Maintenance of financial records;
- (o) Assistance with attending health care appointments, by the coordination of transportation to and from the person's appointments;
- (p) Assistance with planning and attending events;
- (q) Habilitative support in activities of daily living and/or therapeutic goals and objectives as described in the ISP and Plan of Care;
- (r) Assistance with enhancing the person's opportunities for social, recreational, and religious activities utilizing community resources; and
- (s) Assistance with ensuring that the person's adaptive equipment is appropriate and functioning.

1915.7 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall coordinate the delivery of professional services to each person residing in a host home that may include, but are not limited to, the following disciplines or services:

- (a) Medical Care;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Behavioral support;
- (i) Community supports;
- (j) Social work;
- (k) Speech, hearing and language therapy; and
- (l) Recreation.

1915.8 In order to be reimbursed by Medicaid, each ID/DD Waiver provider that oversees a person's host home placement shall:

- (a) Receive and review packets submitted by DDS requesting development of a host home for a particular applicant;
- (b) Respond to inquiries for host home development in a timely manner;
- (c) Recruit a principal care provider to deliver host home services;
- (d) Identify and develop on-going relationships with local medical professionals (*e.g.*, dentist, physician, psychiatrist, psychologist, occupational therapist, physical therapist, etc.);
- (e) Coordinate a minimum of one (1) visit by the person to the prospective principal care provider's home, one of which may be an overnight stay;
- (f) Coordinate transportation with the DDS Service Coordinator for visits to the prospective host home of the principal care provider;
- (g) Participate in a person centered planning process to develop the person's ISP and Plan of Care;
- (h) Arrange for essential supports, including training, supplies and equipment to be in place prior to the person's move into a host home setting;
- (i) Arrange for non-essential, but recommended and necessary supports to be put into place subsequent to a person's move into a host home setting; and
- (j) Provide information as needed to the person, the person's family or authorized representative, support team, DDS Service Coordinator, and the principal care provider.

1915.9 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall:

- (a) Coordinate the use of transportation for each person residing in a host home to their day programs, places of employment, and/or community outings as needed;
- (b) Coordinate general support monitoring at least twice per month to review conditions in the host home, the person's health status, implementation of the ISP, update activity schedules, review medical and other appointments, and draft progress notes;
- (c) Coordinate health care monitoring for each person residing in the host homes including, at a minimum, monitoring by a registered nurse at least

every one hundred twenty (120) days for persons with no medications, and at least monthly for persons on medications; and complete monthly progress notes during each visit, as appropriate;

- (d) Provide respite to the principal care provider for up to a total of fourteen (14) days per year. If respite care and emergency support is provided in the host home, Medicaid reimbursement payments for host home services shall continue for fourteen (14) days. If respite is provided in another location, the host home services percentage of the reimbursement rate shall be paid to the ID/DD Waiver provider;
- (e) Provide emergency support to the person enrolled in the ID/DD Waiver, in the event that an emergency renders a principal care provider unable to provide supports;
- (f) Coordinate compliance with DDS policies and procedures;
- (g) Provide training to ensure that the principal care provider is knowledgeable about DDS policies and procedures;
- (h) Ensure that the principal care provider is trained on medication administration; and
- (i) Accompany the person to annual review court hearings and provide reports to be utilized during court hearings.

1915.10 In order to be reimbursed by Medicaid, the principal care provider may be a family member who is not a parent, spouse or other legally responsible relative of the person enrolled in the ID/DD Waiver.

1915.11 In order to be reimbursed by Medicaid, the host home residence and the ID/DD Waiver provider shall meet the DDS Certification Standards as set forth in the Human Care Agreement between the principal care provider, the ID/DD Waiver provider, and DDS, if applicable.

1915.12 In order to be reimbursed by Medicaid, host home without transportation services shall be administered by supported living service providers or residential habilitation service providers, which in this section shall be referred to as the ID/DD Waiver provider.

1915.13 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home services without transportation shall demonstrate verification of passing the DDS Provider Certification Review with experience providing In-Home Supports or Respite for at least three (3) years, unless waived by a designated DDA staff.

- 1915.14 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall agree to the following:
- (a) Be a member of the person's support team;
  - (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 of the DCMR;
  - (c) Maintain a signed, current Human Care Agreement with DDS when deemed necessary by DDS;
  - (d) Demonstrate that the owner(s)/operator(s) has at least five (5) years of experience in a leadership role with a residential provider that support adults with an intellectual disability, unless waived by the DDS Director or Deputy Director or their designee.
- 1915.15 In order to be reimbursed by Medicaid, each host home residence and supporting ID/DD Waiver provider located out-of-state shall be licensed and/or certified in accordance with the host state's laws and regulations and/or consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state host home and ID/DD Waiver provider shall comply with the following additional requirements:
- (a) Remain in good standing in the jurisdiction where the program is located;
  - (b) Submit a copy of the annual certification or survey performed by the host state and provider's corrective action to DDS;
  - (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews; and
  - (d) Successfully meet the certification review requirements of DDS.
- 1915.16 Each principal care provider and direct support professional (DSP) providing host home without transportation services shall meet all of the requirements in Section 1906 (Requirements for direct support professionals) of Chapter 19 of Title 29 of DCMR.
- 1915.17 In order to be reimbursed by Medicaid, each principal care provider providing host home services shall agree to cooperate and attend mandatory training sessions provided by DDS and the ID/DD Waiver provider, and to allow DDS Service Coordinator and other DDS employees' reasonable access to the Host Home.

1915.18 In order to be reimbursed by Medicaid, services shall be authorized for reimbursement in accordance with the following provider requirements:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The provider shall conduct an assessment and develop a host home assessment plan with training goals and techniques that will assist the principal care provider, within the first thirty (30) days of service delivery;
- (c) The service name and the ID/DD Waiver provider delivering services shall be identified in the ISP and Plan of Care;
- (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
- (e) Services shall not conflict with the service limitations described under Subsection 1915.25.

1915.19 Each ID/DD Waiver provider of host home without transportation services shall maintain the following documents for monitoring and audit reviews:

- (a) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR;
- (b) A copy of the person's most recent DDS approved ISP and Plan of Care;
- (c) A current written staffing plan, if In-Home Supports are needed;
- (d) A written explanation of staffing responsibilities when the principal care provider is unavailable to provide support to the person enrolled in the ID/DD Waiver;
- (e) Current financial records of expenditures of public and private funds for each person;
- (f) The records of any nursing care provided pursuant to a physician ordered protocol and procedure, charting, and other supports provided in accordance with a physician's order relating to the development and management of the Health Management Care Plan.
- (g) The progress notes written by the principal care provider on a weekly basis and archived at the ID/DD Waiver provider's central office, which contain the following information:
  - (1) The progress in meeting each goal in the ISP;

- (2) Any unusual health or behavioral events or change in status;
- (3) Notes or other documentation of all community activities in which the person participated, including a response to the following questions: "What did the person like about the activity?" and "What did the person not like about the activity?". DDS encourages the use of the Learning Log, a Person-Centered Thinking tool, which may be used to record detailed information about a person's activities and what was learned about the person through his/her experience, and any matter requiring follow-up on the part of the service provider or DDS.

1915.20 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall comply with Sections 1908 (Reporting Requirements) and 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.

1915.21 Host home without transportation services shall not be reimbursed by Medicaid if they are billed for the same day of service that the following ID/DD Waiver services are provided to the person:

- (a) Supported Living;
- (b) Residential Habilitation;
- (c) Personal Care;
- (d) Skilled Nursing;
- (e) Environmental Accessibility;
- (f) Transportation;
- (g) Respite;
- (h) Personal Emergency Response System (PERS); and
- (i) In-Home Supports.

1915.22 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is hospitalized, on vacation, or other days during which the person is not residing at the host home, with the exception of days when the person is on vacation with the principal care provider.

1915.23 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is not residing at



the host home, with the exception of days when the person is temporarily residing in a hotel or other facility due to an emergency situation.

1915.24 The following individuals shall not be authorized to enroll as an ID/DD Waiver provider of host home without transportation services for the person:

- (a) The person's legal guardian;
- (b) The person's parent; or
- (c) The person's spouse.

1915.25 Reimbursement for host home without transportation services shall not include:

- (a) Cost of room and board;
- (b) Cost of facility maintenance, upkeep, and improvement;
- (c) Activities for which payment is made by a source other than Medicaid; and
- (d) Time when the person is in school or employed.

1915.26 The reimbursement rate for host home without transportation services is a daily inclusive rate based on the person's acuity level. The acuity level shall be determined by DDS based on the results of the Level of Need Assessment and Screening Tool or as documented in the person's ISP.

1915.27 The basic support rate that Medicaid will reimburse shall be one hundred forty-two dollars (\$142.00) per day; the moderate support rate shall be one hundred sixty-one dollars (\$161.00) per day; and the intensive support rate shall be two hundred ten dollars (\$210.00) per day. The host home without transportation services reimbursement rate shall include:

- (a) All training for host home workers;
- (b) Programmatic supplies;
- (c) Oral/topical medication management;
- (d) General and administrative fees for ID/DD Waiver services;
- (e) Relief of the caregiver and emergency support;
- (f) All direct support costs based on the needs of the person; and

- (g) Additional supports provided by a DSP for up to twenty (20) hours per week.
- 1915.28 In the event that additional DSP supports are requested, the ID/DD Waiver provider shall submit to the DDS Service Coordinator, the following documents:
- (a) A written justification; and
- (b) A summary of the responsibilities of the DSP who is scheduled to provide the additional supports.
- 1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed five hundred dollars (\$500.00) per day, subject to DDS approval.
- 1915.30 Forty percent (40%) to fifty percent (50%) of the daily reimbursement rate shall be paid to the host home by the ID/DD Waiver provider for support services. The remaining fifty percent (50%) to sixty percent (60%) of the daily reimbursement rate shall be retained by the ID/DD Waiver provider for training, additional in-home support services based on the needs of the person, medication management, general and administrative fees for ID/DD Waiver services, general supervision, and relief and emergency coverage. The actual percentage of the daily reimbursement rate allocated between the host home and the ID/DD Waiver provider shall be negotiated between the parties based on the specific support needs of the person.
- 1915.31 The person receiving host home services shall contribute an amount based on their Social Security benefits to the principal care provider to pay towards their room and board expenses.

**Section 1999, DEFINITIONS, is amended by adding the following:**

**Homeowner** - A person(s) who is (are) the primary owner or renter of a residential property and who provides supports to assist the person enrolled in the ID/DD Waiver.

**Host Home** - The residence owned or leased by the homeowner or principal care provider who provides host home services to the person enrolled in the ID/DD Waiver.

**Principal care provider**- The person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the ID/DD Waiver.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, Acting Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4<sup>th</sup> Street, NW, 9<sup>th</sup> Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of an amendment, on an emergency basis, to Chapter 48 (Medicaid Program: Medicaid Reimbursement) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish updated methods and standards for the reimbursement of inpatient hospital services under the Medicaid program.

Under these rules, DHCF shall base Medicaid reimbursement for inpatient hospital services on an All Patient Refined Diagnosis Related Groups (APR-DRGs) prospective payment system (PPS). Inpatient hospital services subject to the APR-DRG PPS include inpatient hospital stays and services provided in general hospitals, including acute care hospitals and children's hospitals; and Medicare-designated distinct-part psychiatric units and distinct-part rehabilitation units of acute care hospitals. DHCF shall apply these rules to general and specialty hospitals both within and outside of the District of Columbia, with the exception of hospitals located in Maryland. In addition, these rules also establish (a) the District-wide base rate; (b) policy adjustors; (c) enhanced rates for hospitals located in economic development zones; (d) limits on reimbursement for direct and indirect medical education and capital add-ons; (e) thresholds for high-cost and low-cost outlier payments; and (f) policy updates to the Three-Day Payment Window. Lastly, these rules shall establish a new benefit, sub-acute psychiatric services for children.

This emergency rulemaking is necessitated by the immediate need to ensure that District residents have continued access to quality inpatient hospital services. The current cost-based reimbursement, based on an older Diagnosis Related Groups (DRG) system, no longer accurately reflects the severity of patient illness and the true cost of care. Moreover, current reimbursement is administratively burdensome and vulnerable to inconsistent provider reimbursement. In turn, these issues can impede access to quality inpatient hospital services. Conversely, APR-DRG PPS, using a District-wide base rate, incentivizes hospitals to provide cost-efficient care. As APR-DRG reimbursement is closely tied to casemix, hospitals that take sicker patients can expect higher payments, which should improve access to care. Reimbursement methodologies are intertwined with access to care as well as the cost and quality of that care. Moreover, the District's Medicaid program currently pays for services delivered in Psychiatric Residential Treatment Facilities (PRTFs). PRTF services are an essential component of children's behavioral health; however, there are no PRTFs located in the District. As such, Medicaid enrolled children receiving treatment in PRTFs often reside far outside of the District for several months. By implementing sub-acute psychiatric services, DHCF seeks to expand the continuum

of behavioral health services to include an intermediate level of care below inpatient psychiatric hospitalization and above the nature of services rendered in PRTFs. In conjunction with the Department of Behavioral Health, DHCF has developed clinically sound coverage requirements for the sub-acute level of care. Accordingly, emergency action is necessary for the immediate preservation of the health, safety and welfare of persons receiving these services.

The emergency and proposed rules correlates to an amendment to the District of Columbia State Plan for Medical Assistance (State Plan) which requires approval by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS). The State Plan amendment (SPA) has been approved by the Council through the Medicaid Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014)) and is awaiting approval from CMS.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 16, 2015 at 62 DCR 000759. Since the emergency and proposed rules expired prior to the end of the thirty (30) day comment period, DHCF is publishing this Notice of Second Emergency and Proposed Rulemaking to allow the public to submit comments.

These emergency and proposed rules were adopted on January 9, 2015 and became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days or until May 8, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 48, MEDICAID PROGRAM: REIMBURSEMENT, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**4800 INPATIENT SERVICES: GENERAL PROVISIONS**

- 4800.1 Effective for inpatient hospital discharges occurring on or after October 1, 2014, Medicaid reimbursement for inpatient hospital discharges shall be on All Patient Refined Diagnosis Related Groups (APR-DRGs) prospective payment system (PPS) for all general hospitals, including acute and pediatric hospitals, except:
- (a) Hospitals located in the State of Maryland as identified in Subsection 4800.12;
  - (b) Specialty hospitals as identified in Subsection 4800.14; and
  - (c) Hospitals providing inpatient services under certain extenuating circumstances as identified in Subsections 4800.15-16.
- 4800.2 Inpatient hospital discharges subject to the APR-DRG PPS shall include inpatient hospital stays that last at least one (1) day or more and services provided in

Medicare-designated distinct-part psychiatric units and distinct-part rehabilitation units within those hospitals.

4800.3 Payment for each APR-DRG claim, excluding transfer claims, low-outlier claims, or interim claims, shall be based on the following formula:

$$\begin{aligned}
 & \text{APR-DRG Hospital-Specific Relative Value (HSRV)} \\
 & \text{(relative weight for that Diagnosis-related group (DRG))} \\
 & \quad \times \\
 & \quad \text{Policy Adjustor (if applicable)} \\
 & \quad \times \\
 & \text{District-wide base rate adjusted for Indirect Medical Education (IME), if applicable} \\
 & \quad = \\
 & \quad \text{DRG Base Payment}
 \end{aligned}$$

The final APR-DRG payment may include a high outlier payment adjustment, add-on payments for capital and direct medical education costs, and subtraction of other health coverage or patient share of cost if applicable.

$$\begin{aligned}
 & \text{DRG Base Payment} \\
 & \quad + \\
 & \quad \text{High-Outlier Payment Adjustment} \\
 & \quad + \\
 & \text{Add-on Payments for Capital and Direct Medical Education Costs} \\
 & \quad - \\
 & \quad \text{Other Health Coverage} \\
 & \quad - \\
 & \quad \text{Patient Share of Cost} \\
 & \quad = \\
 & \text{APR-DRG PPS Payment}
 \end{aligned}$$

4800.4 The following methods and standards may apply under APR-DRG PPS:

- (a) The APR-DRG classification system as contained in version 31 of the 3M™ APR-DRG Classification System Definitions Manual, and any subsequently adopted versions, shall apply for purposes of calculating reimbursement for all inpatient discharges, including specialty, under this chapter;
- (b) The District may update the APR-DRG grouper biennially;
- (c) As described under Section 4801, APR-DRG PPS shall include a single, District-wide base rate for all general hospitals providing inpatient hospital services;

- (d) As described under Section 4802, the implementation of APR-DRG PPS shall include an annual calculation of hospital-specific cost-to-charge ratios (CCRs);
- (e) As described under Section 4803, the implementation of APR-DRG PPS shall include a calculation of the District-wide cost and average cost per discharge;
- (f) As described under Section 4804, the base rate may include Indirect Medical Education (IME) for hospitals located within the District;
- (g) As described under Sections 4805 and 4807, APR-DRG PPS may include Direct Medical Education (DME) as well as capital add-on payments;
- (h) As described under Section 4806, APR-DRG PPS reflects a severity of illness (SOI) in its associated relative weight;
- (i) As described under Section 4808, APR-DRG PPS may include an adjustment to reimbursement for high-cost and low-cost outliers;
- (j) As described under Section 4809, the implementation of APR-DRG PPS may include policy adjustors;
- (k) As described under Section 4810, hospitals located in an Economic Development Zone (EDZ) shall receive an increased reimbursement rate;
- (l) As described under Section 4811, for each claim involving a transfer to another general hospital, DHCF shall pay the transferring hospital the lesser of the otherwise applicable DRG base payment amount or a prorated payment based on the ratio of covered days to the average length of stay associated with APR-DRG;
- (m) As described under Section 4812, reimbursement for short-term stays shall be limited; and
- (n) As described under Section 4813, implementation of APR-DRG PPS shall include consideration of third party liability and patient cost sharing.

4800.5 All non-emergency, inpatient admissions shall require prior authorization.

4800.6 Medicaid payment adjustments for Provider Preventable Conditions, including Health Care-Acquired Conditions pursuant to 29 DCMR § 9299 shall be processed and paid in accordance with the criteria for payment adjustment for provider preventable conditions described under 29 DCMR §§ 9200 *et seq.*

- 4800.7 Outpatient diagnostic services provided by any general hospital, not located in Maryland, one (1) to three (3) days prior to an inpatient admission at the same hospital shall not be separately payable and shall be billed as part of the inpatient stay.
- 4800.8 All hospital outpatient services that occur on the same day as an inpatient admission at the same general hospital, not located in Maryland, shall be considered part of the inpatient stay and shall not be payable separately.
- 4800.9 A general hospital located in the District shall be required to submit cost reports and comply with audits in accordance with the requirements described at Section 4822.
- 4800.10 All general hospitals that provide inpatient services shall maintain records in accordance with the requirements described at Section 4822.
- 4800.11 Hospitals that provide inpatient services shall be subject to the appeal and administrative review requirements described at Section 4822.
- 4800.12 General hospitals located in Maryland shall act in accordance with Health Services Cost Review Commission (HSCRC)'s All-Payer Model Contract with Center for Medicare and Medicaid Innovation, or its successor, for inpatient hospital discharges.
- 4800.13 Out-of-District general hospitals, not located in Maryland, shall be reimbursed by DRG. The DRG base rate for out-of-District hospitals is the District-wide Base Rate, without IME.
- 4800.14 Specialty hospitals, identified at Section 4814, shall be reimbursed either on a per diem or a per stay basis under APR-DRG PPS for inpatient hospital discharges.
- 4800.15 Where the Director of DHCF determines extenuating circumstances, including but not limited to closure or bankruptcy, exist within the District's specialty hospital system, a general hospital may receive reimbursement either on a per diem or a per stay basis under APR-DRG PPS for services provided to a patient who would have been transferred from the general hospital to a Long Term Care Hospital, if a bed were available.
- 4800.16 Reimbursement under Subsection 4800.14 may be adjusted based on the acuity of the patient to ensure appropriate payment.
- 4800.17 Appeal and administrative review rights, and cost reporting, auditing, and record maintenance requirements, identified at Sections 4822-4823, shall apply to all general hospitals receiving reimbursement under APR-DRG PPS.



**4801 INPATIENT SERVICES: CALCULATION OF DISTRICT-WIDE BASE RATE**

- 4801.1 For Medicaid reimbursement of inpatient hospital discharges occurring on or after October 1, 2014, DHCF shall use a single, District-wide base rate for all general hospitals.
- 4801.2 Effective October 1, 2014, and annually thereafter, the base year period is the District's fiscal year that ends prior to October 1 of the prior calendar year.
- 4801.3 The District-wide base rate is based on aggregate costs for the base year. Aggregate cost is calculated using the hospital specific cost-to-charge ratio, as described in Section 4802, as well as facility casemix data, and claims data from all in-District participating hospitals for the base year.
- 4801.4 Subject to federal upper payment limits, the District-wide base rate shall not exceed a rate that approximates an aggregate payment to cost ratio of ninety-eight percent (98%) for the base year for in-District general hospitals. The payment to cost ratio is determined by modeling payments to all hospitals using claims data relevant to the base year.
- 4801.5 The District-wide base rate calculated pursuant to Subsections 4801.3 and 4801.4 may be adjusted for IME as set forth in Section 4804.
- 4801.6 The Indirect Medical Education (IME) component of the District-Wide Base Rate shall be hospital-specific for each in-District general hospital with IME costs, as recognized on their cost report.

**4802 INPATIENT SERVICES: CALCULATION OF COST-TO-CHARGE RATIO (CCR)**

- 4802.1 For Medicaid reimbursement of inpatient hospital discharges, hospital-specific cost-to-charge ratios (CCRs) shall be calculated annually.
- 4802.2 The CCR shall be developed based on each hospital's submitted cost reports for the hospital's fiscal year that ends prior to October 1 of the prior calendar year.
- 4802.3 The CCR used to calculate the cost of a claim shall be hospital-specific for hospitals providing in-patient hospital services.
- 4802.4 DHCF shall apply a weighted average of in-District hospitals CCRs to out-of-District hospitals.
- 4802.5 For the purposes of determining the overall hospital CCR, total costs reported shall be allocated to inpatient and outpatient costs based on the ratio of inpatient and outpatient charges reported in each cost center.

4802.6 For the purpose of excluding inpatient capital costs, capital costs associated with each ancillary cost center shall be allocated to inpatient and outpatient capital costs based on the ratio of inpatient and outpatient charges reported by each cost center.

**4803 INPATIENT SERVICES: CALCULATION OF THE HOSPITAL-SPECIFIC COST PER DISCHARGE**

4803.1 For Medicaid reimbursement of inpatient hospital discharges, the hospital specific cost per discharge shall equal a hospital's Medicaid inpatient operating costs standardized for indirect medical education (IME) costs and variations in casemix, divided by the number of Medicaid discharges in the base year data set and adjusted for outlier reserve.

4803.2 Medicaid inpatient operating costs for the base year period shall be calculated by applying the hospital-specific CCR, as determined in Section 4802, to allowed charges from the base year claims data.

4803.3 Medicaid inpatient operating costs shall be standardized for IME costs by removing IME costs to determine the District-wide component of the base rate. IME costs shall be removed by dividing Medicaid operating costs for each hospital with IME costs by the IME factor for that hospital.

4803.4 The IME adjustment factor for each hospital shall be calculated using the Medicare algorithm for each hospital based on the hospital cost report for the base year period.

4803.5 Medicaid inpatient operating costs shall be standardized for variations in casemix by dividing Medicaid operating costs standardized for IME by the appropriate casemix adjustment factor.

4803.6 The Hospital-specific cost per discharge shall be adjusted for IME and casemix and shall be reduced by a net one percent (1%) to account for five percent (5%) of the cost reserved for payment of high-cost outlier claims and four percent (4%) of the cost restored to account for the reduction in payment for low-cost outlier claims.

**4804 INPATIENT SERVICES: INDIRECT MEDICAL EDUCATION (IME)**

4804.1 For Medicaid reimbursement of inpatient hospital discharges, the amount of the hospital-specific cost per discharge adjusted for IME shall be added to the District-wide base rate for each in-District general hospital to determine the hospital-specific base rate.

- 4804.2 The hospital-specific cost per discharge of IME shall be calculated annually as follows:
- (a) The hospital-specific cost per discharge adjusted for casemix shall be divided by the IME factor.
  - (b) For discharges occurring on or after October 1, 2014, the amount calculated in Subsection 4804.2(a) shall be multiplied by a factor of 0.75 to determine the IME payment per discharge for each hospital.
  - (c) For discharges occurring on or after October 1, 2015, and annually thereafter, the amount calculated in Subsection 4804.2(a) is multiplied by a factor of 0.50 to determine the IME payment per discharge for each hospital.
  - (d) The amount established pursuant to Subsections 4804.2(b) or (c) shall be subtracted from the average cost per discharge for each hospital before determining the District-wide base rate.

**4805 INPATIENT SERVICES: DIRECT MEDICAL EDUCATION (DME)**

- 4805.1 For Medicaid reimbursement of inpatient hospital discharges, DME shall be a per-discharge add-on payment for each in-District general hospital that is eligible for DME. The DME add-on shall be calculated annually by dividing the Medicaid DME costs determined in accordance with Subsection 4805.2 by the number of Medicaid discharges in the base year, subject to the limits described in this section.
- 4805.2 For discharges occurring on or after October 1, 2014, and annually thereafter, the DME add-on payment for each in-District general hospital shall be based on costs from each hospital's submitted or audited cost report for the hospital's fiscal year that ends September 30 of the prior calendar year, subject to the limits described in this section.
- 4805.3 The District-wide average cost of DME per Medicaid patient day shall be based on submitted cost reports for the base year. The average cost per patient day is calculated by dividing total Medicaid DME cost for all DME eligible hospitals by the total number of Medicaid days for those hospitals, as reported on the hospital cost reports. The per-day amount is converted to a per discharge amount for each hospital, based on Medicaid utilization information in the cost report.
- 4805.4 For discharges occurring on or after October 1, 2014, DME shall be limited to two hundred percent (200%) of the average District-wide cost of DME per Medicaid patient day.

4805.5 For discharges occurring on or after October 1, 2015, and annually thereafter, DME costs for each hospital shall be limited to the per discharge equivalent of one-hundred fifty percent (150%) of the average District-wide cost of DME per Medicaid patient day.

4805.6 If, after an audit of the hospital's cost report for the base year period, an adjustment is made to the hospital's reported costs which results in an increase or decrease of five percent (5%) or greater of the DME add-on payment, the add-on payment for DME add-on costs shall be adjusted prospectively to reflect the revised costs.

#### **4806 INPATIENT SERVICES: CALCULATION OF RELATIVE WEIGHTS**

4806.1 For Medicaid reimbursement of inpatient hospital discharges occurring on or after October 1, 2014, DHCF shall use hospital-Specific Relative Value (HSRV) version 31 national weights for APR-DRGs. The HSRV method adjusts for differences in cost-to-charge ratios (CCR) among hospitals nationwide.

4806.2 Each DRG assignment shall reflect a severity of illness (SOI) in its associated relative weight. Relative weights are updated biennially at the time the APR-DRG grouper version is updated. The annual APR-DRG documentation from 3M™ describes the changes made each year.

#### **4807 INPATIENT SERVICES: CALCULATION OF CAPITAL ADD-ON PAYMENTS**

4807.1 For Medicaid reimbursement of inpatient hospital discharges, Capital payments shall be per-discharge add-on payments that apply to in-District general hospitals only.

4807.2 For discharges occurring on or after October 1, 2014, capital add-ons shall be limited to one hundred percent (100%) of the District average capital cost per Medicaid patient day. This payment shall be calculated based on submitted cost reports for in-District general hospitals for the base year.

4807.3 The average cost per patient day shall be calculated by dividing total Medicaid capital cost for all eligible hospitals by the total number of Medicaid days for those hospitals, as reported on the hospital cost reports.

4807.4 The per-day amount shall be converted to a per discharge amount for each hospital, based on Medicaid utilization information in the cost report.

4807.5 Effective October 1, 2014, and annually thereafter, the capital cost add-on payment shall be calculated by dividing the sum of Medicaid capital costs applicable to inpatient routine services costs, as reported in the cost report, and

capital costs applicable to inpatient ancillary services, as determined in Subsection 4807.6, by the number of Medicaid discharges in the base year.

4807.6 Capital costs applicable to inpatient ancillary services shall be allocated to inpatient capital by applying the facility’s ratio of ancillary inpatient charges to total ancillary charges for each ancillary line on the cost report.

4807.7 For discharges occurring on or after October 1, 2014, and annually thereafter, the capital cost add-on payment for each in-District general hospital shall be based on costs from each hospital’s submitted cost report for the hospital’s fiscal year that ends prior to October 1 of the prior calendar year.

4807.8 If after an audit of the hospital's cost report for the base year period an adjustment is made to the hospital's reported costs which results in an increase or decrease of five percent (5%) or greater of the capital cost add-on payment, the add-on payment for capital costs shall be adjusted, subject to District-wide limits.

**4808 INPATIENT SERVICES: CALCULATION OF OUTLIER PAYMENTS**

4808.1 For Medicaid reimbursement of inpatient hospital discharges, the APR-DRG PPS shall provide an additional payment for outliers, high-cost and low-cost, based on inpatient costs.

4808.2 For discharges on or after October 1, 2014, DHCF shall provide an additional payment for inpatient stays when the cost of providing care results in a loss to the hospital that exceeds the high-cost outlier threshold (*i.e.*, high-cost outlier). The goal for District-wide high-cost outlier payments is to identify an estimated maximum of five percent (5%) of inpatient payments as high-cost outliers.

4808.3 The loss to the hospital shall be calculated pursuant to the following formula:

$$\begin{aligned} & \text{LOSS} \\ & = \\ & \text{COST (ALLOWED CHARGES X COST TO CHARGE RATIO (CCR))} \\ & - \\ & \text{THE DRG BASE PAYMENT} \end{aligned}$$

4808.4 The outlier payment is calculated as follows if the loss exceeds the outlier threshold:

$$\begin{aligned} & \text{OUTLIER PAYMENT} \\ & = \\ & (\text{LOSS} - \text{OUTLIER THRESHOLD}) \\ & \text{X} \\ & \text{THE MARGINAL COST FACTOR} \end{aligned}$$

- 4808.5 The DRG PPS payment for the stay shall be the sum of the DRG base payment and the outlier payment, adjusted for transfer pricing, if applicable.
- 4808.6 The CCR used to calculate the cost of a claim shall be hospital-specific as described at Section 4802.
- 4808.7 The high-cost outlier threshold shall be reviewed annually and updated when necessary based upon a review of claims history from the District’s previous fiscal year.
- 4808.8 For discharges occurring on or after October 1, 2014, and annually thereafter, DHCF shall adjust payments for extremely low-cost inpatient cases.
- 4808.9 Low-cost outliers shall be those cases where the gain on the claim (claim costs minus DRG base payment) exceeds the low-cost outlier threshold.
- 4808.10 Low-cost outliers shall be determined by using the formula identified at Subsection 4808.13.
- 4808.11 Each claim with a gain that exceeds the low-cost outlier threshold shall be paid at the lesser of the APR-DRG payment amount or a prorated payment.
- 4808.12 DHCF shall set the low-cost outlier threshold at a level that results in four percent (4%) or less of APR-DRG payments being associated with low-cost outlier cases.
- 4808.13 The low-cost outlier calculation shall use the national average lengths of stay (ALOS) available with the APR-DRG grouper as follows:

$$\begin{aligned}
 & \text{LOW-COST OUTLIER PAYMENT} \\
 & \qquad = \\
 & \qquad (\text{DRG BASE PAYMENT} / \text{NATIONAL ALOS}) \\
 & \qquad \qquad \times \\
 & \qquad (\text{LOS FOR ELIGIBLE DAYS OF THE STAY} + 1)
 \end{aligned}$$

- 4808.14 If the low-cost outlier payment results in an amount greater than the DRG base payment, DHCF shall disregard the low-cost outlier payment.
- 4808.15 DHCF shall review and calculate the low-cost outlier threshold annually and update where necessary based upon a review of claims history from the previous District fiscal year.

**4809 INPATIENT SERVICES: POLICY ADJUSTOR(S)**

- 4809.1 DHCF may utilize policy adjustors to increase or decrease APR-DRG relative weights for certain care categories or for a range of DRGs to meet policy goals.

4809.2 For Medicaid reimbursement of inpatient hospital discharges occurring on or after October 1, 2014, DHCF shall apply the following policy adjustors to the DRG weights for all inpatient stays according to Medicaid Care Category (MCC) for children under the age of twenty-one (21), excluding normal newborns:

- (a) Pediatric mental health MCC equal to a factor of 2.25;
- (b) Neonate MCC equal to a factor of 1.25; and
- (c) All other pediatric stays except normal newborns equal to a factor of 1.5.

4809.3 The value of the policy adjustor(s) shall be reevaluated annually or more frequently when necessary.

**4810 INPATIENT SERVICES: SPECIAL CONSIDERATION FOR HOSPITALS LOCATED IN ECONOMIC DEVELOPMENT ZONES**

4810.1 A general hospital whose primary location is in an area identified as an Economic Development Zone and certified by the District’s Department of Small and Local Business Development as a Developmental Zone Enterprise (DZE) pursuant to D.C. Official Code § 2-218.37 shall receive a District-wide base rate increase of two percent (2%).

**4811 INPATIENT SERVICES: TRANSFER AND ABBREVIATED STAY PAYMENT**

4811.1 For each claim for Medicaid reimbursement involving a beneficiary transfer to another general hospital, DHCF shall pay the transferring hospital the lesser of the otherwise applicable DRG base payment amount or a prorated payment based on the ratio of covered days to the average length of stay associated with the APR-DRG.

4811.2 The transfer calculation shall apply to the transferring hospital according to the following calculation using the national average lengths of stay (ALOS) available with the APR-DRG grouper:

$$\begin{aligned}
 &\text{TRANSFER PAYMENT} \\
 &= \\
 &\quad (\text{DRG BASE PAYMENT} / \text{NATIONAL ALOS}) \\
 &\quad \times \\
 &\quad (\text{LOS FOR ELIGIBLE DAYS OF THE STAY} + 1)
 \end{aligned}$$

4811.3 If the transfer payment adjustment results in an amount greater than the DRG base payment amount without the adjustment, the transfer payment shall be disregarded and the APR-DRG PPS payment amount shall apply.

4811.4 The hospital receiving the beneficiary shall receive the full DRG payment (unless the referring hospital also transfers the beneficiary).

4811.5 All transfers, except for documented emergency cases shall be prior authorized and approved by DHCF, or its designee, as a condition of payment.

**4812 INPATIENT SERVICES: SHORT-TERM STAYS AND INELIGIBLE DAYS**

4812.1 DHCF shall deny claims for Medicaid reimbursement arising out of a patient admission and discharge on the same date (same-day discharge); and shall instruct the billing provider to bill the services as outpatient services.

4812.2 DHCF shall deny Medicaid reimbursement for same-day discharges unless the patient status indicates death.

4812.3 DHCF shall identify a discharge as a one-day stay when the discharge date occurs on the day following the admission date.

4812.4 DHCF may reimburse a one-day stay as follows:

- (a) A claim reflecting a one-day stay may be reimbursed as a hospital stay, but may be subject to post-payment review of the medical necessity of the admission; or
- (b) A one-day stay may qualify for a low-cost outlier adjustment pursuant to the low-cost outlier.

4812.5 DHCF shall deny any claim for an inpatient stay that includes ineligible days.

4812.6 A denied claim may be resubmitted for eligible days.

**4813 INPATIENT SERVICES: THIRD PARTY LIABILITY AND PATIENT COST-SHARING**

4813.1 For Medicaid reimbursement of inpatient hospital discharges, DHCF shall calculate the allowed amount for a service and then subtract third party liability (TPL) and patient cost-sharing in determining the actual payment to the provider.

4813.2 DHCF shall consider a beneficiary to have TPL when the individual receives health care benefits from organizations such as Medicare, commercial health insurance companies, prepaid health plans, health maintenance organizations, and other benefit plans.



- 4813.3 Where a commercial payer or some other third party (except Medicare) is liable for some portion of the claim, that portion shall be subtracted from the allowed amount.
- 4813.4 Patient cost-sharing shall relate to any portion that may be due from the patient such as coinsurance, deductibles, or spend-down payments. The cost-sharing amount shall be subtracted from the allowed amount.

#### **4814 SPECIALTY INPATIENT SERVICES: GENERAL PROVISIONS**

- 4814.1 The District of Columbia's Medicaid program shall reimburse claims associated with discharges from specialty hospitals, occurring on and after October 1, 2014, in accordance with the methodology described in Sections 4814 through 4819 of these rules. A claim eligible for payment shall reflect an approved specialty inpatient hospital stay of at least one (1) day or more by a beneficiary who is eligible for Medicaid.
- 4814.2 A specialty hospital shall be reimbursed either on a per diem (PD) or a per stay (PS) basis using the All Payer Refined-Diagnostic Related Group (APR-DRG) perspective payment system. DHCF adopted the APR-DRG classification system, as contained in the 2014 APR-DRG Classification System Definitions Manual, version 31.0, for purposes of calculating rates set forth in this section. Subsequent versions representing significant changes to the APR-DRG Classification System Definitions Manual may be adopted by DHCF at a later date.
- 4814.3 For purposes of Medicaid reimbursement, a specialty hospital meets the definition of "special hospital" as set forth in 22-B DCMR § 2099. Specialty hospitals classified as psychiatric hospitals shall be eligible for reimbursement for services that meet the definition at 42 C.F.R. § 440.160 and are provided to beneficiaries ages 21 and under. Specialty hospitals classified as rehabilitation hospitals or Long term care hospitals (LTCHs) shall be eligible for reimbursement for services that meet the definition at 42 C.F.R. § 440.10.
- 4814.4 For discharges occurring on or after October 1, 2014, the following types of specialty hospitals in the District shall be reimbursed on a PD basis as described at section 4815:
- (a) Psychiatric hospitals;
  - (b) Pediatric hospitals not eligible for APR-DRG payment under Sections 4800-4813; and
  - (c) Rehabilitation hospitals.

- 4814.5 For discharges occurring on or after October 1, 2014, Long-term Care specialty hospitals (LTCHs) in the District shall be reimbursed on a PS basis as described at Section 4816.
- 4814.6 Out-of-District hospitals that deliver services meeting the definitions at 42 C.F.R. §§ 440.10 and 440.160 shall be reimbursed in accordance with the requirements set forth in Sections 4813, 4814, and 4815.
- 4814.7 A hospital entering the District of Columbia market after October 1, 2014 shall demonstrate substantial compliance with all applicable laws and policies, including licensure, prior to contacting DHCF to initiate the rate setting process, including classification as either a per diem or per stay hospital.
- 4814.8 Each hospital classified within the specialty category shall have a hospital-specific base PD calculated in accordance with Section 4815 or base PS rate calculated in accordance with Section 4816. For purposes of this section, the base year period shall be Fiscal Year (FY) 2013, or October 1, 2012 through September 30, 2013.
- 4814.9 Cost classifications and allocation methods shall be applied in accordance with the CMS Guidelines for Form CMS 2552-10 and the Medicare Provider Reimbursement Manual 15, or subsequent, superseding issuances from CMS.
- 4814.10 The hospital specific cost-to-charge ratio (CCR) for specialty hospitals located in the District shall be calculated annually in accordance with 42 C.F.R. § 413.53 and 42 C.F.R. §§ 412.1 through 412.125, as reported on cost reporting Form HFCA 2552-10, Worksheet C Part I, or its successor. For purposes of specialty hospital reimbursement, organ acquisition costs shall not be included in the CCR calculation.
- 4814.11 Effective FY 2016, beginning on October 1, 2015, and annually thereafter, except during a rebasing year, DHCF shall apply an inflation adjustment to the then current base per diem or per stay rate associated with each specialty hospital. The inflation adjustment factor shall be calculated by multiplying the current base rate with the Medicare inflation factor to equal the adjusted base rate. DHCF shall base the inflation adjustment factor on the appropriate, hospital type specific inflation factor proposed under the Medicare program, set forth in the Hospital Inpatient Prospective Payment Systems (PPS) for general hospitals and the LTCH PPS for the same federal FY in which the rates will be effective.
- 4814.12 Effective in FY 2019, beginning on October 1, 2018, and every four (4) years thereafter (*i.e.*, quadrennially), the base rate for each specialty hospital shall be rebased as follows:
- (a) For rebasing occurring quadrennially on October 1, the updated base rate

shall rely on the data set forth in the cost report for the preceding fiscal year, case mix, claims, and discharge data; and

- (b) For rebasing of any hospital that enters the District of Columbia market during a non-rebasing year the rebasing shall be paid an interim rate equal to the base rate associated with a comparable specialty hospital until the next rebasing period, provided at least twelve (12) months of data are available prior to rebasing.

4814.13 Out-of-District specialty hospitals, not located in Maryland, shall be reimbursed for inpatient discharges in the same manner as general hospitals, pursuant to Sections 4800-4813.

4814.14 In the event that an out-of-District hospital offers inpatient specialty services that are distinct from services offered by other hospitals, DHCF may consider alternative reimbursement for those specialty inpatient services, provided the needs of Medicaid beneficiaries cannot be met by an in-District hospital.

4814.15 Maryland hospitals shall be reimbursed for specialty inpatient hospital services in accordance with Subsection 4800.12.

4814.16 All specialty hospital inpatient stays and non-emergency transfers shall be prior authorized pursuant to Subsection 4800.5.

4814.17 A specialty hospital located in an EDZ shall receive an increased reimbursement rate pursuant to Subsection 4810.1.

4814.18 Reimbursement of same-day discharges shall occur in accordance with Subsections 4812.1 through 4812.2.

**4815 SPECIALTY INPATIENT SERVICES: PER DIEM REIMBURSEMENT (PD-APR-DRG)**

4815.1 Reimbursement to the specialty hospitals reimbursed on a PD basis shall be calculated as set forth in this section.

4815.2 Payment based on the PD-APR-DRG method shall be determined as follows:

APR-DRG RELATIVE WEIGHT FOR EACH CLAIM X FINAL BASE RATE

x

NUMBER OF APPROVED DAYS

+

ADJUSTMENTS BASED ON TRANSFER RULE

4815.3 DHCF shall apply national hospital-specific relative value (HSRV) service weights, supplied by 3M™, for each APR-DRG. The case mix adjustment factor may be adjusted to account for any unexpected change in case mix related to improved coding practices.

4815.4 The hospital-specific PD base rate shall be based on costs from each specialty hospital’s FY 2013 cost report standardized for variations in case mix, claims, and discharge data. The final PD base rate shall be determined by dividing the Medicaid inpatient operating costs by the Number of Medicaid Discharges in FY 2013.

4815.5 For each PD-APR-DRG specialty hospital claim that involves a transfer to another hospital or health care facility, DHCF shall pay the specialty hospital for the last day of the beneficiary’s stay.

4815.6 For discharges occurring on or after October 1, 2014, psychiatric and pediatric hospitals not covered under Sections 4800-4813 shall be paid transition rates. Following submission of the cost report, in accordance with Section 4822, DHCF shall determine allowable costs, notify the hospital of any over- or under-payments made during FY 2015, and establish a final rate for FY 2016.

**4816 SPECIALTY INPATIENT SERVICES: PER STAY REIMBURSEMENT (PS-APR-DRG)**

4816.1 Reimbursement to the specialty hospitals reimbursed on a PS basis shall be calculated as set forth in this section.

4816.2 Payment based on the PS-APR-DRG method shall be determined as follows:

$$\begin{aligned}
 & \text{APR-DRG RELATIVE WEIGHT FOR EACH CLAIM} \\
 & \quad \times \\
 & \quad \text{FINAL BASE RATE} \\
 & \quad + \\
 & \quad \text{OUTLIER PAYMENT}
 \end{aligned}$$

4816.3 APR-DRG Relative Weight: DHCF shall apply national hospital specific relative value (HSRV) service weights, supplied by 3M™, for each APR-DRG. The case mix adjustment factor may be adjusted to account for any unexpected change in case mix related to improved coding practices.

4816.4 Final Base Rate: The PS-APR-DRG specialty hospitals shall be combined into one (1) peer group for purposes of establishing base payment rates. The final base year payment rate for each PS-APR-DRG specialty hospital shall be equal to the peer group average cost per discharge, calculated using the weighted average

of the hospital specific cost per discharge (CPD) for each specialty hospital in the peer group.

4816.5 The hospital specific CPD shall be adjusted for outlier reserve and shall be determined using the following formula.

$$\frac{\text{MEDICAID INPATIENT OPERATING COSTS} \\ \text{(STANDARDIZED FOR VARIATIONS IN CASE MIX)}}{\text{NUMBER OF MEDICAID DISCHARGES IN FY 2013}}$$

4816.6 The hospital specific CPD shall be determined by dividing Medicaid inpatient operating costs by the Number of Medicaid discharges in FY 2013. The specialty hospital specific CPD, adjusted for case mix, shall be reduced by a net one percent (1%). The one percent (1%) reduction shall be based on five percent (5%) of the cost reserved for payment of claims for the highest cost stays and four percent (4%) of the cost restored to account for the reduction in payment for low cost claims.

4816.7 Medicaid inpatient operating costs shall be calculated by applying the specialty hospital-specific operating CCR, pursuant to Subsection 4814.10, to the allowed charges from the base year claims data.

**4817 SPECIALTY INPATIENT SERVICES: CALCULATION OF OUTLIER PAYMENTS FOR PS**

4817.1 DHCF shall provide an additional payment for high and low cost outliers.

4817.2 For discharges on or after October 1, 2014, DHCF shall provide an additional payment for specialty inpatient stays when the cost of providing care results in a loss to the hospital that exceeds the high-cost outlier threshold (*i.e.*, high-cost outlier).

4817.3 The Marginal Cost Factor shall be used when calculating the high-cost outlier payment and may be adjusted to limit high-cost payments to no more than five percent (5%) of the overall payments.

4817.4 The loss to the hospital shall be calculated pursuant to the following formula:

$$\frac{\text{LOSS}}{\text{COST (ALLOWED CHARGES X COST TO CHARGE RATIO (CCR))} - \text{THE DRG BASE PAYMENT}}$$

4817.5 The outlier payment is calculated as follows if the loss exceeds the outlier threshold:

$$\begin{aligned} & \text{OUTLIER PAYMENT} \\ & = \\ & (\text{LOSS} - \text{OUTLIER THRESHOLD}) \\ & \quad \times \\ & \text{THE MARGINAL COST FACTOR} \end{aligned}$$

- 4817.6 The PS-APR-DRG payment for the stay shall be the sum of the DRG base payment and the outlier payment, adjusted for transfer pricing, if applicable.
- 4817.7 The CCR used to calculate the cost of a claim shall be hospital-specific as described at Subsection 4814.10.
- 4817.8 The high-cost outlier threshold shall be reviewed annually and updated when necessary based upon a review of claims history from the District’s previous fiscal year.
- 4817.9 For discharges occurring on or after October 1, 2014, and annually thereafter, DHCF shall adjust payments for extremely low-cost specialty inpatient cases.
- 4817.10 Low-cost outliers shall be those cases where the gain on the claim (claim costs minus DRG base payment) exceeds the low-cost outlier threshold. Low-cost outliers shall be determined by using the formula identified at Subsection 4817.4. Each claim with a gain that exceeds the low-cost outlier threshold shall be paid at the lesser of the PS-APR-DRG payment amount or a prorated payment.
- 4817.11 DHCF shall set the low-cost outlier threshold at a level that results in four percent (4%) or less of PS-APR-DRG payments being associated with low-cost outlier cases.
- 4817.12 The low-cost outlier calculation shall use the national average lengths of stay (ALOS) available with the APR-DRG grouper as follows:

$$\begin{aligned} & \text{LOW-COST OUTLIER PAYMENT} \\ & = \\ & (\text{DRG BASE PAYMENT} / \text{NATIONAL ALOS}) \\ & \quad \times \\ & (\text{LOS FOR ELIGIBLE DAYS OF THE STAY} + 1) \end{aligned}$$

- 4817.13 If the low-cost outlier payment results in an amount greater than the DRG base payment, DHCF shall disregard the low-cost outlier payment.
- 4817.14 DHCF shall review and calculate the low-cost outlier threshold annually and update where necessary based upon a review of claims history from the previous District fiscal year.
- 4817.15 For PS-APR-DRG categories where there is insufficient data available to use in calculating a reliable mean or standard deviation, the outlier threshold shall be

calculated by multiplying the Weight of the APR-DRG by the Average Outlier Multiplier.

- 4817.16 For each PS-APR-DRG specialty hospital claim that involves a transfer to another hospital or health care facility, DHCF shall pay the transferring specialty hospital the lesser of the APR-DRG amount or prorated payment shall be calculated as follows:

$$\begin{aligned} & \text{TRANSFER PAYMENT} \\ & = \\ & (\text{DRG BASE PAYMENT} / \text{NATIONAL ALOS}) \\ & \times \\ & (\text{LOS FOR ELIGIBLE DAYS OF THE STAY} + 1) \end{aligned}$$

- 4817.17 For specialty inpatient discharges on or after October 1, 2014, LTCHs shall be paid transition rates. Following submission of the cost report, pursuant to Section 4822, DHCF shall determine allowable costs, notify the hospital of any over- or under-payments made during FY 2015, and establish a final rate for FY 2016.

**4818 SPECIALTY INPATIENT SERVICES: POLICY ADJUSTER(S)**

- 4818.1 DHCF may apply an age-adjuster to claims associated with specialty hospital inpatient stays where the beneficiary's age falls outside of the age range used to calculate the base rate as is typically associated with that hospital's patient population.

- 4818.2 In order to ensure budget predictability, monitor payments, and identify deviations from budget targets, DHCF shall make a documentation and coding adjustment (DCA) that reduces the base rate to offset case mix increases due to operational improvements in documentation and coding. DHCF, or its designee, shall evaluate the DCA every six (6) months.

- 4818.3 Where Healthcare-Acquired Conditions (HAC) assignment impacts the relative weights of a claim, DHCF shall use the weight minus the HAC diagnosis to determine final payment to the specialty hospital.

**4819 SPECIALTY INPATIENT SERVICES: CLAIMS SUBMISSION AND UTILIZATION CONTROL**

- 4819.1 A specialty hospital reimbursed on a per diem basis (PD-APR-DRG) shall be required to submit a final claim using Bill Type 114. DHCF, or its designee, shall retrospectively analyze hospital claims records in order to ensure compliance with this requirement.

4819.2 Specialty hospitals shall comply with federally prescribed utilization control standards, pursuant to 42 C.F.R. part 456 as a condition of receipt of Medicaid reimbursement.

**4820 SUB-ACUTE INPATIENT SERVICES: COVERAGE STANDARDS**

4820.1 Sub-acute inpatient behavioral health services for Medicaid beneficiaries under the age of twenty-two (22) shall be provided in a structured, twenty-four (24) hour inpatient psychiatric hospital setting and shall represent a lower level of care than acute psychiatric hospital services.

4820.2 Sub-acute services shall be delivered in hospitals that are licensed in accordance with § 3 of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1983 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.* (2012 Repl.)), and meet the definition of “psychiatric hospital,” pursuant to 22-B DCMR § 4099.

4820.3 A Medicaid beneficiary shall be eligible for sub-acute services when he or she requires ongoing treatment in an inpatient setting due to persistent symptoms related to a psychiatric episode that required an acute psychiatric hospital stay. A beneficiary may also be eligible for sub-acute services when the services are ordered by a physician or advanced practice registered nurse (APRN) who shall be licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202, *et seq.*) and implementing regulations.

4820.4 General eligibility criteria for assessing the appropriateness of sub-acute services shall be as follows:

- (a) The beneficiary has been diagnosed with the following:
  - (1) A psychiatric disorder classified in the Diagnostic and Statistical Manual of Mental Disorders (DSM); or
  - (2) Severe functional impairment as evidenced in the presenting history; and
- (b) The beneficiary’s psychological and/or physical examination reports at least one of the following:
  - (1) Suicidal or homicidal ideation without intent, plans, or means;
  - (2) Impulsivity and/or aggression;
  - (3) Psycho-physiological condition (*e.g.*, eating disorder);



- (4) Affect or function impairment (*i.e.*, withdrawn, reclusive, labile, or reactive);
  - (5) Sexually inappropriate or abusive behavior;
  - (6) Psychomotor agitation or retardation;
  - (7) Increasing mania, hypomania, psychotic, or delusional symptoms;
  - (8) Habitual substance use with mood disturbances increasing; or
  - (9) The symptoms associated with the beneficiary’s behavioral health condition are expected to improve with continued inpatient treatment and cannot be treated successfully at a lower level of care; and
- (c) The beneficiary’s family situation and dynamics are such that he or she is unable to safely remain in the home (biological or adoptive).

4820.5 Prior and continued stay authorizations shall be required for Medicaid reimbursement of all sub-acute admissions. DHCF, or its designated agent, shall conduct clinical reviews and determine the appropriateness of authorizing an admission into sub-acute services.

4820.6 All clinical assessments and authorization processes related to sub-acute services shall employ nationally recognized clinical decision support standards.

4820.7 A comprehensive treatment plan shall describe the services to be delivered during the beneficiary’s stay in sub-acute and a comprehensive discharge plan shall be developed prior to discharge.

4820.8 At minimum, sub-acute services shall include the following:

- (a) Behavior and symptom management;
- (b) Clinical assessment;
- (c) Milieu therapy focused on skill building and time management;
- (d) Multi-disciplinary evaluation;
- (e) Nursing services;
- (f) Psychopharmacology;
- (g) Substance Abuse Education/Counseling; and

(h) Therapy/Counseling (Individual, Family, and Group).

4820.9 Sub-acute services shall not be used as an alternative to diligent, good faith efforts to ensure appropriate community or PRTF placement.

**4821 SUB-ACUTE INPATIENT SERVICES: REIMBURSEMENT PRINCIPLES AND METHODS**

4821.1 Medicaid reimbursement for sub-acute inpatient behavioral health (“sub-acute”) services shall be provided to private, psychiatric hospitals located in the District in accordance with the standards specified in this section.

4821.2 All sub-acute services eligible for Medicaid reimbursement shall be delivered by licensed practitioners of the healing arts acting within the authorized scope of practice under the Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-77; D.C. Official Code §§ 3-1201.01 *et seq.*), and implementing rules, or comparable law in the state where the practitioner is licensed.

4821.3 Medicaid reimbursement for sub-acute services provided in a psychiatric hospital shall require pre-authorization from DHCF or its designee.

4821.4 Effective Fiscal Year (FY) 2015, beginning October 1, 2014, DHCF shall determine the interim per diem rate for Medicaid reimbursement of sub-acute services using historical rates paid by Medicaid Managed Care Organizations (MCOs) as follows:

(a) DHCF shall take the weighted average of the rates paid by MCOs during the prior FY 2013 for a comparable level of care; and

(b) The weighted average shall become the interim per diem rate paid for sub-acute services during FY 2015, subject to adjustments based on audit findings.

4821.5 For FY 2015 and beyond, DHCF shall determine the final per diem for Medicaid reimbursement of sub-acute services using actual sub-acute costs indicated on the audited cost report.

4821.6 A private, psychiatric hospital shall ensure that the costs associated with providing sub-acute services are distinctly listed in its submitted cost report.

4821.7 The “sending hospital” shall not receive Medicaid reimbursement for the last day of the sub-acute inpatient hospital stay (discharge). Instead, the “receiving hospital” (*i.e.*, private psychiatric hospital) shall receive Medicaid reimbursement for the transfer day as the first day in sub-acute.

- 4821.8 A psychiatric hospital that delivers sub-acute services under this subsection shall ensure that DHCF, its designee, other District agencies, and representatives from the U.S. Department of Health and Human Services have access to all records for six (6) years after a Medicaid beneficiary reaches age twenty-two (22) as a condition of receipt of Medicaid reimbursement.
- 4821.9 No Medicaid reimbursement shall be available to a psychiatric hospital that incurs costs for a Medicaid beneficiary's stay that is not authorized by DHCF or its designee.
- 4821.10 Medicaid reimbursement for sub-acute services' inpatient stays shall not exceed forty-five (45) days.

## **4822 COST REPORT, AUDIT, AND RECORD MAINTENANCE**

- 4822.1 All general and specialty hospitals enrolled in the District of Columbia Medicaid program shall meet the applicable cost report, audit and record maintenance requirements, as set forth in Sections 4822 and 4823, as a condition of receipt of Medicaid reimbursement.
- 4822.2 Each hospital shall notify DHCF in writing if the Center for Medicare and Medicaid Services (CMS) extends the submission date for the cost report filed with the Medicare program.
- 4822.3 For purposes of compliance with timeframes established within this section, all references to calendar days exclude any federal and District holidays that occur within that span of time.
- 4822.4 All references to timeframes for sending or receiving documents shall consider receipt to occur five (5) calendar days from the date on the letter, notice or communication.
- 4822.5 Each in-District general and specialty hospital shall be required to submit to DHCF Form CMS-2552-10, or its successor, issued by CMS, U.S. Department of Health and Human Services (HHS). A valid Form CMS 2252-10 shall include a current Office of Management and Budget (OMB) control number.
- 4822.6 A complete cost report shall consist of a valid Form CMS-2250-10 and all required supplemental documentation, including an Executive Compensation Schedule.
- 4822.7 Each in-District hospital delivering inpatient services, identified at Sections 4800 through 4813; specialty services, identified at Sections 4813 through 4819; and outpatient services, identified at 29 DCMR § 903, shall submit a complete cost report as follows:

- (a) Annually, within one hundred fifty (150) calendar days after the close of the hospital's fiscal year; or
- (b) Within ninety (90) calendar days after the close of the hospital's fiscal year (FY) under the following circumstances:
  - (1) Upon terminating participation in the District's Medicaid program;
  - (2) Upon a change in ownership; or
  - (3) Upon a change in licensure status.
- (c) Specialty hospitals paid transition rates, as described in Subsection 4815.6, shall submit a cost report within ninety (90) calendar days after the close of the hospital's fiscal year.

4822.8 Within thirty (30) calendar days of the date on which the cost report is due, the Department of Health Care Finance (DHCF) shall issue a Notice of Delinquency to a hospital that has not timely submitted its cost report or when a submitted cost report is incomplete. The submission of an incomplete cost report shall be treated as a failure to file a cost report.

4822.9 If a hospital has not submitted a complete cost report within thirty calendar (30) days of the date on the Notice of Delinquency, DHCF shall withhold seventy-five percent (75%) of the hospital's Medicaid reimbursement for the month in which the cost report is due and any subsequent monthly reimbursement occurring prior to the receipt of a complete cost report. DHCF shall promptly disburse withheld reimbursement upon receipt of a complete cost report.

4822.10 DHCF shall provide each hospital with a written summary of its submitted (*i.e.*, unaudited) annual cost report data for the hospital's FY that ends before October 1 of the previous calendar year. The data shall be used to calculate the hospital's reimbursement rates for the District's next FY beginning October 1.

4822.11 Each hospital shall have thirty (30) calendar days from the date of the cost report summary to review and certify the accuracy of cost report data, in writing, or to submit a written request for review and correction of the cost report data.

4822.12 Each hospital's cost report shall be deemed complete and validated thirty (30) calendar days after the date of the cost report summary unless the hospital requests a data review and correction or if the hospital does not provide a timely response.

4822.13 DHCF's review of the cost report data shall be:

- (a) Limited to the hospital's allegations that data is incomplete or incorrect;
  - (b) Supported by documentation submitted by the hospital; and
  - (c) Solely a data review.
- 4822.14 If the data review for validating the cost report data results in changes to the data used then DHCF shall use the updated data to determine base rates and add on payments for the District's next fiscal year beginning on October 1.
- 4822.15 Within thirty (30) days of receipt of the hospital's request, DHCF shall notify the hospital of the results of the data review.
- 4822.16 A hospital's request for a cost report data review by DHCF shall not be subject to appeal through the Office of Administrative Hearings (OAH).
- 4822.17 For a specialty hospital that is paid a transition rate, as described in Subsection 4815.6, DHCF shall conduct a post-audit reconciliation after completion of the first District FY during which the transition rate was used. The reconciliation process shall be intended to evaluate the impact of the transition rates compared to the hospital's costs for the base year.
- 4822.18 The process for reconciliation shall only apply to hospitals that are paid transition rates.
- 4822.19 The process for reconciliation shall be as follows:
- (a) Affected hospitals shall submit to DHCF a cost report as described in Subsection 4822.6;
  - (b) DHCF, or its designee, shall audit the cost report and determine allowable costs by using Worksheet C, or its successor, of the audited cost report (*i.e.*, determine audited CCR amount);
  - (c) DHCF, or its designee, shall evaluate claims data representing paid hospital stays during the District's corresponding fiscal year;
  - (d) Final hospital costs for the District's corresponding fiscal year shall then be determined by applying the audited CCR amount against the charges from the stays during the District's corresponding fiscal year;
  - (e) Based on final costs, a hospital's base rate for the District's fiscal year under review shall be adjusted in order to reconcile the difference between costs represented in the transition rate and actual costs calculated from the hospital's fiscal year stays and audited CCR amount;

- (f) A new hospital base rate shall be calculated using the methodology established for each hospital, taking into account the new cost amount. The new rate shall be the base rate, adjusted annually for inflation until the next rebasing period;
- (g) The hospital's stays during the fiscal year under review shall be reprocessed using the new rate, which may result in an overpayment to the hospital or an additional payment to the hospital; and
- (h) All claims occurring after FY 2015, but prior to the reconciliation described in Subsections 4822.19(a)-(h), shall be subject to reprocessing. Reprocessing may result in repayment from the hospital or an additional payment to the hospital.

4822.20 DHCF, or its designee, acting on behalf of the District and the U.S. Department of Health and Human Services (HHS), or its designee, shall have the right to conduct audits at any time, upon reasonable notice to the hospital.

4822.21 Each hospital shall maintain sufficient financial records and data to properly determine allowable costs, and shall allow authorized agents of the United States Department of Health and Human Services (HHS) and the District to verify claims and reported costs.

4822.22 For purposes of this rule, an audit shall include a desk or field review or a field or on-site audit.

4822.23 Each hospital shall maintain all of its accounting and related records, including the general ledger and records of original entry, and all transaction documents and statistical data, which shall be considered as permanent records and be retained for a period of not less than six (6) years after the filing of a cost report.

4822.24 Each hospital shall also maintain all related documentation for any audit or appeal that is in progress when the required six (6) year period has tolled until the conclusion of that audit or appeal.

4822.25 Each hospital shall ensure that representatives of the District or federal government have access to any records pertaining to related organizations, as defined in 42 C.F.R § 413.7, including relevant financial records and statistical data to verify costs previously reported to DHCF.

#### **4823 NOTICE AND ADMINISTRATIVE REVIEW**

4823.1 All requests for administrative review shall be made in writing and delivered or emailed to the Department of Health care Finance, Reimbursement Analyst (Hospitals), Office of Rates, Reimbursement and Financial Analysis, 441 4<sup>th</sup> Street, NW, Suite 900 South, Washington, DC 20001, [ORRFA-](#)

[AdminReview@dc.gov](mailto:AdminReview@dc.gov). Upon completion of review or audit of annual cost reports (including rebasing years), DHCF shall provide the hospital with written notice of any audit adjustment(s) determined to apply to the hospital's payment rates or cost to charge ratio (CCR).

- 4823.2 The notice issued from DHCF shall include the following, where applicable:
- (a) A description of the audit or rate adjustment including an explanation, by appropriate reference to law, rules, State Plan Amendment, or program manual of the reason in support of the adjustment;
  - (b) The effective date of the adjustment or change in payment rate;
  - (c) A summary of all audit or payment rate adjustments made to reported costs, including an explanation, by appropriate reference to law, rules, or program manual, of the reasons in support of the adjustment; and
  - (d) An explanation of the right to request Administrative Review within sixty (60) calendar days after the date of the decision.
- 4823.3 Each hospital seeking Administrative Review, shall at minimum, provide the following information:
- (a) The nature of the adjustment sought;
  - (b) The amount of the adjustment sought and the total dollar amount involved;
  - (c) The reasons or factors that the hospital believes justify an adjustment; and
  - (d) The documentation needed to support the hospital's position, shall be subject to the following:
    - (1) A description of the total dollar amount involved shall be supported by generally accepted accounting principles; and
    - (2) A demonstration by the hospital that additional costs are necessary, proper and consistent with efficient and economical delivery of covered patient services.
- 4823.4 If changes are necessary as a result of the administrative review process, DHCF shall use the recalculated information to determine the rate for the period under review or make appropriate adjustments (for under- or overpayments) to the hospital's payments during the period under review.
- 4823.5 DHCF shall issue a final written notice within one hundred twenty (120) calendar days after receipt of all requested additional documentation and/or information.

The final notice shall include an explanation of the right to request an Administrative Hearing through the OAH within forty-five (45) calendar days of receipt of the final notice.

4823.6 The filing of an administrative appeal with the OAH shall not stay DHCF's action to adjust a hospital's payment rate or recover any overpayments made to the hospital.

4823.7 The methodologies in Sections 4800 through 4819 for all inpatient, including specialty, hospital services shall not be subject to Administrative Review or Appeal. This limitation on review and appeal shall include reimbursement methodology components that are national standards (*e.g.*, relative weights), the District-wide Base Rate, and add-on payments.

4823.8 Hospitals shall not request Administrative Review of the reimbursement methodology for outpatient hospital services under 29 DCMR § 903, the Enhanced Ambulatory Patient Grouping (EAPG) base price, bundling techniques utilized under the EAPG methodology, or the national weights established under the EAPG reimbursement software.

## 4899 DEFINITIONS

4899.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

**Acute care hospital:** The term "acute care hospital" shall include those hospitals providing inpatient services as defined at 42 C.F.R. § 440.10.

**APR-DRG Relative Weight:** A numerical value which reflects the relative resource requirements for the DRG to which it is assigned.

**Base year:** The standardized year on which rates for all hospitals for inpatient hospital services are calculated to derive a prospective payment system.

**Capital add-on:** An add-on payment per discharge that contributes toward hospitals' capital costs by adding supplemental monies to inpatient claim payments.

**Diagnosis Related Group (DRG):** A patient classification system that reflects clinically cohesive groupings of inpatient hospitalizations utilizing similar hospital resources.

**Direct medical education (DME):** An add-on payment to reimburse teaching hospitals for direct costs associated with graduate medical education (GME).



**District-wide Base Rate:** A standardized base amount used to reimburse hospitals reimbursed by DRG. The base rate is the basis of payment for DRG stays.

**General Hospital:** A hospital that has the facilities and provides the services that are necessary for the general medical and surgical care of patients, including the provision of emergency care by an Emergency Department pursuant to 22-B DCMR § 2099.

**Hospital:** As defined in the Medicare Act, which definition is incorporated herein (currently set forth in 42 U.S.C. § 1395x(e), as revised 1988).

**High-cost outliers:** Claims in which the computed loss to the hospital exceeds the outlier threshold to qualify for an additional payment.

**Indirect medical education (IME):** A component of the DRG base rate that is associated with indirect graduate medical education (GME costs and included in the hospital-specific base rate for each in-District general hospital paid under the APR-DRG PPS.

**In-District hospitals:** Any hospital located within the District of Columbia

**Ineligible day:** Any day that a patient was not eligible for District Medicaid on the day of service.

**Low-cost outliers:** Claims in which the computed gain to the hospital exceeds the outlier threshold to qualify for an adjustment to the DRG payment.

**Marginal cost factor:** A factor used to determine the additional payment for a high-cost outlier.

**Medicaid Care Category (MCC):** A categorization accepted by DHCF to categorize DRGs into clinical care groupings. Each DRG is categorized into one MCC.

**Normal Newborn:** A liveborn neonate whose diagnosis is categorized by APR-DRG.

**Outlier threshold:** The annual minimum dollar amount that the hospital's loss or gain for a claim under APR-DRG PPS must meet in order for a high or low-cost outlier adjustment to DRG payment to be applied, *e.g.*, high cost outlier threshold (\$65,000) and low cost outlier threshold (\$30,000).

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

**Pediatric (Children's) hospital:** A hospital engaged in furnishing services to inpatients who are predominantly individuals under the age of twenty-one (21).

**Rebase:** To review and/or update hospital reimbursement rates when necessary based upon a review of claims history and other relevant financial information.

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

**Specialty Hospital Per-Diem Payment Method:** A payment method which reimburses specific specialty hospitals on a daily basis.

**Specialty Hospital Per-Stay Payment Method:** A payment method which reimburses specific specialty hospitals based upon the entire time a person is hospitalized.

**Transition Rate:** An interim PS-APR-DRG or PD-APR-DRG rate established to allow for changes in reimbursement for specialty hospital discharges occurring October 1, 2014-September 30, 2015.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Interim Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 20001, via telephone on (202) 442-8742, via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-063  
February 2, 2015

**SUBJECT:** Establishment – Mayor's Office of Talent and Appointments


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **Establishment:** There is established in the Executive Office of the Mayor, under the direction and control of the Mayor, through the Mayor's Chief of Staff, an Office of Talent and Appointments, to be headed by a Director of the Office of Talent and Appointments.
2. **Purpose:** The Office of Talent and Appointments shall assist the Mayor and Chief of Staff in the identification, recruitment and vetting of qualified candidates to serve the District government as members of boards and commissions or as appointed Executive and Excepted Service staff. The Office shall also assist the Mayor in gathering feedback and input from boards and commissions and District Agencies on key needs and priorities of citizens of the District of Columbia.
3. **Functions:** The Director of the Office of Talent and Appointments shall:
  - a. Provide strategic advice and guidance to the Mayor and Chief of Staff regarding general policies and issues related to District government boards and commissions, and the appointment of members thereto.
  - b. Provide advice and guidance to the Mayor and Chief of Staff on the allocation and deployment of Executive and Excepted Service employees to fill programmatic and strategic priorities.
  - c. Recruit and process candidates for consideration in regard to appointment to boards and commissions or as Executive and Excepted Service employees.

- d. Organize swearing-in ceremonies for new appointees to boards and commissions or Executive and Excepted Service employees.
  - e. Maintain appropriate records, including information on the requirements for membership on boards and commissions and information on appointees currently serving on boards and commissions and Executive and Excepted Service employees.
  - f. Coordinate, through boards and commissions, the dissemination of information concerning District government activities.
  - g. Perform such other duties as necessary to maintain the efficient functioning of nomination and appointment processes for boards and commissions and Executive and Excepted Service staff.
4. The Director, Office of Talent and Appointments, may issue procedures, guidelines or rules as may be appropriate to ensure the efficient implementation of this Order.
  5. This Order rescinds Mayor's Order 2001-189, dated December 19, 2001 and supersedes any other Mayor's Order to the extent that such Order is inconsistent with the provisions of this Order.
  6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.

  
 \_\_\_\_\_  
 MURIEL E. BOWSER  
 MAYOR

ATTEST:   
 \_\_\_\_\_  
 LAUREN C. VAUGHAN  
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

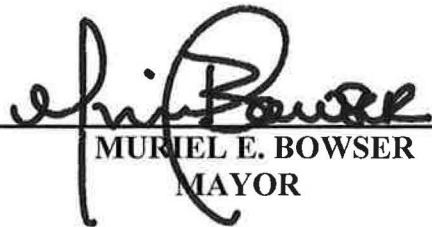
Mayor's Order 2015-064  
February 2, 2015

**SUBJECT:** Delegation - Authority to the Director and Deputy Director, Office of Talent and Appointments to Administer Oaths

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2), (6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2), (6) and (11) (2012 Repl.), section 2 of the District of Columbia Administration of Oaths, Public Assistance Technical Clarification, and Police Service and Fire Service Schedule Approval Act of 1982, effective May 19, 1982, D.C. Law 4-108, D. C. Official Code § 1-301.22 (2012 Repl.), and section 408 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-604.08 (2012 Repl.), it is hereby **ORDERED** that:

1. The Director and Deputy Director of the Mayor's Office of Talent and Appointments are delegated the authority vested in the Mayor to administer oaths, including the oath of office for individuals appointed to District of Columbia boards and commissions, as part of the Director's and Deputy Director's official responsibilities.
2. This Order supersedes Mayor's Order 2014-310, dated December 9, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST:   
 LAUREN C. VAUGHAN  
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-065  
February 2, 2015

**SUBJECT:** Appointment – Director, Mayor's Office of Talent and Appointments

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.) and pursuant to Mayor's Order 2015-063, effective January 2, 2015, establishing the Mayor's Office of Talent and Appointments, it is hereby **ORDERED** that:

1. **STEVEN WALKER** is appointed Director, Mayor's Office of Talent and Appointments and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-066  
February 2, 2015

**SUBJECT:** Reappointment – Executive Director, Office on Aging

**ORIGINATING AGENCY:** Office of the Mayor

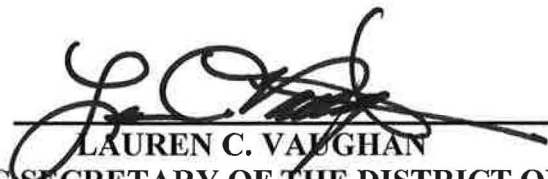
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN M. THOMPSON** is reappointed Executive Director, Office on Aging and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2012-13, dated January 20, 2012.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-067  
February 4, 2015

**SUBJECT:** Delegation of Authority Pursuant to D.C. Law 9-183, the "Radon Contractor Proficiency Act of 1992" as amended by Title II of D.C. Law 20-142, the Sustainable DC Omnibus Amendment Act of 2014.


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), and pursuant to section 2 of the Radon Contractor Proficiency Act of 1992 ("**Act**"), effective March 13, 1993, D.C. Law 9-183, D.C. Official Code § 28-4201 *et seq.* (2012 Repl.) as amended by Title II of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014, (D.C. Law 20-142), 61 DCR 8045, it is hereby **ORDERED** that:

1. The Director of the District Department of the Environment is delegated the Mayor's authority to implement and enforce the Act, including the authority to designate acceptable third-party organizations to issue certificates of proficiency for radon screening, testing, or mitigation services; require third-party organizations to compile and report testing and licensure records; and perform other activities necessary to implement and enforce the Act.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-068  
February 4, 2015

**SUBJECT:** Delegation of Authority Pursuant to Title II, Subtitle B of D.C. Law 19-262, the Sustainable Urban Agriculture Apiculture Act of 2012 as amended by Title IV, Subtitle B of the D.C. Law 20-142 the Sustainable DC Omnibus Amendment Act of 2014.


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by Section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2012 Repl.), and pursuant to the Sustainable Urban Agriculture Apiculture Act of 2012 ("**Act**"), effective April 20, 2013 (D.C. Law 19-262; D.C. Official Code § 8-1825.01 *et seq.* (2012 Repl.)), as amended by Title IV, Subtitle B of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014, (D.C. Law 20-142), 61 DCR 8045, it is hereby **ORDERED** that:

1. The Director of the District Department of the Environment is delegated the Mayor's authority to implement and enforce the Act, including the authority to regulate and proscribe the manner and method of apiculture in the District of Columbia; require apiculturists to register and report the location and condition of hives; and perform other activities necessary to support urban agriculture in the District of Columbia consistent with the protection of human and environmental health.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-069  
February 4, 2015

**SUBJECT:** Delegation of Authority Pursuant to Title IV, Subtitle A of D.C. Law 20-142, the Sustainable DC Omnibus Amendment Act of 2014

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), the District Department of the Environment Establishment Act of 2005, as amended, effective February 15, 2006, D.C. Law 16-51, D.C. Official Code § 8-151.01 *et seq.* (2012 Repl.), and pursuant to Title IV, Subtitle A of the Sustainable DC Omnibus Amendment Act of 2014 ("**Act**"), effective December 17, 2014, (D.C. Law 20-142), 61 DCR 8045 it is hereby **ORDERED** that:


1. The Director of the District Department of the Environment is delegated the Mayor's authority to implement and enforce the Act, including:
  - a. Authority to classify a licensed business as a "food service business" consistent with the purposes and terms of the Act;
  - b. Authority to identify and classify a product as expanded polystyrene consistent with the purposes of the Act;
  - c. Authority to define compostable and recyclable in the context of the District's waste stream and identify disposable food service ware that fits within this categorization;
  - d. Authority to compile and administer the list of vendors prescribed in section 404 of the Act;
  - e. Authority to compile and administer the exempted product list prescribed in section 405 of the Act;
  - f. Authority to conduct the study prescribed in section 406 of the Act;
  - g. Authority to promulgate rules, impose sanctions and fines, and enforce the provisions under the Act consistent with the authority identified in section 407 of the Act; and

- h. Performing other activities necessary to implement the Act.
- 2. **EFFECTIVE DATE:** This Order shall become effective immediately.



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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-070  
February 04, 2015

**SUBJECT:** Reappointment and Appointments – National Capital Planning  
Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 1 of An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924, as amended, 43 Stat. 463, ch. 270, D.C. Official Code § 2-1002 (2012 Repl.), it hereby **ORDERED** that:

1. **ARRINGTON DIXON** is reappointed as a citizen member of the National Capital Planning Commission ("**Commission**") for a term to end January 2, 2019.
2. **GEOFF GRIFFITHS** is appointed as a citizen member of the Commission for a term to end January 2, 2019 replacing Robert Miller.
3. **ERIC SHAW** is appointed as an ex officio member of the Commission representing the District of Columbia as the Acting Director of the Office of Planning.
4. **JENNIFER STEINGASSER** is appointed as a second alternate ex officio member of the Commission representing the Director the Office of Planning in his absence.
5. Mayor's Order 2014-011, dated January 9, 2014, is hereby rescinded in its entirety.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.



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MURIEL E. BOWSER  
MAYOR

ATTEST:



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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2015-071  
February 5, 2015

**SUBJECT:** Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Execute Certain Documents with Respect to the District controlled land under a federal transfer of jurisdiction located at the intersection of Michigan Avenue and Irving Street, N.E. (known as the **"Fringe Parking Lot Property"**).

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2014 Repl.); and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2014 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor is delegated the authority to execute amendments and restatements to the existing ground lease agreement, related development and easement agreements, and/or other associated documents with respect to the development of the Fringe Parking Lot Property, providing for the improvement thereof, and the use or lease thereof by Conference Center Associates I, L.L.C., and/or its affiliates for development purposes.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. EFFECTIVE DATE: This Order shall be effective immediately.

  
MURIEL E. BOWSER  
MAYOR

ATTEST:   
LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-072  
February 5, 2015

**SUBJECT:** Appointment – 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) (2014 Repl.), and pursuant to 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. **MARK TUOHEY** is appointed Director, Mayor's Office of Legal Counsel.
2. This Order supersedes Mayor's Order 2015-048, dated January 16, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-073  
February 5, 2015

**SUBJECT:** Appointment – Acting Deputy Mayor for Planning and Economic Development

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), it is hereby **ORDERED** that:

1. **BRIAN KENNER** is appointed Acting Deputy Mayor for Planning and Economic Development and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-013, dated January 2, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 2, 2015.




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MURIEL E. BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-074  
February 5, 2015


**SUBJECT:** Reappointment – Acting Commissioner, Department of Insurance,  
Securities, and Banking

**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) (2014 Repl.), it is hereby **ORDERED** that:

1. **CHESTER A. MCPHERSON** is reappointed Acting Commissioner, Department of Insurance, Securities, and Banking and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-100, dated May 2, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 2, 2015.

  
 \_\_\_\_\_  
 MURIEL E. BOWSER  
 MAYOR

**ATTEST:**   
 \_\_\_\_\_  
 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 18, 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

- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-PRO-00004;** S & R Brothers, Inc., t/a S & R Liquors, 1015 18th Street NW, License #97252, Retailer A, ANC 2B  
**Application for a New License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 15-PRO-00002;** Darnell Perkins & Associates, LLC, t/a Darnell's, 944 Florida Ave NW, License #95113, Retailer CT, ANC 1B  
**Application to Renew the License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CMP-00464;** A & P Liquors, LLC, t/a Crown Liquors, 1325 Connecticut Ave NW, License #88121, Retailer A, ANC 2B  
**Failed to Take Steps Necessary to Ensure Property is Free of Litter**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-AUD-00087;** Queen of Sheba, Inc., t/a Queen of Sheba, 1503 9th Street NW, License #73644, Retailer DR, ANC 6E  
**Failed to File Quarterly Statements (2nd Quarter 2014)**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-AUD-00011;** Smith Commons DC, LLC, t/a Smith Commons, 1245 H Street NE, License #84598, Retailer CR, ANC 6A  
**Failed to Post ABC Licenses**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-AUD-00095;** 1819 14th Ventures, LLC, t/a El Centro D.F., 1819 14th Street NW, License #84847, Retailer CR, ANC 1B  
**Failed to File Quarterly Statements (2nd Quarter 2014)**

Board's Calendar  
February 18, 2015

**Show Cause Hearing (Status) 9:30 AM**  
**Case # 14-AUD-00078;** CSBT, Inc., t/a Town House Tavern Restaurant, 1637 R Street NW, License #24682, Retailer CR, ANC 2B  
**Failed to File Quarterly Statements (2nd Quarter 2014)**

**Show Cause Hearing 10:00 AM**  
**Case # 14-CMP-00205;** Burger 1931, LLC, t/a Black and Orange, 1931 14th Street NW, License #88273, Retailer CR, ANC 1B  
**Failed to File Quarterly Statements (4th Quarter 2013)**

**Show Cause Hearing 11:00 AM**  
**Case # 14-CMP-00240, # 14-251-00229 and # 14-251-00238,** Howard Theatre Entertainment, LLC, t/a Howard Theatre, 620 T Street NW, License #88646 Retailer CX, ANC 1B  
**No Manager on Duty (three counts), Operating After Hours, Interfered with an Investigation (two counts), Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose**

**BOARD RECESS AT 12:00 PM**  
**ADMINISTRATIVE AGENDA**  
**1:00 PM**

**Show Cause Hearing 1:30 PM**  
**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)**

**Show Cause Hearing 2:30 PM**  
**Case # 14-AUD-00074;** Dahlak Restaurant, Inc., t/a Dahlak Restaurant, 1771 U Street NW, License #74433, Retailer CR, ANC 1C  
**Failed to Maintain Books and Records (three counts)**

**\*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 18, 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-088686 – **Mayalen** – Retail – Wholesaler A – 301 NEW YORK AVENUE NE  
[Establishment appears to have ceased operations. The Licensee was advised in an email dated 1/14/15 to place license in Safekeeping within 10 days and the Licensee acknowledged receipt of the email but has not submitted the application. ABRA Investigators also received an email from the Licensee indicating that the Establishment was closed.]

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ABRA-072288 – **Old Dominion Brewhouse** – Retail – CR – 1207-1219 9<sup>th</sup> STREET NW  
[The Licensee has indicated that the Establishment is closed and will not be transferred and the license should therefore be cancelled.]

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 18, 2015  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On February 18, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case#14-CMP-00774 Stanton Liquors, 1044 BLADENSBURG RD NE Retailer A Retail - Liquor Store, License#:ABRA-071601

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2. Case#15-251-00003 Rosebar, 1215 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-077883

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3. Case#14-CMP-00773 Tenley Wine & Liquors, 4525 Wisconsin AVE NW Retailer A Retail - Liquor Store, License#:ABRA-078014

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4. Case#15-CMP-00001 Skip's Liquors, 405 61ST ST NE Retailer A Retail - Liquor Store, License#: ABRA-078204

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5. Case#15-CMP-00054 Rose's Liquor, 830 BLADENSBURG RD NE Retailer A Retail - Liquor Store, License#:ABRA-060822

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6. Case#15-CMP-00021 Bukom Cafe, 2442 18TH ST NW Retailer C Tavern, License#: ABRA-026466

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7. Case#15-CMP-00017 The Manor, 1327 Connecticut AVE NW Retailer C Restaurant, License#: ABRA-000882

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8. Case#15-CMP-00005 Big Chair Coffee & Grill, 2122 Martin Luther King Jr. AVE SE  
Retailer C Restaurant, License#:ABRA-085903

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9. Case#15-CC-00003 Patron Convenience Store, 3235 PENNSYLVANIA AVE SE Retailer B  
Retail - Class B,License#: ABRA-086085

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10. Case#15-CMP-00018 DC Shenanigans, 2450 18th ST NW Retailer C Tavern, License#:  
ABRA-088119

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11. Case#15-AUD-00007 Black & Orange, 1931 14TH ST NW Retailer C Restaurant, License#:  
ABRA-088273

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12. Case#15-CMP-00014 Climax Restaurant & Hookah Bar, 900 FLORIDA AVE NW Retailer  
C Tavern, License#:ABRA-088290

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13. Case#15-CMP-00055 Liff's Market, 600 ALABAMA AVE SE Retailer B Retail - Grocery,  
License#: ABRA-088858

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14. Case#15-CMP-00013 Kitty O'Shea's DC, 4624 WISCONSIN AVE NW Retailer C  
Restaurant, License#:ABRA-090464

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15. Case#15-CMP-00024 Roofers Union, 2442 - 2446 18TH ST NW Retailer C Tavern,  
License#: ABRA-093592

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16. Case#14-251-00346 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub,  
License#: ABRA-094244

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17. WeWork, 18 Connecticut Avenue, NW, Unlicensed

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, FEBRUARY 18, 2015 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Amendment to Settlement Agreement between ANC 2E and Epicurean and Company, dated January 27, 2015. *Epicurean and Company*, 3800 Reservoir Road, NW, Retailer CR, License No.: 077576.
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2. Review of Settlement Agreement between Protestant Group of 18 and Lee's Liquor, dated February 3, 2015. *Lee's Liquor*, 2339 Pennsylvania Avenue, SE, Retailer A, License No.: 095751.
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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 18, 2015 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License. ANC 1B. SMD 1B03. Pending Enforcement Matter and Outstanding Fine: 7/19/14, Case #14-251-00195, Sale to Minor. In Show Cause Hearing on 1/14/15, Board accepted OIC of \$3,000 fine payable within 30 days and a 5-day suspension from 1/29/15-2/3/15. No outstanding citations. No conflict with Settlement Agreement. **Fairmont Market**, 2628 11<sup>th</sup> Street NW, Retailer B Grocery, License No. 077898.
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2. Review Application for Safekeeping of License. ANC 3F. SMD 3F01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Chalin's Restaurant**, 4250 Connecticut Avenue NW A, Retailer CR, License No. 008737.
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3. Review Application for Safekeeping of License. ANC 5D. SMD 5D03. Outstanding Fine/Citation: 2/27/14, Case #14-CMP-00121, Provided Go-Cups, Citations #4027, outstanding \$750 fine. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Columbia Wine & Liquors**, 1151 Bladensburg Road NE, Retailer A Liquor Store, License No. 060113.
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4. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday 8am to 9:30pm, Monday-Saturday 8am to 10:30pm. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday 10am-9:30pm, Monday-Saturday 9am to 10:30pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday 7am to 9:30pm, Monday-Saturday 7am to 10:30pm. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Whole Foods Market**, 4530 40<sup>th</sup> Street NW, Retailer B Grocery, License No. 076139.
- 

5. Review Re-Application for Entertainment Endorsement. Entertainment to Include a DJ on weekends and a weekly Karaoke night. ANC 6C. SMD 6C05. No outstanding fines/citations.

No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Po Boy Jim*, 709 H Street NE, Retailer CR, License No. 087903.  
(*Board originally decided to Placard request on 11/5/2014, but the application was dismissed when applicant failed to appear at a Roll Call Hearing on 1/20/2015. See Board Order No. 2015-025.*)

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6. Review Application for Manager's License. *Keith E. Erickson*-ABRA 097932.
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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.**

**CARLOS ROSARIO PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Water Proofing**

The Carlos Rosario PCS is seeking bids from a concrete company that will parget and water proof the foundation of a mechanical room. All interested parties should contact Randy Asbury for specs before COB March 4, 2015 via email [rasbury@carlosrosario.org](mailto:rasbury@carlosrosario.org).

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY****REQUEST FOR PROPOSALS****eRate Eligible Items**

The Cesar Chavez Public Charter for Public Policy Schools solicits proposals from vendors for eRate eligible items such as:

- Mobile phone services
- Internet Access connectivity
- Phone system – Cloud based PBX
- Data Transmission for intercampus connectivity
- Eligible broadband internal Connection Components

More information will be provided upon request to [itbids@chavezschools.org](mailto:itbids@chavezschools.org) or from the schools website, [www.chavezschools.org](http://www.chavezschools.org).

Email questions to [itbids@chavezschools.org](mailto:itbids@chavezschools.org) with the subject line as “**eRate Eligible Items**”.

Deadline for proposal submission is Friday March 13, 2015 - 12:00pm

**CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY**

**REQUEST FOR PROPOSALS**

**Purchase of Chromebook Laptops and Carts**

The Cesar Chavez Public Charter for Public Policy Schools solicits proposals from vendors that will be able to provide in a timely manner with Chromebook laptops

More information will be provided upon request to [itbids@chavezschools.org](mailto:itbids@chavezschools.org)

Email questions to [itbids@chavezschools.org](mailto:itbids@chavezschools.org) with the subject line as “**Purchase of Chromebook Laptops and Carts**”.

Deadline for proposal submission is Friday February 20, 2015 - 12:00pm

**DC Scholars Public Charter School****REQUEST FOR PROPOSALS****WI-FI NETWORKING EQUIPMENT, CABLING AND SUPPORT SERVICES**

Notice is hereby given that the SCHOLAR ACADEMIES has released Request for Proposals (RFP's) for various WAN, WI-FI networking equipment, cabling and support services. Details are provided within the formal posted RFP's, however the school will accept proposals that include compatible equipment/solutions. Interested respondents must have an E-rate SPIN number and adhere to the RFP response instructions. Complete responses must be received on or before 12 NOON E.S.T. on February 26, 2015 and March 2, 2015 addressed to the contact person that is given on the first page of the RFP's.

To obtain a copy of the RFPs visit [www.intelafunds.net](http://www.intelafunds.net) and go to "Bid Opportunities".  
Questions regarding this request can be sent to [eratesupport2015@intelafunds.net](mailto:eratesupport2015@intelafunds.net).

**E.L. HAYNES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Broadband Internal Connections**

E.L. Haynes Public Charter School (“ELH”) is seeking solutions (products and services) in the area of Broadband Internal Connections. Contracts resulting from this RFP will be written for each of our sites, 4501 Kansas Avenue NW and/or 3600 Georgia Avenue NW in Washington, DC. These contracts will be contingent upon funding under the eRate program.

Proposals must be received by ELH before 8:00 am on Monday, March 16, 2015. Proposals received later than the date and time specified will not be considered. Proposals will be accepted by e-mail only. Submission files should not exceed 5MB.

Please send questions and complete proposals to [erate@elhaynes.org](mailto:erate@elhaynes.org) with “Broadband Internal Connections” in the subject heading. The contract(s) must be executed by noon on Tuesday March 24, 2015 to be included with the eRate Form 471.

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to [erate@elhaynes.org](mailto:erate@elhaynes.org) with the subject “Requesting Full RFP for ELH Broadband Internal Connections.”

By submitting a bid, every bidder affirms that neither the bidder nor its subcontractors (if any) are an excluded party by or disbarred from doing business with/receiving funds from either the U.S. federal government or the government of the District of Columbia. Bidders also agree to the provisions of E.L. Haynes General Conditions and Equal Opportunity Employment Statements, available on the school’s website.

**E.L. Haynes Public Charter School****REQUEST FOR PROPOSALS – ON-SITE TECHNICAL SUPPORT**

E.L. Haynes Public Charter School—a nonprofit, college-preparatory, public charter K-12 school—is seeking on-site technical support at multiple levels (tiers 1-3) for a total of 40 hours per week.

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to [rpohlman@elhaynes.org](mailto:rpohlman@elhaynes.org) with the subject heading *On-Site Technical Support RFP*.

The deadline for full RFP submissions is February 20, 2015, at 5:00 pm EST. Prospective firms should e-mail one electronic submission, including a signed contract with the effective date to be entered by E.L. Haynes, to [rpohlman@elhaynes.org](mailto:rpohlman@elhaynes.org). Submissions should not exceed 4MB.

By submitting a bid, every bidder affirms that neither the bidder nor its subcontractors (if any) are an excluded party by or disbarred from doing business with/receiving funds from either the U.S. federal government or the government of the District of Columbia. Bidders also agree to the provisions of E.L. Haynes General Conditions and Equal Opportunity Employment Statements, available on the school's website.

For any additional information regarding the RFP, please contact Richard Pohlman at [rpohlman@elhaynes.org](mailto:rpohlman@elhaynes.org) or (202) 888-2939.



OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
WELLNESS AND NUTRITION SERVICES DIVISION

EXTENSION OF APPLICATION DEADLINE

School Garden Grant

THE APPLICATION DEADLINE FOR THE OFFICE OF THE STATE  
SUPERINTENDENT OF EDUCATION SCHOOL GARDEN GRANT HAS BEEN  
EXTENDED TO 5PM ON FEBRUARY 18<sup>TH</sup>, 2015

**Background:** The Division of Wellness and Nutrition Services within the Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the DC School Garden Grant (SGG) as mandated by the Healthy Schools Act (HSA) of 2010 (DC Law 18-209). The purpose of this grant is to increase the capacity and scope of DC school gardens as educational resources.

**Eligibility:** OSSE will accept applications from DC public schools and public charter schools participating in the HSA in partnership with DC-based school garden or farm to school focused organizations with 501(c) 3 status. OSSE will accept 1 application per school campus, however an organization may submit up to 4 applications with 4 different schools. Schools that have been awarded 3 or more SGG awards within the past 5 years are not eligible.

**Length of Award:** The grant award period will be one year. Grant activities must take place between March 2<sup>nd</sup>, 2015 and March 1<sup>st</sup>, 2016.

**Available Funding for Award:** The total funding available for this award period is \$300,000. Applicants may apply for an award amount of up to \$15,000 to fund new and active school garden/farm to school programs.

The RFA and all supporting documents will be available on November 21<sup>st</sup> at <http://grants.osse.dc.gov>. To receive more information or for a copy of this RFA, please contact:

Sam Ullery  
School Garden Specialist  
Wellness and Nutrition Services Division  
DC Office of the State Superintendent of Education  
[sam.ullery@dc.gov](mailto:sam.ullery@dc.gov)

**BOARD OF ELECTIONS****NOTICE OF PUBLICATION**

The Board of Elections, at a regular Board Meeting on Wednesday, February 4, 2015, formulated the short title, summary statement, and legislative text of the “Character Development and Citizenship Education Initiative of 2014.” Pursuant to D.C. Code § 1-1001.16 (2001 ed.), the Board hereby publishes the aforementioned formulations as follows:

**INITIATIVE MEASURE**

No. 75

**SHORT TITLE**

“Character Development and Citizenship Education Initiative of 2014”

**SUMMARY STATEMENT**

This initiative, if passed, will establish a 15-member Character Development and Citizenship Education Council in the District of Columbia.

The Character Development and Citizenship Education Council will:

- Develop a plan to identify issues impacting on the social and emotional outcomes of youth;
- Submit a report to District government officials that addresses District youth disciplinary issues;
- Submit a final report and recommendations to District government officials on how to implement a nonreligious character development and citizenship education curriculum in the District’s public and charter schools; and
- Complete its work within 12 months after its creation.

**LEGISLATIVE TEXT**

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. Character Development and Citizenship Education Initiative of 2014”.

**Sec. 2** Definitions.

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

- (1) “CDCEC” means the Character Development and Citizenship Education Council.
- (2) “Character Development and Citizenship Education” refers to education and training that focuses on topics including but not limited to bullying, drug use, peer pressure, life focus, ethics, respect, health, self-esteem, and the importance of positive attitudes and influences.

**Sec. 3.** Appointments and Confirmations.

The CDCEC shall consist of 15 members, appointed by the Mayor and confirmed by the Council of the District of Columbia, in accordance with D.C. Official Code § 1-523.01.

Within 180 days after the effective date of this act, the Mayor shall submit to the Council of the District of Columbia for confirmation a list of appointees to the CDCEC. .

**Sec. 4.** Establishment of the Character Development and Citizenship Education Council.

There is established in the Executive branch of the District of Columbia government, the District of Columbia Character Development and Citizenship Education Council to assist and advise the Mayor, the Council of the District of Columbia, the Office of the State Superintendent for Education (OSSE), the Chancellor of the District of Columbia Public Schools, and the Executive Director of the District of Columbia Public Charter Schools in promoting the character development and citizenship education for the residents of the District of Columbia.

**Sec. 5.** Members.

(a) The CDCEC shall consist of 15 members, appointed by the Mayor and confirmed by the Council of the District of Columbia. The composition shall be as follows:

- (1) Five members shall represent faith-based and secular organizations.
- (2) Two members shall be members of the general public.
- (3) One member shall represent the law enforcement community.
- (4) One member shall be an educator representing the District of Columbia Public Schools.
- (5) One member shall be an educator representing the District of Columbia Public Charter Schools.
- (6) One member shall represent the Office of the State Superintendent for Education (OSSE).
- (7) One member shall represent the Office of the District of Columbia Public Schools.
- (8) One member shall represent the Office of the District of Columbia Public Charter School Board.
- (9) One member shall be a student representative from the District of Columbia Public Charter Schools.
- (10) One member shall be a student representative from the District of Columbia Public Schools.

(b) Members shall not be compensated for their service on the CDCEC, but shall be eligible for reimbursement of expenses as provided in D.C. Official Code § 1-611.08(d).

(c) Members shall serve for a 12-month period beginning the day after all members have been confirmed by the Council.

(d) Members shall be residents of the District of Columbia who have a demonstrated background or interest in character development and citizenship education.

(e) The Mayor shall designate one member to serve, at the Mayor's pleasure, as Chairperson of the CDCEC.

(f) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of the unexpired term.

**Sec. 6.** Organization.

(a) At the initial monthly meeting, the CDCEC shall determine its organization and name its officers, other than the Chairperson.

(b) The CDCEC shall meet at the invitation of the Chairperson or a majority of the members.

(c) The CDCEC may establish subcommittees to review issues and make recommendations to the Council.

**Sec. 7.** Meetings.

(a) The CDCEC shall hold regular public meetings at least once every month, at such times and places as provided in the notice of the meeting.

(b) The Mayor, the Chairperson, or a majority of the current members of the CDCEC may call a special meeting by sending notice of the special meeting not less than 7 days in advance. The notice shall state the matters to be considered. No other matter may be considered at a special meeting except with the consent of all members of the CDCEC present.

(c) By affirmative vote of the majority of members present, the CDCEC may schedule or hold a closed executive session to discuss personnel or other matters of a private or confidential nature. No action may be taken in an executive session, and no records shall be kept of the session other than a record of the vote to schedule or hold the session.

**Sec. 8.** Conduct of Meetings.

(a) The Chairperson shall determine the order of business at meetings.

(b) The Chairperson, or the Secretary at the discretion of the Chairperson, shall prepare an agenda for each regular CDCEC meeting. Any member of the CDCEC or member of the public may transmit material to the Chairperson for inclusion on the agenda. This material shall be included on the agenda if it is received by the CDCEC not later than 14 calendar days prior to the meeting.

(c) The Chairperson, or the Secretary at the discretion of the Chairperson, shall distribute the proposed agenda to the members no later than 7 calendar days prior to the date of the meeting.

(d) Additional items may be placed on the agenda of a regular meeting by majority vote of members present, and if applicable notice requirement have been met.

(e) If neither the Chairperson, the Vice-Chairperson, or the Secretary is present at the time Designated for any CDCEC meeting, any other member shall call the roll and, if a quorum has been met, shall call the meeting to order, and preside over the election of a Chairperson *pro tempore* who shall preside until the Chairperson, the Vice-Chairperson, or the Secretary arrives.

(f) The Chairperson, the Vice-Chairperson or Secretary serving in the capacity of the Chairperson, or Chairperson *pro tempore* shall decide all questions of order at said meeting, subject to an appeal to the CDCEC.

(g) Matters not covered by this section or other District of Columbia laws or regulations shall be

decided in accordance with *Robert's Rules of Order, Newly Revised*.

**Sec. 9.** Duties.

The CDCEC shall:

- (1) Meet monthly;
- (2) Operate and conduct meetings using administrative rules of order;
- (3) Select a Vice-Chair and Recording Secretary;
- (4) Perform an assessment and develop a plan to identify issues impacting on the social and emotional outcomes of youth, such plan to be submitted to the Mayor, the Council of the District of Columbia, the Office of the State Superintendent for Education, the Chancellor of the District of Columbia Public Schools, and the Executive Director of the District of Columbia Public Charter Schools within 6 months after all members have been confirmed by the Council;
- (5) Submit a final report and recommendations on how to implement the Character Development and Citizenship Education within the District of Columbia Public and Charter Schools, within 12 months after all members have been confirmed by the Council;
- (6) In its first report, address, among other issues, matters related to the high rate of disciplinary problems exhibited by the youth in the District of Columbia;
- (7) Provide a shared responsibility between teachers, parents and members of the community;
- (8) Create a learning process that uses repetition to internalize core ethical values such as respect, justice, civic virtue and citizenship, and responsibility for self and others;
- (9) Promote community involvement in designing and implementing character education in the District of Columbia Public and Charter Schools; and
- (10) Submit to the Mayor and the Council of the District of Columbia, the Office of the State Superintendent for Education (OSSE), the Chancellor of the District of Columbia Public Schools, and the Executive Director of the District of Columbia Public Charter Schools other reports and recommendations as it considers useful for the promotion of Character Development and Citizenship Education in the District.

**Sec. 10.** Quorum.

A majority of the sitting membership of the CDCEC, but not less than 4 members, shall constitute a quorum for the transaction of business at all meetings of the CDCEC.

**Sec. 11.** Votes.

- (a) Action shall be taken by majority vote of the members present and voting unless provided in this act or in other District of Columbia laws or regulations.
- (b) No person may vote on CDCEC matters unless that person is a current member of the CDCEC.
- (c) A motion to reconsider a vote may be made at the same meeting at which the vote was taken or, if otherwise in order, at the next meeting, by any member who voted with the prevailing side of a question.

**Sec. 12.** Designation of Committee(s).

- (a) When designating the resolution of a matter to a committee, the CDCEC shall designate a chairperson of the committee. The chairperson shall preside over meetings of the committee.
- (b) A majority of the members of the committee shall constitute a quorum for the transaction of business at all meetings of the committee.
- (c) Action shall be taken by the committee by a majority vote of the committee members present and voting.

**Sec. 13.** Records of Meetings.

- (a) The Secretary shall cause the proceedings of meetings to be recorded in written minutes.
- (b) The minutes shall record all actions and any statements made for the record. Otherwise there shall be no verbatim written record of discussion and debate unless so ordered by the CDCEC.
- (c) Copies of the minutes shall be distributed to each member at the next regular meeting of the CDCEC.
- (d) Upon approval by the CDCEC, the minutes shall become the record of the proceedings.

**Sec. 14.** Notices and Correspondence.

The Chairperson shall sign or designate a person to sign:

- (1) All notices to members of regular and special meetings, except for special meetings called by a majority of the members or by the Mayor; and
- (2) All notices and correspondence signifying proposed and final actions of the CDCEC.

**Sec. 15.** Sunset provision.

This act shall expire 12 months after all members of the CDCEC have been appointed by the Mayor and confirmed by the Council of the District of Columbia, unless it is extended by legislative action.

**Sec. 16.** Effective date.

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

**BOARD OF ELECTIONS****CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in two (2) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

**VACANT: 5A04 and 7F07**

Petition Circulation Period: **Tuesday, February 17, 2015 thru Monday, March 9, 2015**

Petition Challenge Period: **Thursday, March 12, 2015 thru Wednesday, March 18, 2015**

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Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections  
441 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

For more information, the public may call **727-2525**.

**FRIENDSHIP PUBLIC CHARTER SCHOOL****NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

**HIGH SPEED WAN & INTERNET SERVICE:** Friendship Public Charter School is soliciting proposals from qualified vendors for **HIGH SPEED WAN & INTERNET SERVICE**. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. The deadline has been extended and proposals are due no later than 4:00 P.M., EST, February 13<sup>th</sup> 2015. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org). -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

**Legal Service:** Friendship Public Charter School is seeking an experienced vendor /company to provide legal Services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 13<sup>th</sup> 2015. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org). -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

**Financing Support:** Friendship Public Charter School is seeking an experienced vendor /company to provide legal services, financial analysis and related services to support bank or bond financing for major capital projects. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 13<sup>th</sup> 2015. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

**Program Initiatives Designed to Close the Achievement Gap of High School Students and Effectively Preparing them for College Readiness through Proven Strategies and Program Design Implementation:** Friendship Public Charter School is seeking an experienced vendor /company to provide Program Initiatives Designed to Close the Achievement Gap of High School Students and Effectively Preparing them for College Readiness through Proven Strategies and Program Design Implementation. The deadline has been extended and proposals are due no later than 4:00 P.M., EST, February 13<sup>th</sup> 2015. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org). -- **All bids not addressing all areas as outlined in the RFP will not be considered.**



**HEALTH BENEFIT EXCHANGE AUTHORITY**  
**NOTICE OF PUBLIC MEETING**

**Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4<sup>th</sup> Floor, Washington, DC 20005 on **Monday, February 9, 2015 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 730 236 726. The meeting will move to Executive Session and the Executive Board will reconvene for additional Executive Board Business at approximately 6:45 pm. The call in number is 1-877-668-4493; Access Code 733 900 683.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH CARE FINANCE****PUBLIC NOTICE OF  
PROPOSED TRANSITION PLAN****HOME AND COMMUNITY-BASED SERVICES WAIVER**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02) (2012 Repl. & 2013 Supp.), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 et seq.), hereby give notice of their intent to submit a transition plan for the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waiver to the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

CMS regulations, effective March 17, 2014, and published in 79 Fed. Reg. 2948-3039 (Jan. 16, 2014), changed the definition of home and community-based services settings for HCBS Waiver services. Additionally, the new CMS regulations require that, at the time HCBS Waiver amendments are submitted, DHCF must develop and submit to CMS a transition plan identifying how the HCBS Waiver will be brought into compliance with the new outcome-oriented definition of HCBS settings; provide a thirty (30) day public notice and comment period; and provide at least one additional opportunity for public comment.

Copies of the proposed Statewide Transition Plan may be obtained on the DHCF website at <http://dhcf.dc.gov> or upon request from Trina Dutta, D.C. Department of Healthcare Finance, 441 4th St, NW, 9th Floor, Washington D.C. 20001.

There are two opportunities to provide comments on the proposed Statewide Transition Plan.

DHCF will hold a public forum during which written and oral comments on the proposed amendments and transition plan will be accepted. The public forum will be held at the D.C. Department of Health Care Finance at 441 4th St, NW, Washington D.C., 20001 on Tuesday, February 17, 2015, at 4 pm in the Main Streets conference room (North Building).

Written comments on this transition plan may be submitted to Trina Dutta, Special Projects Officer, D.C. Department of Health Care Finance, 441 4th St, NW, 9th Floor, Washington D.C. 20001, or by e-mail at [dhcfpubliccomments@dc.gov](mailto:dhcfpubliccomments@dc.gov), during the thirty (30) day public comment period closing Friday, March 13, 2015, at 5 pm EST.

Copies of this notice will be published on the DHCF website at <http://dhcf.dc.gov>.

For further information, contact to Trina Dutta, Special Projects Officer, D.C. Department of Health Care Finance, at (202) 719-6632, [trina.dutta@dc.gov](mailto:trina.dutta@dc.gov).

**DEPARTMENT OF HEALTH****AGENCY RELOCATION NOTICE**

Effective March 16, 2015, the Department of Health, Community Health Administration will relocate the Immunization Program of the Child, Adolescent, and School Health Bureau from its present location at 6323 Georgia Ave. NW, 1<sup>st</sup> and 3<sup>rd</sup> floors to 77 P Street NE. Members of the public who utilize the services of this agency should report to the new location as of the effective date.

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
February 25, 2015

On FEBRUARY 25, 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.

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS**

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 11-06: The Hill Building**

839 17<sup>th</sup> Street (1636 I Street) NW

Square 165, Lot 29

Designated December 18, 2014

**Designation Case No. 13-02: The Editors Building**

1729 H Street NW

Square 127, Lot 854

Designated January 22, 2015

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY****DISTRICT OF COLUMBIA HOMELAND SECURITY COMMISSION****NOTICE OF CLOSED MEETING**

Pursuant to DC Code § 2-575(b), DC Code § 7-2271.04 and DC Code § 7-2271.05., the Homeland Security Commission hereby provides notice that it will hold a **CLOSED MEETING** on the date, time and place noted below for the purposes of discussing its Annual Report to the Mayor.

February 25, 2015  
1850 K Street, N.W.  
Washington DC 20006  
3:00 pm to 5:00 pm

For more information, please contact: Nicole Chapple, Assistant Director, External Affairs and Policy, District of Columbia Homeland Security and Emergency Management Agency, 2720 Martin Luther King Jr. Avenue, SE, Washington, DC. Telephone: (202) 481-3049. Email: Nicole.Chapple@dc.gov.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**  
**CERTIFICATION AND NOTICE OF RENT ADJUSTMENT OF GENERAL**  
**APPLICABILITY**

**EFFECTIVE MAY 1, 2015**

1. Pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission shall determine an adjustment of general applicability in the rent of the rental units established by Section 206(a), which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA)<sup>1</sup> Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items.
2. Pursuant to Section 206(b) of the Rental Housing Act of 1985, the Commission determined that the Washington-Baltimore (SMSA) CPI-W for All Items increased by 1.478% during the previous calendar year.
3. Accordingly, the Rental Housing Commission determined that the change during calendar year 2014, in the Washington-Baltimore SMSA CPI-W for All Items was 1.5%.
4. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission hereby certifies and gives notice that the rent adjustment of general applicability to become effective on May 1, 2015, shall not exceed 1.5% of the rent in effect on April 30, 2015.

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1. The Rental Housing Commission and the Rent Administrator are mandated by the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE § 42-3501.01-3509.07 (2001), to annually calculate and publish in the D.C. Register the percentage change in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Items. D.C. OFFICIAL CODE §§ 42-3502.02(a)(3), 3502.04(k), 3502.06(b) (2001).

The Act does not comply with two changes in the publication by the Department of Labor (DOL), Bureau of Labor Statistics (BLS), which publishes the CPI-W statistics and determines what areas will be in the Standard Metropolitan Statistical Area. First, DOL/BLS enlarged the geographical areas included with Washington, D.C., in the local Standard Metropolitan Statistical Area and second, the name of the DOL/BLS statistical document was changed. Originally, the Standard Metropolitan Statistical Area included only three jurisdictions, which were Washington, D.C., Maryland, and Virginia. The statistical document issued by DOL/BLS, and used by both the Rent Administrator and the Rental Housing Commission was named "Consumer Price Index, Urban Wage Earners and Clerical Workers - (CPI-W), Washington, DC-MD-VA, All Items." That publication was discontinued, and now the DOL/BLS publication is the "Consumer Price Index, Urban Wage Earners and Clerical Workers - (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items." The difference is the inclusion of the state of West Virginia and the city of Baltimore, Maryland into the Standard Metropolitan Statistical Area with Washington, D.C.



**THE RENTAL HOUSING COMMISSION 2015 RESOLUTION****for****THE CHANGE IN THE CONSUMER PRICE INDEX, URBAN WAGE EARNERS AND CLERICAL WORKERS – (CPI-W), WASHINGTON-BALTIMORE, DC-MD-VA-WV, ALL ITEMS**

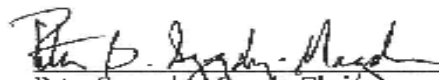
It is hereby resolved by the Rental Housing Commission this 22<sup>nd</sup> day of January, 2015

1. Whereas, effective January 1998, the United States Department of Labor eliminated the “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which was published bi-monthly in odd numbered months ending with November each year, and initiated the “Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items,” which includes the city of Washington, D.C., and the states of Maryland, Virginia, and West Virginia, hereinafter referred to as Washington-Baltimore, that is published bi-monthly in odd numbered months ending in November each year;
2. Whereas, pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission is mandated to determine the change, during the twelve months of calendar year 2014 in the Washington-Baltimore Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
3. Whereas, pursuant to the requirements of Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission used the reported CPI-W for calendar year 2014 in the Washington-Baltimore Standard Metropolitan Statistical Area (SMSA) Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
4. Be it resolved that the Commission determined the 2014 change in the CPI-W for the Washington-Baltimore SMSA was 1.5%.
5. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10:<sup>2</sup>
  - (a) The Rental Housing Commission hereby certifies that the rent adjustment of general applicability, to become effective on May 1, 2015 shall not exceed 1.5% of the rents in effect on April 30, 2015; and

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<sup>2</sup> As amended by D.C. Law 16-145, the “Rent Control Reform Amendment Act of 2006.” See 53 D.C. Register 6688 (Aug. 18, 2006)

- (b) The Rental Housing Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2015, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents for publication in the District of Columbia Register.

  
Peter Szegedy-Maszak, Chairman

  
Ronald A. Young, Commissioner

  
Claudia McKoin, Commissioner

**DISTRICT OF COLUMBIA HOUSING AUTHORITY**  
**BOARD OF COMMISSIONERS**  
1133 NORTH CAPITOL STREET, NORTHEAST  
WASHINGTON, D.C. 20002-7599  
202-535-1000

**NOTICE OF PUBLIC MEETINGS**

THE REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA HOUSING AUTHORITY ARE HELD IN OPEN SESSION ON THE SECOND WEDNESDAY OF EACH MONTH. THE FOLLOWING DATES AND TIMES OF THE MEETINGS ARE FOR THE YEAR 2015. ALL MEETINGS ARE HELD AT 1133 NORTH CAPITOL STREET, NE UNLESS OTHERWISE INDICATED.

February 11, 2015	1133 North Capitol St., N.E.	1:00 p.m.
March 11, 2015	<b>Greenleaf /SW Family Enhancement Center 203 N Street, S.W. Washington, D.C. 20024</b>	1:00 p.m.
April 8, 2015	1133 North Capitol St., N.E.	1:00 p.m.
May 13, 2015	<b>Woodland Terrace 2311 Ainger Place, S.E. Washington, D.C. 20020</b>	1:00 p.m.
June 10, 2015	1133 North Capitol St., N.E.	1:00 p.m.
July 8, 2015	<b>Benning Terrace 4450 G Street, S.E. Washington, D.C. 20019</b>	1:00 p.m.
August 12, 2015	1133 North Capitol St., N.E.	1:00 p.m.
September 9, 2015	1133 North Capitol St., N.E.	1:00 p.m.
October 14, 2015	<b>Potomac Gardens 1225 G Street, S.E. Washington, D.C. 20003</b>	1:00 p.m.
November, 2015	<b>Stoddert/Fort Dupont Dwellings 155 Ridge Road, S.E. Washington, D.C. 20019</b>	1:00 p.m. *
December 9, 2015	Annual & Regular meeting 1133 North Capitol St., NE	1:00 p.m.

\* Date To Be Determined

**December 2014**

**IMAGINE HOPE COMMUNITY CHARTER SCHOOL****REQUEST FOR PROPOSALS (RFP)**

Imagine Hope Community Charter School is seeking proposals from individuals or companies to provide the following services a:

**JANITORIAL SERVICES** (daytime and evening) at the Lamond Campus, 6200 Kansas Avenue NE, Washington, DC 20011. Deadline for submissions is Friday, February 20, 2015 by 12:00 pm. All bids not addressing all areas as outlined in the RFP and/or received after this date and time will not be considered.

**SPECIAL EDUCATION SUBSTITUTE SERVICES** at the school's Lamond Campus, 6200 Kansas Avenue NE, Washington, DC 20011. Deadline for submissions is Friday, February 20, 2015 by 12:00 pm. All bids not addressing all areas as outlined in the RFP and/or received after this date and time will not be considered.

**HEATING, VENTILATING, AND AIR CONDITIONING (HVAC) SERVICES** at the school's Lamond Campus, 6200 Kansas Avenue NE, Washington, DC 20011 and the Tolson Campus 2917- 8th Street, NE, Washington, DC 20017. The deadline for submissions is Tuesday, February 24, 2015 by 12:00 pm. All bids not addressing all areas as outlined in the RFP and/or received after this date and time will not be considered.

**INFORMATION TECHNOLOGY (IT) SERVICES** at the school's Lamond Campus, 6200 Kansas Avenue NE, Washington, DC 20011 and the Tolson Campus 2917- 8th Street, NE, Washington, DC 20017. The deadline for submissions is Tuesday, February 24, 2015 by 12:00 pm. All bids not addressing all areas as outlined in the RFP and/or received after this date and time will not be considered.

**Imagine Hope PCS reserves the right to cancel this RFP at any time.**

**Please e-mail proposals and supporting documents to:**

**Linda Patton**

**[Linda.patton@imageschools.com](mailto:Linda.patton@imageschools.com)**

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****General Contracting Services**

KIPP DC is extending the deadline for receiving 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 now due no later than 5:00 P.M., EST, February 20, 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).

**Technology Equipment & Services**

KIPP DC is soliciting proposals for E-Rate eligible network equipment and related services for the Blaine Campus located at 5300 Blaine St. NE. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/> beginning February 13, 2015. Proposals are due no later than 5:00 P.M., EST, Friday, March 13, 2015.

**LAYC CAREER ACADEMY  
REQUEST FOR PROPOSALS**

**Technology Equipment**

LAYC Career Academy ([www.laycca.org](http://www.laycca.org)) is soliciting bids to provide computer networking equipment, and licenses. Companies providing bids must be familiar with the E-rate federal funding program, and must comply with program regulations. All bids are due by the closing of the E-Rate filing window. Details and specifications can be obtained from: Jeremy Vera, LAYC Career Academy, 3047 15th Street NW, Washington, DC 20009, [jeremy@laycca.org](mailto:jeremy@laycca.org), (202) 319-2228

**MUNDO VERDE PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Meridian Hill Pictures**

Mundo Verde Public Charter School intends to enter into a sole source contract with Meridian Hill Pictures for approximately \$25,000.

- Mundo Verde PCS has a need for professional development integrating film and technology with bilingual expeditionary learning.
- The DC Arts Commission specifically awarded a grant for use with Meridian Hill Pictures.

For further information regarding this notice contact Elle Carne at [ecarne@mundoverdepcs.org](mailto:ecarne@mundoverdepcs.org) no later than **4:00 pm February 20, 2015**.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF NEW SCHOOL LOCATION**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice of Monument Academy Public Charter School’s intent to locate its facility to 500 19<sup>th</sup> Street NE, Washington, DC 20002. A vote on the matter will be held on Monday, March 23, 2015 at 6:30pm. For further information, please contact Ms. Avni Patel, Senior Special Education Specialist, at 202-328-2660.



## DISTRICT OF COLUMBIA RETIREMENT BOARD

## NOTICE OF OPEN PUBLIC MEETING

February 19, 2015  
10:00 a.m.

900 7<sup>th</sup> Street, N.W.  
2<sup>nd</sup> Floor, DCRB Boardroom  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, February 19, 2015 at 10:00 a.m. The meeting will be held at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

**AGENDA**

- |                                       |                 |
|---------------------------------------|-----------------|
| I. Call to Order and Roll Call        | Chairman Bress  |
| II. Approval of Board Meeting Minutes | Chairman Bress  |
| III. Chairman's Comments              | Chairman Bress  |
| IV. Executive Director's Report       | Mr. Stanchfield |
| V. Investment Committee Report        | Ms. Blum        |
| VI. Operations Committee Report       | Mr. Ross        |
| VII. Benefits Committee Report        | Mr. Smith       |
| VIII. Legislative Committee Report    | Mr. Blanchard   |
| IX. Audit Committee Report            | Mr. Hankins     |
| X. Other Business                     | Chairman Bress  |
| XI. Adjournment                       |                 |

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 1, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 13, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: March 1, 2015****Page 2**

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Acevado	Geovannie A.	PNC Bank 601 Pennsylvania Avenue, NW	20004
Acheampong	Frank	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Acosta	Carolyn	PNC Bank 1100 25th Street, NW	20037
Aefsky	Brandon M.	Edmund J. Flynn Co. 5100 Wisconsin Avenue, NW, #514	20016
Agormeda	Abigail I.	Wells Fargo Bank 2119 Bladensburg Road, NE	20018
Alshams	Rashidah	Wells Fargo Bank 1934 14th Street, NW	20009
Badoux	Isabelle A.	Washington International School 3100 Macomb Street, NW	20008
Bellayr	Lynn L.	Dentons US LLP 1301 K Street, NW, Suite 600 East Tower	20005
Benchaln	Nazha	NUSACC 1023 15th Street, NW, Suite 400	20005
Bethwith	Marilyn M.	State Farm Insurance 236 Massachusetts Avenue, NE, Suite 100	20002
Biney	Merritt	Edison Electric Institute 701 Pennsylvania Avenue, NW	20004
Blacken	Marcia B.	Bank of America 2001 Pennsylvania Avenue, NW	20006
Boyd	Scott O.	Ginsberh Helfer & Boyd, PLLC 1850 K Street, NW, Suite 675	20006
Brannon	Kristen Leigh	Alliance Defending Freedom 801 G Street, NW, Suite 509	20001

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

**Effective: March 1, 2015**

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Bynum	Catherine	Paul Hastings LLP 875 15th Street, NW, 10th Floor	20005
Camponeschi	Joseph	Heritage Title & Escrow Company 2000 Florida Avenue, NW, Suite 250	20009
Candelario	David E.	District Government Employees Federal Credit Union 2000 14th Street, NW, 2nd Floor	20009
Canty	ReDina A.	Self (Dual) 5907 Dix Street, NE	20019
Chaffin	Stacey L.	Ober Kaler Grimes & Shriver 1401 H Street, NW, Suite 500	20005
Collins	Bernadette V.	Wells Fargo Bank 215 Pennsylvania Avenue, SE	20003
Cox	Daphne A.	Lincoln Property Company 910 17th Street, NW	20006
Cox	Harold C.	Educate 1, LLC 6317 8th Street, NW	20011
Cunningham	Regina	Share our Strength 1030 15th Street, NW, Suite 1100 West	20005
Dawkins-Turner	Angela	PNC Bank 800 17th Street, NW	20006
Deus, Jr.	Richard A.	Second Star, LLC 929 Florida Avenue, NW, Suite 8006	20001
Domenech	Christine	FreedomWorks, Inc. 400 North Capital Street, NW, Suite 765	20001
Feldman	Peter	Self 1916 R Street, NW, Apartment 206	20009
Frazier	Endrea	Legion Design/Campbell & Associates 4301 Connecticut Avenue, NW, Suite 240	20008

D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public

Effective: March 1, 2015

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Freeman	Kelly	Bank of America 3821 Minnesota Avenue, NE	20019
Fuller	Deidre	Weil, Gotchal & Manges LLP 1300 I Street, NW, Suite 900	20005
Gaujean	Martine-Pascale	Promontory Financial Group, LLC 801 17th Street, NW, Suite 1100	20006
Gonzalez	Rosario Diaz	U.S. House of Representatives B-227 Longworth House Office Building	20515
Guang-You	Cheng	Wells Fargo Bank 1804 Adams Mill Road, NW	20009
Hall	Brenda J.	United House of Prayer 1117 7th Street, NW	20001
Harrison	Donnita	Siemens Corporation 300 New Jersey Avenue, NW, Suite 1000	20001
Hebb	Mia	Self (Dual) 1312 27th Street, SE	20020
Hein	Dyle Henderson	The Mandy & David Team, LLC 1606 17th Street, NW	20007
Jackson	Lynn	Self 2137 Young Street, SE	20020
Jean	Huguens D.	Wells Fargo Bank 1934 14th Street, NW	20009
Johnson	Sage P.	Clark Hill PLC 601 Pennsylvania Avenue, NW, Suite 1000, North Building	20004
King	Janet	Self 6123 First Place, NE	20011
Kodish	Lance M.	Weiss LLP 1150 Connecticut Avenue, NW, Suite 900	20036

D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public

Effective: March 1, 2015

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Kowal	Cassandra M.	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Kryzak	Heather M.	Employment Justice Center 1413 K Street, NW	20005
Leik	Matthew	The Kennedy-Warren 3133 Connecticut Avenue, NW	20008
Love	Ashley Renee	Lewis-Burke Associates, LLC 1314 G Street, NW	20005
Maldonado	Mauricio	Wells Fargo Bank 1934 14th Street, NW	20009
Margolius	Alan M.	The Margolius Firm, LLC 4201 Connecticut Avenue, NW, Suite 600	20008
McCauley	Dawn Ellen	Venable LLP 575 7th Street, NW	20004
McCleave	Kevin	The George Washington University Law School 716 20th Street, NW, Suite 310	20052
McCleave	Krista A.	Squire Patton Boggs (US) LLP 2550 M Street, NW	20037
McKinney	Robin S.	Office of the State Superintendent of Education - Department of Student Transportation 1345 New York Avenue, NE, 9th Floor	20002
Moglica	Sandra A.	POUNDS 500 H Street, NE	20002
Mohammed	Amifa	Alpha Express 1426 Park Road, NW	20010
Morales	Auxiliadora	Adams Investment Group 1228 31st Street, NW, Suite 200	20007
Morgan	William A.	Morgan Wingate & Co., PC 4910 Massachusetts Avenue, NW, Suite 110	20016

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Niemerski	Rachel	Environmental Working Group 1436 U Street, NW, Suite 100	20009
Nute	Mareen A.	Coldwell Banker Residential Brokerage 3000 K Street, NW	20007
O'Hair	J. Alan	Mayer Brown, LLP 1999 K Street, NW	20006
Pearson	Vanessa	Organized Chaos Ryders Motorcycle Organization 223 Webster Street, NE	20011
Perez	Maria Luisa	Self 1443 Rittenhouse Street, NW	20011
Perkins	Loveleen R.	Land Trust Alliance 1660 L Street, NW, Suite 1100	20036
Pickman	Nava	Lautman Maska Neill & Company 1730 Rhode Island Avenue, NW, #301	20036
Pitha	Ruth A.	Hoar Construction, Elysium Fourteen 1351 Wallach Place, NW	20009
Pridgen	Jacqueline	US Department of State 2201 C Street, NW	20520
Quinn	Ellen	Cooperative Development Foundation 1401 New York Avenue, NW, Suite 1100	20005
Ransom	Erica M.	The Midtown Group, Inc 900 7th Street, NW, Suite 725	20001
Resnick	Paige C.	DC Public Defender Service 633 Indiana Avenue, NW	20001
Robertson	Kim L.	Pentagon Federal Credit Union Chappie James Boulevard, Building 4447	20032
Robinson	Carol	Merrill Lad 1325 G Street, NW, Suite 200	20005

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Rocco	A. Paul	PFLAG National 1828 L Street, NW, Suite 660	20036
Rodriques	Paulineus	BB&T Bank 5200 Wisconsin Avenue, NW	20015
Rolandi	Victoria Fadeley	Washington Executive Services 2101 L Street, NW, Suite 800	20037
Rossi-Rios	Linda	Veritext Legal Solutions 1250 I Street, NW, Suite 1201	20005
Samuel	Kelley S.	K Concepts 1705 DeSales Street, NW	20036
Schuler	Kelci Alane	Phoenix International 2700 Virginia Avenue, NW, Apt. 1402	20037
Senarathna	Dimuth D.	Bank of Georgetown 1350 I Street, NW	20005
Shanks	Diane V.	Community Bridge, Inc. 1 Scott Circle, NW, Suite 820	20036
Shetter	Erin Elise Royer	National Park Foundation 1110 Vermont Avenue, NW, Suite 200	20005
Simmons	Cynthia	Pepco 701 9th Street, NW, EP9208	20068
Sitton	Breann	The George Washington University 2121 Eye Street, NW, Suite 701	20052
Swammy	Betty F.	Long and Foster Real Estate and Mortgages 3527 12th Street, NE	20017
Talhame	Amal A.	Maggio & Katter, PC 11 Dupont Circle, NW, Suite 775	20036
Taylor	Mathew	PNC Bank 601 Pennsylvania Avenue, NW	20004
Todd	Kathryn J.	Freedomworks, Inc. 400 North Capital Street, NW, Suite 765	20001



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Totton	Margaret P.	PCAOB (Public Company Accounting Oversight Board) 1666 K Street, NW, Suite 800	20006
Traeger	Christa J.	National Park Foundation 1110 Vermont Avenue, NW, Suite 200	20005
Walker	Denise M.	Folger Nolan Fleming Douglas 725 15th Street, NW, Suite 200	20005
Wersinger	Katherine	Steptoe & Johnson, LLP 1330 Connecticut Avenue, NW	20036
Wollenschlaeger	Marc Alan	Association of Community College Trustees 1101 17th Street, NW, Suite 300	20036
Wright	Lawrence	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Yancey	Conchita	Fannie Mae 3900 Wisconsin Avenue, NW	20015

**D.C. SENTENCING AND CRIMINAL CODE REVISION COMMISSION****NOTICE OF PUBLIC MEETING**

The Commission meeting will be on Tuesday, February 10, 2015 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or [mia.hebb@dc.gov](mailto:mia.hebb@dc.gov)

**Meeting Agenda**

1. Review and Approval of the Meeting Minutes from January 20, 2015 - Action Item, Judge Weisberg.
2. Welcome New Commission Member – William “Billy” Martin, Judge Weisberg
3. Director’s Report – Informational Item, Barb Tombs-Souvey.
  - Update on Guideline Scoring System (GSS)
  - Performance and Budget Hearing Schedule
  - Annual Report
4. Update and Discussion of Criminal Code Revision Project - Action Item, Richard Schmechel and Judge Weisberg
5. Next Meeting – March 17, 2015.
6. Adjourn

**WASHINGTON YU YING PCS  
REQUEST OF PROPOSALS  
Behavioral Consulting Services**

**RFP for Behavioral Consulting Service Providers**

Washington Yu Ying PCS is seeking competitive bids for Behavioral Consulting and Teacher Training Services for Yu Ying Chinese teaching staff including in the forms of conducting Functional Behavior Assessments (FBA) and Behavioral Intervention Plan (BIP) Recommendations for teaching strategies, data collection methods, and changing antecedents may be a part of this process. Bids must include evidence of experience in field, qualifications, estimated fees and references. Chinese and English fluency required. Successful candidate must pass background check.

**Deadline for submissions is close of business March 2, 2015. Please e-mail proposals and supporting documents to [rfp@washingtoneyuving.org](mailto:rfp@washingtoneyuving.org).**

**WASHINGTON YU YING PCS  
REQUEST OF PROPOSALS  
Custodial Services**

**RFP for Custodial Services**

Washington Yu Ying PCS is seeking competitive bids for Custodial Services for its building at 220 Taylor St., NE, Washington, DC 20017. The vendor will be required to clean the school space during and after school hours as well as perform maintenance projects when necessary. These maintenance projects may include but are not limited to painting, waxing, and repairs. Proposals must include evidence of experience, especially in schools, estimated fees, and references. For the full description of school and duties, email Annie at [RFP@washingtoneyu.org](mailto:RFP@washingtoneyu.org).

**Deadline for submissions is close of business March 2, 2015. Please e-mail proposals and supporting documents to [rfp@washingtoneyu.org](mailto:rfp@washingtoneyu.org).**

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, February 26, 2015 at 9:00 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. A 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**

- |    |   |                  |
|----|---|------------------|
| 1. | Call to Order   | Chairman         |
| 2. | Summary of Internal Audit Activity -<br>Internal Audit Status | Internal Auditor |
| 3. | Executive Session   | Chairman         |
| 4. | Adjournment   | Chairman         |

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

**Audit Committee**

The regular quarterly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Audit Committee Meetings are held in open session on the fourth Thursday. The following are dates and times for the regular quarterly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, April 23, 2015	9:30 a.m.
Thursday, July 23, 2015	9:30 a.m.
(Board recess in August)	
Thursday, October 22 , 2015	9:30 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) are held in open session on the first Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, March 5, 2015	9:30 a.m.
Thursday, April 2, 2015	9:30 a.m.
Thursday, May 7, 2015	9:30 a.m.
Thursday, June 4, 2015	9:30 a.m.
Wednesday, July 2, 2015	9:30 a.m.
(Board recess in August)	
Thursday, September 3, 2015	9:30 a.m.
Thursday, October 1, 2015	9:30 a.m.
Thursday, November 5, 2015	9:30 a.m.
Thursday, December 3, 2015	9:30 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

## DC Retail Water and Sewer Rates Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Retail Water and Sewer Rates Committee Meetings are held in open session on the fourth Tuesday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, DC 20032 unless otherwise indicated. A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Tuesday, February 24, 2015	9:30 a.m.
Tuesday, March 24, 2015	9:30 a.m.
Tuesday, April 28, 2015	9:30 a.m.
Tuesday, June 23, 2015	9:30 a.m.
Tuesday, July 28, 2015	9:30 a.m.
(Board recess in August)	
Tuesday, September 22, 2015	9:30 a.m.
Thursday, October 27, 2015	9:30 a.m.
Tuesday, November 24, 2015	9:30 a.m.
Friday, December 18, 2015	9:30 a.m.



## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

## Environmental Quality and Sewerage Services

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Environmental Quality and Sewerage Services Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dewater.com](http://www.dewater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, February 19, 2015	9:30 a.m.
Thursday, March 19, 2015	9:30 a.m.
Thursday, April 16, 2015	9:30 a.m.
Thursday, May 21, 2015	9:30 a.m.
Thursday, June 18, 2015	9:30 a.m.
Thursday, July 16, 2015	9:30 a.m.
(Board recess in August)	
Thursday, September 17, 2015	9:30 a.m.
Thursday, October 15, 2015	9:30 a.m.
Thursday, November 19, 2015	9:30 a.m.
Thursday, December 17, 2015	9:30 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

**Finance and Budget Committee**

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Finance and Budget Committee Meetings are held in open session on the fourth Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, February 26, 2015	11:00 a.m.
Thursday, March 26, 2015	11:00 a.m.
Thursday, April 23, 2015	11:00 a.m.
Thursday, May 28, 2015	11:00 a.m.
Thursday, June 25, 2015	11:00 a.m.
Thursday, July 23, 2015	11:00 a.m.
(Board recess in August)	
Thursday, September 24, 2015	11:00 a.m.
Thursday, October 22, 2015	11:00 a.m.
Friday, November 20, 2015	11:00 a.m.
Friday, December 18, 2015	11:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

## Governance Committee

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Governance Committee Meetings are held in open session on the second Wednesday. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, March 11, 2015	9:00 a.m.
Wednesday, May 23, 2015	9:00 a.m.
Wednesday, July 8, 2015	9:00 a.m.
(Board recess in August)	
Wednesday, September 9, 2015	9:00 a.m.
Wednesday, November 10, 2015	9:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

**Human Resources and Labor Relations Committee**

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Human Resources and Labor Relations Committee Meetings are held in open session on the second Wednesday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dewater.com](http://www.dewater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, March 18, 2015	11:00 a.m.
Wednesday, May 28, 2015	11:00 a.m.
Wednesday, July 8, 2015	11:00 a.m.
(Board recess in August)	
Wednesday, September 9, 2015	11:00 a.m.
Wednesday, November 10, 2015	11:00 a.m.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF 2015 MEETING SCHEDULE

## Water Quality and Water Services Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Water Quality and Water Services Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2015. All meetings are held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, SW, Washington, D.C. 20032 unless otherwise indicated. Notice of a location of a meeting other than 5000 Overlook Avenue, SW will be published in the *D.C. Register* and posted on the DC Water's website ([www.dcwater.com](http://www.dcwater.com)). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, February 19, 2015	11:00 a.m.
Thursday, March 19, 2015	11:00 a.m.
Thursday, April 16, 2015	11:00 a.m.
Thursday, May 21, 2015	11:00 a.m.
Thursday, June 18, 2015	11:00 a.m.
Thursday, July 16, 2015	11:00 a.m.
(Board recess in August)	
Thursday, September 17, 2015	11:00 a.m.
Thursday, October 15, 2015	11:00 a.m.
Thursday, November 19, 2015	11:00 a.m.
Thursday, December 17, 2015	11:00 a.m.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18902 of Frost-LaBule LLC**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the floor area ratio requirements under § 402.4, and the off-street parking requirements under § 2101.1, and a special exception from the new residential developments requirements under § 353, to allow the construction of an apartment building for low income residents in the R-5-A District at premises 2620 Bowen Road S.E. (Square 5869, Lot 3).

**HEARING DATE:** January 27, 2015

**DECISION DATE:** January 27, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 8A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8A, which is automatically a party to this application. ANC 8A did not file a report or attend the public hearing on the application. The Applicant testified at the hearing that it had contacted the ANC and appeared before the full ANC in January to present the project, but that the ANC had not reached a decision or filed a report.

The Office of Planning ("OP") submitted a timely report indicating its support of the application. (Exhibit 27.) The District Department of Transportation ("DDOT") submitted a timely report of "no objection" to the application with conditions. (Exhibit 28.)

**Variance Relief**

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the floor area ratio requirements under § 402.4, and the off-street parking requirements under § 2101.1, to allow the construction of an apartment building for low income residents in the R-5-A 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.

BZA APPLICATION NO. 18902

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Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for variances under §§ 402.4 and 2101.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty or undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

#### Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 353, to allow new residential development in the R-5-A 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.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 353, 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 requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 26 AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide seven additional long term bicycle spaces above the minimum requirements for a total of 21 spaces.
2. The Applicant shall seek approval to provide at least four short term bicycle parking spaces during the public space permitting process.
3. The Applicant shall provide an LCD flat screen monitor in the main lobby with real time Metro rail schedules.
4. The Applicant shall provide each tenant a welcome package that promotes transportation alternates.

BZA APPLICATION NO. 18902  
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5. The Applicant shall post information on alternate transportation options on the project's web page.

**VOTE:**           **4-0-1** (Lloyd L. Jordan, Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve; S. Kathryn Allen, not participating or voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 2, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE



BZA APPLICATION NO. 18902  
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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. 18903 of Distance Education and Training Council**, pursuant to 11 DCMR § 3104.1, for a special exception under § 508 to allow office use as a replacement for a private club use in a condominium unit within an existing mixed-use building in the DC/SP-1 District at premises 1601 18th Street, N.W. (Square 155, Lot 2188).

**HEARING DATE:** January 27, 2015

**DECISION DATE:** January 27, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit 5).

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a resolution in support of the application. (Exhibit 41.) The ANC indicated that at its duly noticed January 14, 2015 meeting, at which a quorum was present, the ANC voted 9-0 to support the application.

The Office of Planning ("OP") submitted a timely report on January 13, 2015, recommending approval of the application (Exhibit 38) and testified in support of the application at the hearing. The Department of Transportation did not file a report related to the application. One letter of support from the Imperial House Board of Directors was filed in the record. (Exhibit 39.)

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 pursuant to § 3104.1 for a special exception under 11 DCMR § 508. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 508, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

**BZA APPLICATION NO. 18903**  
**PAGE NO. 2**

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.**

**VOTE:**       **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Peter G. May to APPROVE; S. Katheryn Allen not present not voting)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 3, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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. 18907 of David Ruddy and Bondurant Eley**, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a variance from the lot occupancy requirements under § 403.2 and a variance from the nonconforming structure requirements under § 2001.3, and a special exception under § 223, not meeting the rear yard (§ 404) requirements, to allow the construction of a third-story addition to an existing single-family dwelling in the R-4 District at premises 1811 Wiltberger Street, N.W. (Square 441, Lot 87).<sup>1</sup>

**HEARING DATES:** January 27, 2015

**DECISION DATE:** January 27, 2015

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 25 (revised) and 4 (original).)

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 30.)

The Office of Planning ("OP") submitted a timely report recommending approval of the relief requested (Exhibit 32) and testified in support at the public hearing. The District Department of Transportation ("DDOT") submitted a timely report of no objection to the application. (Exhibit 24.)

Three letters of support were filed by neighbors, including adjacent neighbors. (Exhibits 19, 21, and 22.)

**Variance Relief**

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

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<sup>1</sup> The Applicant amended the application by adding requests for a variance under § 2001.3 for enlargements or additions to a nonconforming structure devoted to conforming uses and for special exception relief under § 223, not meeting rear yard (§ 404) requirements. (Ex. 25.) The caption has been amended accordingly.

**BZA APPLICATION NO. 18907****PAGE NO. 2**

that are necessary to establish the case for variances pursuant to § 3103.2 from the strict application of the lot occupancy requirements under § 403.2 and from the nonconforming structure requirements under § 2001.3, to allow the construction of a third-story addition to an existing single-family 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.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3103.2 for variances under § 403.2 and under § 2001.3, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 223, not meeting the rear yard (§ 404) requirements, to allow the construction of a third-story addition to an existing single-family 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.

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 PLANS IN THE RECORD AT EXHIBIT 5.**

**BZA APPLICATION NO. 18907****PAGE NO. 3****VOTE:**

**4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Peter G. May to APPROVE; S. Kathryn Allen, 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 29, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON

**BZA APPLICATION NO. 18907**

**PAGE NO. 4**

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. 18932 of Christopher Bulka and Andrew Hebbeler**, as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403.2), the open court requirements (§ 406.1), and the nonconforming structure requirements (§ 2001.3),<sup>1</sup> to allow the construction of a rear deck in the R-4 District at premises 34 V Street, N.W. (Square 3117, Lot 828).

**Hearing Date:** Applicants waived right to a public hearing  
**Decision Date:** January 27, 2015 (Expedited Review Calendar)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicants’ waiver of their right to a hearing.

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 5E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on January 20, 2015, at which a quorum was in attendance, ANC 5E voted 9-0-0 to support the application. (Exhibit 30.) The Office of Planning (“OP”) submitted a timely report in support of the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) filed a report stating that it has no objection to the application. (Exhibit 25). The record contained one letter in support from adjacent neighbors at 32 V Street, N.W. (Exhibit 12.) Also submitted into the record in support of the application were two email messages and a petition containing 13 signatures. (Exhibit 29.)

No objections to expedited calendar consideration were made by any person or entity entitled to do so by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

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<sup>1</sup> Upon the recommendation of the Office of Planning (Exhibit 27), the application was amended to include relief under § 2001.3, the nonconforming structure provision, subsumed under § 223.



**BZA APPLICATION NO. 18932****PAGE NO. 2**

As directed by 11 DCMR § 3119.2, the Board has required the Applicants to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403.2, 406.1, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicants have met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403.2, 406.1, and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8.**

**VOTE:**      **4-0-1**      (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Peter G. May to APPROVE; S. Kathryn Allen not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 3, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR

**BZA APPLICATION NO. 18932****PAGE NO. 3**

GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**SUMMARY ORDER**

**Application No. 18933 of Gunnar and Jennifer Gode**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403.2), the rear yard requirements (§ 404.1), and nonconforming structure requirements (§ 2001.3), to allow the construction of a third-floor addition to an existing single-family dwelling in the R-4 District at premises 1020 F Street, N.E. (Square 960, Lot 43).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** January 27, 2015 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 6, 28 and 30).

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on January 8, 2015, at which a quorum was in attendance, ANC 6A voted 8-0-0 to support the application. (Exhibit 37.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 36.) The District Department of Transportation (“DDOT”) filed a timely report of no objection to the application. (Exhibit 34.) Five letters were filed in support of the application. (Exhibits 23-27.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

**BZA APPLICATION NO. 18933****PAGE NO. 2**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403.2, 404.1, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403.2, 404.1, and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBIT 29.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to APPROVE; S. Kathryn Allen, not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 30, 2015.

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN

**BZA APPLICATION NO. 18933****PAGE NO. 3**

APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18934 of Michael Welch**, as amended, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the open court requirements (§ 406.1), and the nonconforming structure requirements (§ 2001.3),<sup>1</sup> to allow the construction of a three-story rear addition to convert a single-family dwelling into a flat in the R-4 District at premises 941 S Street, N.W. (Square 362, Lot 112).

**Hearing Date:** Applicant waived right to a public hearing  
**Decision Date:** January 27, 2015 (Expedited Review Calendar)

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 11.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of his right to a hearing.

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 1B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B filed a report indicating that at a regularly scheduled and properly noticed meeting on December 4, 2014, at which a quorum was in attendance, it voted 7 to 0 to support the application. (Exhibit 22.)

The Office of Planning (“OP”) submitted a timely report, recommending the inclusion of relief under § 2001.3, and expressing support for the application. (Exhibit 27.) The District Department of Transportation (“DDOT”) submitted a report expressing no objection to the application. (Exhibit 26). Two letters were submitted in support of the application. (Exhibits 23 and 24.)

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<sup>1</sup> Upon the recommendation of the Office of Planning, the Applicant amended the application to include relief under § 2001.3, the nonconforming structure provision, subsumed under § 223. (Exhibit 30.)

**BZA APPLICATION NO. 18934****PAGE NO. 2**

No objections to expedited calendar consideration were made by any person or entity entitled to do so by §§ 2118.6 and 2118.7. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 406.1, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 406.1, and 2001.3 that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBIT 8.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to APPROVE; S. Kathryn Allen, not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** February 2, 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

**BZA APPLICATION NO. 18934**  
**PAGE NO. 3**

REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18936 of Brandon and Emily Gallas**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403.2), and the rear-yard requirements (§ 401.1) to allow the construction of a two-story rear addition to an existing single-family dwelling in the R-3 District at premises 4430 9th Street, N.W. (Square 3020, Lot 33).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** January 27, 2015 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.)

Pursuant to 11 DCMR § 3118, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing.

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 4C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C did not file a formal report; however, the Applicant and the Office of Planning (“OP”), in their reports, stated that the ANC at a regularly scheduled and properly noticed meeting on October 8, 2014, at which a quorum was in attendance, voted to support the application. (Exhibits 30 and 31.) The OP submitted a timely report and testified at the hearing in support of the application. (Exhibit 31.) The District Department of Transportation (“DDOT”) submitted a report expressing no objection to the application. (Exhibit 32). Thirteen letters were submitted in support of the application. (Exhibit 30.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

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As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403.2, and 404.1. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403.2, and 404.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBITS 8, 9, and 30.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to APPROVE; S. Kathryn Allen, not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 30, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

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PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 15-01  
(Level 2 Development – Consolidated PUD and Related  
Map Amendment @ Square 3587, Lot 4)  
February 2, 2015**

**THIS CASE IS OF INTEREST TO ANC 5D and 6C**

On January 28, 2015, the Office of Zoning received an application from Level 2 Development (the “Applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 4 in Square 3587 in Northeast Washington, D.C. (Ward 6), which is located at 320 Florida Avenue, N.E. The property is currently zoned C-M-1. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to C-3-C.

The Applicant proposes to redevelop a site that is presently improved with a fast food restaurant with a drive-through, into a mixed-use residential and retail development. The approximately 216,617-square-foot building will contain about 315 housing units. It will have a maximum height of 120 feet and a density of 8.0 floor area ratio (“FAR”). There will be two levels of underground parking (143 parking spaces), and the project will be built to LEED-Silver equivalency.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FILING  
Z.C. Case No. 15-02  
(MHI-Brookland, LLC – Consolidated PUD and Related Map Amendment @  
Squares 3645 and 3648 and Parcel 132)  
February 5, 2015**

**THIS CASE IS OF INTEREST TO ANC 5E**

On February 3, 2015, the Office of Zoning received an application from NHI-Brookland, LLC (the “Applicant”) for approval of a consolidated PUD and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 802 and 804 in Square 3645; Lot 804 in Square 3648; and Parcel 132/89 in Northeast Washington, D.C. (Ward 5) at 3112 7<sup>th</sup> Street, N.E. The property is currently zoned R-5-A. The Applicant proposes a PUD-related map amendment to rezone the property, for the purposes of this project, to R-5-B.

The Applicant proposes to construct 41 single-family townhomes on a site just east of St. Paul’s College and the Chancellors Row development. The site is presently improved with a four-story Holy Redeemer College building, which will remain. The townhomes will be from 14- to 18-feet wide with a typical length of 37 feet, and they will be four stories with two or three bedrooms. Each townhome will have at least one garage parking space.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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