

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public oversight roundtable on the “Review of the Pepco-Exelon Merger”
- D.C. Council schedules a public roundtable on the 2228 Martin Luther King Jr. Avenue Project, “The Big K Project”
- Department of Energy and Environment solicits public comments on the Fiscal Year 2017 Low Income Home Energy Assistance Program (LIHEAP) State Plan
- Department of Health Care Finance adjusts the reimbursement rates for six services
- D.C. Office of Human Rights establishes standards for implementing the Youth Bullying Prevention Act of 2012
- Department of Human Services announces funding availability for the Fiscal Years 2017 and 2018 - LGBTQ Homeless Youth Beds Program
- Public Service Commission notifies public about the Potomac Electric Power Company's Rate Increase Application

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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AN ACT

D.C. ACT 21-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 28, 2016

To amend, on an emergency basis, the Minimum Wage Act Revision Act of 1992 to progressively increase the minimum wage to \$15 an hour by 2020, beginning in 2021 to increase the minimum wage during each successive year pursuant to the Consumer Price Index, to progressively increase the minimum wage for an employee who receives gratuities to \$5 an hour by 2020, beginning in 2021 to increase the minimum wage for an employee who receives gratuities during each successive year pursuant to the Consumer Price Index, and to require the Mayor to submit a biannual compliance report to the Council; and to amend the Living Wage Act of 2006 to provide that the minimum wage requirements of the Minimum Wage Act Revision Act of 1992 shall apply to contracts and agreements for government assistance if the minimum wage is higher than the living wage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Shot Minimum Wage Emergency Amendment Act of 2016”.

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 3(3) (D.C. Official Code § 32-1002(3)) is amended as follows:

(1) Strike the word “includes” and insert the phrase “includes the District of Columbia government,” in its place.

(2) Strike the phrase “or the District of Columbia” and insert the word “government” in its place.

(b) Section 4 (D.C. Official Code § 32-1003) is amended as follows:

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

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

“(5)(A) Except as provided in subsection (h) of this section and subparagraph (B) of this paragraph, the minimum hourly wage required to be paid to an employee by an employer shall be as of:

“(i) July 1, 2016: \$11.50;

“(ii) July 1, 2017: \$12.50;

“(iii) July 1, 2018: \$13.25;

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“(iv) July 1, 2019: \$14.00; and

“(v) July 1, 2020: \$15.00.

“(B) If the minimum wage set by the United States government pursuant to the Fair Labor Standards Act (“U.S. minimum wage”) is greater than the minimum hourly wage currently being paid pursuant to subparagraph (A) of this paragraph, the minimum hourly wage paid to an employee by an employer shall be the U.S. minimum wage plus \$1.”.

(B) Paragraph (6) is amended as follows:

(i) Subparagraph (A) is amended by striking the date “July 1, 2017” and inserting the date “July 1, 2021,” in its place.

(ii) Subparagraph (B) is repealed.

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

“(f)(1) The minimum hourly wage required to be paid by an employer to an employee who receives gratuities (“tipped minimum wage”), provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum hourly wage as set by subsection (a) of this section, shall be as of:

“(A) January 1, 2005: \$2.77;

“(B) July 1, 2017: \$3.33;

“(C) July 1, 2018: \$3.89;

“(D) July 1, 2019: \$ 4.45; and

“(E) July 1, 2020: \$ 5.00.

“(2) Beginning on July 1, 2021, and no later than July 1 of each successive year, the tipped minimum wage shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of \$.05.”.

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

“(f-1) The Mayor shall publish in the District of Columbia Register, on the Department of Employment Services website, and make available to employers in a bulletin, the adjusted minimum hourly wage to be paid by an employer to an employee pursuant to subsections (a)(5) and (6) and (f) of this section at least 30 days before an increase is scheduled to go into effect.”.

(c) Section 10a(c)(2) (D.C. Official Code § 32-1009.01(c)(2)) is amended by striking the phrase “an annual” and inserting the phrase “a quarterly” in its place.

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

“Sec. 8a. Reporting.

“The Mayor shall submit biannually a report to the Council regarding any audits or inspections conducted related to compliance with this act or any regulation issued pursuant to this act. Each report shall include:

“(1) The number of employers inspected for compliance due to complaints received, categorized by size of the employer based on the number of employees;

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“(2) The number of employers inspected for compliance as a result of a random audit, categorized by size of the employer based on the number of employees;

“(3) The number of violations, by type of violation; and

“(4) An explication of the actions the Mayor took pursuant to section 12 against each employer charged with violating this act or any regulation issued pursuant to this act, including a list of fines assessed against the employer.”.

Sec. 3. The Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 2-220.03) is amended by adding a new subsection (f) to read as follows:

“(f) Notwithstanding the requirements of subsections (a), (b), and (c) of this section, at no time shall the living wage be less than the minimum wage established pursuant to section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003).”.

(b) Section 111 (D.C. Official Code § 2-220.11) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The requirements of” and inserting the phrase “Except as provided in subsection (c) of this section, the requirements of” in its place.

(2) Subsection (b) is repealed.

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

“(c) The minimum wage required by section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003) (“Minimum Wage Act”), shall apply to an agreement entered into, renewed, or extended on or after the effective date of the Fair Shot Minimum Wage Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-712); provided, that the living wage is lower than the minimum wage required by section 4 of the Minimum Wage Act.”.

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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

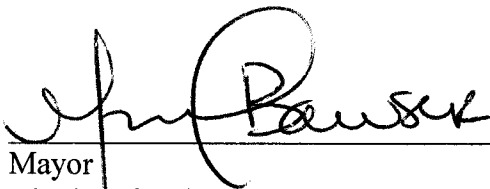
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

ENROLLED ORIGINAL

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
June 28, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 27, 2016

To amend the Minimum Wage Act Revision Act of 1992 to progressively increase the minimum wage to \$15 an hour by 2020, beginning in 2021 to increase the minimum wage during each successive year pursuant to the Consumer Price Index, to progressively increase the minimum wage for an employee who receives gratuities to \$5 an hour by 2020, beginning in 2021 to increase the minimum wage for an employee who receives gratuities during each successive year pursuant to the Consumer Price Index, and to require the Mayor to submit a biannual compliance report to the Council; and to amend the Living Wage Act of 2006 to provide that the minimum wage requirements of the Minimum Wage Act Revision Act of 1992 shall apply to contracts and agreements for government assistance if the minimum wage is higher than the living wage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fair Shot Minimum Wage Amendment Act of 2016".

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 3(3) (D.C. Official Code § 32-1002(3)) is amended as follows:

(1) Strike the word "includes" and insert the phrase "includes the District of Columbia government," in its place.

(2) Strike the phrase "or the District of Columbia" and insert the word "government" in its place.

(b) Section 4 (D.C. Official Code § 32-1003) is amended as follows:

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

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

"(5)(A) Except as provided in subsection (h) of this section and subparagraph (B) of this paragraph, the minimum hourly wage required to be paid to an employee by an employer shall be as of:

"(i) July 1, 2016: \$11.50;

"(ii) July 1, 2017: \$12.50;

"(iii) July 1, 2018: \$13.25;

"(iv) July 1, 2019: \$14.00; and

"(v) July 1, 2020: \$15.00.

ENROLLED ORIGINAL

“(B) If the minimum wage set by the United States government pursuant to the Fair Labor Standards Act (“U.S. minimum wage”) is greater than the minimum hourly wage currently being paid pursuant to subparagraph (A) of this paragraph, the minimum hourly wage paid to an employee by an employer shall be the U.S. minimum wage plus \$1.”.

(B) Paragraph (6) is amended as follows:

(i) Subparagraph (A) is amended by striking the date “July 1, 2017” and inserting the date “July 1, 2021,” in its place.

(ii) Subparagraph (B) is repealed.

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

“(f)(1) The minimum hourly wage required to be paid by an employer to an employee who receives gratuities (“tipped minimum wage”), provided that the employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum hourly wage as set by subsection (a) of this section, shall be as of:

“(A) January 1, 2005: \$2.77;

“(B) July 1, 2017: \$3.33;

“(C) July 1, 2018: \$3.89;

“(D) July 1, 2019: \$ 4.45; and

“(E) July 1, 2020: \$ 5.00.

“(2) Beginning on July 1, 2021, and no later than July 1 of each successive year, the tipped minimum wage shall be increased in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year. Any increase under this paragraph shall be adjusted to the nearest multiple of \$.05.”.

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

“(f-1) The Mayor shall publish in the District of Columbia Register, on the Department of Employment Services website, and make available to employers in a bulletin, the adjusted minimum hourly wage to be paid by an employer to an employee pursuant to subsections (a)(5) and (6) and (f) of this section at least 30 days before an increase is scheduled to go into effect.”.

(c) Section 10a(c)(2) (D.C. Official Code § 32-1009.01(c)(2)) is amended by striking the phrase “an annual” and inserting the phrase “a quarterly” in its place.

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

“Sec. 8a. Reporting.

“The Mayor shall submit biannually a report to the Council regarding any audits or inspections conducted related to compliance with this act or any regulation issued pursuant to this act. Each report shall include:

“(1) The number of employers inspected for compliance due to complaints received, categorized by size of the employer based on the number of employees;

“(2) The number of employers inspected for compliance as a result of a random audit, categorized by size of the employer based on the number of employees;

“(3) The number of violations, by type of violation; and

ENROLLED ORIGINAL

“(4) An explication of the actions the Mayor took pursuant to section 12 against each employer charged with violating this act or any regulation issued pursuant to this act, including a list of fines assessed against the employer.”.

Sec. 3. The Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 2-220.03) is amended by adding a new subsection (f) to read as follows:

“(f) Notwithstanding the requirements of subsections (a), (b), and (c) of this section, at no time shall the living wage be less than the minimum wage established pursuant to section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003).”.

(b) Section 111 (D.C. Official Code § 2-220.11) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The requirements of” and inserting the phrase “Except as provided in subsection (c) of this section, the requirements of” in its place.

(2) Subsection (b) is repealed.

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

“(c) The minimum wage required by section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003) (“Minimum Wage Act”), shall apply to an agreement entered into, renewed, or extended on or after the effective date of the Fair Shot Minimum Wage Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-712); provided, that the living wage is lower than the minimum wage required by section 4 of the Minimum Wage Act.”.

Sec. 4. Fiscal impact statement.

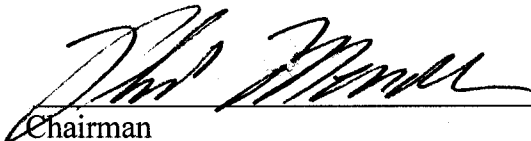
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

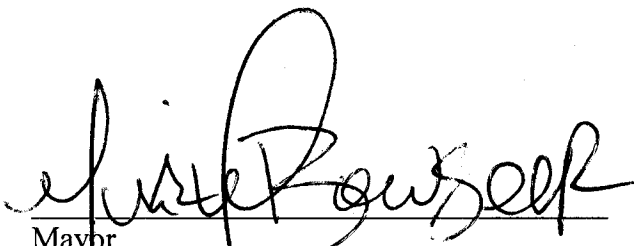
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the New Bethany Baptist Church described as Lots 31, 32, and 806, Square 339 and Lots 23, 71, 72, 811, and 812, Square 367; and to provide equitable tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “New Bethany Baptist Church Real Property Tax Exemption Act of 2016”.

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1098. New Bethany Baptist Church; Lots 31, 32, and 806, Square 339; and Lots 23, 71, 72, 811, and 812, Square 367.”

(b) A new section 47-1098 is added to read as follows:

“§ 47-1098. New Bethany Baptist Church; Lots 31, 32, and 806, Square 339; and Lots 23, 71, 72, 811, and 812, Square 367.

“(a) The real property described as Lots 31, 32, and 806, Square 339 and Lots 23, 71, 72, 811, and 812, Square 367 (“Property”), subject to subsection (b) of this section, shall be exempt from the tax imposed by Chapter 8 of this title as long as the:

“(1) Real property is owned by New Bethany Baptist Church;

“(2) Reports required by § 47-1007 are properly filed by New Bethany Baptist Church; and

“(3) New Bethany Baptist Church does not accept payment for any motor vehicle to park or to otherwise occupy space on the Property.

“(b)(1) Within 5 years of the effective date of this section, New Bethany Baptist Church shall in good faith negotiate an agreement with the Mayor to provide affordable housing on the Property, excluding that portion of the Property upon which the church building is located and which is reasonably required and actually used for carrying on the activities and purposes of New Bethany Baptist Church.

“(2) If New Bethany Baptist Church fails to enter into an agreement with the Mayor as described in paragraph (1) of this subsection, the real property tax exemption provided pursuant to subsection (a) of this section shall terminate, unless the Mayor grants a waiver of the

ENROLLED ORIGINAL

requirement set forth in paragraph (1) of this subsection or an extension of time to fulfill the requirement.

“(3) If the tax exemption provided pursuant to subsection (a) of this section is terminated pursuant to this subsection, or if the Mayor grants a waiver or extension pursuant to paragraph (2) of this subsection, the Mayor shall notify the Office of Tax and Revenue (“OTR”) of the termination, waiver, or extension. The notification shall identify:

“(A) The property to which the notice applies by square and lot number;

“(B) The full legal name of the owner, including the taxpayer identification number;

“(C) The tax or taxes to which the notice applies;

“(D) The portion of the property that is or will be ineligible;

“(E) The date on which the property became or will become ineligible;

and

“(F) Any other information OTR shall require to administer the termination, waiver, or extension.

“(c) The termination of the tax exemption provided pursuant to this section shall not preclude New Bethany Baptist Church from applying for an exemption pursuant to § 47-1002.

“(d) For the purposes of this section, the term “affordable housing” means residential housing provided in conformity with the standards of any affordable housing program established under the law of the United States or the District of Columbia.”.

Sec. 3. Equitable tax relief.

The Council orders that all unpaid real property taxes, fees, penalties, fines, and interest assessed against the real property described as Lots 31, 32, and 806, Square 339 and Lots 23, 71, 72, 811, and 812, Square 367 beginning with tax year 2009 through the 1st day of the month following the effective date of this act and any sales or income taxes outstanding from public parking sales be forgiven and that any payment already made for this period be refunded.

Sec. 4. 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.

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

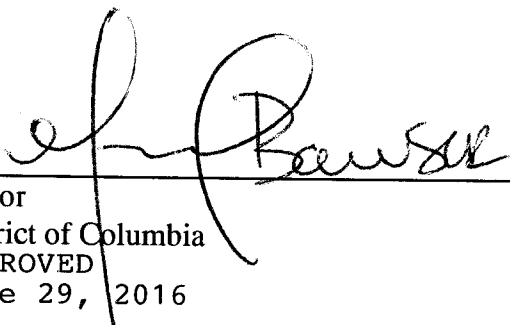
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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 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



Mayor
District of Columbia
APPROVED
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow a holder of a cultivation center registration that owns or has a valid lease for the real property adjacent to its existing cultivation center to expand its facility into that adjacent real property for purposes of increasing production of marijuana plants, not to exceed the authorized limit, and to increase the number of living plants a cultivation center may possess at any time to 1000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Cultivation Center Expansion Temporary Amendment Act of 2016”.

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01) is amended by adding a new paragraph (1A) to read as follows:

“(1A) “Adjacent” means located within the same physical structure as, and is abutting, adjoining, bordering, touching, contiguous to, or otherwise physically meeting.”.

(b) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

(1) Subsection (d) is amended by adding a new paragraph (4) to read as follows:

“(4) The Mayor may approve the holder of a cultivation center registration that also owns, or has a valid lease for, real property adjacent to its existing cultivation center to physically expand the registered cultivation center into that adjacent real property for the purpose of increasing production of marijuana plants, not to exceed the limit permitted under this act.”.

(2) Subsection (e)(2) is amended by striking the number “500” and inserting the number “1000” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).


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

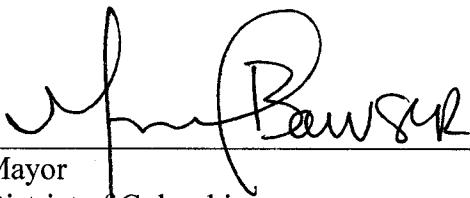
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To amend Chapter 7 of Title 25 of the District of Columbia Official Code to clarify the penalties for sale to minor violations and the failure to ascertain the legal drinking age violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sale to Minors Penalty Clarification Temporary Amendment Act of 2016".

Sec. 2. Chapter 7 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-781 is amended as follows:

(1) Subsection (f) is amended by striking the phrase "Upon finding that a licensee has violated subsection (a), (b), or (c) of this section in the preceding," and inserting the phrase "For violations of subsection (a), (b), or (c) of this section in the preceding" in its place.

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

"(g)(1) In determining whether a licensee has prior violations for the purposes of subsection (f) of this section, the 4-year period is the 4 years immediately preceding the date of the incident or conduct in the case pending before the Board for which the licensee has been found liable of violating subsection (a), (b), or (c) of this section, either by an order of the Board, the Board's acceptance of an offer-in-compromise, or the licensee's payment of a fine. A prior violation falls within the 4-year period if the date that the licensee was found liable of violating subsection (a), (b), or (c) of this section, either by an order of the Board, the Board's acceptance of an offer-in-compromise, or the licensee's payment of a fine, falls within the 4-year period.

"(2) For the purposes of this subsection, the term "offer-in-compromise" means a negotiation between the government and the respondent to settle the charges brought by the government for those violations committed by the respondent."

(b) Section 25-783 is amended as follows:

(1) Subsection (c) is amended by striking the phrase "Upon finding that a licensee has violated subsection (a) or (b) of this section in the preceding" and inserting the phrase "For violations of subsection (a) or (b) of this section in the preceding" in its place.

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

"(c-1)(1) In determining whether a licensee has prior violations for the purposes of subsection (c) of this section, the 4-year period is the 4 years immediately preceding the date of

ENROLLED ORIGINAL

the incident or conduct in the case pending before the Board for which the licensee has been found liable of violating subsection (a) or (b) of this section, either by an order of the Board, the Board's acceptance of an offer-in-compromise, or the licensee's payment of a fine. A prior violation falls within the 4-year period if the date that the licensee was found liable of violating subsection (a) or (b) of this section, either by an order of the Board, the Board's acceptance of an offer-in-compromise, or the licensee's payment of a fine, falls within the 4-year period.

“(2) For the purposes of this subsection, the term “offer-in-compromise” means a negotiation between the government and the respondent to settle the charges brought by the government for those violations committed by the respondent.”.

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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, Contract No. DCKT-2016-C-0017 with Strittmatter Metro, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCKT-2016-C-0017 Approval and Payment Authorization Emergency Act of 2016".

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 Contract No. DCKT-2016-C-0017 with Strittmatter Metro, LLC to provide goods and services to the District during a declared state of emergency, and authorizes payment in the total amount of \$4,475,467.50 for the goods and services received under the contract for the period from January 21, 2016, through February 5, 2016.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

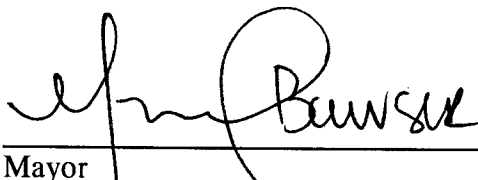
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, Contract No. DCKT-2016-C-0018 with JJ Prime Services, LLC to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCKT-2016-C-0018 Approval and Payment Authorization Emergency Act of 2016".

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 Contract No. DCKT-2016-C-0018 with JJ Prime Services, LLC to provide goods and services to the District during a declared state of emergency, and authorizes payment in the total amount of \$1,941,129.33 for the goods and services received under the contract for the period from January 21, 2016, through February 5, 2016.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

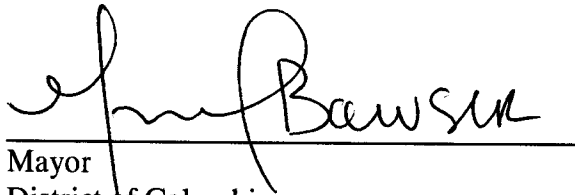
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-435

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, the Amendment for Partial Exercise of Option Year 002 to Contract No. DCAM-14-NC-0046B, and Change Order Nos. 001 through 006, inclusive, to that Amendment, with Kramer Consulting, P.C. to provide program management services for the Department of Parks and Recreation's capital construction portfolio and to authorize payment in the aggregate not-to-exceed amount of \$2,454,680 for the goods and services received and to be received during option year 2 of the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Amendment and Change Orders to Contract No. DCAM-14-NC-0046B Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Amendment for Partial Exercise of Option Year 002 to Contract No. DCAM-14-NC-0046B, and Change Order Nos. 001 through 006, inclusive, to that Amendment, with Kramer Consulting, P.C. to provide program management services for the Department of Parks and Recreation's capital construction portfolio and authorizes payment in the aggregate not-to-exceed amount of \$2,454,680 for the goods and services received and to be received during option year 2 of the contract, from October 1, 2015 through September 30, 2016.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

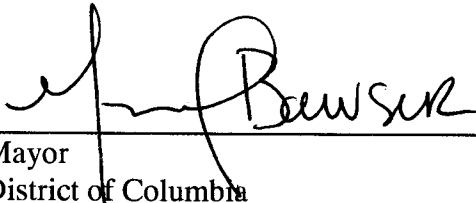
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, Contract No. DCKT-2016-C-0020 with H.U.R.B. Landscaping, Inc. to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCKT-2016-C-0020 Approval and Payment Authorization Emergency Act of 2016".

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 Contract No. DCKT-2016-C-0020 with H.U.R.B. Landscaping, Inc. to provide goods and services to the District during a declared state of emergency, and authorizes payment in the total amount of \$1,557,607 for the goods and services received under the contract for the period from January 21, 2016, through February 5, 2016.

Sec. 3. Fiscal impact statement.

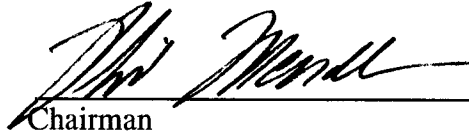
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

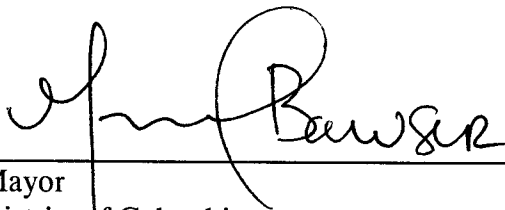
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, proposed multiyear Contract No. DCAM-14-CS-0123B with DC Solar JV to deploy solar energy generation systems at approximately 15 District government buildings, and to authorize payment for the power generated by the systems for a 20-year period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-14-CS-0123B Approval and Payment Authorization Emergency Act of 2016".

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 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 Contract No. DCAM-14-CS-0123B with DC Solar JV to deploy solar energy generation systems at approximately 15 District government buildings, and authorizes payment for the power generated by the systems for a 20-year period.

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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

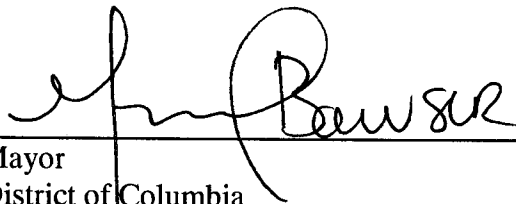
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 29, 2016

To approve, on an emergency basis, Contract No. DCKT-2016-C-0019 with Total Civil Construction to provide goods and services to the District during a declared state of emergency, and to authorize payment for the goods and services received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCKT-2016-C-0019 Approval and Payment Authorization Emergency Act of 2016”.

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 Contract No. DCKT-2016-C-0019 with Total Civil Construction to provide goods and services to the District during a declared state of emergency, and authorizes payment in the total amount of \$9,889,455.10 for the goods and services received under the contract for the period from January 21, 2016, through February 5, 2016.

Sec. 3. Fiscal impact statement.

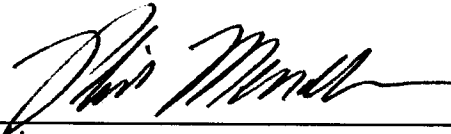
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

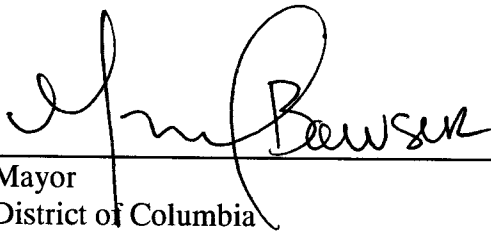
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 29, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To approve, on an emergency basis, Modification Nos. M014, M015, and M016 and proposed Modification No. M017 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide local pavement street repairs and improvements, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCKA-2012-C-0089 Approval and Payment Authorization Emergency Act of 2016”.

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 Nos. M014, M015, and M016 and proposed Modification No. M017 to Contract No. DCKA-2012-C-0089 with Capitol Paving of D.C., Inc. to provide local pavement street repairs and improvements, and authorizes payment in the total not-to-exceed amount of \$27,980,239 for services received and to be received under the contract for the period from April 9, 2016, through April 8, 2017.

Sec. 3. Fiscal impact statement.

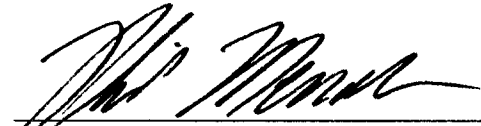
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

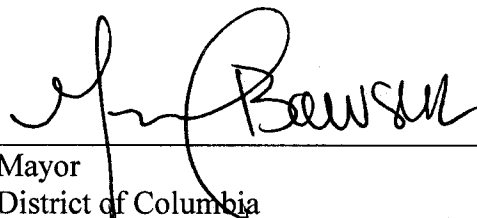
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To approve, on an emergency basis, Change Orders Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture for design-build services for the Roosevelt High School modernization, and to authorize payment to Smoot Gilbane II Joint Venture for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 Approval and Payment Authorization Emergency Act of 2016”.

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 Change Orders Nos. 007 through 012 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture, for the modernization of Roosevelt High School, in the aggregate amount of \$1,737,232, and authorizes payment for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

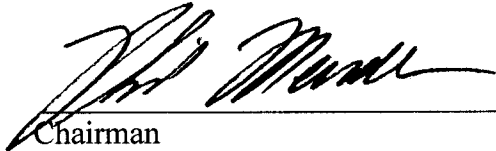
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

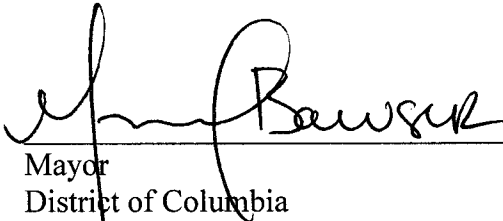
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To approve, on an emergency basis, Modification Nos. 04 and 05 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. for ground maintenance services, and to authorize payment in the aggregate amount of \$1,343,785.35 for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 04 and 05 to Contract No. DCAM-15-NC-0085B Approval and Payment Authorization Emergency Act of 2016".

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 Nos. 04 and 05 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. for grounds maintenance services, and authorizes payment in the aggregate amount of \$1,343,785.35 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

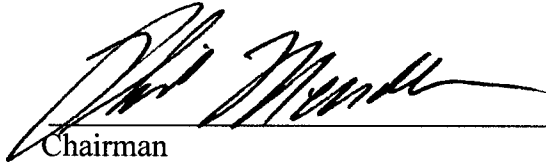
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

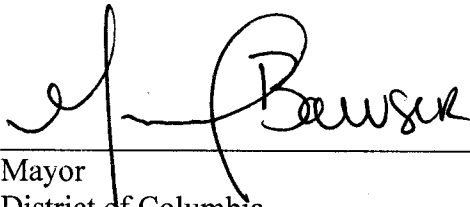
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To approve, on an emergency basis, the first amendment to the multiyear Washington Metropolitan Area Transit Authority Capital Funding Agreement to extend the term of the agreement to June 30, 2017, and to provide funding for a capital improvement program in the amount of \$92.1 million.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "First Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Approval Act of 2016".

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), the Council approves the First Amendment to the Local Capital Funding Agreement between the District and the Washington Metropolitan Area Transit Authority, submitted by the Mayor on June 3, 2016, to provide for a one-year extension of the Washington Metropolitan Area Transit Authority Capital Funding Agreement, approved by the Council on June 29, 2010 (Res. 18-534; 57 DCR 5868), from July 1, 2016, to June 30, 2017, and to provide additional funding to a capital improvement program for the Washington Metropolitan Area Transit Authority metro system in the amount of \$92.1 million.

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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

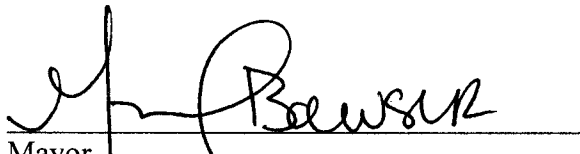
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-443

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To adjust, on a temporary basis, certain allocations requested in the Fiscal Year 2016 Budget Request Act of 2015 pursuant to the Omnibus Appropriations Act, 2009.

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

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2016 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

\$39,971,000 is removed from local funds; and \$3,000,000 is increased in other funds; to be allocated as follows:

Governmental Direction and Support

The appropriation for Governmental Direction and Support is increased by \$25,000 in local funds; to be allocated as follows:

- (1) Office of the Secretary. – \$25,000 is added to be available in local funds.

Economic Development and Regulation

The appropriation for Economic Development and Regulation is decreased by \$35,000 in local funds and increased by \$3,000,000 in other funds; to be allocated as follows:

- (1) Department of Employment Services. – (\$100,000) is removed from local funds;
- (2) Office of the Deputy Mayor for Planning and Economic Development. – \$3,000,000 is added to be available in other funds; provided, that this amount shall be available for the Walter Reed Redevelopment Fund established by section 7 of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; 63 DCR 4678);
- (3) Office of Planning. – (\$110,000) is removed from local funds; and
- (4) Office of Zoning. – \$175,000 is added to be available in local funds.

ENROLLED ORIGINAL

Public Safety and Justice

The appropriation for Public Safety and Justice is decreased by \$1,650,000 in local funds; to be allocated as follows:

- (1) Metropolitan Police Department. – (\$1,100,000) is removed from local funds;
- (2) Fire and Emergency Medical Services Department. – (\$375,000) is removed from local funds;
- (3) Criminal Justice Coordinating Council. – (\$75,000) is removed from local funds; and
- (4) Department of Forensic Sciences. – (\$100,000) is removed from local funds.

Public Education System

The appropriation for the Public Education System is decreased by \$768,000 in local funds; to be allocated as follows:

- (1) Office of the State Superintendent of Education. – \$144,000 is added to be available in local funds; provided, that of the total amount budgeted for the Office, \$2,300,000 shall be transferred from Nutrition Services (program D500/D501, index LD500, PCA LF501, object 0506) to Professional Development Assistance (program D800/D805, index LD800, PCA LF805, object 0409);
- (2) District of Columbia Public Library. – \$88,000 is added to be available in local funds;
- (3) Special Education Transportation. – (\$1,000,000) is removed from local funds;
- (4) District of Columbia Public Schools. – all funds deposited, without regard to fiscal year, into assigned local fund balance from the settlement in *United States ex rel. Mills v. Compass Group North America et al.*, 2013 CAB SLD 004624, are authorized for expenditure and shall remain available for expenditure until September 30, 2016; provided, that the District of Columbia Public Schools (“DCPS”) is authorized to spend appropriated funds to pay for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities in accordance with rules promulgated by the Chancellor pursuant to section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)); provided further, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement; and
- (5) District of Columbia Public Charter Schools. - there shall be appropriated to the District of Columbia public charter schools on July 1, 2016 an amount equal to 35% or, for new charter school Local Education Agencies that opened for operations for the first time after December 31, 2015 an amount equal to 45%, of the total amount of the local funds appropriation request provided for payments to public charter schools in the proposed budget of the District of Columbia for Fiscal Year 2017 (as submitted to Congress), and the amount of such payment

ENROLLED ORIGINAL

shall be chargeable against the final amount provided for such payments in Fiscal Year 2017.

Human Support Services

The appropriation for Human Support Services is decreased by \$7,200,000 in local funds; to be allocated as follows:

- (1) Department of Youth Rehabilitation Services. – (\$5,000,000) is removed from local funds;
- (2) Unemployment Compensation Fund. – (\$1,000,000) is removed from local funds;
- (3) Child and Family Services Agency. – (\$350,000) is removed from local funds;
- (4) Department of Health Care Finance. – (\$200,000) is removed from local funds; and
- (5) Department of Parks and Recreation. – (\$650,000) is removed from local funds.

Public Works

The appropriation for Public Works is decreased by \$8,900,000 in local funds; to be allocated as follows:

- (1) Washington Metropolitan Area Transit Authority. – (\$8,900,000) is removed from local funds.

Financing and Other

The appropriation for Financing and Other is decreased by \$21,443,000 in local funds; to be allocated as follows:

- (1) Repayment of Loans and Interest. – (\$30,134,000) is removed from local funds;
- (2) Settlements and Judgments. – \$12,000,000 is added to be available in local funds;
- (3) Emergency and Contingency Reserve Funds. – \$65,591,000 is added to be available in local funds;
- (4) District Retiree Health Contribution. – (\$66,400,000) is removed from local funds; and
- (5) Repayment of Interest on Short-Term Borrowings. – (\$2,500,000) is removed from local funds.

Sec. 3. Remaining Fiscal Year 2016 unexpended revenue of \$92,658,000 shall be carried over into Fiscal Year 2017 as fund balance and shall be available as set forth in the approved Fiscal Year 2017 Budget and Financial Plan.

ENROLLED ORIGINAL

Sec. 4. Of the Fiscal Year 2016 local funds included in the budget of the District of Columbia Housing Authority, \$15,000,000 shall be deposited in the DCHA Rehabilitation and Maintenance Fund established by the Fiscal Year 2017 Budget Support Emergency Act of 2016.

Sec. 5. Section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)), is amended by striking the semicolon and inserting the phrase “, including rules and regulations governing the use of DCPS funds for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities; provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement;” in its place.

Sec. 6. Capital project rescissions.

In Fiscal Year 2016, the Chief Financial Officer shall rescind capital project allotments as set forth in the following tabular array, with the savings to be used in accordance with the Fiscal Year 2017 Local Budget Act of 2016:

Owner Agency	Project No	Project Title	Impl Agency	Fund Detail	Existing Allotment Adjustments
AM0 - DEPARTMENT OF GENERAL SERVICES	N1401B	GOVERNMENT CENTERS	AM0	0300	(7,239.86)
	PL102C	ELEVATOR POOL	AM0	0300	(25,361.94)
	PL105C	ARCHIVES RECORDER OF DEEDS	AM0	0300	(356,004.03)
	PL603C	WINDOW REPAIR AND RENOVATION POOL	AM0	0300	(89,931.23)
AT0 - OFFICE OF THE CHIEF FINANCIAL OFFICER	BF301C	SOAR MODERNIZATION	AT0	0300	(6,000,000.00)
BD0 - OFFICE OF PLANNING	PLN38C	SUSTAINABLE DC - AGENCY COMPETITION FUND	BD0	0300	(2,705,868.79)
				0301	(50,000.00)
CR0 - DEPT. OF CONSUMER AND REGULATORY AFFAIRS	EB301C	VACANT PROPERTY INSPECTION AND ABATEMENT	CR0	0300	(74,535.00)
				0301	(1,169.28)
				9000	(12,590.35)
DB0 - DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT	04002C	PROPERTY ACQUISITION & DISPOSITION	DB0	0301	(221,275.70)
	ANC02C	HOUSING RESOURCE CENTER DATABASE	ELC	0302	(159,619.55)
EB0 - DEPUTY MAYOR FOR PLANNING AND ECON DEV	ASC13C	SKYLAND DEVELOPMENT	EB0	0300	(1,235,221.00)
	EB008C	NEW COMMUNITIES	EB0	0300	(16,100,000.00)
FA0 - METROPOLITAN POLICE DEPARTMENT	PEQ22C	SPECIALIZED VEHICLES - MPD	FA0	0300	(230,334.00)
FB0 - FIRE AND EMERGENCY MEDICAL SERVICES	LB737C	ENGINE 5 COMPLETE RENOVATION	AM0	0300	(3,790.81)
	LE337C	ENGINE 16 RENOVATION	AM0	0300	(3,018.88)
HA0 - DEPARTMENT OF PARKS AND RECREATION	DPR08C	MASTER LEASE FOR VEHICLE PURCHASE	ELC	0302	(22,078.39)
	FTLPKC	FORT LINCOLN PARK	AM0	0300	(3,200,000.00)
0301				(750,000.00)	

ENROLLED ORIGINAL

	QB338C	ROPER / DEANWOOD RECREATION CENTER	AM0	0300	(54,775.22)
	QD137C	CAMP RIVERVIEW REHABILITATION	AM0	0300	(0.09)
	QH750C	PARK IMPROVEMENTS - PROJECT MANAGEMENT	HA0	0300	(200,000.00)
	QI438C	JUSTICE PARK	AM0	0300	(215.36)
	QI937C	ROSEDALE RECREATION CENTER	AM0	0300	(1,307.28)
	QM801C	BENNING TERRACE	AM0	0300	(0.20)
	QN701C	ATHLETIC FIELD IMPROVEMENTS	AM0	0300	(62.00)
	QG638C	KENILWORTH PARKSIDE RECREATION CENTER	AM0	0300	(1,265.13)
	RG001C	GENERAL IMPROVEMENTS - DPR	AM0	0300	(200,000.00)
	RG006C	SWIMMING POOL REPLACEMENT	AM0	0300	(670,713.69)
				0301	(312,300.00)
	RG008C	NOYES FIELD	AM0	0300	(18,700.00)
HT0 - DEPARTMENT OF HEALTH CARE FINANCE	UMC01C	EAST END MEDICAL CENTER	AM0	0300	(3,269,118.89)
JA0 - DEPARTMENT OF HUMAN SERVICES	JAPMSC	PRINTING AND MAILING PROCESSING SYSTEM	ELC	0302	(433,348.00)
	THK16C	TEMPORARY AND PERMANENT SUPPORTIVE HOUSI	AM0	0300	(3,000,000.00)
JZ0 - DEPARTMENT OF YOUTH REHABILITATION SVCS	SH632C	REPLACEMENT OF YES! TO FAMCARE	JZ0	0301	(14,283.37)
KA0 - DEPARTMENT OF TRANSPORTATION	6EQ02C	EQUIPMENT ACQUISITION - DDOT	KA0	0302	(2,501,614.72)
	AD306C	PEDESTRIAN & BICYCLE SAFETY ENHANCEMENTS	KA0	0330	(2,000,000.00)
	AD310C	SHERMAN STREET	KA0	0300	(3,596.14)
	BR005C	H STREET BRIDGE	KA0	0300	(5,000,000.00)
	CA305C	LOCAL ST REHAB SCOPE & DEV	KA0	0330	(226.66)
	CE307C	BRIDGE MAINTENANCE	KA0	0330	(1,500,000.00)
	CK301C	ADVANCED DESIGN & PROJECT DEVT	KA0	0330	(176.84)
	CKT59A	NY AVE SOUTH DAKOTA-DC LINE NH-1108(19)	KA0	0300	(52,927.14)
	ED302C	LOCAL STREETS PARKING STUDIES	KA0	0330	(227,753.29)
	ED303C	LOCAL STREETS TRAFFIC STUDIES	KA0	0330	(130,671.02)
	EDL06C	MINNESOTA AVE. STREETSCAPE IMPROVEMENTS	KA0	0300	(16,667.00)
	EDL07C	HOWARD THEATER STREETSCAPE IMPROVEMENTS	KA0	0300	(4,540.80)
	EDS01C	GREAT STREETS	KA0	0333	(126,721.78)
	EDS02C	GREAT STREETS	KA0	0300	(283,404.34)
				0333	(264,317.78)
	EDS03C	GREAT STREETS	KA0	0333	(14.68)
	EDS04C	GREAT STREETS	KA0	0333	(85,240.90)
	FLD01C	PREVENTION OF FLOODING IN BLOOMINGDALE/L	KA0	0300	(5,100,000.00)
KG0 - DEPARTMENT OF ENERGY AND ENVIRONMENT	SUS04C	SUSTAINABLE DC FUND-2	KG0	0300	(104,291.56)
Grand Total					(56,826,292.69)

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Sec. 7. Designated fund transfers.

(a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2016 the following amounts from certified fund balances in the identified accounts to the General Fund of the District of Columbia:

Designated Fund Balance - Overview			
Agency Code	Fund No.	Fund Name	Amount
Budget Support Act:			
AE0		Pay for Success Contract Fund	\$2,699,287
		Total	\$2,699,287
Budget Reserves:			
EN0		Micro Loan/Small Business Capital Access Fund	\$228,362
EN0		Streetscape Loan Relief Fund	\$1,584,297
		Total	\$1,812,659
Dedicated Taxes:			
HT0	0111	Healthy DC Fund	\$6,908,762
HT0	0112	Stevie Sellows Quality of Care Improvement Fund	\$165,764
LQ0	0110	Dedicated Taxes	\$881,555
		Total	\$7,956,081
Purpose Restrictions and Other Special Purposes:			
AT0	0606	Recorder of Deeds Surcharge	\$3,000,000
AT0	6115	OFT Central Collection Unit Fund	\$1,600,000
AT0	0602	Payroll Service Fees	\$11,198
BE0	0639	Agreement with Independent Agencies	\$34,682
CJO	0600	Special Purpose Revenue	\$15,332
CR0	6030	Green Building Fund	\$1,689,850
CR0	6013	Basic Business License Fund	\$268,332
CR0	6020	Board of Engineers Fund	\$697,203
CR0	6040	Corporate Recordation Fund	\$1,182,879
CR0	6045	Vending Regulations Fund	\$1,284,622
CR0	6010	OPLA - Special Account	\$26,999
CR0	6006	Nuisance Abatement	\$44,862
CR0	6009	Real Estate Appraisal Fee	\$30,564

ENROLLED ORIGINAL

CI0	0600	Cable Franchise Fees	\$7,113,314
EB0	0630	Fund from NEDCO and EDFC	\$562,550
EB0	0419	H St Retail Priority Area Grant Fund	\$3,272,213
HC0	0632	Pharmacy Protection	\$2,100,000
HC0	0644	Spay and Neutering Fund	\$7,215
HC0	0661	ICF/MR Fees and Fines	\$154,086
HC0	0606	Vital Records Revenues	\$2,500,000
HC0	0605	SHPDA Fees	\$200,000
HC0	0643	Board of Medicine	\$600,000
HT0	0631	Medicaid Collections - 3rd Party Liability	\$314,173
JA0	0603	SSI Payback	\$1,000,000
KA0	6901	DDOT Enterprise Fund - Non Tax Revenues	\$3,000,000
SR0	2911	Foreclosure Mediation Fund (Temporary)	\$340,500
TO0	0602	DC Net Service Support	\$4,800,000
		Total	\$35,850,574
TOTAL			\$48,318,601

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2017 Budget and Financial Plan.

(c) In Fiscal Year 2016, the Chief Financial Officer shall transfer the entire fund balance of the GD0 – Credit Enhancement, Geneva Funds account to fund 0610, the Charter School Credit Enhancement Fund, within the Office of the State Superintendent of Education.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9. Effective date.

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

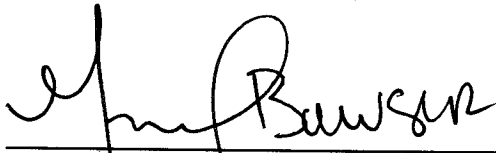
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To amend, on a temporary basis, section 47-2844 of the District of Columbia Official Code to enable the Mayor to suspend or revoke the business license of any business engaged in the buying or selling of a synthetic drug and to enable the Chief of Police to seal a business licensee's premises for up to 96 hours for the buying or selling of a synthetic drug; and to amend the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to designate the sale of a synthetic drug as a per se imminent danger to the health or safety of District residents and provide for an administrative hearing after the sealing of a business licensee's premises.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sale of Synthetic Drugs Temporary Amendment Act of 2016".

Sec. 2. Section 47-2844(a-2) of the District of Columbia Official Code is amended as follows:

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

(1) The lead-in language is amended by striking the phrase "subsection (a-1) of this section" and inserting the phrase "subsection (a-1) of this section and paragraph (1A) of this subsection" in its place.

(2) Subparagraph (A) is amended by striking the word "subsection" and inserting the word "paragraph" in its place.

(3) Subparagraph (B) is amended by striking the word "subsection" and inserting the word "paragraph" in its place.

(4) Subparagraph (C) is amended by striking the word "subsection" and inserting the word "paragraph" in its place.

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

"(1A) In addition to the provisions of subsection (a-1) of this section and paragraph (1) of this subsection, the Mayor or the Chief of Police, notwithstanding § 2-1801.04(a)(1), may take the following actions against, or impose the following requirements upon, any licensee, or agent or employee of a licensee, that knowingly engages or attempts to engage in the purchase, sale, exchange, or any other form of commercial transaction involving a synthetic drug, including the possession of multiple units of a synthetic drug:

"(A) For the first violation of this paragraph:

ENROLLED ORIGINAL

“(i) The Mayor shall issue a fine in the amount of \$10,000;

“(ii) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), may seal the licensee's premises, or a portion of the premises, for up to 96 hours without a prior hearing;

“(iii) The Mayor may issue a notice to revoke all licenses issued to the licensee pursuant to this chapter; and

“(iv)(I) Within 14 days after having a licensee's premises sealed for a violation of this paragraph, the Mayor shall require the licensee to submit a remediation plan to the Director of the Department of Consumer and Regulatory Affairs that contains the licensee's plan to prevent any future recurrence of purchasing, selling, exchanging, or otherwise transacting any synthetic drug and acknowledgement that a subsequent occurrence of engaging in prohibited activities may result in the revocation of all licenses issued to the licensee pursuant to this chapter.

“(II) If the licensee fails to submit a remediation plan in accordance with this sub-subparagraph, or if the Mayor, in consultation with the Chief of Police, rejects the licensee's remediation plan, the Mayor shall provide written notice to the licensee of the defects in any rejected remediation plan and the Mayor's intent to revoke all licenses issued to the licensee pursuant to this chapter.

“(III) If the licensee cures the defects in a rejected remediation plan, the Mayor may suspend any action to revoke any license of the licensee issued pursuant to this chapter.

“(B) For any subsequent violation of this paragraph:

“(i) The Mayor shall issue a fine in the amount of \$20,000; and

“(ii) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), may seal the licensee's premises, or portion of the premises, for up to 30 days without a prior hearing.

“(C) If a licensee's premises, or a portion of the premises, is sealed under subparagraph (A) or (B) of this paragraph, a licensee shall have the right to request a hearing with the Office of Administrative Hearings within 2 business days after service of notice of the sealing of the premises pursuant to subparagraph (D) of this paragraph.

“(D) At the time of the sealing of the premises, or a portion of the premises, under subparagraph (A) or (B) of this paragraph, the Director of the Department of Consumer and Regulatory Affairs shall post at the premises and serve on the licensee a written notice and order stating:

“(i) The specific action or actions being taken;

“(ii) The factual and legal bases for the action or actions;

“(iii) The right, within 2 business days after service of notice of the sealing of the premises, to request a hearing with the Office of Administrative Hearings;

“(iv) The right, within 2 business days of a timely request being received by the Office of Administrative Hearings, to a hearing before an administrative law judge; and

ENROLLED ORIGINAL

“(v) That it shall be unlawful for any person to enter the sealed premises for any purpose without written permission by the Director of the Department of Consumer and Regulatory Affairs.

“(E) A licensee shall pay a fine issued pursuant to subparagraph (A) or (B) of this paragraph within 20 days after adjudication. If the licensee fails to pay the fine within the specified time period, the Mayor may seal the premises until the fine is paid.

“(F) For the purposes of this paragraph, the term:

“(i) “Business days” means days in which the Office of Administrative Hearings is open for business.

“(ii) “Synthetic drug” means any product possessed, provided, distributed, sold, or marketed with the intent that it be used as a recreational drug, such that its consumption or ingestion is intended to produce effects on the central nervous system or brain function to change perception, mood, consciousness, cognition, or behavior in ways that are similar to the effects of marijuana, cocaine, amphetamines, or Schedule I narcotics under § 48-902.04. The term “synthetic drug” also includes any chemically synthesized product (including products that contain both a chemically synthesized ingredient and herbal or plant material) possessed, provided, distributed, sold, or marketed with the intent that the product produce effects substantially similar to the effects created by compounds banned by District or federal synthetic drug laws or by the U.S. Drug Enforcement Administration pursuant to its authority under the Controlled Substances Act, approved October 27, 1970 (84 Stat. 1247; 21 U.S.C. § 812). The following factors shall be treated as indicia that a product is being marketed with the intent that it be used as a recreational drug:

“(I) The product is not suitable for its marketed use (such as a crystalline or powder product being marketed as “glass cleaner”);

“(II) The individual or business providing, distributing, displaying, or selling the product does not typically provide, distribute, or sell products that are used for that product’s marketed use (such as liquor stores, smoke shops, or gas or convenience stores selling “plant food”);

“(III) The product contains a warning label that is not typically present on products that are used for that product’s marketed use including, “Not for human consumption”, “Not for purchase by minors”, “Must be 18 years or older to purchase”, “100% legal blend”, or similar statements;

“(IV) The product is significantly more expensive than products that are used for that product’s marketed use;

“(V) The product resembles an illicit street drug (such as cocaine, methamphetamine, or Schedule I narcotic) or marijuana; or

“(VI) The licensee or any employee of the licensee has been warned by a District government agency or has received a criminal incident report, arrest report, or equivalent from any law enforcement agency that the product or a similarly labeled product contains a synthetic drug.”.

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Sec. 3. Section 106 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective March 8, 1991 (D.C. Law 8-237; D.C. Official Code § 2-1801.06), is amended as follows:

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

(1) Strike the phrase “premises are primarily used” and insert the phrase “premises are used” in its place.

(2) Add a new sentence at the end to read as follows:

“Purchasing, selling, exchanging, or otherwise transacting any synthetic drug, as defined in D.C. Official Code § 47-2844(a-2)(1A)(F)(ii), shall be a per se imminent danger to the health or safety of the residents of the District.”.

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

(1) The existing text is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended by striking the phrase “A licensee” and inserting the phrase “Except as provided in paragraph (2) of this subsection, a licensee” in its place.

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

“(2) A licensee engaged in the purchase, sale, exchange, or any other form of commercial transaction involving a synthetic drug in violation of D.C. Official Code § 47-2844(a-2)(1A) shall have the right to request a hearing within 2 business days after service of notice of the sealing of the premises. The Office of Administrative Hearings shall hold a hearing within 2 business days of receipt of a timely request, and shall issue a decision within 2 business days after the hearing.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

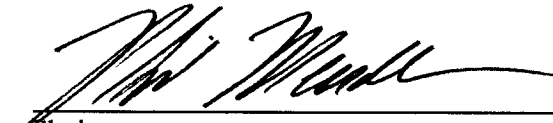
Sec. 5. Effective date.

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


ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-445

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To amend, on a temporary basis, section 103 of Title 18 of the District of Columbia Municipal Regulations to repeal the requirement that every person who has never been issued a driver license must provide documentation that they have successfully completed an approved course of driver instruction before issuance of a provisional permit or driver license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Mandatory Driver Instruction Regulation Temporary Amendment Act of 2016”.

Sec. 2. Section 103.11 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 103.11) is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

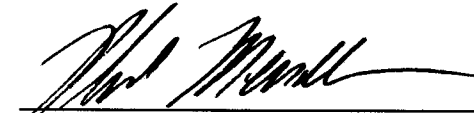
Sec. 4. Effective date.

(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


ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To designate the public alley in Square 2258 that runs parallel to the 4600 block of Broad Branch Road, N.W., in Ward 3, as Fieldstone Lane.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fieldstone Lane Designation Act of 2016”.

Sec. 2. Pursuant to sections 401 and 403 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03) (“Act”), and notwithstanding the requirements of sections 407 and 408 of the Act (D.C. Official Code §§ 9-204.07 and 9-204.08), the Council designates the alley in Square 2258 that runs parallel to the 4600 block of Broad Branch Road, N.W., as “Fieldstone Lane”.

Sec. 3. Implementation of alley designation.

(a)(1) The name designated pursuant to section 2 shall be the official name of the alley.

(2) For the purposes of this act, the term “official name” means the legal designation of the alley for mailing address and other official purposes.

(b) The Mayor shall:

(1) Update relevant records of the District of Columbia to reflect the official name of the alley, including:

(A) Fire and Emergency Medical Services Department records;

(B) Homeland Security and Emergency Management Agency records;

(C) District of Columbia maps; and

(D) Any other record of the District of Columbia used for way finding or address purposes;

(2) Notify the United States Postal Service, other relevant government agencies, and relevant private sector entities of the official name of the alley; and

(3) Install signage indicating the official name of the alley using procedures established by the District Department of Transportation, and remove any signs with a previous name.

ENROLLED ORIGINAL

Sec. 4. Transmittal.

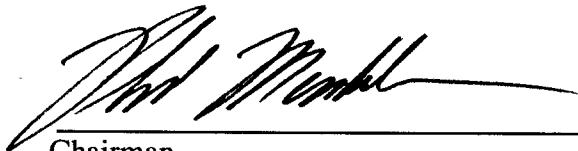
The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the District Department of Transportation, and the Office of the Surveyor.

Sec. 5. Fiscal impact statement.

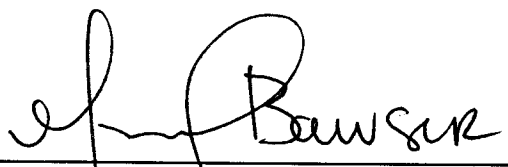
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

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 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



Mayor
District of Columbia
APPROVED
June 30, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2016

To designate the alley in Square 1042 between D and E Streets, S.E., in Ward 6, as Carry's Way and the alley in Square 1042 between 13th and 14th Streets, S.E., in Ward 6, as Guethler's Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Carry's Way and Guethler's Court Designation Act of 2016".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01) ("Act"), and notwithstanding sections 403, 406, 407, and 408 of the Act (D.C. Official Code §§ 9-204.03, 9-204.06, 9-204.07 and 9-204.08), the Council designates the alley in Square 1042 that runs north and south between D Street, S.E., and E Street, S.E., in Ward 6, as "Carry's Way".

Sec. 3. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01) ("Act"), and notwithstanding sections 403, 406, 407, and 408 of the Act (D.C. Official Code §§ 9-204.03, 9-204.06, 9-204.07, and 9-204.08), the Council designates the alley in Square 1042 that runs east and west parallel to D Street, S.E., and E Street, S.E., in Ward 6, as "Guethler's Court".

Sec. 4. Implementation of alley designations.

(a)(1) The name designated pursuant to section 2 shall be the official name of the alley described in that section and the name designated pursuant to section 3 shall be the official name of the alley described in that section.

(2) For the purposes of this act, the term "official name" means the legal designation of the alley for mailing address and other official purposes.

(b) The Mayor shall:

(1) Update relevant records of the District of Columbia to reflect the official names of the alleys, including:

(A) Fire and Emergency Medical Services Department records;

(B) Homeland Security and Emergency Management Agency records;

ENROLLED ORIGINAL

(C) District of Columbia maps; and

(D) Any other record of the District of Columbia used for way finding or address purposes;

(2) Notify the United States Postal Service, other relevant government agencies, and relevant private sector entities of the official names of the alleys; and

(3) Install signage indicating the official names of the alleys using procedures established by the District Department of Transportation, and remove any signs with a previous name.

Sec. 5. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the District Department of Transportation, and the Office of the Surveyor.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 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
June 30, 2016

A RESOLUTION

21-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2016

To approve the disposition of District-owned real property located between 1300 and 1100 Alabama Ave. S.E., and known for tax and assessment purposes as Lots 809, 811, 812, 813, and 823 in Square S-5868.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “St. Elizabeths East Campus – Phase I Disposition Approval Resolution of 2016”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Act” means 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.*).

(2) “CBE Act” means the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(4) “Developer” means Redbrick LMD, LLC, a Delaware limited liability company, with a business address of 1616 H Street, N.W., Suite 600, Washington, D.C. 20006, and Gragg-Cardona Partners, with a business address of 8630 Fenton Street, Suite 910, Silver Spring, MD 20910, and the single purpose entity formed by and between Redbrick LMD, LLC and Gragg-Cardona Partners for the purpose of developing the Property, or its successor, or one of its affiliates or assignees, as approved by the Mayor.

(5) “First Source Agreement” means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction on the Property.

(6) “Property” means the real property located between 1300 and 1100 Alabama Ave. S.E., and known for tax and assessment as Lots 809, 811, 812, 813, and 823 in Square S-5868.

Sec. 3. Findings.

(a) The Property is approximately 15.8 acres in area and includes vacant parcels and historic vacant buildings.

(b) The intended use of the Property is as a mixed-use development providing affordable housing, residential market-rate housing, retail, and any ancillary uses allowed under applicable law, as further described in the term sheet submitted to the Council for consideration with this resolution pursuant to section 1(b-1)(2) of the Act (D.C. Official Code § 10-801(b-1)(2)).

(c) The Developer shall comply with the requirements of section 1(a-3) of the Act (D.C. Official Code § 10-801(a-3)) by dedicating 30% of all multi-family units as affordable-housing units.

(d) The Developer shall enter into an agreement that requires the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract-dollar volume of the project, and requires, in accordance with section 2349a of the CBE Act (D.C. Official Code § 2-218.49a), at least 20% in equity participation and 20% in development participation of Certified Business Enterprises.

(e) The Developer shall enter into a First Source Agreement.

(f) The proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act (D.C. Official Code § 10-801(b)(8)(F)) for a portion of the Property, and a lease of greater than 20 years under section 1(b)(8)(C) of the Act (D.C. Official Code § 10-801(b)(8)(C)) for a portion of the Property, as further described in the documents submitted to the Council for consideration with this resolution.

(g) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act (D.C. Official Code § 10-801(b)) 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 (D.C. Official Code § 10-801(b-1)(2)).

Sec. 4. Approval of disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a proposed resolution for approval of the disposition of the Property to the Developer.

(b) The Council approves the disposition of the Property.

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-489

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 31, 2016

To declare the existence of an emergency with respect to the need to increase certain appropriations in the Fiscal Year 2016 Budget Request Act of 2015 pursuant to the Omnibus Appropriations Act, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2016 Second Revised Budget Request Adjustment Emergency Declaration Resolution of 2016".

Sec. 2. (a) The Office of the Chief Financial Officer provided quarterly revised revenue estimates in September, December, and February that resulted in increased Fiscal Year 2016 revenues that are not allocated for a particular use.

(b) In conjunction with the proposed Fiscal Year 2017 Budget and Financial Plan, the Mayor proposed reducing budget authority for several agencies in Fiscal Year 2016 and identified additional amounts from fund balances and policy decisions to increase available resources.

(c) The Fiscal Year 2016 resources resulting from these changes are used to help balance the proposed Fiscal Year 2017 Budget and Financial Plan, to align agency budgets with expenditures in Fiscal Year 2016, and to ensure timely repayment of the Contingency Cash Reserve Fund.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2016 Second Revised Budget Request Emergency Adjustment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend section 103 of Title 18 of the District of Columbia Municipal Regulations to repeal the requirement that every person who has never been issued a driver license must provide documentation that they have successfully completed an approved course of driver instruction prior to issuance of a provisional permit or driver license.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mandatory Driver Instruction Regulation Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) In January 2016, the Department of Motor Vehicles (“DMV”) announced its intention to implement rules on May 1, 2016, mandating that “before receiving their first driver license, all new drivers, regardless of age, must successfully complete a DC DMV approved course in driver education that consists of 30 hours of classroom instruction and eight hours of behind-the-wheel instruction.”

(b) The DMV has approved 15 private companies to provide the driver instruction courses in the District, with rates that range from \$375 to \$499 for 10 hours of instruction – amounting to approximately \$1,000 for the total 30 or more mandated hours of driving instruction – resulting in high costs to District residents seeking to obtain a provisional permit or driver license.

(c) 20% of District residents make less than \$23,000 a year, meaning that a low-income resident would have to spend more than half a month’s income on driver instruction.

(d) Until 2009, public schools in the District provided driver instruction funded in part by a fee added to driver license applications, but there is currently no low-cost or free option for a District resident seeking driver instruction.

(e) By not providing a low-cost or free option, the DMV’s mandatory driver instruction rules will effectively prevent many low-income District residents from having equal access to provisional permits or driver licenses.

(f) Further, this congressional review emergency legislation is necessary to ensure that there is no gap between when the Mandatory Driver Instruction Regulation Emergency Amendment Act of 2016, effective May 19, 2016 (D.C. Act 21-401; 63 DCR 7921), expires on August 17, 2016, and when the Mandatory Driver Instruction Regulation Temporary

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Amendment Act of 2016, passed on 2nd reading on June 7, 2016 (Enrolled version of Bill 21-745), becomes effective.

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 Mandatory Driver Instruction Regulation Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Contract No. CW38874 with Public Consulting Group, Inc. to provide administrative services to the Department of Healthcare Finance and other District of Columbia agencies in accordance with federal statutory requirements, including Modification Nos. 0003 and 0004 to that contract, and to authorize payment in the total amount of \$1,288,090 for the goods and services received and to be received pursuant to the contract and the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW38874 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve proposed Contract No. CW38874 with Public Consulting Group, Inc. to provide administrative services to the Department of Healthcare Finance and other District of Columbia agencies in accordance with federal statutory requirements, including Modification Nos. 0003 and 0004 to that contract, and to authorize payment in the total amount of \$1,288,090 for the goods and services received and to be received under the contract as modified by Modification Nos. 0003 and 0004.

(b) The District awarded Contract No. CW38874 to Public Consulting Group, Inc. on September 9, 2015 in the amount of \$944,510.00 for the period September 13, 2015 through September 12, 2016. On June 13, 2016, Modification No. 0004 was executed, increasing the contract amount of Contract No. CW38874 by \$50,000. Modification No. 0003 proposes to increase the contract amount of Contract No. CW38874 by an additional \$293,580. The total contract amount for the period from September 13, 2015 through September 12, 2016 will be \$1,288,090.

(c) Council approval of Contract No. CW38874 and Modification Nos. 0003 and 0004 to the contract is required 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), because they involve the expenditure of more than \$1 million during a 12-month period.

(d) Approval of Contract No. CW38874 and Modification Nos. 0003 and 0004 to the contract is necessary to allow the continued provision of these vital goods and services. Without this approval, Public Consulting Group, Inc. cannot be paid for goods and services provided in

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excess of \$1 million during the contract period from September 13, 2015 through September 12, 2016.

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 Contract No. CW38874 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grocery Store Restrictive Covenant Prohibition Emergency Declaration Resolution of 2016”.

Sec. 2. (a) In late 2014, it was reported that the Safeway at 4865 MacArthur Boulevard was offered for sale. In previous store and property sales, Safeway required that a purchaser of its property agree to a covenant prohibiting reuse of the property for a similar or analogous use; that is, that the property may not be used as a grocery store or retail food establishment of any kind. This type of restriction is harmful to residents. And, in the Macarthur Boulevard instance, it is harmful to the residents of the neighborhood as the next closest grocer is approximately 2.5 miles away.

(b) Restrictive covenants and other use restriction policies related to grocery stores are harmful and limit a community’s access to fresh food.

(c) Maintaining a grocery store within an urban neighborhood is vital, particularly since many residents rely heavily on walking as a means of access to fresh food.

(d) Seniors and low-income residents especially rely on food retailers in close proximity to their homes as they often face mobility challenges or have limited access to vehicles.

(e) A lack of stores offering healthy food options leads to unhealthy food choices and related health problems.

(f) These restrictive covenants are contrary to the American standard of a free market and open competition.

(g) As development in the District continues and the city sees continued population increases, it is vital that every neighborhood has access to essential grocery-store services. Restrictive covenants undermine food-services competition and the advent of revitalized communities with large and small retailers, including independent butchers and bakeries.

(h) The circumstances described in this section underscore the need for the Council to act to prohibit such restrictive covenants and prevent the creation of food deserts in the District.

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(i) Further, this emergency legislation is necessary as the temporary legislation currently in effect, the Grocery Store Restrictive Covenant Prohibition Temporary Act of 2015, effective January 30, 2016 (D.C. Law 21-54; 62 DCR 15595), will expire on September 11, 2016, and the permanent legislation, the Grocery Store Restrictive Covenant Prohibition Act of 2015, as introduced on February 3, 2015 (Bill 21-60), has not yet been enacted by the Council.

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 Grocery Store Restrictive Covenant Prohibition Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 8 and 9 and proposed Modification No. 10 to Contract No. DCKA-2013-C-0007 with Capitol Paving of DC, Inc. to provide construction for the rehabilitation and restoration of the District's alleyway system, and to authorize payment in the total amount of \$13,277,232 for the goods and services received and to be received under the modifications for Option Year 2.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCKA-2013-C-0007 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Modification Nos. 8 and 9 and proposed Modification No. 10 to Contract No. DCKA-2013-C-0007 with Capitol Paving of DC, Inc. to provide construction for the rehabilitation and restoration of the District's alleyway system, and to authorize payment for the goods and services received and to be received under the modifications.

(b) On July 21, 2015, by Modification No. 7, the Office of Contracting and Procurement ("OCP") exercised Option Year 2 of Contract No. DCKA-2013-C-0007 for the period from July 22, 2015, to July 21, 2016, in the amount of \$5,270,770.

(c) On October 7, 2015, by Modification No. 8, OCP increased the amount of Option Year 2 for the period from July 22, 2015, to July 21, 2016, in the amount of \$900,000.

(d) On December 2, 2015, by Modification No. 9, OCP increased the amount of Option Year 2 for the period from July 22, 2015, to July 21, 2016, in the amount of \$700,000.

(e) Proposed Modification No. 10 is now necessary to increase the total amount for Option Year 2 to \$13,277,232.

(f) Council approval is necessary because these modifications increase the contract by more than \$1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Capitol Paving of DC, Inc. cannot be paid for services provided in excess of \$1 million for the contract period July 22, 2015, through July 21, 2016.

ENROLLED ORIGINAL

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 Modifications to Contract No. DCKA-2013-C-0007 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve the exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133A with Adrian L. Merton, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133A Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve the exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133A with Adrian L. Merton, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and services received and to be received under the contract.

(b) The initial contract with Adrian L. Merton, Inc. was approved by the Council (CA20-0496) (“Contract”) with an established not-to-exceed value of \$3 million and 2 one-year options to extend the term of the Contract. In Fiscal Year 2015, all work under the Contract was awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders could be issued up to the maximum not-to-exceed amount of \$3 million.

(c) The base year of the Contract ended on September 30, 2015. In Fiscal Year 2016, the Department of General Services partially exercised Option Year 1, bilaterally, with a not-to-exceed amount of \$975,000. Council approval is now required for the full exercise of Option Year 1 to extend the term of the Contract through the end of Fiscal Year 2016, 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 requirement 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 terms and conditions of the Contract have not changed, and the not-to-exceed value of Option Year 1 would be increased to \$5 million. The full exercise of Option Year 1 is bilateral.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133A Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve the exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133B with R&R Mechanical, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133B Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve the exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133B with R&R Mechanical, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and services received and to be received under the contract.

(b) The initial contract with R&R Mechanical, Inc. was approved by the Council (CA20-0500) (“Contract”) with an established not-to-exceed value of \$3 million and 2 one-year options to extend the term of the Contract. In Fiscal Year 2015, all work under the Contract was awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders could be issued up to the maximum not-to-exceed amount of \$3 million.

(c) The base year of the Contract ended on September 30, 2015. In Fiscal Year 2016, the Department of General Services partially exercised Option Year 1, bilaterally, with a not-to-exceed amount of \$975,000. The partial extension of Option Year 1 expired on December 31, 2015, and was bilaterally extended by the parties via Change Order 002 on January 26, 2016. Council approval is now required for the full exercise of Option Year 1 to extend the term of the Contract through the end of Fiscal Year 2016, 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 terms and conditions of the Contract have not changed, and the not-to-exceed value of Option Year 1 would be increased to \$5 million. The full exercise of Option Year 1 is bilateral.

ENROLLED ORIGINAL

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 Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133B Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-545

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve the exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133C with RSC Electrical & Mechanical Contractors, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133C Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve the Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133C with RSC Electrical & Mechanical Contractors, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

(b) The initial contract with RSC Electrical & Mechanical Contractors, Inc. was approved by the Council (CA20-0497) (“Contract”) with an established not-to-exceed value of \$3 million and 2 one-year options to extend the term of the Contract. In Fiscal Year 2015, all work under the Contract was awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders could be issued up to the maximum not-to-exceed amount of \$3 million.

(c) The base year of the Contract ended on September 30, 2015. In Fiscal Year 2016, the Department of General Services partially exercised Option Year 1, bilaterally, with a not-to-exceed amount of \$975,000. Council approval is now required for the full exercise of Option Year 1 via Change Order No. 005 to extend the term of the contract through the end of Fiscal Year 2016, 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 terms and conditions of the

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Contract have not changed, and the not-to-exceed value of Option Year 1 would be increased to \$5 million. The full exercise of Option Year 1 is bilateral.

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 Exercise of Option Year 1 via Change Order No. 005 to Contract No. DCAM-14-NC-0133C Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-546

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve the exercise of Option Year 1 via Change Order No. 004 to Contract No. DCAM-14-NC-0133D with W.L. Gary Company, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Exercise of Option Year 1 via Change Order No. 004 to Contract No. DCAM-14-NC-0133D Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. (a) There exists an immediate need to approve the exercise of Option Year 1 via Change Order No. 004 to Contract No. DCAM-14-NC-0133D with W.L. Gary Company, Inc. for HVAC capital improvement services, and authorize payment in the not-to-exceed amount of \$5 million for the goods and service received and to be received under the contract.

(b) The initial contract with W.L. Gary Company, Inc. was approved by the Council (CA20-0499) ("Contract") with an established not-to-exceed value of \$3 million and 2 one-year options to extend the term of the Contract. In Fiscal Year 2015, all work under the Contract was awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders could be issued up to the maximum not-to-exceed amount of \$3 million.

(c) The base year of the Contract ended on September 30, 2015. In Fiscal Year 2016, the Department of General Services partially exercised Option Year 1, bilaterally, with a not-to-exceed amount of \$0. Council approval is now required for the full exercise of Option Year 1 to extend the term of the contract through the end of Fiscal Year 2016, 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 terms and conditions of the Contract have not changed, and the not-to-exceed value of Option Year 1 would be increased to \$5 million. The full exercise of Option Year 1 is bilateral.

ENROLLED ORIGINAL

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 Exercise of Option Year 1 via Change Order No. 004 to Contract No. DCAM-14-NC-0133D Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 003 and 004 to Contract No. DCAM-15-CS-0076 with The Whiting-Turner Contracting Company for design build services for the modernization of Van Ness Elementary School, and to authorize payment in the aggregate amount of \$1,220,169 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 003 and 004 to Contract No. DCAM-15-CS-0076 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 003 and 004 to Contract No. DCAM-15-CS-0076 with The Whiting-Turner Contracting Company for the modernization of Van Ness Elementary School, and to authorize payment in the aggregate amount of \$1,220,169 for the goods and services received and to be received under the change orders.

(b) The underlying contract was previously approved by the Council (CA21-0132). The Department then submitted and the Council approved Change Order No. 001 (CA21-0261) and Change Order No. 002 (CA21-0358). Thereafter, the Department issued Change Order No. 003 (\$320,169), with an aggregate value of less than \$1 million; thus, Change Order No. 003 did not require Council approval.

(c) Change Order No. 004 will cause the aggregate value of the change orders issued, after Council's last approval of Change Order No. 002, to exceed the \$1 million threshold 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).

(d) Approval of Change Order Nos. 003 and 004 in the aggregate amount of \$1,220,169 is necessary to compensate The Whiting-Turner Contracting Company for work completed and to be completed pursuant to Change Order No. 004 to Contract No. DCAM-15-CS-0076 for the modernization of Van Ness Elementary School.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Change Order Nos. 003 and 004 to Contract No. DCAM-15-CS-0076 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 005 through 010 to Contract No. DCAM-14-CS-0102 with Tompkins Builders, Inc. for design build services for the modernization of Stanton Elementary School, and to authorize payment in the aggregate amount of \$1,028,928 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 005 through 010 to Contract No. DCAM-14-CS-0102 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 005 through 010 to Contract No. DCAM-14-CS-0102 with Tompkins Builders, Inc. for design build services for the modernization of Stanton Elementary School, and to authorize payment in the aggregate amount of \$1,028,928 for the goods and services received and to be received under the change orders.

(b) The underlying contract was previously approved by the Council (CA20-0405). The Department of General Services then submitted and the Council approved Change Order Nos. 001 through 004 (B21-0149). Thereafter, the Department of General Services issued Change Order Nos. 005 (\$27,000), 006 (\$3,788), 007 (\$235,144), 008 (\$45,181), and 009 (\$17,815), with an aggregate value of less than \$1 million; thus, Change Order Nos. 005 through 009 did not require Council approval.

(c) Change Order No. 010 will cause the aggregate value of the change orders issued, after Council’s last approval of Change Order Nos. 001 through 004, to exceed the \$1 million threshold 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).

(d) Approval of Change Order Nos. 005 through 010 in the aggregate amount of \$1,028,928 is necessary to compensate Tompkins Builders, Inc. for work completed and to be completed pursuant to Change Order No. 010 to Contract No. DCAM-14-CS-0102 for design build services for the modernization of Stanton Elementary School.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 005 through 010 to Contract No. DCAM-14-CS-0102 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 006 and 007 to Contract No. DCAM-14-CS-0074 with MCN Build, Inc. for design build services for the modernization of Hyde-Addison Elementary School, and to authorize payment in the aggregate amount of \$1,675,000 for goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 006 and 007 to Contract No. DCAM-14-CS-0074 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 006 and 007 to Contract No. DCAM-14-CS-0074 for design build services for the modernization of Hyde-Addison Elementary School, and authorize payment in the aggregate amount of \$1,675,000 for goods and services received and to be received under the change orders.

(b) The underlying contract was previously approved by the Council (CA20-0388). The Council then approved Change Order Nos. 001 through 005 in the Change Order Nos. 001 through 005 to Contract No. DCAM-14-CS-007 Approval and Payment Authorization Emergency Act of 2015, effective July 31, 2015 (D.C. Act 21-129; 62 DCR 10860). Thereafter, the Department of General Services issued Change Order No. 006 (\$975,000). Because Change Order No. 006 was for less than \$1 million, Council approval was not required.

(c) Change Order No. 007, in the amount of \$700,000, will increase the aggregate value for Change Order Nos. 006 and 007 to \$1,675,000.

(d) Council approval of Change Order Nos. 006 and 007 in the aggregate amount of \$1,675,000 is required 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), because the aggregate value of the payments under the change orders will exceed \$1 million during a 12-month period.

(e) Approval of Change Order Nos. 006 and 007 in the aggregate amount of \$1,675,000 is necessary to compensate MCN Build, Inc. for work completed and to be completed pursuant to Change Order Nos. 006 and 007 to Contract No. DCAM-14-CS-0074.

Sec. 3. The Council of the District of Columbia determines that the circumstances

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enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 006 and 007 to Contract No. DCAM-14-CS-0074 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 28, 2016

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 005 through 012 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design build services for the modernization of Kramer Middle School, and to authorize payment in the aggregate amount of \$2,685,013.14 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 005 through 012 to Contract No. DCAM-14-CS-0095A Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2.(a) There exists an immediate need to approve Change Order Nos. 005 through 0012 to Contract No. DCAM-14-CS-0095A with Turner Construction Company for design build services for the modernization of Kramer Middle School, and to authorize payment in the aggregate amount of \$2,685,013.14 for the goods and services received and to be received under the change orders.

(b) The underlying contract was approved by the Council (CA20-0414). The Council subsequently approved Change Order Nos. 001 through 004 (B21-0263). The Department then issued Change Order Nos. 005 (\$56,591), 006 (\$25,434), 007 (\$252,345), 008 (\$246,493), 009 (\$192,294), 010 (\$0), and 011 (\$204,812). Change Order Nos. 005 through 011 did not require Council approval because the change orders had an aggregate value of less than \$1 million.

(c) Change Order No. 012 will cause the aggregate value of the change orders issued, after Council’s last approval of Change Order Nos. 001 through 004, to exceed the \$1 million threshold 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).

(d) Approval of Change Order Nos. 005 through 012 in the aggregate amount of \$2,685,013.14 is necessary to compensate Turner Construction Company for work completed and to be completed pursuant to the change orders.

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 Change Order Nos. 005 through 012 to Contract No. DCAM-14-CS-0095A Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

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.

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

- | | |
|---------|--|
| B21-814 | Department of Motor Vehicles Extension of Deadlines Amendment Act of 2016

Intro. 6-24-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment |
| <hr/> | |
| B21-815 | Good Success Christian Church and Ministries and the Good Success Community Development Corporation Real Property Tax Relief Act of 2016

Intro. 6-28-16 by Councilmember Alexander and referred to the Committee on Finance and Revenue |
| <hr/> | |
| B21-816 | Dedication of Land for Street Purposes in Square 1112E (S.O. 16-25908) Act of 2016

Intro. 6-28-16 by Councilmember Alexander and referred to the Committee of the Whole |
-

PROPOSED RESOLUTION

PR21-844 Office of the Attorney General Pay Parity Adjustment Approval Resolution of 2016

Intro. 6-24-16 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary

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

John A. Wilson Building

1350 Pennsylvania Avenue, NW, Suite 119

Washington, DC 20004

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

Announces a Public Oversight Roundtable

Review of the Pepco-Exelon Merger

**Wednesday, July 13, 2016, 2:00 PM
JOHN A. WILSON BUILDING, ROOM 500
1350 PENNSYLVANIA AVENUE, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review the Pepco-Exelon Merger. The public oversight roundtable is scheduled for Wednesday, July 13, 2016, at 2:00 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the public oversight roundtable is to meet and receive testimony from the leadership of Exelon including its Chairman, President and CEO, and the President and CEO of the Pepco operations on their commitment to the District of Columbia; implementation of the Pepco-Exelon merger; how the merger will impact major projects including but not limited to DC PLUG; and the merger's impact on the renewable energy goals of 2020, 2032, and beyond. The Committee will also receive testimony from the Public Service Commission and the Office of the People's Counsel to answer questions on the merger and the implementation thereof.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at fcaldwell@dccouncil.us and furnish their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business Monday, July 11, 2016. Each witness is requested to bring 15 - 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, July 27, 2016. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEES ON

In the matter of

The 2228 Martin Luther King Jr. Avenue Project
“The Big K Project”

On

Friday, July 8, 2016, at 2:00 PM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, July 8, 2016, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Community Development, will hold a public roundtable on The 2228 Martin Luther King Jr. Avenue Project in the District of Columbia. The roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:00 p.m.

This roundtable will seek to provide clarity and understanding to residents on the specific plans and timeline for the “Big K” Project. This project will consist of 114 newly constructed affordable housing units at 2228 Martin Luther King Jr. Avenue, S.E. in Ward 8. The project will also have approximately 14,575 square feet of ground floor commercial space and 2 levels of underground parking. All the residential units will be rented exclusively to low income households.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on July 7, 2016. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, July 22, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-220: Request to reprogram \$2,503,000 of Capital funds budget authority and allotment within the Department of General Services (DGS) was filed in the Office of the Secretary on June 28, 2016. This reprogramming is needed for the upgrade of seven existing Department of Parks and Recreation (DPR) facilities to meet current American Disability Act (ADA) code requirements.

RECEIVED: 14 day review begins June 29, 2016

Reprog. 21-221: Request to reprogram \$209,786 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Department of General Services (DGS) to the Local funds budget of DGS was filed in the Office of the Secretary on June 28, 2016. This reprogramming is needed is needed for the purchase of fitness equipment and painting for the Takoma Aquatic Center, Lamond Recreation Center, Emery Recreation Center, Deanwood Aquatic Center, and Hillcrest Recreation Center.

RECEIVED: 14 day review begins June 29, 2016

Reprog. 21-222: Request to reprogram \$652,813 of Fiscal Year 2016 Special Purpose Revenue funds budget authority within the Department of Energy and Environment (DOEE) was filed in the Office of the Secretary on June 28, 2016. This reprogramming ensures that DOEE is able to maximize the programs and services provided by the District of Columbia Sustainable Energy Utility (DCSEU) to District residents and business pursuant to the Clean and Affordable Energy Act of 2008.

RECEIVED: 14 day review begins June 29, 2016

Reprog. 21-223: Request to reprogram \$727,919 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Department of General Services (DGS) to the Local funds budget of DGS was filed in the Office of the Secretary on June 29, 2016. This reprogramming is needed for the funding of various furniture, equipment, computers, computer accessories, and AV equipment for the Lafayette ES Modernization project.

RECEIVED: 14 day review begins June 30, 2016

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

Posting Date: **July 8, 2016
Petition Date: **August 22, 2016
Hearing Date: **September 6, 2016

License No.: ABRA-097857
Licensee: Yang Fire, LLC
Trade Name: Chao Ku
License Class: Retailer's Class "C" Restaurant
Address: 1414 9th Street, N.W.
Contact: John Fielding: (301) 233-3072

WARD 2

ANC 2F

SMD 2F06

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

NATURE OF SUBSTANTIAL CHANGE

Occupancy load change from 56 seats with a Total Occupancy Load of 56 to a new Certificate of Occupancy which has 68 seats with a Total Occupancy Load of 96.

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

Sunday through Thursday 10 am - 11 pm, Friday & Saturday 10 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: **June 24, 2016
Petition Date: **August 8, 2016
Hearing Date: **August 22, 2016

License No.: ABRA-097857
Licensee: Yang Fire, LLC
Trade Name: Chao Ku
License Class: Retailer’s Class “C” Restaurant
Address: 1414 9th Street, N.W.
Contact: John Fielding: (301) 233-3072

WARD 2 ANC 2F SMD 2F06

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

NATURE OF SUBSTANTIAL CHANGE

Occupancy load change from 56 seats with a Total Occupancy Load of 56 to a new Certificate of Occupancy which has 68 seats with a Total Occupancy Load of 96.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am - 11 pm, Friday & Saturday 10 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 8, 2016
Petition Date: August 22, 2016
Hearing Date: September 6, 2016
Protest Hearing Date: November 2, 2016

License No.: ABRA-103087
Licensee: Bundle Bit, LLC
Trade Name: Paisley Fig
License Class: Retailer's Class "C" Tavern
Address: 3221B Mount Pleasant Street, N.W.
Contact: Candice Fitch: (202) 258-8634

WARD 1 ANC 1D SMD 1D04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for November 2, 2016 at 1:30 pm.

NATURE OF OPERATION

Full-Service Restaurant and Bakery.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: July 8, 2016
Petition Date: August 22, 2016
Hearing Date: September 6, 2016

License No.: ABRA-098173
Licensee: Proust Partners LLC
Trade Name: Wunder Garten
License Class: Retailer's Class "D" Tavern
Address: 131 M Street, N.E.
Contact: Biva Ranjeet: (202) 830-5238

WARD 6

ANC 6C

SMD 6C06

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 license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE

A class D Tavern license transferring from 150 M Street N.E. to a new location at 131 M Street N.E. An outdoor beer garden serving food with occasional music with food trucks on premise. License does include dancing and cover charge. Total number of seats: 300. Total Occupancy Load: 300.

CURRENT HOURS OF OPERATION/ ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION

Sunday 12pm-10pm, Monday through Thursday 4pm- 10pm, Friday and Saturday 12pm- 12am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday 6pm-10pm, Monday through Thursday 6pm- 10pm, Friday and Saturday 6pm- 12am

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT****Draft Revised Total Maximum Daily Loads for Metals in Rock Creek Watershed in the
District of Columbia**

The Director of the Department of Energy and Environment (the Department) is submitting for public review and comment the Draft revised Total Maximum Daily Loads (TMDLs) for metals for the Rock Creek watershed in the District of Columbia, including:

- *Upper Rock Creek and Lower Rock Creek.*

The Draft revisions are presented in an appendix to the final 2004 TMDL and provide information and methodologies for calculating the daily load expressions in addition to minor updates to the hydrologic model. All other aspects of the TMDLs are the same. The original *2004 Final Total Maximum Daily Load for Metals in Rock Creek* is posted at <http://doee.dc.gov/publication/rock-creek-metals-tmdls>.

The Draft revisions are the result of a challenge in federal District Court to the TMDLs identified above for failing to include daily load expressions. On January 15, 2009, the Anacostia Riverkeeper, Friends of the Earth, and Potomac Riverkeeper (Case No.: 1:09-cv-00098-JDB) filed a complaint that certain District TMDLs did not include a daily load expression established as required by *Friends of the Earth vs. the Environmental Protection Agency*, 446 F.3d 140, 144 (D.C. Cir. 2006). The District Court ultimately vacated the subject TMDLs, but delayed vacatur in order to allow the District of Columbia and EPA sufficient time to establish and approve replacement TMDLs. For purposes of these TMDLs, vacatur is stayed until January 1, 2017.

The Draft revisions provide daily loading expressions and also incorporate new water quality standards that the District has promulgated since October 2005, after the approval of the original TMDLs, which remained unchanged in the most recent water quality standards triennial review approved by EPA.

Public Hearing

A public hearing on the above described Draft revised TMDLs may be held within the 30-day comment period (**7/8/2016 to 8/8/2016**), if requested by interested parties.

Beginning **7/8/2016**, copies of the Draft TMDL revisions will be available online at the Department's website. A person may obtain a copy of the Draft TMDL revision by any of the following means:

Download from the Department's website, www.doee.dc.gov. Select the *Laws and Regulations* tab. Cursor over the pull-down list and select *Public Notices and Hearings*. On the new page, cursor down to the announcement for this Notice. Click on *Read More* and download this Notice and related information from the *Attachments* section.

Email a request to george.onyullo@dc.gov with “Rock Creek Metals TMDL Revisions” in the subject line.

Review a copy in person at the Martin Luther King, Jr. Library, 901 G. Street, NW, Washington, DC 20001 during normal business hours.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: George E. Onyullo, RE: Rock Creek Metals TMDL Revisions” on the outside of the envelope.

The deadline for comments is 8/8/2016 at 5:00 P.M. Person(s) may also submit written comment(s) by email, with a subject line of “Rock Creek Metals TMDL Revisions,” to the attention of George E. Onyullo at george.onyullo@dc.gov. Comments clearly marked “Rock Creek Metals TMDL Revisions” may also be hand delivered or mailed to the Department’s offices at the address listed above. All comments should be received no later than Monday, August 8, 2016. All comments received on these Draft revised TMDLs during the comment period will be made part of the public record, and will be considered, as appropriate in any further revisions, prior to submitting a final draft to EPA for approval.

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT****Fiscal Year 2017 Low Income Home Energy Assistance Program (LIHEAP) State Plan**

The Department of Energy and Environment (the Department) invites the public to present its comments at a public hearing on the fiscal year (FY) 2017 Draft State Plan for the Low Income Home Energy Assistance Program (LIHEAP). The U.S. Department of Health and Human Services (HHS) requires submission of the LIHEAP State Plan by September 1 of each year.

Public Hearing: Tuesday, August 9, 2016

HEARING DATE: Tuesday, August 9, 2016
TIME: 5:00 pm
PLACE: Department of Energy and Environment
1200 First Street, NE, Washington, DC 20002
5th Floor
NOMA Gallaudet (Red Line) Metro Stop

Beginning 7/8/2016, the full text of the **FY 2017 Draft LIHEAP State Plan** will be available online at the Department's website. A person may obtain a copy of the FY 2017 Draft LIHEAP State Plan by any of the following means:

Download from the Department's website, doee.dc.gov/liheap. Look for "LIHEAP FY17 State Plan" near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format;

Email a request to LIHEAP.StatePlan@dc.gov with "Request copy of **FY 2017 State Plan**" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call the Department's reception at (202) 535-2600 and mention this Notice by name.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Kenley Farmer RE: FY17 Draft LIHEAP State Plan" on the outside of the envelope.

The deadline for comments is 8/9/16 at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "FY17 Draft LIHEAP State Plan", to LIHEAP.StatePlan@dc.gov. Comments clearly marked "FY17 Draft LIHEAP

State Plan” may also be hand delivered or mailed to the Department’s offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Tuesday, August 9, 2016. The Department will consider all comments received in its final decision.

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

TIME AND PLACE: **Thursday, October 6, 2016, @ 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 04-33H (Text Amendments - Inclusionary Zoning - Addition of Affordable Housing Required by District Law to Exemptions from Inclusionary Zoning)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (OP), in a report dated June 3, 2016, petitioned the Zoning Commission for the District of Columbia (Commission) for text amendments to Subtitle C § 1001.6(a) of the version of the Zoning Regulations (Title 11 DCMR) that will become effective on September 6, 2016 (2016 Regulations). The 2016 Regulations were adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the District of Columbia Register.

Chapter 10 of Subtitle C sets forth the Inclusionary Zoning (IZ) regulations that are codified in Chapter 26 of the current version of Title 11. Consistent with current Chapter 26, Subtitle C § 1001.6(a) exempts from IZ any development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in § 2602.7. The amendment adds developments that are subject to a mandatory affordable housing requirement that exceeds the requirements of Chapter 10 as a result of District law. The amendment also adds language to encompass projects that are monitored, but not administered by the above-referenced District agencies.

At its regular public meeting held June 13, 2016, the Commission set down this case for a public hearing, authorized the immediate publication of this notice, and the publication of a notice of proposed rulemaking. The Commission also adopted identical amendments to current Chapter 26 on an emergency basis.

The proposed amendments to the 2016 Zoning Regulations, Title 11 DCMR, are as follows:

The following amendments to the 2016 Regulations are proposed (new language is shown in bold and underlined text; deleted language is shown with strikethrough):

Chapter 10, INCLUSIONARY ZONING, of Subtitle C of Title 11 DCMR, ZONING, § 1001, APPLICABILITY, § 1001.6(a) is amended to read as follows:

1001.6 IZ requirements of this chapter shall not apply to:

- (a) Any development **subject to a mandatory affordable housing requirement that exceeds the requirements of this Chapter as a result of District law or** ~~financiale~~~~d~~, ~~subsidies~~~~zed~~, or funded in whole or in part by the federal or District government and administered **and/or monitored** by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority (DCHA); provided
- (1) The development shall set aside, for low or moderate-income households, affordable dwelling units (“Exempt Affordable Units”) equal to at least the gross square footage that would have been otherwise required pursuant to the set-aside requirements in Subtitle C § 1003 for the zone in which the development is located. The terms “low-income household” and “moderate-income household” shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as “Targeted Households”;
 - (2) The Exempt Affordable Units shall be reserved for the Targeted Households and sold or rented in accordance with the pricing structure established by **the District law** or federal or District funding source, or financing or subsidizing entity, for so long as the project exists;
 - (3) The requirements set forth in subparagraphs (1) and (2), of this paragraph, shall be stated as declarations within a covenant approved by the District; and
 - (4) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one (1) dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; and ...

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

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

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

TIME AND PLACE: **Monday, September 19, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-05B (Forest City Washington – Modification of Consolidated PUD for Square 744-S, part of Lot 805 and Square 744-SS, part of Lot 801)

THIS CASE IS OF INTEREST TO ANC 6D

On April 22, 2016, the Office of Zoning received an application from Forest City Washington (“Applicant”). The Applicant requested approval of a modification to an approved planned unit development (“PUD”) to permit (1) modifications to the approved plans for the PUD and (2) a modification of a condition of approval regarding showers for bicyclists. The Office of Planning provided its report on May 13, 2016. At its regularly-scheduled public meeting on May 23, 2016, the Zoning Commission set the case down for hearing. The Applicant provided its prehearing statement on June 2, 2016.

Because the case was set down for hearing prior to the September 6, 2016 effective date of the replacement version of Title 11 (“2016 Regulations”) all of the substantive requirement of the Zoning Regulations in effect as of September 5, 2016 (“1958 Regulations”) will continue to apply to this application and any construction authorized by the Commission. However, because the hearing has been scheduled after the effective date, all applicable procedural requirements of the 1958 Regulations will apply to this application until September 5, 2016, after which the applicable procedural rules set forth in the 2016 Regulations will apply.

The property that is the subject of this application consists of approximately 5.4 acres of land area bounded by N Place, S.E. on the north, 1st Street, S.E. on the west, the Anacostia River on the south, and property that is currently occupied by DC Water to the east. The property is divided into four parcels; in the initial application, the Commission granted consolidated PUD approval and a related amendment to the Zoning Map for the construction of a movie theater and parking garage on the northeast parcel, which is known as the F1 Parcel, in Z.C. Order No. 13-05. First-stage PUD approval was granted to the remaining parcels. Through the PUD, the Property was rezoned from the CG/W-2 to the CG/CR and CG/W-1 Zone Districts.

The Applicant has requested the modifications to meet the needs of the movie theater, comply with operational and code requirements, and incorporate design refinements made in the course of the development of the construction drawings.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.

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

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

- 1. Applicant and parties in support 60 minutes collectively
- 2. Parties in opposition 60 minutes collectively
- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

TIME AND PLACE: **Thursday, September 29, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 15-31 (777 17th Street, LLC – Consolidated Planned Unit Development and Related Map Amendment @ Square 4507, Lots 936, 941, and 942)

THIS CASE IS OF INTEREST TO ANCs 5D and 6A

On December 17, 2016, the Office of Zoning received an application from 777 17th Street, LLC (“Applicant”) requesting approval of a consolidated planned unit development (“PUD”) and PUD-related map amendment for property located at the intersection of 17th Street, Benning Road, and H Street, N.E. The Office of Planning submitted a report in support of setting the application down for a public hearing on April 1, 2016. On April 11, 2016, the Zoning Commission set down the application for a public hearing. The Applicant provided its prehearing statement on April 26, 2016.

Because the case was set down for hearing prior to the September 6, 2016 effective date of the replacement version of Title 11 (“2016 Regulations”) all of the substantive requirement of the Zoning Regulations in effect as of September 5, 2016 (“1958 Regulations”) will continue to apply to this application and any construction authorized by the Commission. However, because the hearing has been scheduled after the effective date, all applicable procedural requirements of the 1958 Regulations will apply to this application until September 5, 2016, after which the applicable procedural rules set forth in the 2016 Regulations will apply.

The property that is the subject of these applications consists of approximately 26,285 square feet of land area and is located on the north side of Benning Road, east of 17th Street. The property is located in the C-3-A Zone District and the Applicant proposes a PUD-related map amendment to the C-2-B Zone District.

The Applicant proposes to develop a mixed-use building on the property consisting of ground floor retail and residential uses above. The project will have a floor area ratio of 6.0, a maximum height of 90 feet and a lot occupancy of 76%. The Applicant seeks flexibility with respect to the parking and loading requirements. The project will include 45 parking spaces, including 9 spaces located in vault space, and it will provide a 30-foot loading berth.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.

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

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

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

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |

- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2012 Repl.)) (Act), hereby gives notice of the adoption of final rulemaking to add a new Chapter 29 (Special Pilot Project Procurements) to Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking provides procedures to implement Section 408 of the Act, to consider proposals to satisfy a new or unique District requirement or obtain a new technology.

The CPO gave notice of the intent to adopt these rules on September 14, 2015, and the proposed rules were published in the *D.C. Register* on December 11, 2015, at 62 DCR 15861. No comments were received and no changes have been made to the text of the rules as published. The CPO adopted these rules as final on June 3, 2016 and they will become effective upon publication of this notice in the *D.C. Register*.

A new Chapter 29, SPECIAL PILOT PROJECT PROCUREMENTS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is added to read as follows:

CHAPTER 29 SPECIAL PILOT PROJECT PROCUREMENTS**2900 PRELIMINARY PREPARATIONS**

- 2900.1 Special pilot projects (SPPs) may be proposed for goods, services, or construction.
- 2900.2 SPPs may be initiated by an unsolicited proposal or by an agency on its own initiative.
- 2900.3 An agency may engage in preliminary discussions with a prospective contractor to explore the feasibility of an SPP. Such discussions are not negotiations for award.
- 2900.4 A summary of any prior discussions shall be disclosed to the contracting officer prior to final negotiations.
- 2900.5 All negotiations for contract award shall be conducted by the contracting officer.
- 2900.6 An SPP shall be made with as much competition as practicable.
- 2900.7 Prior to award of a contract for an SPP, the Director shall prepare a determination and findings that shall include:

- (a) The reasons warranting an SPP procurement and the selection of the proposed contractor;
- (b) A statement that the product, approach, or technology cannot be reasonably acquired through a competitive solicitation, if applicable, and the potential advantages to the District for using this method of source selection;
- (c) A statement that testing or experimentation is advisable to evaluate a new and unique District requirement or new technology;
- (d) A statement that the term of the contract is reasonable to test and evaluate the product, approach, or technology for the SPP;
- (e) A statement that the District intends to competitively acquire the product, approach, or technology if, after testing and evaluation, a decision is reached to continue its use within the District; and
- (f) A statement that the proposed price is fair and reasonable.

2901 CONTRACT AWARD

- 2901.1 The contracting officer shall post the determination and findings with the notice of award on the Internet within seven (7) days of award.
- 2901.2 The term of a contract for an SPP shall not exceed one (1) year, unless otherwise approved by the Director.
- 2901.3 At the conclusion of the contract term, the using agency shall assess whether to acquire the product, approach, or technology under the provisions of another chapter in this title, or to discontinue the use of the product, approach, or technology.

2999 DEFINITIONS

- 2999.1 When used in this chapter, the following terms have the meanings ascribed:

Special pilot project – a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility of a new and unique District requirement or to obtain a new technology.

Director – the Director of the Office of Contracting and Procurement or the District of Columbia Chief Procurement Officer.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1925, entitled “Individualized Day Supports,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules change the reimbursement rate for individualized day supports services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Individualized day supports services provide crucial habilitation supports in the community to ensure that a person’s community integration is increased and the particular skills necessary for independence and community involvement outside the home are developed and maintained in ways that enhance community integration outcomes. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1925 (Individualized Day Supports) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004105. The emergency and proposed rulemaking amended the previously published final rulemaking by changing the reimbursement rates in Subsection 1925.23. The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1925.23 of Section 1925, INDIVIDUALIZED DAY SUPPORTS, is amended to read as follows:

1925.23 Individualized day supports shall be billed at the unit rate established for the staffing ratio noted in the service authorization. The reimbursement rate for 1:1 staffing ratio shall be nine dollars and forty-three cents (\$9.43) per billable unit or thirty-seven dollars and seventy-two cents per hour (\$37.72). The reimbursement rate for 1:2 staffing ratio shall be five dollars and thirty-three cents (\$5.33) per billable unit or twenty-one dollars and thirty-two cents (\$21.32) per hour. For persons who live independently or with family and select to receive a meal, the rate is increased by seven dollars and thirty-two cents (\$7.32) per day that the person receives a meal. This service shall not exceed one thousand, five hundred and sixty (1,560) hours per year or six thousand two hundred and forty (6,240) units annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of services to bill for one (1) unit of service.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1926, entitled “Occupational Therapy 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 final rules change the reimbursement rate for occupational therapy services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Occupational therapy services are designed to maximize independence, assist in gaining skills, prevent further disability, and maintain health. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1926 (Occupational Therapy Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004107. The emergency and proposed rulemaking amended the previously published final rulemaking by changing the hourly rate in Subsection 1926.15 to one hundred dollars and thirty-two cents (\$100.32). The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 1926.15, of Section 1926, OCCUPATIONAL THERAPY SERVICES, is amended to read as follows

1926.15 The Medicaid reimbursement rate for occupational therapy services shall be one hundred dollars and thirty-two cents (\$100.32) per hour. The billable unit of service shall be fifteen (15) minutes.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1927, entitled “Personal Emergency Response System 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).

The final rules change the reimbursement rate for personal emergency response system services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Personal Emergency Response System (PERS) is an electronic device that enables persons who are at high risk of institutionalization to secure help in an emergency. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1927.20 (Personal Emergency Response System Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004109, which amended the previously published final rulemakings by changing the reimbursement rate in Subsection 1927.20(b) to thirty dollars and forty-eight cents (\$30.48). The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1927.20 of Section 1927, PERSONAL EMERGENCY RESPONSE SYSTEM SERVICES, is amended to read as follows:

1927.20 Medicaid reimbursement for PERS services shall be as follows:

- (a) Fifty dollars (\$50.00) for the initial installation, training, and testing; and
- (b) Thirty dollars and forty-eight cents (\$30.48) for the monthly rental, maintenance, and service fee.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1930, entitled “Respite 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 final rules change the reimbursement rate for respite services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Respite care provides relief to the family or primary caregiver to meet planned or emergency situations. A Notice of Emergency and Proposed Rulemaking for 29 DCMR §§ 1930.14 and 1930.18 (Respite Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004111, which amended the previously published final rulemakings by changing the hourly rate in Subsection 1930.14 to twenty dollars and sixty cents (\$20.60) and the daily rate in Subsection 1930.18 to four hundred one dollars and twenty cents (\$401.20). The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 1930.14 and 1930.18, of Section 1930, RESPITE SERVICES, are amended to read as follows:

1930.14 Medicaid reimbursement for hourly respite services shall be twenty dollars and sixty cents (\$20.60) per hour and shall be limited to seven hundred twenty (720) hours per calendar year.

...

1930.18 Medicaid reimbursement for daily respite services shall be four hundred one dollars and twenty cents (\$401.20) per day and shall be limited to thirty (30) days per calendar year.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1932, entitled “Speech, Hearing, and Language 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 final rules establish standards governing reimbursement of speech, hearing, and language services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver), and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Emergency Amendment Act of 2014, effective February 29, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Speech, hearing, and language services are aimed at helping persons with intellectual and developmental disabilities enhance their communication and hearing skills. The current Notice of Final Rulemaking for 29 DCMR § 1932 (Speech, Hearing and Language Services) was published in the *D.C. Register* on January 10, 2014, at 61 DCR 000230. A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on November 27, 2015, at 62 DCR 015425, amended the previously published rules at Subsections 1932.3, 1932.5, 1932.17 and 1932.18 by: (1) clarifying that speech, hearing and language services may only be provided to waiver recipients between the ages of eighteen (18) and twenty-one (21) if Early Periodic Screening and Diagnostic Treatment (EPSDT) has been fully utilized and the person has a need for further services; (2) describing the requirements for measureable and functional outcomes; (3) clarifying the role of the provider at the person’s Individual Support Plan (ISP) and other support team meetings; (4) clarifying that documentation for adaptive equipment must be completed within the timeframes required by the person’s insurance for this to be a reimbursable activity; (5) adding a timeframe for the initial assessment development of a therapy plan; and (6) modifying rates to reflect increased costs of providing service. DHCF received no public comments on the first emergency and proposed rulemaking.

A Notice of Second Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004113, continued the substantive changes reflected in the first emergency and proposed rules as described above, and further amended the rules by including rates that align with Waiver Year 4 in Subsections 1932.17 and 1932.18. The second emergency rulemaking was adopted on March 9, 2016, became effective on that date, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENT DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 1932.3, 1932.5, 1932.17 and 1932.18 of Section 1932, SPEECH, HEARING, AND LANGUAGE SERVICES, are amended to read as follows:

1932.3 To qualify for Medicaid reimbursement, speech, hearing, and language services shall be:

- (a) Ordered by a physician, if the person has a medically-related condition such as a history of aspiration, swallowing problems, tube feeding, or a tracheotomy;
- (b) Recommended by the Support Team, if the person has a non-medical condition such as a receptive or expressive speech delay or disorder;
- (c) Delivered to a person that is over the age of twenty-one (21), except that services may also be provided to a person enrolled in the Waiver who is between the ages of eighteen (18) and twenty-one (21) years old, in accordance with § 1932.15;
- (d) Reasonable and necessary to treat the person's medical or non-medical communicative disorder; and
- (e) Included in the person's Individual Support Plan (ISP) and Plan of Care.

...

1932.5 In order to be eligible for Medicaid reimbursement, each individual providing speech, hearing and language services shall comply with the following service delivery requirements:

- (a) Conduct a comprehensive assessment, within the first four (4) hours of service delivery, which shall include the following:

- (1) A background review and current functional review of communication capabilities in different environments;
 - (2) An environmental review of communication in places of employment, residence, and other sites as necessary;
 - (3) The potential for use of augmentative and alternative speech devices, methods, or strategies;
 - (4) The potential for sign language or other expressive communication methods; and
 - (5) A needs assessment for the use of adaptive eating equipment.
- (b) Develop and implement a speech, hearing, and language treatment plan, within the first four (4) hours of service delivery, that describes treatment strategies, including direct therapy, training of caregivers, monitoring requirements and instructions, and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP;
 - (c) Assist persons with voice disorders to develop proper control of vocal and respiratory systems for correct voice production, if applicable;
 - (d) Conduct aural rehabilitation by teaching sign language and lip reading to people who have hearing loss, if applicable;
 - (e) Participate in ISP and Support Team meetings to provide consultative services and recommendations specific to the expert content with a focus on how the person is doing in achieving the functional goals that are important to him or her;
 - (f) Record progress notes on each visit and submit quarterly reports;
 - (g) Verify that the speech, hearing, and language assessment and treatment plan, and daily notes and quarterly reports, are delivered to the person, family or other caregiver, physician, and the Department on Disability Services (DDS) Service Coordinator prior to the person's Support Team meeting;
 - (h) Assess the need for the use of adaptive equipment;

- (i) Routinely assess (at least annually and more frequently as needed) the appropriateness and quality of adaptive equipment to ensure it addresses the person’s needs;
- (j) Conduct periodic examinations to modify treatments, as appropriate, for the person receiving services and ensure that the speech pathologist’s or audiologist’s recommendations are incorporated into the ISP; when necessary; and
- (k) Complete documentation required to obtain or repair adaptive equipment in accordance with insurance requirements and Medicare and Medicaid guidelines, including required timelines for submission.

...

1932.17 The reimbursement rate for a speech, hearing and language assessment shall be one hundred dollars and thirty-two cents (\$100.32) an hour. The billable unit of service shall be fifteen (15) minutes and the reimbursement rate for each billable unit shall be twenty-five dollars and eight cents (\$25.08). A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

...

1932.18 The reimbursement rate for speech, hearing and language services shall be one hundred dollars and thirty-two cents (\$100.32) per hour. The billable unit of service for speech, hearing and language therapy services shall be fifteen (15) minutes and the reimbursement rate for each billable unit shall be twenty-five dollars and eight cents (\$25.08). A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1936, entitled “Wellness 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 final rules change the reimbursement rate for wellness services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Wellness services are designed to promote and maintain good health and assist in increasing the person’s independence, participation, emotional well-being, and productivity in their home, work, and community. Wellness services consist of the following five (5) types of services: bereavement counseling, fitness training, massage therapy, nutrition evaluation/consultation, and sexuality education. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1936.23 (Wellness Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004117, which amended Subsection 1936.23 of the previously published final rulemaking by providing the reimbursement rate for these services in terms of both billable unit and hourly, and by increasing the rates to correspond with Waiver Year 4. The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1936.23 of Section 1936, WELLNESS SERVICES, is amended to read as follows:

- 1936.23 The Medicaid reimbursement rate for wellness services shall be:
- (a) Fifteen dollars and twenty-five cents (\$15.25) per billable unit or sixty-one dollars (\$61.00) per hour for Massage Therapy;
 - (b) Nineteen dollars and five cents (\$19.05) per billable unit or seventy-six dollars and twenty cents (\$76.20) per hour for Sexuality Education;
 - (c) Eighteen dollars and eighty-one cents (\$18.81) per billable unit or seventy-five dollars and twenty-four cents (\$75.24) per hour for Fitness Training;
 - (d) Eleven dollars and twenty-eight cents (\$11.28) per billable unit or forty-five dollars and twelve cents (\$45.12) per hour for Small Group Fitness Training;
 - (e) Sixteen dollars and thirty cents (\$16.30) per billable unit or sixty-five dollars and twenty cents (\$65.20) per hour for Nutrition Counseling; and
 - (f) Sixteen dollars and thirty cents (\$16.30) per billable unit or sixty-five dollars and twenty cents (\$65.20) per hour for Bereavement Counseling.

D.C. OFFICE OF HUMAN RIGHTS**NOTICE OF FINAL RULEMAKING**

The Director of the Office of Human Rights (OHR), pursuant to Section 10 of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D. C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*(2012 Repl.)) (the “Act”), Mayor’s Order 2013-062, dated April 5, 2013 (which delegates the Mayor’s authority to promulgate rules to the Director of the Office of Human Rights), and Mayor’s Order-2014-135, dated June 6, 2014 (which delegates the Mayor’s authority to effectuate and monitor implementation of the Act to the Director of OHR), hereby gives notice of the intent to amend Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 15 (Youth Bullying Prevention).

The purpose of this rulemaking is to provide guidance, procedures, and standards for implementation of the Act. Specifically, the regulations provide clarifying information regarding: covered entities, bullying prevention policies, code of conduct, bullying and retaliation complaint reporting procedures, bullying investigations and appeals procedures, reporting requirements, training requirements, OHR’s role, and the OHR complaint procedures. The work to enforce the Act is guided and monitored by the Bullying Prevention Program Director (BPP Director).

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2014, at 61 DCR 9643. Comments were received from five (5) organizations. Revisions based on OHR’s consideration of these comments were included in a notice of second proposed rulemaking. The revisions included, but were not limited to, the following: (1) specifying covered entities under the term “educational institution;” (2) amending the date for covered entities to finalize bullying prevention policy; (3) clarifying anti-retaliation protection for victims, witnesses, as well as those who report bullying; (4) outlining procedures for investigating reported incidents of bullying and information required in investigation reports; (5) clarifying bullying incidents covered by the Act; (6) amending training requirements; and (7) outlining the steps for filing a complaint with OHR and alternative dispute resolution.

The Notice of Second Proposed Rulemaking was published in *D.C. Register* on October 23, 2015, at 62 DCR 13863. OHR received comments from one organization and one agency that were minimal. OHR met with the groups, discussed the comments, and made minor revisions, which were: (1) clarifying that notification of bullying complaints to parents and guardians is required only to the extent contact information is available upon request; and (2) limiting training to thirty (30) minutes for personnel who have no youth contact.

These final rules were adopted on June 29, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Title 4 DCMR, HUMAN RIGHTS AND RELATIONS, is amended by adding a new Chapter 15, YOUTH BULLYING PREVENTION, to read as follows:

CHAPTER 15 YOUTH BULLYING PREVENTION

Section

- 1500 Purpose
- 1501 Covered Entities
- 1502 Adoption of a Bullying Prevention Policy
- 1503 Code of Conduct
- 1504 Reporting Bullying and Retaliation Complaints
- 1505 Investigations
- 1506 Secondary Investigation Appeals
- 1507 Dissemination of Bullying Prevention Policy
- 1508 Annual Review and Updating of Bullying Prevention Policy
- 1509 Bullying Prevention Programs
- 1510 Training Requirements
- 1511 Educational Institutions Reporting Requirements
- 1512 OHR Roles and Responsibilities
- 1513 Complaint Procedures at the Office of Human Rights under the Youth Bullying Prevention Act and the D.C. Human Rights Act
- 1599 Definitions

1500 PURPOSE

- 1500.1 The purpose of this chapter is to provide guidance, procedures and standards for the implementation of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D. C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*).

1501 COVERED ENTITIES

- 1501.1 The requirements of this chapter apply in whole or in part to the following entities, which are referred to collectively in this chapter as “covered entities:”
 - (a) Covered agencies, as defined in § 1501.2(a);
 - (b) Educational institutions, as described in § 1501.2(b); and
 - (c) Covered grantees, as defined in § 1501.2(c).
- 1501.2 For the purposes of this chapter, the terms “covered agency,” “educational institution,” and “covered grantee” are defined as follows:
 - (a) A “covered agency” means a District government agency that provides services, activities, or privileges directly or indirectly to youth, and includes the following:
 - (1) Child and Family Services Agency;

- (2) Department of Behavioral Health;
- (3) Department of Employment Services, including, but not limited to, the following activities and programs:
 - (A) In-School Program;
 - (B) Mayor's Youth Leadership Institute;
 - (C) One City High School Internship Program;
 - (D) Out-of-School Internship Program;
 - (E) Out-of-School Program;
 - (F) Pathways for Young Adults;
 - (G) Summer Youth Employment Program; and
 - (H) Youth Connection Center;
- (4) Department of Health, including, but not limited to, the following activities and programs:
 - (A) School-based health centers;
 - (B) Violence prevention programs in public schools and public charter schools; and
 - (C) College Student Internship Program;
- (5) Department of Parks and Recreation;
- (6) Department of Youth Rehabilitation Services;
- (7) District of Columbia Public Library;
- (8) Metropolitan Police Department, including, but not limited to the following activities and programs:
 - (A) Summer with the Metropolitan Police Department;
 - (B) Youth Advisory Council;
 - (C) Junior Police Academy; and

- (D) Fun and Safe Kids;
 - (9) Office of the State Superintendent of Education; and
 - (10) University of the District of Columbia;
- (b) An “educational institution” means:
- (1) The District of Columbia Public Schools (DCPS); and
 - (2) Each local education agency, as defined in section 101 of the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code §§ 38-771.01 *et seq.*), that receives funds from the District, including charter schools and non-public schools that provide education for students with disabilities with District funds; and
- (c) A “covered grantee” means an entity or contractor of an entity that provides services, activities, or privileges to youth on behalf of the District government or through District funding.

1501.3 Each covered entity and educational institution shall ensure that when hiring or contracting with a contractor or vendor to provide services, activities, or privileges to youth that the contractor or vendor will comply with the requirements of this chapter and the Act.

1501.4 Each covered entity and educational institution shall ensure that when it issues a grant to a grantee to provide services, activities, or privileges to youth on behalf of the District or through District funding that the grantee will comply with the requirements of this chapter and the Act.

1502 ADOPTION OF A BULLYING PREVENTION POLICY

1502.1 Bullying means any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal that:

- (a) May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and

- (b) Can reasonably be predicted to:
 - (1) Place the youth in reasonable fear of physical harm to his or her person or property;
 - (2) Cause a substantial detrimental effect on the youth's physical or mental health;
 - (3) Substantially interfere with the youth's academic performance or attendance; or
 - (4) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.

1502.2

- (a) If a covered entity wishes to update its bullying prevention policy, it shall do so before the beginning of a school year, and provide a copy of the updated policy to OHR by August 15.
- (b) Each covered entity shall review its list of Point of Contacts annually and provide an updated list of Point of Contacts to OHR by August 15 of each year.
- (c) Newly authorized charter schools or newly established youth organizations that receive funding from the District must adopt a bullying prevention policy (including a Point of Contact) within three months of their opening and provide the policy to the BPP Director.

1502.3

A covered entity's bullying prevention policy shall at a minimum include the following elements:

- (a) The legal definition of bullying set forth above;
- (b) A statement prohibiting bullying, including cyberbullying;
- (c) A statement prohibiting retaliation against a victim or witness of bullying, or a person who reports bullying;
- (d) A statement that the policy applies at all of the locations listed in § 1501;
- (e) A code of conduct;
- (f) A list of consequences that can result from an identified incident of bullying that are designed to:

- (1) Appropriately correct the behavior deemed to be bullying;
- (2) Prevent future occurrences of bullying or retaliation;
- (3) Ensure the safety and well-being of the person who has reportedly experienced or is reportedly at risk for future acts of bullying or retaliation; and
- (4) Be flexible in application, appropriate to the individual incident, and varied in method and severity based on the:
 - (A) Nature of the incident;
 - (B) Developmental age of the person exhibiting bullying behaviors; and
 - (C) Any history of problem behavior of all students involved in the incident(s) and where available, history of behavioral concerns documented in an Individualized Education Program (IEP) or 504 plan as a result of a disability under the Individuals with Disabilities Education Act (IDEA), approved Dec. 3, 2004 (118 Stat. 2647; 20 U.S.C. §§ 1400 *et seq.*) or Section 504 of the 1973 Rehabilitation Act, approved Sept. 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).
- (g) A mechanism and procedures for staff, students, parents/guardians, and others to report bullying, retaliation for reporting bullying, or other violations of the bullying prevention policy that permits anonymous reporting, provided however, that no formal response shall be taken solely on the basis of anonymous reporting;
- (h) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for the person(s) responsible for investigating bullying and retaliation;
- (i) A secondary investigation appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505; and
- (j) A statement that retaliation against any person for reporting an incident of bullying is prohibited and a description of the possible consequences for a person who engages in retaliatory behavior.

- 1502.4 Each covered entity's bullying prevention policy shall apply at the following locations:
- (a) On the covered entity's property, including buildings, fields, parking lots, and walkways;
 - (b) At events sponsored by the covered entity, including sponsored events held off the property of the covered entity;
 - (c) On any vehicle used for transportation by or on behalf of the covered entity, including transportation for sponsored events of youth; and
 - (d) At any transit stop at which youth wait to be transported to the covered entity or an event sponsored by the covered entity.
- 1502.5 Each covered entity's bullying prevention policy shall apply to cyberbullying sent from or to someone at a location listed in § 1502.4, whether or not the communications device is owned or leased by the covered entity. Cyberbullying is defined as any bullying done through electronic means which meets the definition in § 1502.1, including, but not limited to, social media, electronic mail (email), texting or tweeting.
- 1502.6 Bullying which occurs on-site, but involves off-site activities, is prohibited if it creates a hostile environment at the covered entity for the target or witnesses of bullying, or impedes or interferes with a youth's ability to participate at the covered entity.

1503 CODE OF CONDUCT

- 1503.1 The code of conduct required in the bullying prevention policy (referenced in § 1502.3(e)) should provide that:
- (a) The covered entity expects youth to behave in a way that supports the covered entity's objective to provide a safe and welcoming environment for other youth; and
 - (b) The covered entity expects youth who are part of the covered entity community to:
 - (1) Treat all other youth at the covered entity with respect;
 - (2) Respect the property of other youth at the covered entity; and
 - (3) Respond appropriately to instructions from covered entity staff regarding behavior toward other youth.

1504 REPORTING BULLYING OR RETALIATION COMPLAINTS

- 1504.1 Each covered entity shall encourage youth, parents, guardians, employees, volunteers and community members to report any incidents of bullying or retaliation that they are witness to, or of which they are aware.
- 1504.2 Reports of bullying, retaliation, and other violations of the bullying prevention policy should be made to the Point of Contact at the covered entity, either by mail, telephone, facsimile, electronically, or through an anonymous drop box at the covered entity's site.
- 1504.3 If an individual is unable to report the complaint to the Point of Contact, the complaint may also be made to a member of the covered entity's management or leadership team, and those individuals shall refer the complaint to the Point of Contact for investigation. If there is some reason why the Point of Contact should not be the investigator on a particular matter, for example if there are any known or raised conflict of interests, the covered entity's management may assign another investigator.
- 1504.4 Employees and volunteers of covered entities shall promptly report incidents of bullying or retaliation to the entity's named Point of Contact identified in the policy when they witness incidents of bullying or retaliation, or for incidents about which they have reliable information.
- 1504.5 Information about reporting bullying and retaliation shall be communicated to all youth associated with the covered entity in an age-appropriate manner.
- 1504.6 Each covered entity shall ensure that there are reporting materials available in a wide variety of languages as required by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.*) and 4 DCMR § 1205.4.
- 1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy (the covered entity's Point of Contact) shall create a written description of each incident of bullying, retaliation, or other violation of the bullying prevention policy that was reported to him or her and where applicable, shall include the description in the annual report that is required by § 1511.

1505 INVESTIGATIONS

- 1505.1 Each covered entity shall promptly initiate an investigation into each report of bullying, retaliation, or other violation of the bullying prevention policy within two (2) business days of receiving the complaint and complete the investigation within thirty (30) days of receiving the complaint, as outlined below. If the bullying, retaliation, or other acts in violation of the bullying prevention policy

involve multiple covered entities, the entities shall coordinate their investigation and response activities.

1505.2 Within two (2) business days of receiving a report of bullying, retaliation, or other violation of the bullying prevention policy, the Point of Contact shall:

- (a) Draft a written record of the complaint, which must be included in the final report outlined in § 1505.5;
- (b) Take appropriate action to protect, to the extent possible, the safety of the alleged target referenced in the report, which may include contacting relevant parties, intercepting the target or alleged perpetrator if information is received regarding a pending act of bullying or retaliation, and ascertaining the presence of teachers or other employees at a location that has been identified as the site of a pending act of bullying or retaliation;
- (c) Inform the target, alleged perpetrator, and if applicable, witnesses, of the alleged incident and of the initiation of the investigation;
- (d) Make a good-faith attempt to inform the parents or guardians of the target about the alleged incident and any planned investigation, if the target is less than eighteen (18) years of age and if the contact information for the parents or guardians is available or can be requested. If the Point of Contact determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of the target, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and
- (e) Make a good-faith attempt to inform the parents or guardians of the alleged perpetrator about the alleged incident and any planned investigation, if the alleged perpetrator is less than eighteen (18) years of age. If the Point of Contact determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of, alleged perpetrator, as the case may be, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and
- (f) Take into account whether the individuals involved have disabilities and whether the behavior is a manifestation of the disability. Where available, consider whether the individuals have legally mandated protections including an Individualized Education Programs (IEP). The United States Department of Education through its Office for Civil Rights (OCR) has provided helpful information that covered entities are to follow concerning students with disabilities and bullying. One such resource is available through OCR's 2014 Dear Colleague Letter at <http://www.ed.gov/ocr/docs/disabharassltr.html>.

- 1505.3 The covered entity shall provide confidentiality if possible to individuals interviewed as part of the investigation, including the victim, and inform them that retaliation for reporting acts of bullying is prohibited. However, if the Point of Contact learns during the course of the investigation that the reported incident involves criminal activity, the Point of Contact shall communicate such information to the Principal or the equivalent. If the reported incident or statements during the investigation indicate credible and imminent threat of harm or criminal activity, the Point of Contact shall immediately report such information to the appropriate law enforcement authorities and to the Principal or the equivalent.
- 1505.4 The investigation shall be completed within thirty (30) days after receipt of a report of bullying, retaliation, or other violation of the bullying prevention policy.
- 1505.5 The investigator or a designee of the covered entity shall issue a written report setting forth his or her findings and recommendations within thirty (30) days after receiving a report of bullying, retaliation, or other violation of the bullying prevention policy which includes the following:
- (a) A description of the incident(s) including the names of individuals involved and behaviors alleged, location of occurrence(s) and whether or not bullying occurred under the definitions set forth in the Act as outlined in § 1502.1;
 - (b) Whether the incident was based on a trait that is covered in the Human Rights Act (as listed in the definition of bullying in § 1502.1(a)); and
 - (c) The actions that were taken as a result of the findings.
- 1505.6 The written report shall be provided to the:
- (a) Target, the parents or guardians of the target if the target is under eighteen (18) years of age, the alleged perpetrator, and the parents or guardians of the alleged perpetrator if the alleged perpetrator is under eighteen (18) years of age.
 - (b) The requirement in paragraph (a) of this subsection to send the written report to the parents or guardians shall not apply if the contact information for parents or guardians is not available after making good-faith attempt to obtain such information, or if the Point of Contact determines that sending the report may cause harm to, or endanger the health or well-being of, the target or alleged perpetrator, as the case may be, but the reasons for the determination not to send the report must be documented in writing.

1506**SECONDARY INVESTIGATION APPEALS**

- 1506.1 Each covered entity shall have an appeals process in place for conducting a secondary investigation where a written request for a secondary investigation is submitted within thirty (30) days after the conclusion of the initial investigation.
- 1506.2 The secondary investigation shall be conducted by an employee who has a higher level of authority at the covered entity than the one who conducted the investigation and who was not involved in the initial investigation.
- 1506.3 The secondary investigation shall be completed within thirty (30) days after receipt of the request for a secondary investigation unless the higher-level authority requires additional time to complete a thorough investigation and the higher-level authority sets forth those circumstances in writing. Under those circumstances, the deadline may be extended past the thirty (30) day period by fifteen (15) days.
- 1506.4 After completing the secondary investigation, the higher-level authority shall notify the parties in writing of the results of the investigation and of the party's ability to seek additional redress under the DCHRA under D.C. Official Code § 2-1402.41. Such notification must be in writing and include:
- (a) The name of the BPP Director;
 - (b) The address and telephone number of the OHR;
 - (c) The text contained in § 1513 of these regulations outlining the parties' options for appeal through OHR; and
 - (d) Notification that complaints of violations under DCHRA and the Act must be filed within one (1) year of the incident.

1507 DISSEMINATION OF BULLYING PREVENTION POLICY

- 1507.1 Each covered entity shall develop and implement a plan to publicize its Bullying Prevention Policy that shall include actions to:
- (a) Discuss its bullying prevention policy with youth;
 - (b) Publicize the fact that the policy also applies to functions sponsored by the covered entity; and
 - (c) Publish the written Bullying Prevention Policy and make copies of the Bullying Prevention Policy available to all youth, families and staff by including it in the entity's handbook and on its website.

1508 ANNUAL REVIEW AND UPDATING OF BULLYING PREVENTION POLICY

- 1508.1 Each covered entity shall submit an update confirming the identity of its Point of Contact and any substantial revisions in its bullying prevention policy, to the BPP Director by August 15 of each year.
- 1508.2 The BPP Director will review any new policies or policies with substantial edits within thirty (30) days and provide feedback to ensure full compliance including any recommendations for improvement of the policy.

1509 BULLYING PREVENTION PROGRAMS

- 1509.1 Each covered entity is encouraged to:
- (a) Establish an ongoing bullying prevention program for youth such that the program is aligned with established health-education standards;
 - (b) Inform youth about their right to be free from discrimination in public accommodations and education and of the redress available for a violation of their rights under the Human Rights Act; and
 - (c) Provide training on bullying prevention to all volunteers who have significant contact with youth.

1510 TRAINING REQUIREMENTS

- 1510.1 Except as provided in § 1510.2, each covered entity shall provide bullying prevention training to all of its employees on an annual basis using the following:
- (a) OHR training material for a three (3) hour session provided by the BPP Director; or
 - (b) Alternative training that is comparable in scope and content.
- 1510.2 Each covered entity need only provide a thirty (30) minute general bullying prevention training to employees with no direct contact with youth. This training shall cover the general procedures for responding to a report of bullying and contact information for the designated Point of Contact, or similar personnel. Upon request, OHR will provide content guidance for such training.
- 1510.3 Each covered entity shall incorporate information on its bullying prevention policy into new employee training.
- 1510.4 Each covered entity shall provide written documentation of the training provided, to the BPP Director, including the date, time and summary of the content of

annual training, along with the names and biographical information of the trainer by August 15 of each year.

1511 EDUCATIONAL INSTITUTIONS REPORTING REQUIREMENTS

1511.1 Each educational institution shall report to OHR by August 15 of each year the following information:

- (a) The aggregate number of incidents of bullying, retaliation, and other violations of the bullying prevention policy at the educational institution during the prior school year (including the prior summer term);
- (b) A brief description of each such incident (as required by § 1505.5); and
- (c) The results of the investigation of the incident.

1511.2 The annual report of each educational institution shall also include any other information that OHR deems necessary or appropriate and requests from the educational institution.

1512 OFFICE OF HUMAN RIGHTS ROLES AND RESPONSIBILITIES

1512.1 The BPP Director shall assist covered entities with developing bullying prevention policies and programs.

1512.2 The BPP Director shall compile and make available to each covered entity a list of free or low-cost methods for establishing the bullying prevention programs.

1512.3 The BPP Director shall conduct training for covered entities on bullying and techniques for investigating allegations of bullying on a periodic basis when requested.

1512.4 When contacted by parents or guardians of youth in covered entities, the BPP Director will contact the school, agency, or grantee to ensure that the bullying prevention policy is compliant and has been fully implemented with regard to reporting, investigating, and addressing alleged incidents. This approach will provide an immediate response to parents and guardians as well as provide support and guidance for all parties (families and school or agencies) to ensure that appropriate steps are taken to address the situation.

1513 COMPLAINT PROCEDURES AT THE OFFICE OF HUMAN RIGHTS UNDER THE YOUTH BULLYING PREVENTION ACT AND THE D.C. HUMAN RIGHTS ACT

1513.1 There are both formal and informal ways to initiate actions with OHR and individuals are encouraged to first use the informal option of working with the

BPP Director as outlined in § 1513.2(a) before bringing formal complaints as outlined in § 1513.2 and § 1513.10. OHR will make efforts to investigate related matters jointly as to avoid duplication of efforts for the parties and the agency.

- 1513.2 Complaints under the Act may be pursued as follows:
- (a) Youth or other individuals may call or contact the BPP Director with informal complaints under the Act, which may result in incident specific or broader program changes at covered entities; and
 - (b) An individual, who is eighteen (18) years or older, or who is younger but acting through a parent or advocate, may file a formal complaint with OHR alleging a violation of the Act within one (1) year after the alleged violation occurred.
- 1513.3 A complaint to OHR under the Act may include, but is not limited to, allegations regarding:
- (a) The adequacy of an investigation of bullying, retaliation, or another violation of a bullying prevention policy;
 - (b) The failure to initiate an investigation or an unreasonable delay in the processing of a report of bullying, retaliation, or another violation of a bullying prevention policy; or
 - (c) Any other failures by the covered entity to follow the requirements of the Act such as an entity maintaining a policy that is not in compliance with this Act.
- 1513.4 The complaint shall state the name and address of the covered entity (called the Respondent), the name and title (if known) of the person alleged to have committed the violation, a detailed description of the incident(s) or substance of the complaint and alleged violation, and such other information as may be required by OHR.
- 1513.5 OHR shall conduct an investigation of the complaint to determine if there was a violation of the Act with a target completion date for the Determination within ninety (90) days after a complaint is filed with OHR.
- 1513.6 OHR shall report the results of its investigation to the complainant and covered entity and if necessary, provide recommendations to the covered entities.
- 1513.7 Within sixty (60) days of the issuance date of the Determination, the Respondent must meet with the BPP Director and where appropriate, OHR General Counsel, to discuss the findings and corrective actions, if needed.
- 1513.8 A full set of corrective actions must be agreed upon by all parties within ninety (90) days of the Determination.

- 1513.9 If Respondent fails to comply with these timelines or corrective actions within the agreed upon timeframe, OHR shall inform the Deputy Mayor for Education or an appropriate official in the Mayor's Office in writing by submitting a copy of the Determination and a summary of Respondent's failure to resolve the matter.
- 1513.10 Complaints filed under the DCHRA, D.C. Official Code §§ 2-1401.01 *et seq.*, may be filed as follows:
- (a) If the facts include allegations of discrimination at an educational institution or public accommodation as covered by the DCHRA, an individual, who is eighteen (18) years or older, the parent, or an advocate of youth, may file a complaint with OHR within one (1) year of the alleged discriminatory acts; and
 - (b) A complaint under the DCHRA could result in a probable cause finding, conciliation efforts and a Commission hearing.
 - (c) Pursuant to D.C. Official Code § 2-1403.16, an individual may also file DCHRA claims in D.C. Superior Court instead of at the OHR.

1599 DEFINITIONS

- 1599.1 As used in this chapter, the follow words and phrase shall have the following meanings:

Employee – an individual who receives compensation for performing a function for a covered entity;

Point of Contact – the designated individual at each entity responsible for receiving reports of bullying incidents, investigating complaints of bullying, and attempting to resolve matters. Each entity must list a Point of Contact in the Bullying Prevention Policy and update the contact information annually with the BPP Director;

Retaliation – to coerce a person, or attempt to coerce a person, to not report an act of bullying; to threaten to harm a person or otherwise subject the person to an adverse action because the person has reported or may report bullying; or to interfere with a person's right or obligation to report an act of bullying under the Act;

Youth – (a) an individual of twenty-one (21) years of age or less who is enrolled in an educational institution or who uses the services or programs provided by an agency or grantee, or an individual of twenty-two (22) years of age or less who is receiving special education services from an educational institution; or (b) individuals as described in paragraph (a) of this definition considered as a group.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM13-2016-01, IN THE MATTER OF THE COMMISSION'S RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice pursuant to Sections 34-802, 2-505, and 34-912(b) of the District of Columbia Code¹ of its approval of amendments to Chapter 13, "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980" of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"), in Order No. 18258, issued June 23, 2016. On April 15, 2016, a Notice of Proposed Rulemaking to amend Chapter 13 (Rules Implementing the Public Utilities Amendment Act of 1980) of Title 15 DCMR was published in the *D.C. Register*.² The full text of the rule, as amended, is published below.

1301 DETERMINATION OF REIMBURSEMENTS

1301.1 Each public utility, competitive electric supplier, competitive natural gas supplier, and competitive local exchange carrier ("CLEC") shall be assessed according to D.C. Official Code § 34-912(b) (2016 Supp.) for the reimbursable budgets of the Commission and the Office of the People's Counsel in the following manner:

- (a) For CLECs, competitive electric suppliers, and competitive natural gas suppliers (collectively "alternative providers"), the assessments shall be equal to the ratio of the alternative provider's calendar year gross jurisdictional revenues to the sum of the calendar year gross jurisdictional revenues of all public utilities and all alternative providers times the budgets of the Commission and the Office of the People's Counsel; or
- (b) For public utilities, the assessment shall be the public utility's proportionate share of the calendar year gross jurisdictional revenues of all public utilities times the budgets of the Commission and the Office of the People's Counsel less the amount to be reimbursed by the alternative providers in paragraph (a).
- (c) If an alternative provider's assessment is less than or equals twelve dollars (\$12), then the Commission may waive the payment of this assessment.

1301.2 By March 15th of each year the Commission shall send to each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC an

¹ D.C. Official Code § 34-802 (2012 Repl.); D.C. Official Code § 2-505 (2012 Repl.) and D.C. Official Code § 34-912(b) (2016 Supp.).

² *RM13-2016-01, In the Matter of the Commission's Rules Implementing the Public Utilities Reimbursement Fee Act of 1980*, ("RM13-2016-01"), 63 DCR 5769-5770 (April 15, 2016).

Annual Survey and Affidavit for assessment purposes. Each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall file its responses to the Annual Survey with the Commission by April 15th. Each response shall include a report of the responder's gross jurisdictional revenues for the proceeding calendar year ending December 31st.

1302 PUBLIC NOTICE OF REIMBURSEMENTS

1302.1 Not later than 30 days following the start of each fiscal year, the Commission shall publish the following information in the *District of Columbia Register*:

- (a) The net reimbursable budgets for the Commission and the Office of the People's Counsel for that fiscal year; and
- (b) The total of the gross jurisdictional revenues of each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC for the preceding calendar year.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

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

This final rulemaking clarifies the summary description in Chapter 26 of the types of parking that are prohibited, to make clear that there is no general prohibition against parking a vehicle under a bridge.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 7, 2015, at 62 DCR 10715. DDOT received no comments and no changes were made to the text of the proposed rulemaking.

The Director adopted this rulemaking as final on January 15, 2016, and it shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS , of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, Subsection 2601.1, is amended as follows:

The infraction labeled “Bridge, tunnel, freeway, viaduct or other elevated structure or ramps, on or under (§ 2405.1(d))” is amended to read as follows:

Bridge, viaduct, or other elevated structure, freeway, or ramp (on) or highway tunnel (within) [§ 2405.1(d)] \$ 50.00

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Chapters 1 (Administration and Enforcement) and 2 (Definitions) of Title 12 (Construction Codes Supplement of 2013), Subtitle A (Building Code Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would revise provisions in the 2013 District of Columbia Building Code to exempt certain family mausoleums from building permit requirements. To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~strikethrough~~ text.

The process for submitting comments on the proposed rulemaking is detailed on the final page of this Notice.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2013, Subtitle A, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, Section 105, PERMITS, is amended as follows:

Insert the following exemption in Subsection 105.2 of the 2013 District of Columbia Building Code to read as follows:

14. A one-story mausoleum not exceeding 250 square feet (23 m²) in footprint area provided the mausoleum (a) is of Type I or II construction; (b) does not contain any habitable space; and (c) does not require any utility connections. Notwithstanding the applicability of this permit exemption, the person undertaking the proposed work shall comply with applicable requirements of the U.S. Commission of Fine Arts (Shipstead-Luce Act of 1930, Public Law 71-231 and Public Law 76-248; Old Georgetown Act of 1950, Public Law 81-808), and the Department of Energy and the Environment (Stormwater Management, Soil Erosion and Sediment

Control, 21 DCMR Chapter 5).

Chapter 2, DEFINITIONS, Section 202, DEFINITIONS, is amended as follows:

Insert a new definition in Section 202 of the 2013 District of Columbia Building Code to read as follows:

MAUSOLEUM. A permanent structure or building, located on burial grounds authorized pursuant to D.C. Official Code § 43-121, which is substantially exposed above the ground and used solely for the interment, entombment, or inurnment of human remains.

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Construction Codes Coordinating Board Chairperson, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at jill.stern@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8944. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. Case No. 04-33H****(Text Amendment - 11 DCMR)****(Text Amendments - Inclusionary Zoning - Addition of Affordable Housing Required by District Law to Exemptions from Inclusionary Zoning)**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to amend Subtitle C (General Rules), § 1001.6(a), of the version of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)) that will become effective on September 6, 2016 (2016 Regulations). The 2016 Regulations were adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register* at 63 DCR 2447.

Chapter 10 (Inclusionary Zoning) of Subtitle C sets forth the Inclusionary Zoning (IZ) regulations that are codified in Chapter 26 of the current version of Title 11. Consistent with current Chapter 26, Subtitle C § 1001.6(a) exempts from IZ any development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in current § 2602.7. The amendment adds developments that are subject to a mandatory affordable housing requirement that exceeds the requirements of Chapter 10 as a result of District law. The amendment also adds language to encompass projects that are monitored, but not administered by the above-referenced District agencies.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

A Notice of Emergency Rulemaking adopting the same amendments to current Chapter 26 is also appears in this issue of the *District of Columbia Register*.

The following amendments to the 2016 Regulations are proposed (new language is shown in bold and underlined text; deleted language is shown in strikethrough text):

Chapter 10, INCLUSIONARY ZONING, of 11-C DCMR, GENERAL RULES, is amended as follows:

§ 1001, APPLICABILITY, § 1001.6(a) is amended to read as follows:

1001.6 IZ requirements of this chapter shall not apply to:

- (a) Any development **subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result**

of District law or financialed, subsidized, or funded in whole or in part by the federal or District government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority (DCHA); provided

- (1) The development shall set aside, for low or moderate-income households, affordable dwelling units (“Exempt Affordable Units”) equal to at least the gross square footage that would have been otherwise required pursuant to the set-aside requirements in Subtitle C § 1003 for the zone in which the development is located. The terms “low-income household” and “moderate-income household” shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as “Targeted Households”;
- (2) The Exempt Affordable Units shall be reserved for the Targeted Households and sold or rented in accordance with the pricing structure established by the District law or federal or District funding source, or financing or subsidizing entity, for so long as the project exists;
- (3) The requirements set forth in subparagraphs (1) and (2), of this paragraph, shall be stated as declarations within a covenant approved by the District; and
- (4) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include buildings with only one (1) dwelling unit, the covenant shall be recorded before the first purchase agreement or lease is executed; and

...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D. C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, or electronic submissions may be submitted in PDF format through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx> or to zcsubmissions@dc.gov. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FIFTH EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2012 Repl.)), Mayor's Order 1986-38, dated March 4, 1986, and Mayor's Order 2004-46, dated March 22, 2004, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapters 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) and 34 (Fire and Emergency Medical Services (EMS) Department Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions), of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to address a gap in the enforcement of compliance with the current District of Columbia Construction Codes, adopted March 28, 2014 (61 DCR 3251-Part 2), as amended (the "2013 Construction Codes"), since violations of the 2013 Construction Codes would not be subject to notices of violation and enforcement proceedings to the extent that the existing regulations refer to a previous version of the Construction Codes.

Violations of the 2013 Construction Codes pose an immediate and continuing threat to the public health and safety. This emergency rulemaking is limited to changes in the numbering of provisions between the 2013 Construction Codes and the previous version of the Construction Codes, and does not change the substance or classification of infractions. This emergency rulemaking does not apply to violations or infractions committed prior to March 28, 2014, whether the prosecution or adjudication of those violations or infractions is instituted before or after said date. Such violations or infractions will be adjudicated pursuant to the existing Title 16.

This rulemaking extends an emergency rulemaking originally adopted on January 23, 2015, published in the *D.C. Register* February 27, 2015 at 62 DCR 2598; extended May 23, 2015, published July 3, 2015 at 62 DCR 9324; extended on September 20, 2015, published October 16, 2015 at 62 DCR 13547; and extended on January 19, 2016, published April 8, 2016 at 63 DCR 5310. A Notice of Proposed Rulemaking was published July 3, 2015, at 62 DCR 9270.

This fifth emergency rulemaking was adopted on May 18, 2016 to become effective immediately. These emergency rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring September 15, 2016.

Chapter 33, DEPARTMENT OF CONSUMER & REGULATORY AFFAIRS (DCRA) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3306, BUILDING INSPECTION DIVISION INFRACTIONS, is amended to read as follows:

3306 BUILDING INSPECTION DIVISION INFRACTIONS**3306.1 CONSTRUCTION INSPECTION INFRACTIONS**

The following abbreviations apply to this section: IPMC - International Property Maintenance Code (2012 edition)

3306.1.1 Violation of any of the following provisions shall be Class 1 infraction:

- (a) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (working without required permit);
- (b) 12-A DCMR § 105.1 (exceeding scope of permit);
- (c) 12-A DCMR § 115.1 (failure to remedy dangerous conditions or remove hazardous materials);
- (d) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a 'Stop Work Order');
- (e) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
- (f) 12-A DCMR § 115.5 (failure to comply with terms of posted "Unsafe to Use" notice); or
- (g) IPMC 302.1 (exterior of property not in clean or sanitary condition).

3306.2 PLUMBING INSPECTION INFRACTIONS

The following abbreviations apply to this section:

IPC- International Plumbing Code (2012 edition)

IPMC- International Property Maintenance Code (2012 edition)

3306.2.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);
- (b) 12-A DCMR § 105.1.6 (HVAC work performed by non-D.C. licensed mechanic);
- (c) IPC 424.3; IPMC 505.1 (hot water exceeds 120 degrees° F.);

- (d) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
- (e) 12-A DCMR § 105.1.6 (plumbing work performed by non-D.C. licensed plumber); or
- (f) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (working without a permit).

3306.2.2 Violation of the following provisions shall be a Class 2 infraction:

- (a) 12-F DCMR §§ 301.3 and 712.3.5, 1101.2 (sump pump discharge into public space);
- (b) 12-F DCMR §§ 301.3 and 712.3.5, 1101.2 (discharge of water from sump pump directly to adjacent property); or
- (c) IPC 802.1.4 (swimming pool water discharge into public/park space).

3306.2.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IPMC 506.2 (obstruction of drains);
- (b) IPMC 506.2 (plumbing system not maintained);
- (c) IPMC 603.1 (mechanical system not maintained);
- (d) 12-F DCMR § 1101.2 (downspout(s) not connected to terminals);
or
- (e) IPMC 506.2 (main sewer line obstructed).

3306.2.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC 505.4 (no hot water at peak demand); or
- (b) IPC 604.7 (inadequate water pressure).

3306.3 ELECTRICAL INSPECTION INFRACTIONS

3306.3.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (working without the required electrical permit);
- (b) 12-A DCMR § 105.1 (exceeding scope of permit);
- (c) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order); or
- (d) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order).

3306.4 BOILER INSPECTION INFRACTIONS

The following abbreviations apply to this section:

IMC- International Mechanical Code (2012 edition)

- 3306.4.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.8 (failure to comply with terms of a Stop Work Order);
 - (b) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
 - (c) 12-E DCMR §§ 1003.1 and 1003.3 (failure to obtain a boiler Certificate of Inspection);
 - (d) 12-E DCMR §§ 1003.17.1; 12-A DCMR § 115.5 (violation of conditions of posted Unsafe to Use notice);
 - (e) 12-E DCMR §§ 1001.3 and 1004.7; 12-A DCMR §§ 105.1 and 105.1.1 (failure to obtain a boiler installation permit);
 - (f) 12-E DCMR §§ 1001.3 and 1004.7; 12-A DCMR §§ 105.1 and 105.1.1 (no installations permit for boiler and/or unfired pressure vessels);
 - (g) 12-E DCMR § 1001.4; 17 DCMR § 400.2 (operating engineering equipment without proper D.C. engineer's license); or
 - (h) 12-E DCMR §§ 1001.3 and 1004.7; 12-A DCMR §§ 105.1 and 105.1.1 (alteration and repair of boilers without required permit).
- 3306.4.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) IMC 303.3 and 304.9, 1004.3 (improper location or clearance of a boiler); or
- (b) 12-E DCMR § 1018.1 (welder working without a D.C. authorization card).

3306.4.3 Violation of the following provision shall be a Class 3 infraction:

12-E DCMR § 1003.16 (failure to make a timely repair, alteration, or cleaning, to a boiler specified in a notice).

3306.4.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 12-E DCMR §§ 1001.2, 1001.4 and 1003.17 (improper boiler or pressure vessel operation);
- (b) 12-E DCMR § 1003.1 (certificate of inspection not properly posted); or
- (c) 12-E DCMR § 1005.3; IMC 1004.6; 12-A DCMR § 109.6.1 (denial of entry to boiler room).

3306.5 ELEVATOR INSPECTION INFRACTIONS

The following abbreviations apply to this section and identify referenced standards adopted by the 2013 District of Columbia Construction Codes:

ASME- American Society of Mechanical Engineers

NFPA- National Fire Protection Association

3306.5.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 105.1 and 105.1.1 (installation of elevators, escalators, dumbwaiters, man lift(s), and other conveying systems without a permit);
- (b) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);
- (c) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order).or
- (d) 12-A DCMR §§ 115.5 and 3010.10.2 and 3010.10.3; 12-G DCMR §§ 108.5, 606.8.2 and 606.8.3 (failure to comply with terms of posted Unsafe to Use notice).

3306.5.2 Violation of any of the following provisions shall be a Class 2 infraction:

12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3, 606.3.1-606.3.4 (failure to comply with any of the following maintenance, testing and inspection standards):

- (a) ASME A17.1- Rules 8.11.4.1, 8.11.2.1 and 8.6.8.15 (failure to have semi-annual inspections performed);
- (b) ASME A17.1- Rule 1002.3 (failure to schedule five-year governor speed and safety test);
- (c) ASME A17.1- Rule 2.2.4.5(e), 2.7.3.4 and 8.11.2.1.2 (b) (failure to provide required fire rated door at elevator machine room with self-closing and self-locking device);
- (d) ASME A17.1- Rules 2.2.4.5(e) and 2.7.3.4 (failure to provide a UL listed fire rated self-closing, self-locking, device at machine room door of elevators or pit doors);
- (e) ASME A17.1 – Rules 8.11.3.1.1(f) and 8.11.4.1(e) (failure to provide emergency light and bell operation); or
- (f) ASME A17.1 – Rules 2.27.1, 8.11.2.1.1(f) and 8.11.3.1.1(f) (failure to repair emergency phone on elevators).

3306.5.3 Violation of any of the following provisions shall be a Class 3 infraction:

12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3 and 606.3.1-606.3.4 (failure to comply with any of the following maintenance, testing and inspection standards):

- (a) ASME A17.1- Rule 8.11.3.1.2(j) (failure to provide required class fire extinguisher in elevator machine room);
- (b) ASME A17.1- Rule 8.6.4.13.1(h) (failure of elevator to level at floor);
- (c) ASME A17.1- Rule 8.11.2.1.1(o) (failure to post fire emergency instruction pictograph adjacent to each non-egress hall push button);
- (d) NFPA 70 § 620-51(c) (main line disconnects unable to be locked

in the off position);

- (e) ASME A17.1-Rule 8.6.4.7.1 (failure to remove all materials not related to the operation from the pit).

3306.5.4 Violation of any of the following provisions shall be a Class 4 infraction:

12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3 and 606.3.1-606.3.4 (failure to comply with any of the following maintenance, testing and inspection standards):

- (a) ASME A17.1- Rule 8.6.4.7.1 (excessive lint and dust in hoist ways);
- (b) ASME A17.1- Rule 8.6.4.8.2 (non-related equipment in elevator machine room);
- (c) ASME A17.1- Rules 8.6.4.13.1(c); 8.6.4.13.1(k), and 8.6.4.13.1(l) (elevator door reopening device/closure button in disrepair); or
- (d) ASME A17.1-Rule 8.6.4.7.1 (unclean elevator pits)

Section 3309, DCRA FIRE PROTECTION DIVISION INFRACTIONS, is amended to read as follows:

3309 DCRA FIRE PROTECTION DIVISION INFRACTIONS

The following abbreviations apply to this section:

IFC- International Fire Code (2012 edition)

IBC- International Building Code (2012 edition)

IPMC- International Property Maintenance Code (2012 edition)

The following abbreviation applies to this section and identifies referenced standards adopted by the 2013 District of Columbia Construction Codes:

NFPA- National Fire Protection Association

3309.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 115 and 116; 12-H DCMR § 108.3 (failure to remedy dangerous conditions to remove hazardous materials);
- (b) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a stop work order);
- (c) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);

- (d) [RESERVED];
- (e) [RESERVED];
- (f) IBC 709.3; IPMC 703, 703.1 and 703.2 (failure to maintain all required fire resistance rated doors or smoke barriers);
- (g) IFC 901.4.1; IPMC 704.1 and 704.1.1; IBC 904.1; 12-G DCMR §§ 704.1.2, 704.2 and 704.5 (failure to maintain in an operative condition at all times fire protection and life safety systems, devices, units, or service equipment);
- (h) 12-H DCMR § 906.1; 12-G DCMR § 704.1.2; 12-A DCMR § 906.1 (failure to provide fire extinguishers);
- (i) IFC 1003.1; IPMC 702.1 and 702.3 (failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building);
- (j) IBC 1004.3 (overcrowding or admitting persons beyond the established posted occupants load);
- (k) IFC 507.5.4; IBC 912.3 (fire hydrants, fire department inlet connections, or fire protection system control valves are obstructed in such manner as to interfere with firefighting access);
- (l) IFC 1006.1 and 1006.2; IBC 1006.1 and 1006.2; 12-G DCMR § 402.2 (failure to provide adequate lighting for stairways, hallways, and other means of egress); or
- (m) IBC 1027.1, 1027.2 and 1027.5 (exits fail to discharge directly at a public way or at a yard, court, or open space of the required width and size to provide all occupants with a safe access to a public way).

3309.2

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 308.1 (permitting the accumulation of waste paper, wood, hay straws, weeds, litter, or combustible or flammable waste or rubbish of any kind);
- (b) IFC 904.11; IBC 904.11 (failure to provide or maintain an automatic activation kitchen hood fire extinguishing system);
- (c) IFC 904.11.1; IBC 904.11.1 (failure to provide or maintain a manual activation device for the hood fire extinguishing system);
- (d) NFPA 70 110.32 (failure to provide the required clearance between all electrical service equipment and storage);
- (e) IFC 904.11.5 (failure to provide a sufficient number of portable fire extinguishers for commercial cooking equipment);
- (f) IFC 906.2; 12-G DCMR § 704.1.2 (failure to maintain, test, or recharge hand-operated portable fire extinguishing equipment);

- (g) IFC 315.3.2 (storing combustible or flammable materials on any portion of an exit, elevator car, stairway, fire escape, or other means of egress);
- (h) IBC § 1005.1 (door openings fail to meet the requirements of minimum width based upon occupant load);
- (i) IBC 1008.1.10 (doors are not equipped with approved panic hardware);
- (j) IBC 1008.1.2 (exit doors swing in the wrong direction);
- (k) 12-E DCMR § 1003.6 (failure to provide an oil burner emergency switch);
- (l) IBC 1011.6.3 (failure to provide emergency lights, alarms, or power back-ups);
- (m) IBC 1011.1 (permitting decorations, furnishings, or equipment that impairs the visibility of exit signs);
- (n) IBC 716.5.9, 707.1 and 709 (failure to maintain self-closing and automatic doors or to provide a fire or smoke barrier);
- (o) IBC 1004.3 (failure to conspicuously post sign stating the number of occupants permitted within such space for each place of assembly);
- (p) IBC 1011.1 (failure to maintain exit signs in theaters or other places of public assembly); or
- (q) IBC 806 (decorative materials are not non-combustible or flame resistant).

3309.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC 904.1 and 904.4; IPMC 704.1.1; 12-G DCMR § 704.1.2 (extinguishing systems are not inspected and tagged);
- (b) IBC 1006.1; 12-G DCMR § 702.6 (exit signs are not maintained or clearly illuminated at all times when the building is occupied); or
- (c) Any provision of the District of Columbia Construction Codes adopted pursuant to the Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §§ 6-1401 *et seq.*) which is not cited elsewhere in this section shall be a Class 3 infraction.

Chapter 34, FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS, is amended as follows:

Section 3401, FIRE PREVENTION CODE INFRACTIONS, is amended to read as follows:

3401 FIRE CODE INFRACTIONS

The following abbreviations apply to this section:

IFC- International Fire Code (2012 edition)

3401.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-H DCMR § 102.3 (change in occupancy that will subject the structure to special provisions of the Fire Code or Building Code without the approval of the code official);
- (b) 12-H DCMR § 105.1.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12-H DCMR §§ 105.1.2 and 105.6;
- (c) 12-H DCMR § 104.11.6.2 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);
- (d) 12-H DCMR § 109.2.5 (failure to remedy dangerous condition or remove hazardous materials);
- (e) 12-H DCMR § 110.1.1 (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);
- (f) IFC 5003.3.1.4 (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive, or otherwise hazardous materials);
- (g) 12-H DCMR § 110.5 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by the Fire Code);
- (h) 12-H DCMR 109.2.4 (failure to remedy unsafe conditions in an existing structure or vacant structure, or a deficiency in a means of egress);
- (i) 12-H DCMR § 110.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);
- (j) 12-H DCMR § 109.2.4 (failure to comply with a notice of violation issued by the code official);
- (k) IFC 311.2.1 (failure to secure exterior and interior openings of vacant premises);
- (l) IFC 603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use groups A, E, I, R-1, R-2, R-3, and R-4);

- (m) IFC 604.1 (failure to maintain and inspect emergency and standby systems in accordance with the Fire Code, NFPA110 and NFPA111);
- (n) IFC 904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the Fire Code and the applicable referenced standards);
- (o) IFC 1004.3 (failure to post occupant load);
- (p) 12-H DCMR § 107.6 (permitting overcrowding or admitting persons beyond the established occupant load); or
- (q) 12-H DCMR § 5609.1.1 (engaging in the manufacturing, possession, storage or display, sale, setting off, or discharge of prohibited fireworks).

3401.2 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) 12-H DCMR § 308.1.4 (operating charcoal burners and other open-flame cooking devices on a balcony or within ten (10) feet of combustible construction);
- (b) IFC 308.2 (failure to obtain a permit for open flame use in an educational or assembly occupancy);
- (c) IFC 404.2 (failure to prepare and maintain a fire safety and evacuation plan in accordance with this section);
- (d) IFC 405.5 (failure to maintain emergency evacuation drill records);
- (e) IFC 406.3 (failure to ensure employees are provided with fire prevention, evacuation and fire safety training);
- (f) IFC 505.1 (failure to provide approved legible and visible building address identification);
- (g) IFC 507.5.4 (obstructing fire hydrants, department connections or other fire protection system control valves);
- (h) IFC 907.2.11 (failure to install approved single or multi-station smoke alarms in existing dwellings, congregate residences, and hotel and lodging house guestrooms); or
- (i) IFC 1029.1 (failure to maintain emergency escape windows operational).

3401.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC 605.3 (failure to provide and maintain required clearance in front of electrical service equipment);
- (b) IFC 807.4.1 (obstruction of egress or exit access visibility by placement of furnishing or other objects in educational, assembly and in institutional Group 4 occupancies);
- (c) IFC 906.1 (failure to provide fire extinguishers in required occupancies and locations); or
- (d) IFC 1026.1 (failure to ensure security bars, grilles and screens over emergency escape windows are releasable or removable from the inside without the use of a key or tool).

3401.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IFC 304.1 (failure to prohibit accumulation of prohibited waste);
- (b) IFC 310.4 (removing, obscuring, defacing, mutilating or destroying “No Smoking” signs);
- (c) IFC 807.4.3.2 (failure to limit artwork and teaching material to not more than twenty percent (20%) on walls of corridors in educational occupancies);
- (d) IFC 806.1.1 (failure to prohibit display of natural cut trees in certain occupancies); or
- (e) IFC 1022.9 (failure to provide stair identification of interior and exterior doors connecting more than three stories).

3401.5 Violation of any provisions of the Fire Code not otherwise listed in this section shall be a Class 5 infraction.

Copies of the emergency rules can be obtained from Matthew Orlins, Legislative Affairs Officer, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at matt.orlins@dc.gov. A copy fee of one dollar (\$1.00) will be charged for each copy of the emergency rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF EMERGENCY RULEMAKING****Z.C. Case No. 04-33H****(Text Amendments - Inclusionary Zoning - Addition of Affordable Housing Required by District Law to Exemptions from Inclusionary Zoning)**

The Zoning Commission for the District of Columbia (Commission), pursuant to the authority set forth in Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)) and the authority set forth in Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 2602.3(f) and 2602.7(b) of the Zoning Regulations of the District of Columbia, Title 11 of the District of Columbia Municipal Regulations (DCMR).

The Inclusionary Zoning Regulations are set forth on Chapter 26 (Inclusionary Zoning) of Title 11 DCMR. Subsection 2602.3(f) of that chapter currently exempts any development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development, the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in § 2602.7. The amendment adds developments that are subject to a mandatory affordable housing requirement that exceeds the requirements of Chapter 26 as a result of District law. The amendment also adds language to encompass projects that are monitored, but not administered by the above-referenced District agencies.

Emergency rulemaking action is required because an ever growing number of developments are or will be subject to the affordable housing requirement of the National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008 and the Disposition of District Land for Affordable Housing Amendment Act of 2014. Although such requirements arise from the disposition of District owned land, none will be considered subsidized and therefore all will have to meet the requirement of both the applicable statute and IZ.

As demonstrated by two recent cases before the Commission, the absence of an exemption will require developers to seek zoning relief; a process that can be time consuming and expensive. Without the immediate adoption of these amendments, projects with significant affordable housing components will be imperiled or unreasonably delayed. The immediate adoption of these amendments is therefore necessary for the “immediate preservation of public ... welfare.” D.C. Official Code § 2-505 (c).

This emergency rule was adopted on June 13, 2016, and became effective on that date. The emergency rule will expire on October 11, 2016, which is the one hundred twentieth (120th) day after the adoption of the rule, or upon the publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

A Notice of Proposed Rulemaking to similarly amend the revised Zoning Regulations that are to become effective on September 6, 2016 also appears in this issue of the *District of Columbia Register*.

Title 11 DCMR was amended on an emergency basis as follows (new language is shown in bold and underlined text, deleted language is shown in strikethrough text):

Chapter 26, INCLUSIONARY ZONING, of Title 11 DCMR, ZONING, is amended as follows:

§ 2602, APPLICABILITY, Subsection 2602.3(f), is amended as follows:

2602.3 This chapter shall not apply to:

...

- (f) Any development **subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result of District law or** ~~financialed, subsidieszed, or~~ funded in whole or in part by the federal or District government and administered **and/or monitored** by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in § 2602.7.

Subsection 2602.7(b) is amended to read as follows:

2602.7 A development exempted under § 2602.3(f) shall be subject to the following provisions:

...

- (b) The Exempt Affordable Units shall be reserved for the targeted households and sold or rented in accordance with the pricing structure established by the **District law or** federal or District funding source, or financing or subsidizing entity, for so long as the project exists;

...

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

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the District of Columbia Official Code § 25-211(b) (2012 Repl.) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of the adoption on an emergency basis of amendments to section 712 (Pub Crawls) of chapter 7 (General Operating Requirements) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The amendments: (1) revise the pub crawl license requirements; (2) establish a pub crawl licensing fee; (3) give the Board more authority to manage pub crawls; and (4) strengthens the requirements for pub crawl applicants regarding their responsibilities before, during, and after pub crawl events, to include having a litter plan in place.

On January 13, 2016, the Board adopted emergency and proposed rules which went into effect at that time. The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 18, 2016, at 63 DCR 4098 for a thirty (30)-day comment period. On February 24, 2016, the Board held a public hearing to receive comments from the community and interested persons concerning the pub crawl rules. The feedback the Board received was generally supportive. Below is a summary of the comments the Board received:

Advisory Neighborhood Commission (ANC) 1C

ANC 1C recommended that the Board amend § 712.5 to include "affected Advisory Neighborhood Commission(s)" to the list of entities to whom prior notice of a pub crawl must be given. Additionally, ANC 1C recommended that the Board prohibit the occurrence of more than one (1) pub crawl in a geographic area at the same time. Lastly, ANC 1C recommended that the Board amend § 712.26 to require pub crawl permits for all pub crawls regardless of the anticipated number of patrons.

Advisory Neighborhood Commission (ANC) 2B

Similar to ANC 1C, ANC 2B recommended that the Board amend § 712.5 to include the "affected Advisory Neighborhood Commission(s)" to the list of District agencies to whom notice of a pub crawl event should be given. ANC 2B also suggested that greater detail should be given to the litter plan requirements in §§ 712.5(f) and 712.7. ANC 2B also recommended that the Board amend the rules to include a penalty for establishments who participate in unlicensed pub crawls. In this regard, they suggest that participating in an unlicensed pub crawl should be a primary tier offense. Furthermore, ANC 2B believes greater clarity needs to be given to § 712.26, which as drafted, they believe is confusing and ambiguous. Lastly, ANC 2B recommends that the Board prohibit the occurrence of more than one (1) pub crawl at one time in the same geographic area.

Advisory Neighborhood Commission (ANC) 2B05

ANC 2B05 wrote in support of the comments submitted by ANC 2B; however, the small member district submitted a few additional suggestions. First, ANC 2B05 recommended that the Board require litter clean up during the pub crawl as opposed to waiting until the pub crawl ends. ANC 2B05 further supported the position that affected ANCs should receive prior notice of pub crawls. At a minimum, ANC 2B05 believes affected ANCs should be notified of where the pub crawls will take place, where the registration locations will be located, and which bars are participating. Lastly, ANC 2B05 suggested that the rules be amended to allow the Alcoholic Beverage Regulation Administration (ABRA) to shut down any establishment that is participating in an unlicensed pub crawl.

Dupont Circle Citizens Association (DCCA)

DCCA submitted written comments supporting ANC 2B's comments concerning the pub crawl rules. DCCA, however, provided the Board with a few additional suggestions. First, DCCA recommended that the rules should only allow for one (1) pub crawl in a commercial area at a time. Secondly, DCCA suggested that the Board amend the rules to require promoters/organizers post a bond to cover the cost of litter removal. Third, DCCA recommended that the Board provide penalties for establishments that participate in unlicensed pub crawls. DCCA also recommended that the Board prohibit establishments that have been cited for violating the District's noise regulations within twenty-four (24) months prior to the pub crawl from being allowed to participate in the event. Lastly, DCCA recommended amending the rules to require a pub crawl permit for pub crawls with an anticipated number of patrons of fifty (50) or more, as opposed to the current two hundred (200) that the rules require.

Golden Triangle Business Improvement District (BID)

The Golden Triangle BID provided the Board with several comments concerning the emergency and proposed rules. First, the Golden Triangle BID recommended that the Board amend § 712.5 to include D.C. Fire and Emergency Services and the impacted Advisory Neighborhood Commission among the list of entities to whom prior notice of a pub crawl should be given. Second, the Golden Triangle BID suggested that the Board provide greater structure to the litter plan requirement in § 717.7 by including the minimum amount of information that should be included in a promoter/organizer's litter plan. Lastly, the Golden Triangle BID recommended that the Board add two (2) additional subsections to the rules: (1) to prohibit more than one (1) pub crawl in a geographic area at the same time; and (2) to require promoters/organizers have a basic business license with a general business endorsement in accordance with 27 DCMR § 3800.

D.C. Metropolitan Police Department (MPD)

MPD provided comments on the emergency and proposed rulemaking's security plan requirements. Specifically, MPD suggested that the Board should amend the rules to include standards for the security plans and litter plans promoters/organizers must submit with their pub crawl applications. MPD was particularly concerned about the promoter/organizer's responsibility of preventing underage drinking. In respects to § 712.10, MPD recommended including a requirement that the promoter/organizer wear something which would identify

himself/herself as being a part of the promoter/organizer company. Lastly, MPD recommended that the Board amend the rules to require a permit for all pub crawls regardless of their size.

Mad Hatter CT Avenue, LLC, t/a Mad Hatter (Mad Hatter)

The Mad Hatter testified in general support of the pub crawl rules. They caution the Board, however, against employing overly restrictive regulations on pub crawls or prohibiting pub crawls. The Mad Hatter is particularly concerned about the economic impact that overly stringent pub crawl requirements would have its business and on similarly situated establishments' business. The Mad Hatter also cautioned the Board against requiring establishments participating in the pub crawls to bear the burden of paying for the MPD reimbursable detail. Lastly, the Mad Hatter testified in support of only requiring one pub crawl in the same geographic area.

D.C. Department of Public Works (DPW)

DPW's comments to the Board were limited to the litter plan requirements in §§ 712.5(f) and 712.7. First, DPW suggested extending the time period in which it has to review a promoter/organizer's litter plan from the current forty-eight (48) hours to ten (10) days. DPW states this additional time will allow it to work with promoter/organizers that need to revise their litter plans prior to receiving DPW approval. Secondly, DPW recommended that the rules require litter management companies must comply with the District's solid waste management regulations. Third, DPW suggested that the litter plans include the type of equipment the litter management companies would use and number of employees it will employ in cleaning up the area. Lastly, DPW recommended that the Board require waste management companies complete their clean up within six (6) hours as opposed to the twelve (12) hours that the rules currently require.

D.C. Fire and Emergency Medical Services (FEMS)

FEMS testified to the overall public safety concerns pub crawls present to the District. In this vein, FEMS expressed its concern with pub crawls violating the District's Fire Code and presenting overcrowding issues. As such, they recommended that the Board revise the rules to require notice be given to FEMS prior to a pub crawl taking place so that they can prepare their first responders, as well as provide routine monitoring during the pub crawls.

Lindy Promotions and Barcrawls .com

Lindy Promotions and Barcrawls.com (hereinafter referred to as "Lindy") provided joint testimony concerning the pub crawl rules. They stated that the rules should limit an establishment's participation in a pub crawl to one (1) a day. Lindy also suggested the Board adopt the following formula for determining how many patrons should be permitted to participate in a pub crawl:

Total capacity of all of the participating establishments * 2 hours

Lindy suggested employing the above formula would prevent overcrowding. Lastly, Lindy recommended that MPD Reimbursable Detail be required for pub crawls with two thousand (2,000) or more patrons.

Restaurant Association Metropolitan Washington (RAMW)

RAMW was in general support of the rules, but wants to ensure that the rules are reasonable, fair, clear, and afford the promoters/organizers due process of law. Along those lines, RAMW provided the Board with several suggestions concerning the rules. First, they recommended that the Board revise the definition of “pub crawl,” which they contended was overly broad. Secondly, RAMW expressed concern with § 712.9. RAMW argued that promoters/organizers are unable to control when DPW will approve their litter plan. Thus, they believe the forty-eight (48) hour turnaround time for receiving DPW approval of the litter plan is too stringent.

RAMW also recommended that the Board amend § 712.18 to include standards for how it would review pub crawl applications, and amend § 712.22 to include a “knowingly” standard before citing an establishment for participating in an unlicensed pub crawl. Additionally, RAMW requested that the Board revisit § 712.27 to determine whether it is necessary to exclude certain dates from which a pub crawl can be held. Finally, RAMW suggested other technical amendments to the pub crawl rules to address provisions which it believes are ambiguous.

Alcoholic Beverage Control Board Action

The Board has duly considered all of the comments it received during the comment period and at the public hearing. The Board also gave great weight to the ANCs’ comments in accordance with D.C. Official Code § 1-309.10(d)(3). The Board decided to adopt some of the recommendations proposed by those who submitted comments. For example, the Board agrees with the recommendation from the ANCs and FEMS that FEMS should receive prior notice of pub crawls. Although the Board acknowledges that affected ANCs should receive notice of pub crawls, the Board does not believe the promoter/organizer should have to provide notice to the ANC. Instead, the Board will require ABRA to post pub crawl applications on its website for public viewing.

The Board did agree with the recommendation from the ANCs and several others, including the BID, to add greater substance to the litter plan requirement. Additionally, the Board decided to adopt DPW’s recommendation to expand the review period from forty-eight (48) hours to ten (10) days. The Board agreed with ANC 2B’s recommendation to establish a penalty for establishments that participate in unlicensed pub crawls. Rather than making it a primary tier offense, however, the Board decided to make it a secondary tier offense which may result in a fine or discretionary warning. The Board adopted RAMW’s recommendation to amend the definition of “pub crawl” to make it less broad. Lastly, the Board made other technical amendments to the rules, including changing the deadline for filing a pub crawl application from forty-five (45) days before a pub crawl event to sixty (60) days before a pub crawl event.

The Board’s changes to the pub crawl rules are substantive in nature and require publication of a second proposed rulemaking. The Board still finds that emergency rulemaking action is warranted. In accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), emergency action is necessary for the immediate preservation of health, safety, and welfare of District of Columbia (District) residents. Emergency action is particularly needed (1) to ensure

that pub crawls are conducted in a responsible, safe, and orderly manner; and (2) to protect the rights and privileges of affected District residents and businesses.

These emergency rules were adopted by the Board on April 6, 2016, by a five (5) to zero (0) vote and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on August 4, 2016, unless superseded. This emergency and proposed rulemaking supersedes the emergency and proposed rules adopted by the Board on January 13, 2016.

The Board also gives notice of intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *D.C. Register*. In accordance with D.C. Official Code § 25-211(b), these emergency and proposed rules will be transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day period of review. The Board will not adopt the rules as final absent Council approval.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

712 PUB CRAWLS

- 712.1 A promoter/organizer (“Promoter/Organizer” or “Applicant”) of a “pub crawl” shall be required to obtain a pub crawl license. The Promoter/Organizer shall submit an application for a pub crawl license that contains a Pub Crawl Event Form for each pub crawl event at least sixty (60) days prior to the applicant’s first scheduled pub crawl event. The sixty (60)-day in advance filing requirement shall apply to all pub crawl applications filed after July 1, 2016.
- 712.2 A Promoter/Organizer shall obtain the Board’s approval prior to hosting any pub crawl events not included in the Promoter/Organizer’s pub crawl license application. The Promoter/Organizer shall submit a Pub Crawl Event Form to the Board for approval of any subsequent pub crawl event not listed on the Promoter/Organizer pub crawl license application at least sixty (60) days in advance of the event. The Board may conduct a hearing for purposes of considering the Promoter/Organizer’s Pub Crawl Event Form submission.
- 712.3 For purposes of this section, a “pub crawl event” shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period.
- 712.4 The application fee for a pub crawl license shall be five hundred dollars (\$500). The pub crawl license fee shall cover all pub crawl events held by the licensee in a calendar year. A pub crawl license shall expire at the end of the calendar year in which it is issued. The requirement for a pub crawl license and application fee shall apply to applications filed after April 1, 2016.

712.5 No later than sixty (60) days prior to the scheduled date of the pub crawl event, the applicant must provide the Metropolitan Police Department, the D.C. Fire and Emergency Maintenance Service, and the Board with a Pub Crawl Event Form which shall include the following information:

- (a) The names and addresses of all licensed establishments which are expected to participate;
- (b) The geographic area where the event will take place;
- (c) The anticipated number and maximum number of participants;
- (d) The actual hours of the event;
- (e) The operational plan and security plan; and
- (f) The plan for litter prevention, control and removal; and
- (g) The location of the designated registration area(s).

712.6 The operational and security plan required by § 712.5(e) shall be posted at the designated registration area(s) and shall include, at a minimum:

- (a) The name and number of security personnel contracted for the event;
- (b) A plan for controlling underage drinking; and
- (c) The method to be used for checking participants' identification.

712.7 The litter plan required by § 712.5(f) shall:

- (a) Set a timeframe within which the litter removal vendor(s) will remove litter from the geographic area(s) in which the pub crawl occurred. The timeframe shall require that litter be removed by no later than 10 a.m. on the day after the pub crawl; and
- (b) Include the following minimum requirements:
 - (1) Litter will be cleaned from both sides of the street of the entire block where an establishment participating in a pub crawl is located and on both sides of the street for all blocks between establishments;

- (2) Litter will be removed from tree boxes and planters on both sides of the street for the entire length of the block;
- (3) Litter removal shall include the cleaning of human waste (*e.g.*, vomit);
- (4) The litter removal company or companies shall not place trash and other debris in trash receptacles; and
- (5) The litter removal company or companies shall comply with the District's solid waste and sanitation regulations located in Chapters 7 and 8 of Title 21 of the District of Columbia Regulations.

- 712.8 The Applicant shall submit a signed contract and proof of payment for litter removal services within seventy two (72) hours from the conclusion of the pub crawl event.
- 712.9 The litter plan shall be approved, in writing, by the District Department of Public Works (DPW) within ten (10) days of the Promoter/Organizer filing the litter plan with DPW.
- 712.10 The Promoter/Organizer or its designee(s) must remain at the pub crawl event to superintend for the duration of the event, and shall neither purchase nor consume alcoholic beverages during the event.
- 712.11 The Board shall approve the Applicant's list of participating licensed establishments for each pub crawl event. In doing so, the Board shall determine each listed licensed establishment's eligibility to participate in the pub crawl event in accordance with §§ 712.12 and 712.13.
- 712.12 No establishment with more than two (2) primary tier violations within two (2) years of the scheduled date of the event may participate in a pub crawl event.
- 712.13 No licensed establishment may participate in a pub crawl event if it is prohibited from participating by the terms of its Settlement Agreement or Board Order.
- 712.14 Pub crawl events may not promote excessive drinking and may not include unlimited amounts of drinks for one (1) price (*i.e.*, "all you can drink" specials).
- 712.15 Literature describing "responsible drinking practices" shall be available at all pub crawl event designated registration area(s).
- 712.16 All advertising and promotional materials for pub crawl events shall:

- (a) Include a statement that “You must be twenty-one (21) or older to participate”;
 - (b) Promote the use of public transportation; and
 - (c) Include the plan for a designated driver program for the event.
- 712.17 Establishments that are required by law to serve food shall have food available for purchase during the hours of the pub crawl event.
- 712.18 The issuance of a pub crawl license shall be solely in the Board’s discretion. The Board shall approve or deny a pub crawl application no less than fourteen (14) days prior to the date of the pub crawl event.
- 712.19 The Board may place restrictions upon the hours, participating licensed establishments, and the number, nature or size of pub crawl events held under a pub crawl license in order to protect public safety.
- 712.20 The Board may also fine, suspend, or revoke the pub crawl license if the Promoter/Organizer:
- (a) Fails to control the environment of a pub crawl;
 - (b) Has sustained community complaints or police action;
 - (c) Fails to comply with the terms of its pub crawl license or pub crawl application, including the litter plan and security and/operational plans; or
 - (d) Otherwise violates this Title or D.C. Official Code §§ 25-101, *et seq.*
- 712.21 Any enforcement action taken in accordance with § 712.20 shall be in accordance with D.C. Official Code §§ 25-441 through 25-447 and Chapter 16 of this title.
- 712.22 When reviewing an application for a pub crawl license, the Board may consider the Applicant’s conduct and management of previous pub crawl events.
- 712.23 Licensed establishments shall not participate in an unlicensed pub crawl event. It shall be the licensed establishment’s responsibility to verify whether the pub crawl event is licensed by the Board.
- 712.24 The Board may prohibit a licensed establishment that participated in an unlicensed pub crawl event or has sustained community complaints or police action from participating in future pub crawl events for up to a year from the date of the incident.

- 712.25 Licensed establishments shall post in a conspicuous place for the duration of the pub crawl event a copy of the pub crawl organizer’s license for each pub crawl event in which they participate. The pub crawl license shall list the name and date of the pub crawl event and the name of the Promoter/Organizer.
- 712.26 A licensed establishment shall not be permitted to participate in more than one (1) pub crawl event at one time.
- 712.27 A pub crawl license is not required for a pub crawl containing fewer than two hundred (200) participants.
- 712.28 The Board shall not approve a pub crawl application for July 4, October 31, or December 31.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended as follows:

Section 800, ABRA CIVIL PENALTY SCHEDULE, is amended by adding the following fine to the civil penalty schedule:

23 DCMR 712.23	Participating in an Unlicensed Pub Crawl	Secondary	Y
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Copies of the proposed emergency and proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009. All persons desiring to comment on the emergency and proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*, to the above address or via email to martha.jenkins@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of a new Section 910, entitled “Medicaid-Reimbursable Telemedicine Services,” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Telemedicine services are designed to improve access to healthcare services, improve patient compliance with treatment plans, improve health outcomes through timely disease detection and treatment options; and increase capacity and choice for treatment in the District of Columbia’s Medicaid program. These rules establish standards for governing eligibility for Medicaid beneficiaries receiving health services via telemedicine under the Medicaid fee-for-service program, and to establish conditions of participation and reimbursement policies for providers who deliver healthcare services to Medicaid beneficiaries via telemedicine.

In accordance with the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861 (2013 Repl.)), Medicaid will cover and reimburse healthcare services appropriately delivered through telemedicine if the same services would be covered when delivered in person. These rules establish: (1) eligibility criteria for the receipt of telemedicine services; and (2) conditions of participation for providers who deliver telemedicine services as part of the District of Columbia’s Medicaid program.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of beneficiaries who face barriers to accessing Medicaid services. Beneficiaries may be unable to access traditional face-to-face Medicaid services because they face unique health challenges that make travelling to receive healthcare services difficult, or because a specialty provider is not located in their community or healthcare services area. Telemedicine provides a new service delivery pathway to enable these beneficiaries to receive ongoing Medicaid services via telecommunications. These services will be essential to ensure that beneficiaries will have continued access to health care. Therefore, to ensure that the beneficiary’s health, safety and welfare are not threatened by the lapse in access to ongoing healthcare services provided by qualified providers, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on June 23, 2016, and became effective immediately. The emergency rules shall remain in effect for one hundred and twenty (120) days or until October 21, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 910, MEDICAID-REIMBURSABLE TELEMEDICINE SERVICES, is added to read as follows:

910 MEDICAID-REIMBURSABLE TELEMEDICINE SERVICES

910.1 The purpose of this section is to establish the Department of Health Care Finance (DHCF) standards governing eligibility for Medicaid beneficiaries receiving healthcare services via telemedicine under the Medicaid fee-for-service program, and to establish conditions of participation for providers who deliver healthcare services to Medicaid beneficiaries via telemedicine.

910.2 Telemedicine is a service delivery model that delivers healthcare services as set forth in Subsections 910.10 and 910.11 through a two-way, real time interactive video-audio communication for the purpose of evaluation, diagnosis, consultation, or treatment.

910.3 The originating site shall be the place where an eligible Medicaid beneficiary is located at the time the healthcare services furnished for payment via a telecommunications system occurs.

910.4 The distant site shall be the place where the eligible Medicaid provider who furnishes and receives payment for the covered service(s) via a telecommunication system,

910.5 To be eligible for Medicaid reimbursement of telemedicine services under these rules, a Medicaid beneficiary shall meet the following criteria:

- (a) Be enrolled in the District of Columbia Medicaid program pursuant to Chapter 95 of Title 29 of the District of Columbia Municipal Regulations;
- (b) Be physically present at the originating site at the time the telemedicine service is rendered;
- (c) Provide written consent to receive telemedicine services in lieu of face-to-face healthcare services; and

910.6 A telemedicine provider shall meet the following program requirements:

- (a) Be enrolled as a Medicaid Provider and comply with all the requirements set forth under Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR including having a completed, signed, Medicaid Provider Agreement;
- (b) Comply with all technical, programmatic and reporting requirements as set forth in this section; and
- (c) Be licensed in the jurisdiction where the provider is physically located.
- (d) Comply with any consent requirements pursuant to Section 3026 of Title 5-E of the District of Columbia Municipal Regulations if providing telemedicine services at the District of Columbia Public School (DCPS) or District of Columbia Public Charter Schools (DCPCS).

910.7 An originating site provider shall consist of the following provider types:

- (a) Hospital;
- (b) Nursing Facility;
- (c) Federally Qualified Health Center (FQHC);
- (d) Clinic;
- (e) Physician Group/Office;
- (f) Nurse Practitioner Group/Office;
- (g) DCPS;
- (h) DCPCS; and
- (i) Core Service Agency (CSA)

910.8 A distant site provider shall consist of the following provider types:

- (a) Hospital;
- (b) Nursing Facility;
- (c) FQHC;
- (d) Clinic;
- (e) Physician Group/office;

- (f) Nurse Practitioner Group/Office;
- (g) DCPS;
- (h) DCPCS; and
- (i) CSA

- 910.9 When the provider and patient receiving healthcare services are located in the District of Columbia, all individual practitioners shall be licensed in accordance with 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 *et seq.* (2012 Repl. & 2016 Supp.)). For healthcare services rendered outside of the District, the provider of the services shall meet any licensure requirements of the jurisdiction in which the provider is physically located and where the patient is physically located.
- 910.10 Medicaid reimbursement of healthcare services rendered at the originating site shall include only those healthcare services which are covered under the Medicaid State Plan and implementing regulations.
- 910.11 Medicaid reimbursement of healthcare services rendered at the distant site shall include only the following healthcare services:
- (a) Evaluation and management;
 - (b) Consultation of an evaluation and management of a specific healthcare problem requested by an originating site provider;
 - (c) Behavioral healthcare services including, but not limited to, psychiatric evaluation and treatment, psychotherapies, and counseling; and
 - (d) Rehabilitation services including speech therapy.
- 910.12 To be eligible for Medicaid reimbursement, a telemedicine provider shall utilize the reimbursement codes designated for telemedicine and available at www.dhcf.dc.gov.
- 910.13 A telemedicine provider shall comply with the following technology requirements:
- (a) Use a camera that has the ability to, either manually or by remote control, provide multiple views of a patient and has the capability of altering the camera's resolution, and focus as needed during the consultation;

- (b) Use audio equipment that ensures clear communication and includes echo cancellation;
- (c) Ensure internet bandwidth speeds sufficient to provide quality video to meet or exceed fifteen (15) frames per second;
- (d) Use a display monitor size sufficient to support diagnostic needs used in the telemedicine services; and
- (e) Use video and audio transmission equipment with less than a three hundred (300) millisecond delay.

910.14 Effective January 1, 2017, DHCF shall send a Telemedicine Program Evaluation survey to providers, no more than every three (3) months, via email or regular US mail. A provider shall have thirty (30) calendar days to respond to the survey via email or regular US mail.

910.15 A telemedicine provider shall develop a confidentiality compliance plan in accordance with Health Insurance, Portability, and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191, 110 Stat. 1936) (HIPAA) administrative simplification guidance from the Department of Health and Human Services, Office of Civil Rights, available at: <http://www.hhs.gov/sites/default/files/hipaa-simplification-201303.pdf> to incorporate appropriate administrative, physical, and technical safeguards around data encryption (both for data in transit and at rest) and to protect the privacy of telemedicine participants and ensure compliance with the HIPAA and the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5, §§ 13001-424, 123 Stat. 226).

910.16 An originating site provider or its designee shall be in attendance during the patient's medical encounter with the distant site professional, except when the beneficiary prefers to be unaccompanied because the beneficiary feels the subject is sensitive. Sensitive subjects may include counseling related to abuse, or other psychiatric matters. Any exceptions should be noted in the patient's medical record.

910.17 When DCPS or DCPCS is the originating site provider, a primary support professional shall accompany a patient during the patient encounter.

910.18 A primary support professional is an individual designated by the school to provide supervisory services for school-based healthcare services. A primary support professional includes a paraprofessional, classroom teacher, resource room staff, library media specialist, and any other certified or classified school staff member.

- 910.19 Each telemedicine provider shall maintain complete and accurate beneficiary records of services provided (not to include videos) for each beneficiary that document the specific healthcare services provided to each beneficiary for a period of ten (10) years or until all audits are completed, whichever is longer.
- 910.20 All beneficiary, personnel and telemedicine program administrative and fiscal records shall be maintained so that they are accessible and readily retrievable, upon request, for inspection and review or audit by DHCF, the federal Centers for Medicare and Medicaid Services, and other authorized government officials or their agents.
- 910.21 A provider shall not be reimbursed by Medicaid for healthcare services delivered via telemedicine when:
- (a) A provider is only assisting the beneficiary with technology and not delivering a healthcare service; or
 - (b) The healthcare service is incomplete.
- 910.22 Reimbursement shall be prohibited for an incomplete healthcare service when the service is not fully rendered due to technical interruptions or other service interruptions resulting in the partial delivery of care.
- 910.23 Telemedicine providers shall be subject to the standard billing practices that are in place for the healthcare services provided in accordance with the relevant regulations, policies, or transmittals issued by the DHCF.
- 910.24 Where a FQHC provides any of the allowable healthcare services described within this Section at the originating or distant site, the FQHC shall be reimbursed at the applicable rate, prospective payment system (PPS) or fee-for-service rate, consistent with Chapter 45 (Medicaid Reimbursement for Federally Qualified Health Centers) of Title 29 DCMR and Subsection 910.27.
- 910.25 If an FQHC is both the originating and distant site provider, and both sites deliver the same PPS healthcare service, only the distant site will be eligible for reimbursement.
- 910.26 In accordance with the DCPS/DCPCS Medicaid payment methodology, when DCPS or DCPCS provides any of the allowable healthcare services at the originating or distant site, the provider shall only be reimbursed for distant site healthcare services that are Medicaid eligible and are to be delivered in a licensed education agency.
- 910.27 In accordance with the Mental Health Rehabilitation Services Medicaid payment regulations under Chapter 54 of Title 29 DCMR, and consistent with Chapter 34 of Title 22-A DCMR, when an originating site and a distant site are CSAs, and

the same provider identification number is used for a serviced delivered via telemedicine, only the distant site provider shall be eligible for reimbursement of the allowable healthcare services described within this section.

910.28 Telemedicine providers shall not be reimbursed for a telemedicine transaction fee and/or facility fee.

910.29 Telemedicine providers shall not be reimbursed for store and forward and remote patient monitoring.

910.99 DEFINITIONS

When used in this section, the following terms and phrases shall have the meanings ascribed below:

Bandwidth - A measure of the amount of data that can be transmitted at one time through a communication conduit

Core Service Agency - A Department of Behavioral Health (DBH) certified community-based mental health provider that has entered into a Human Care Agreement with DBH to provide specified mental health rehabilitation services.

Data Encryption - The conversion of electronic data into another form which cannot be easily understood by anyone except authorized parties.

Echo Cancellation - A process which removes unwanted echoes from the signal on an audio and video telecommunications system.

Facility Fee - An add-on payment to a provider for the use of their facility for telemedicine.

Fee-For-Service Program - A healthcare payment system that provides Medicaid reimbursement to providers in accordance with a fee schedule, rather than through a Managed Care Organization.

Incomplete Service - A healthcare service that is not fully rendered for reasons to include any technical interruptions or other service interruptions that result in the partial delivery of care.

Medical Encounter - A healthcare service delivered through a through a two-way, real time, interactive video-audio communication system.

Remote Patient Monitoring - A digital technology that collects medical and/or health data from individuals in one location and electronically transmits

that information securely to health care providers in a different location for assessment and recommendations.

Store and Forward - A technology that allows for the electronic transmission of medical information, such as digital images, documents, and pre-recorded videos through secure email transmission.

Transaction Fee - An add-on payment to a provider for delivering a healthcare service via telemedicine.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, N.W., Suite 900, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 5(3)(A) (providing for a safe transportation system), 6(b) (transferring to the Department the traffic management function previously delegated to the Department of Public Works (DPW) under Section III(H) of Reorganization Plan No. 4 of 1983), and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(A), 50-921.05(b) and 50-921.06 (2014 Repl. & 2016 Supp.)), Sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b) (2014 Repl. & 2016 Supp.)), and Mayor's Order 77-127, dated August 3, 1977, hereby gives notice of the intent to amend Chapter 40 (Traffic Signs and Restrictions at Specific Locations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking would add a provision to Section 4020, "No Standing" Restrictions, allowing the Director to post signs on streets restricting parking due to a special event or project, provided the signs are posted at least twenty-four (24) hours before the signs take effect.

This emergency rulemaking is necessitated by the immediate need to address the threat to the public welfare posed by additional traffic travelling through the District during special events or while special projects are being completed. Specifically, the WMATA SafeTrack Project, which will begin Saturday, June 4, 2016, will cause congestion and increase safety concerns as more commuters will drive into and out of the District. The emergency rulemaking will allow DDOT to better maintain – through signage notifying the public of new parking restrictions – safe travel on affected roads in the District.

This emergency rule was adopted on June 3, 2016, and became effective immediately. This emergency rule will remain in effect until October 1, 2016, one hundred twenty (120) days from the date it was adopted, unless earlier superseded by a notice of final rulemaking.

Final rulemaking action shall not be taken in less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 40, TRAFFIC SIGNS AND RESTRICTIONS AT SPECIFIC LOCATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 4020, "NO STANDING" RESTRICTIONS, is amended by adding three new Subsections 4020.2, 4020.3 and 4020.4 to read as follows:

4020.2 The Director may have signs erected that restrict standing and parking on specified streets or portions of streets during an event or project if the Director determines, in writing, that:

- (a) The event or project will have a significant impact on the flow of traffic in the District; and
- (b) Restricting standing and parking on those streets or portions of streets is necessary to mitigate that significant impact on the flow of traffic.

4020.3 If the Director has signs erected pursuant to Subsection 4020.2, there shall be no standing or parking on any of the streets or portions of streets at the times established and indicated on the signs erected.

4020.4 Any signs erected pursuant to Subsection 4020.2 must be erected at least twenty-four (24) hours before the restrictions on those signs will apply.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Alice Kelly, Manager, Office of Policy and Governmental Affairs, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington D.C. 20003. An interested person may also send comments electronically to publicspace.policy@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.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JULY 13, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
Ruthanne Miller, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00035; Gordon Restaurant Group, LLC, t/a Drafting Table
1529 14th Street NW, License #89190, Retailer CR
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00036; 1001 H St, LLC, t/a Ben's Upstairs/Ten 01, 1001 H
Street NE, License #93103, Retailer CR
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00038; Spo-dee-o-dee, LLC, t/a The Showtime, 113 Rhode
Island Ave NW, License #89186, Retailer CT
**Substantial Change (Expansion to Include a Total Occupancy Load of 78
with 46 seats)**
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00997; DC Irish, LLC, t/a Sign of the Whale, 1825 M Street
NW, License #85120, Retailer CT
Substantial Change in Operation Without Board Approval
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-251-00176; Acott Ventures, t/a Shadow Room, 2131 K Street NW
License #75871, Retailer CN
Failed to Follow Security Plan

Board's Calendar

July 13, 2016

Show Cause Hearing (Status)

9:30 AM

Case # 16-CC-00007; Saniman, LLC, t/a Lee's Liquor, 2339 Pennsylvania Ave SE, License #95751, Retailer A

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status)

9:30 AM

Case # 16-CMP-00238; Ultimo, LLC, t/a Malbec, 1633 17th Street NW License #93308, Retailer CR

No ABC Manager on Duty, Failed to Post Correct Name, Class and License Number on the Front Window or Front Door

Show Cause Hearing (Status)

9:30 AM

Case # 16-CMP-00279; Panda Bear, LLC, t/a Hot and Juicy Crawfish, 2651 Connecticut Ave NW, License #86226, Retailer CR

No ABC Manager on Duty

Show Cause Hearing (Status)

9:30 AM

Case # 16-CMP-00142; Aha, Corp, t/a Java House, 1645 Q Street NW, License #72780, Retailer DR

No ABC Manager on Duty

Show Cause Hearing (Status)

9:30 AM

Case # 16-CMP-00136; Orange Anchor 3050, LLC, t/a Orange Anchor, 3050 K Street NW, License #95194, Retailer CR

Operating after Hours

Show Cause Hearing (Status)

9:30 AM

Case # 16-CMP-00155; Langston Bar and Grille, LLC, t/a Langston Bar and Grille, 1831 Benning Road NE, License #86271, Retailer CR

Failed to File Caterer's Semiannual Report, No ABC Manager on Duty

Fact Finding Hearing*

10:00 AM

Pub Crawl

Applicant:Dustin Mantell

Date of Event: October 29, 2016

Event: PubCrawls.com-(Pre-Halloween Pub Crawl)

Neighborhood: Multiple Licensed Premises

Size of Event: 1000-1500

Board's Calendar

July 13, 2016

Fact Finding Hearing*

10:30 AM

Pub Crawl

Applicant: Zack Medford

Date of Event: August 8, 2016

Event: Medventures Marketing & Events, LLC,-(Great American Bar Crawl)

Neighborhood: Multiple Licensed Premises

Size of Event: 2,500

Show Cause Hearing*

11:00 AM

Case # 16-CMP-00268; 1723 DuPont, LLC, t/a Salty Dog Tavern, 1723

Connecticut Ave NW, License #98331, Retailer CT

No ABC Manager on Duty, Change in Corporate Officers without Board Approval

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing*

1:30 PM

Case # 15-CMP-00928; Lucky 7, LLC, t/a Lucky 7 Liquors, 2314 Rhode Island Ave NE, License #90270, Retailer A

Operating after Hours

Show Cause Hearing*

2:30 PM

Case # 16-CMP-00117; Po Boy Jim, LLC, t/a Po Boy Jim, 709 H Street NE License #87903, Retailer CR

Failed to Take Steps Necessary to Ensure Property is Free of Litter, Violation of Settlement Agreement

***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
LICENSING AGENDA

WEDNESDAY, JULY 13, 2016 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Sidewalk Café with seating for 10 patrons. *Proposed Hours of Operation for Sidewalk Café:* Sunday-Saturday 7am to 10pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 11am to 10pm. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *District Taco*, 656 Pennsylvania Avenue SE, Retailer DR, License No. 092791.

2. Review Application for Sidewalk Café with seating for 24 patrons. *Proposed Hours of Operation for Sidewalk Café:* Sunday-Saturday 7am to 10pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 11am to 10pm. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *District Taco*, 1919 M Street NW, Retailer DR, License No. 099379.

3. Review Application for Sidewalk Café with seating for 8 patrons. *Proposed Hours of Operation for Sidewalk Café:* Sunday-Saturday 7am to 10pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Saturday 11am to 10pm. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *District Taco*, 1309 F Street NW, Retailer DR, License No. 090757.

4. Review Application for Tasting Permit. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Serv-U-Liquors*, 1935 9th Street NW, Retailer A Liquor Store, License No. 060026.

5. Review request to expand warehouse approximately 900 square feet into the space formerly occupied by Winebow, Inc (ABRA-072284). No outstanding fines/citations. No outstanding

violations. No pending enforcement matters. No Settlement Agreement. ANC 5C. SMD 5C04. *The Country Vintner*, 3350A V Street NE, Wholesaler A, License No. 060408.

6. Review Application for Manager's License. *Andrew H. Kim*-ABRA 103355.

7. Review Application for Manager's License. *Devin Mayo*-ABRA 102378.

***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.**

BRIDGES PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Food Service Management Services**

Bridges Public Charter School is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2015-2016 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **July 8** 2016 from **Youseth Guzman at (202) 545-0515 or yguzman@bridgespcs.org**

Proposals will be accepted at the Office of the State Superintendent of Education at 810 First Street, NE, Washington, DC 20002, Att: Wayne Gardiner, 4th Floor on August 8, 2016, not later than **3:00 pm**

All bids not addressing all areas as outlined in the IFB will not be considered.

CESAR CHAVEZ PUBLIC CHARTER SCHOOL DC**REQUEST FOR PROPOSALS**

The Cesar Chavez Public Charter For Public Policy Schools invites interested and qualified vendors to submit proposals to provide services in the following areas:

Contractor for Professional Development on Cooperative Learning: Chavez Public Charter Schools, is seeking an independent contractor to plan and administer quarterly professional development sessions to help teachers develop strategies to increase and improve cooperative learning in their classrooms. This person will oversee all budgeting, programming, training, advertising and recruitment activities for the Chavez.

Interested vendors can contact Rob Murphy at rob.murphy@chavezschools.org

Deadline for receiving bids is Friday July 8th, 2016 at 12pm.

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Educational Staffing Services**

E.L. Haynes Public Charter School is accepting proposals to provide a variety of educational staffing services throughout the school year. Services will focus on short-term and long-term staffing vacancies that arise over the course of the school year.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, July 15, 2016. We will notify the final vendor of selection following the review process. The full RFP with bidding requirements can be obtained by contacting:

Kristin Yochum
E.L. Haynes Public Charter School
Phone: 202.667-4446 ext 3504
Email: kyochum@elhaynes.org

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****1300 4th Street NE**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1300 4th Street NE, Washington, DC 20002, is GG Union LP, c/o Great Gulf, 3751 Victoria Park Avenue, Toronto, ON M1W3Z4. The application identifies the presence of petroleum hydrocarbons in soil and dry cleaning solvent in groundwater. The applicant intends to redevelop the subject property in to multi-story mixed use building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5D) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016-043 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6210-R1 to Verizon Washington DC, Inc. to operate an existing 750 kWe emergency generator set with an 1,102 hp diesel-fired engine at 1325 Goodhope Road SE, Washington DC. The contact person for the facility is Randolph Moore at (804) 772-6709.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit No. 6331-R1 to Sibley Memorial Hospital to operate one existing 500 kWe emergency generator set with a 760 bhp diesel-fired engine at Sibley Memorial Hospital, located at 5215 Loughboro Road NW, Washington, DC 20016. The contact person for the facility is William Vroom, Director, Plant Operations & Maintenance, at (202) 537-4066.

Emissions:

Maximum emissions from the 566 kWe (760 hp) emergency generator, operating five hundred (500) hours per year, are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.23
Sulfur Dioxide (SO ₂)	0.39
Nitrogen Oxides (NO _x)	5.89
Volatile Organic Compounds (VOC)	0.47
Carbon Monoxide (CO)	0.20

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from each unit shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator set, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

1. 20 percent during the acceleration mode;
 2. 15 percent during the lugging mode;
 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue a permit (#6548-R1) to George Washington University (GWU) to operate one existing (1) 200 kWe Cummins emergency generator set with a Cummins diesel engine rated at 364 bhp (271 kWm) gross engine output. The generator is to be located at Guthridge Hall, 2115 F Street NW, Washington DC. The contact person for the facility is Doug Spengel, Energy and Environmental Manager, Facilities Services, phone number: 202-994-6067.

The application to operate the emergency generator and the draft permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments, a written request for a public hearing, or both, on the draft permit action within thirty (30) days of publication of this notice. The written comments or a written request for a public hearing must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments or outcome from a public hearing will be considered in issuing the final permit. Comments or a request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments submitted after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #7041 to Carnegie Endowment for International Peace to operate an existing 200 kWe emergency generator set with a 299 HP diesel-fired engine at its property located at 1779 Massachusetts Avenue NW, Washington DC 20036. The contact person for the facility is Kimberly D. Lewis, Vice President, at (202) 772-3820.

The proposed emission limits are as follows::

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set, assuming 500 hours of operation per year, are as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM Total)	0.16445
Sulfur Oxides (SO _x)	0.15324
Nitrogen Oxides (NO _x)	2.31725
Volatile Organic Compounds (VOC)	0.18793
Carbon Monoxide (CO)	0.49933

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit No. 7074 to Verizon Washington DC Inc. to construct and operate a 500 kWe emergency generator set with a 755 hp diesel-fired engine at the Verizon Washington DC Inc. property located at 2815 N Street SE, Washington, DC. The contact person for facility is Randolph S. Moore at (804) 772-6709.

Emissions:

Maximum emissions from the 500 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.42
Sulfur Dioxide (SO ₂)	0.39
Nitrogen Oxides (NO _x)	5.85
Volatile Organic Compounds (VOC)	0.48
Carbon Monoxide (CO)	1.26

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;
 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Abraham T. Hagos at (202) 535-1354.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments submitted after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #7085 to 660 North Capitol Street Property, LLC to operate an existing 600 kWe emergency generator set with an 896 hp diesel-fired engine at 660 North Capitol Street NW, Washington DC. The contact person for the facility is Steve Denny at (202) 446-1602.

Emissions:

Maximum emissions from the 600 kWe emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.0135
Sulfur Dioxide (SO ₂)	0.0073
Nitrogen Oxides (NO _x)	3.45
Volatile Organic Compounds (VOC)	0.0887
Carbon Monoxide (CO)	0.1974

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;
 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments submitted after August 8, 2016 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF FORENSIC SCIENCES**NOTICE OF PUBLIC MEETING**

On July 22, 2016 the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202.727.8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

DC Department of Forensic Sciences Science Advisory Board Meeting**22 JULY 2016¹**

9:00 – 9:15 Roll Call
9:15 – 9:20 Review of Minutes
9:20 – 9:30 Approval of Minutes from Last Meeting
9:30 – 10:30 New Business
11:30 – 11:45 Scheduling
11:45 – 12:15 Closing and adjournment

¹ Draft Schedule some changes may occur before the July 22, 2016 Meeting

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Budget Software and Implementation
- Legal Service
- Security Services
- Classroom/ Instructional Supplies and Materials
- Temporary Staffing
- Event Support Services
- Related Services for Student requiring clinical services
- Musical instrument
- Classroom Art supplies/ material

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, July 22, 2016. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Nursing hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings will be held on the first Wednesday of each month. The Board does not meet during the month of August. The open session begins at 9:00 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), following the open session, an announcement will be made by the Board Chairman concluding the open session. Thereafter the meetings will be closed to public for the purposes of planning, discussing, or hearing reports concerning licensing issues, ongoing or planned investigations of practice complaints, and/or violations of law or regulations. The schedule of the Board’s meetings for the balance of 2016 will be as follows:

July 6, 2016
September 7, 2016
October 5, 2016
November 2, 2016
December 7, 2016

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Podiatry (“Board”) hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings shall now be conducted on the first Wednesday of each quarter starting on July 6, 2016. The meetings will held from 1:30 PM to 3:30 PM and will be open to the public from 1:30 PM until 2:30PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), the meetings will be closed from 2:30 PM until 3:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The schedule of the Board’s meetings during the next twelve-month period will be as follows:

July 6, 2016
October 5, 2016
January 4, 2017
April 5, 2017
July 5, 2017

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, July 13, 2016 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 733 027 146. 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

MEDICAID FEE SCHEDULE UPDATES FOR LABORATORY SERVICES

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published January 1, 2016 (63 DCR 000040), announces changes to the rates for reimbursement of laboratory services billed by professional providers. Professional providers are those who submit claims to DC Medicaid on a CMS-1500 claim form.

Under the District of Columbia's State Plan for Medical Assistance, laboratory services billed by providers are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. As a result, DHCF is changing the price for nine hundred sixty three (963) lab fee schedule codes as follows: (1) the price for nine hundred fifty two (952) codes will be reduced; (2) the price for ten (10) codes will be increased; and (3) one (1) code that was previously priced manually will now have a price assigned. Additionally, DHCF is updating the daily maximum units for a total of seven hundred thirty seven (737) lab fee schedule codes as follows: (1) for four hundred twenty five (425) codes, the updated daily maximum units will be less than the current daily maximum units; (2) for one hundred forty five (145) codes, the updated daily maximum units will be greater than the current daily maximum units; (3) for one hundred sixty seven (167) codes that did not previously have daily maximum units, daily maximum units will be assigned.

The new rates will be included on the Medicaid Fee Schedule and will become effective thirty (30) calendar days after publication of this notice in the *D.C. Register*. The Medicaid Fee Schedule is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>. For further information or questions regarding this fee schedule update, please contact Amy Xing, Reimbursement Analyst, Department of Health Care Finance, at amy.xing2@dc.gov, or via telephone at (202) 481-3375.

**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 property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Case No. 10-16: The Denrike Building
1010 Vermont Avenue NW
Square 216, Lot 27
Applicant: D.C. Preservation League
Affected Advisory Neighborhood Commission: 2F

Case No. 15-21: Federal Home Loan Bank Board
1700 G Street NW
Square 169, Lot 832
Applicant: Consumer Financial Protection Bureau
Affected Advisory Neighborhood Commission: 2A

Both properties were designated June 23, 2016.

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.

DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PUBLIC MEETINGS

Board of Commissioners

1133 North Capitol Street, Northeast
 Washington, D.C. 20002-7549
 202-535-1000

The 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 updated dates and times of the Meetings are for the remainder of calendar year 2016. All Meetings are held at 1133 North Capitol Street, Northeast unless otherwise indicated.

July 13, 2016	Sibley Plaza – 1140 North Capitol St., NW	
	Brown Bag Meeting	11:00 a.m.
	Regular Meeting	1:00 p.m.
August 10, 2016	1133 North Capitol St., NE	
	Brown Bag Meeting	11:00 a.m.
	Regular Meeting	1:00 p.m.
September 14, 2016	1133 North Capitol St., NE	
	Brown Bag Meeting	11:00 a.m.
	Regular Meeting	1:00 p.m.
October 12, 2016	Potomac Gardens – 1225 G St., SE	
	Brown Bag Meeting	11:00 a.m.
	Regular Meeting	1:00 p.m.
November 9, 2016	Benning Terrace – 4450 G St., SE	
	Brown Bag Meeting	11:00 a.m.
	Regular Meeting	1:00 p.m.
December 14, 2016	1133 North Capitol St., NE	
	Brown Bag	11:00 a.m.
	Regular Meeting	1:00 p.m.

Updated July 2016

DEPARTMENT OF HUMAN SERVICES (DHS)
NOTICE OF FUNDING AVAILABILITY (NOFA)
FISCAL YEARS 2017 and 2018
RFA # DHS-FSA-HYRA-001-17
LGBTQ HOMELESS YOUTH BEDS

Purpose/Description of Project

The Department of Human Services (DHS) (the “District”) is soliciting applications from eligible and qualified District-based organizations to provide a minimum of ten (10) beds for LGBTQ youth that are experiencing homelessness. The services will be funded through the LGBTQ Homeless Youth Reform Amendment Act of 2014. The services will be targeted towards runaway, homeless, and/or at-risk youth who identify as LGBTQ.

Eligibility

The following are eligible to apply:

1. A qualified nonprofit organization, including those with IRS 501(c)(3) or 501(c)(4) determinations;
2. A qualified faith-based organization; or
3. A qualified private enterprise.

Review Factors

All applications will be objectively reviewed and scored against the criteria specified in the Request for Applications (RFA).

Length of Award

Grant award(s) will be based on a period of performance from October 1, 2016 to September 30, 2017. The grant(s) may be continued up for one (1) additional option year based on documented project success and availability of funding. Grant recipient(s) will be expected to begin project implementation on October 1, 2016, or after the applicant’s program plan and budget narrative has been approved by DHS.

Available Funding

In FY 2017, approximately up to one million dollars (\$1,000,000.00) in DHS funds will be available to fund services specified in the RFA. Grant(s) will be funded using FY 2017 appropriated funds. All award(s) are contingent upon the availability of funds.

Anticipated Number of Awards

A total of up to five (5) awards are available.

Request for Application (RFA) Release

The RFA will be released on Tuesday, July 8, 2016. The RFA will be posted on the Office of Partnerships and Grant Services website (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>) under the District Grants Clearinghouse.

Pre-Application Conference

A pre-application conference will be held at DHS, 64 New York Avenue NE, Washington, DC 20002, 6th Floor Conference Room on Monday, July 18, 2016 from 1:00 p.m. - 3:00 p.m. Please contact Tamara Mooney, Program Analyst at tamara.mooney@dc.gov or (202) 299-2158 for additional information.

Deadline for Applications

The deadline for submission is Tuesday, August 8, 2016 at 3:00 p.m., Eastern Time (ET). Late or incomplete applications will not be forwarded for review.

IDEAL ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

IDEAL ACADEMY PUBLIC CHARTER SCHOOL hereby solicits proposals to provide:

- School Supplies
- Office Supplies
- Transportation Services
- Janitorial Services
- Security Services
- Landscaping and Snow Removal
- General Contracting Services – Miscellaneous small projects and repairs
- Annual Audit Services
- Special Education Services
- Accounting Services
- Foreign Language Programs
- Professional Development & Consulting Services
- Assessment & Instructional data support & services

Please email zuella.evans@iapcs.com for more details about requirements.

Bids are DUE BY Friday, July 22, 2016 at 5pm.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**AUGUST BOARD MEETING CANCELLATION**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice that there will be no public board meeting held in August. For more information, please visit our website at www.dcpsb.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its final action taken in the above-captioned proceeding.

2. On February 24, 2016, pursuant to D.C. Code § 10-1141.06,² the Potomac Electric Power Company (Pepco) filed with the Commission an updated Rider Public Space Occupancy Surcharge (PSOS).³ In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page, so that it will read:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
17th Revised Page No. R-33**

3. According to its tariff, Pepco's surcharge rate for its Rider PSOS will be updated annually to be effective March 1 of each year.⁴ In light of its tariff, Pepco states that its "updated Rider PSOS is to become effective with meter readings on and after March 1, 2016."⁵

4. On April 18, 2016, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comment on Pepco's Surcharge Update.⁶ In

¹ D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

² D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *ET00-2, In the Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, Dennis Jamoneau, Assistant General Counsel, re: ET00-2 - Rider "PSOS," filed February 24, 2016 (hereinafter referred to as Surcharge Update).

⁴ *ELECTRICITY TARIFF, P.S.C.- D.C. No. 1*, 17th Revised Page No. R-33. The effective date is March 1, 2016.

⁵ *ET00-2*, Application at 1.

⁶ 61 *D.C. Reg.* 5865-5866 (2016).

the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code § 10-1141.06.

5. Accordingly, the Commission voted to approve Pepco's Rider PSOS Surcharge Update, effective with meter readings on and after March 1, 2016, by official action taken at the June 23, 2016 open meeting.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C.**No. 3**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code, of its final action taken in the above-captioned proceeding.¹

2. On March 21, 2016, pursuant to D.C. Official Code Section 10-1141.06,² Washington Gas Light Company (WGL) filed a Surcharge Update for the Rights-of-Way (ROW) Current Factor.³ The ROW Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the tariff filing, WGL sets forth the process used to recover from its customers the ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3
Section 22
3rd Revised Page 56

3. According to its tariff, WGL's surcharge rate for the ROW Current Factor would become effective commencing with the April 2016 billing cycle.⁴ WGL's Surcharge Update shows that the ROW Current Factor is 0.0328. When the ROW Current Factor is combined with the ROW Reconciliation Factor of 0.0073 for the prior period, it yields a net factor of 0.0401.⁵ Based on our review of the Surcharge Update, the Commission finds that WGL's calculations for

¹ D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

² D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, Rights-of-Way Current Factor Surcharge Filing of Washington Gas Light Company (Surcharge Update)*, filed March 21, 2016.

⁴ *Id.*

⁵ *Id.*; *See also* 62 D.C. Reg. 13359-13360 (2015) where the Commission approved the Reconciliation Factor.

the ROW Current Factor and the Surcharge Update comply with General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56.

4. A Notice of Proposed Tariff (NOPT) regarding WGL's Surcharge Filing was published in the *D.C. Register* on April 15, 2016.⁶ In the NOPT, the Commission stated that WGL has a statutory right to implement its filed surcharges however, if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rate, WGL could be subject to reconciliation of the surcharge. No comments were filed in response to the NOPT and the Commission staff is satisfied that the surcharge proposed by WGL complies with D.C. Code §10-1141.06.

5. Consequently, the Commission voted to approve WGL's Surcharge Update for the Current Factor by official action taken at the June 23, 2016 Open Meeting.

⁶ 63 *D.C. Reg.* 5869-5870 (2016).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

FORMAL CASE NO. 1139, IN THE MATTER OF THE APPLICATION OF POTOMAC ELECTRIC POWER COMPANY FOR AUTHORITY TO INCREASE EXISTING RETAIL RATES AND CHARGES FOR ELECTRIC DISTRIBUTION SERVICE

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Code Sections 34-901 and 34-909, that on June 30, 2016, the Potomac Electric Power Company (“Pepco”) filed an Application requesting authority to increase existing distribution service rates and charges for electric service in the District of Columbia by \$85.5 million, representing an increase of approximately 23.7% in Pepco’s distribution revenues. The requested rates are designed to collect \$447 million in total distribution revenues. Pepco requests authority to earn an 8.00% rate of return, including a return on common equity of 10.6%. Pepco represents that its application would translate to an increase in distribution rates of approximately \$4.36 per month for a typical residential customer who uses 675 kWh per month. Pepco proposes to offset this rate increase for residential customers until approximately January 2019 by applying the Customer Base Rate Credit (R, AE, and MMA classes) and Incremental Offset approved by the Commission in the Exelon/Pepco Merger, Formal Case No. 1119.

The proposed changes in distribution rates are as follows:

Rate Schedule	Current Rates		Proposed Rates	
	Summer	Winter	Summer	Winter
Residential - Standard (R)				
Customer Charge	\$ 13.00	\$ 13.00	\$ 16.75	\$ 16.75
First 400 kilowatthours	\$ 0.00759	\$ 0.00759	\$ 0.00814	\$ 0.00814
In Excess of 400 kilowatthours	\$ 0.02166	\$ 0.01512	\$ 0.02478	\$ 0.01536
Residential - All Electric (AE)				
Customer Charge	\$ 13.00	\$ 13.00	\$ 16.75	\$ 16.75
First 400 kilowatthours	\$ 0.00824	\$ 0.00824	\$ 0.00863	\$ 0.00863
In Excess of 400 kilowatthours	\$ 0.02398	\$ 0.01341	\$ 0.02760	\$ 0.01331
Master Meter Apartment – Compared to current Schedule R*				
* Customer Charge (Unit Counts)				
1-20	\$ 10.25	\$ 10.25	\$ 47.03	\$ 47.03
21-100	\$ 10.25	\$ 10.25	\$ 483.60	\$ 483.60
101-250	\$ 10.25	\$ 10.25	\$ 1616.45	\$ 1616.45
>250	\$ 10.25	\$ 10.25	\$ 3618.98	\$ 3618.98
First 400 kilowatthours	\$ 0.00759	\$ 0.00759	\$ 0.01347	\$ 0.01347

FC 1139 Pepco Rate Case Public Notice

In Excess of 400 kilowatthours	\$	0.02398	\$	0.01341	\$	0.03953	\$	0.02619
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Master Meter Apartment –
compared to current Schedule
AE*

Customer Charge (Unit Counts)

1-20	\$	10.25	\$	10.25	\$	47.03	\$	47.03
21-100	\$	10.25	\$	10.25	\$	483.60	\$	483.60
101-250	\$	10.25	\$	10.25	\$	1616.45	\$	1616.45
>250	\$	10.25	\$	10.25	\$	3618.98	\$	3618.98
First 400 kilowatt hours	\$	0.00824	\$	0.00824	\$	0.01347	\$	0.01347
In Excess of 400 kilowatt hours	\$	0.02398	\$	0.01341	\$	0.03953	\$	0.02619

Residential Time-of-Use (RTM)

Customer Charge	\$	17.52	\$	17.52	\$	23.15	\$	23.15
Kilowatthour Charge	\$	0.04299	\$	0.04299	\$	0.05579	\$	0.05579

GS Non-Demand (GS ND)

Customer Charge	\$	23.39	\$	23.39	\$	30.42	\$	30.42
Kilowatthour Charge	\$	0.03530	\$	0.02926	\$	0.03326	\$	0.02554

GS Low Voltage (GS LV)

Customer Charge	\$	27.11	\$	27.11	\$	39.30	\$	39.30
Kilowatthour Charge	\$	0.04535	\$	0.03602	\$	0.03494	\$	0.02685
Kilowatt Charge	\$	4.53	\$	4.53	\$	9.45	\$	9.45

GS Primary (GS 3A)

Customer Charge	\$	209.04	\$	209.04	\$	90.66	\$	90.66
Kilowatthour Charge	\$	0.01317	\$	0.00993	\$	0.02636	\$	0.01892
Kilowatt Charge	\$	6.46	\$	6.46	\$	9.07	\$	9.07

Temporary

Customer Charge	\$	23.39	\$	23.39	\$	30.42	\$	30.42
Kilowatthour Charge	\$	0.06838	\$	0.05566	\$	0.07090	\$	0.05528

GT - Low Voltage (GT LV)

Customer Charge	\$	379.03	\$	379.03	\$	505.35	\$	505.35
Kilowatthour Charge	\$	0.00864	\$	0.00864	\$	0.01125	\$	0.01125
Kilowatt Charge	\$	9.25	\$	9.25	\$	12.59	\$	12.59

GT - Primary (GT 3A)

Customer Charge	\$	152.63	\$	152.63	\$	202.66	\$	202.66
Kilowatthour Charge	\$	0.00483	\$	0.00483	\$	0.00507	\$	0.00507
Kilowatt Charge	\$	6.18	\$	6.18	\$	9.24	\$	9.24

GT - High Voltage (GT 3B)

Customer Charge	\$	1134.37	\$	1134.37	\$	425.37	\$	425.37
Kilowatt Charge	\$	1.23	\$	1.23	\$	1.61	\$	1.61

FC 1139 Pepco Rate Case Public Notice

Rapid Transit (RT)

Customer Charge	\$	5,592.49	\$	5,592.49	\$	7,004.59	\$	7,004.59
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*Pursuant to the Commission’s directive in Paragraph 484 of Order No. 17424 issued in Formal Case No. 1103, Pepco is proposing a new separate rate classification and schedule for master metered apartments (MMAs). Current customer charges are per unit and proposed customer charges are per building. The comparisons in the table provide the difference between the rates under the proposed Schedule MMA and the current rates under Schedule R and Schedule AE.

Rate Schedule	Current Rates		Proposed Rates	
	Summer	Winter	Summer	Winter
Street Lighting (SL)				
Customer Charge				
Metered Accounts	\$ 17.19	\$ 17.19	\$ 26.31	\$ 26.31
Unmetered Accounts	\$ 14.70	\$ 14.70	\$ 22.50	\$ 22.50
Per Lamp Charge	\$ 0.55497	\$ 0.55497	\$ 0.84951	\$ 0.84951
Traffic Signals (TS)				
Customer Charge	\$ 8.03	\$ 8.03	\$ 9.96	\$ 9.96
Per Lamp Charge	\$ 0.30291	\$ 0.30291	\$ 0.37607	\$ 0.37607
Telecommunications Network (TN)				
Customer Charge	\$ 13.12	\$ 13.12	\$ 15.02	\$ 15.02
Kilowatthour Charge	\$ 0.01520	\$ 0.01520	\$ 0.01101	\$ 0.01101
Street Light Maintenance				
Overhead (SSL OH)	<u>Fixed</u>	<u>O&M</u>	<u>Fixed</u>	<u>O&M</u>
Incandescent w/o globe	\$ 2.478	\$ 0.039	\$ 2.670	\$ 0.042
Incandescent w/ globe	\$ 3.625	\$ 0.860	\$ 3.905	\$ 0.926
Mercury Vapor 175 Watt	\$ 7.742	\$ 0.767	\$ 8.342	\$ 0.826
Mercury Vapor 250 Watt	\$ 8.846	\$ 0.777	\$ 9.531	\$ 0.837
Metal Halide 400 Watt	\$ 29.975	\$ 1.253	\$ 32.298	\$ 1.350
Underground (SSL UG)				
Incandescent w/globe	\$ 34.855	\$ 1.576	\$ 37.556	\$ 1.698
Mercury Vapor 250 Watt	\$ 35.156	\$ 1.416	\$ 37.880	\$ 1.526
Mercury Vapor 400 Watt	\$ 41.227	\$ 1.759	\$ 44.421	\$ 1.895
HPS 150 Watt	\$ 30.828	\$ 1.155	\$ 33.216	\$ 1.245
Metal Halide 100 Watt	\$ 26.563	\$ 1.039	\$ 28.621	\$ 1.120
Metal Halide 175 Watt	\$ 29.975	\$ 1.253	\$ 32.298	\$ 1.350
Metal Halide 400 Watt	\$ 29.975	\$ 1.253	\$ 32.298	\$ 1.350

FC 1139 Pepco Rate Case Public Notice

If granted in full, the average monthly effects of the proposed rates will be:

<u>Rate Schedule**</u>	<u>Average Monthly Usage</u>	<u>Monthly Increase Distribution Bill Only</u>		<u>Monthly Increase for Standard Offer Service Customers Total Bill***</u>	
		<u>\$</u>	<u>%</u>	<u>\$</u>	<u>%</u>
Residential - Standard (R)	664	4.35	21.0	4.35	5.4
Residential - All Electric (AE)	690	4.33	20.2	4.33	5.2
Residential Time-of-Use (RTM)	3,595	51.65	30.0	51.65	10.3
GS Non-Demand (GS ND)	1,508	2.47	3.5	2.47	1.3
GS Low Voltage (GS LV)	9,817	69.20	12.4	69.20	4.8
GS Primary (GS 3A)	21,089	166.84	28.2	166.84	6.7
Temporary	5,780	11.81	3.1	11.81	1.4
GT – Low Voltage (GT LV)	130,701	1,536.25	34.4	1,536.25	9.5
GT – Primary (GT 3A)	1,378,221	9,101.80	37.3	9,101.38	5.9
GT - High Voltage (GT 3B)	18,226,209	12,999.12	28.6	12,999.12	0.6
Rapid Transit (RT)	NA	135,577.19	25.2	135,577.19	NA
Street Lighting (SL) ****	NA	21,760.56	53.1	21,760.56	NA
Traffic Signals (TS) ****	NA	4,638.90	24.2	4,638.90	N/A
Telecommunications Network (TN)	454	0.00	0	0.00	0
Street Lighting Maintenance (SSL OH and SSL UG) ****	NA	4,261.92	7.7	4,261.92	7.7

** The effect of the proposed rates on any particular customer is dependent upon the actual usage of the customer. Increases shown are for customers with the average monthly usage.

*** Standard Offer Service customers purchase their electricity from Pepco. For those customers who purchase their electricity from competitive suppliers (i.e., suppliers other than Pepco), the dollar amounts and percentages in the Total Bill column are not applicable.

**** The Street Lighting and Traffic Signal increases shown refer to the total class.

Pepco’s rate filing is available for inspection at the Public Service Commission’s Office of the Commission Secretary, 1325 “G” Street, NW, 8th Floor between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Application can be purchased at the Commission at a cost of \$0.20 per page, actual reproduction cost and viewed on the Commission’s website at www.dcpssc.org Pepco’s rate filing may also be inspected at the following public libraries:

Ward	Name and Address
Main	Martin Luther King Memorial Library

FC 1139 Pepco Rate Case Public Notice

- 9th & “G” Streets, NW
- Ward 1 Mount Pleasant Library
16th & Lamont Street, NW
- Ward 2 Southwest Library
Wesley Place & “K” Street, SW
- Ward 3 Cleveland Park Library
Connecticut Avenue & Macomb Street, NW
- Ward 4 Petworth Library
Georgia Avenue & Upshur Street, NW
- Ward 5 Woodridge Library
Rhode Island Avenue & 18th Street, NE
- Ward 6 Southeast Library
7th & “D” Streets, SE
- Ward 7 Capitol View Library
Central Avenue & 50th Street, SE
- Ward 8 Washington-Highlands Library
Atlantic Street & South Capitol Terrace, SW

Any person desiring to intervene in the proceeding shall file a petition to intervene with the Commission no later than **July 22, 2016**. All petitions shall conform to the requirements of the Commission’s Rules of Practice and Procedure as set forth in Chapter 1, Section 106 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 106). All written comments and petitions for intervention should be sent to Ms. Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 “G” Street, NW, 8th Floor, Washington, D.C. 20005, PSC-CommissionSecretary@dc.gov.

Pursuant to 15 DCMR § 121, the Commission will hold a Prehearing Conference in this proceeding at **2:00 p.m.** on **July 27, 2016**, in the Commission’s Hearing Room, 1325 “G” Street, NW, 8th Floor, Washington, D.C. 20005. Participants shall be prepared to discuss proposed issues and procedural schedules.

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, July 28, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

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|--|--------------------|
| 1. Call to Order | Committee Chairman |
| 2. Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. Executive Session | Committee Chairman |
| 4. Adjournment | Committee Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, July 21, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Executive Session | |
| 8. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, July 28, 2016 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

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|--------------------------------------|------------------------------|
| 1. Call to Order | Chairman |
| 2. Monthly Financial Report | Director of Finance & Budget |
| 3. Agenda for Next Committee Meeting | Chairman |
| 4. Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Human Resources and Labor Relations Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, July 13, 2016 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

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|----|-------------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Other Business | |
| 3. | Executive Session | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, July 26th, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to the DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|------------------------|-------------------------|
| 1. Call to Order | Committee Chairman |
| 2. Monthly Updates | Chief Financial Officer |
| 3. Committee Work plan | Chief Financial Officer |
| 4. Other Business | Chief Financial Officer |
| 5. Adjournment | Chief Financial Officer |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, July 21, 2016 at 11 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- 1. **Call to Order** Committee Chairperson
- 2. **Water Quality Monitoring** Assistant General Manager, Consumer Ser.
- 3. **Action Items** Assistant General Manager, Consumer Ser.
- 4. **Emerging Issues/Other Business** Assistant General Manager, Consumer Ser
- 5. **Executive Session**
- 6. **Adjournment** Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001

PUBLIC NOTICE OF CLOSED MEETINGS FOR JULY 2016

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on December 22, 2015, the Board of Zoning Adjustment voted 3-0-2 to hold *closed meetings telephonically on Mondays, July 11th, July 18th, July 25th, and TUESDAY, July 5th*, beginning at 4:00 p.m. for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's meeting and hearing agendas for July 12th, July 19th, July 26th, and WEDNESDAY, July 6th, 2016.

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

Marnique Y. Heath, Chairperson, Anita Butani D'Souza, Vice-Chairperson, Frederick L. Hill, Jeffrey L. Hinkle, and a Member of the Zoning Commission. Clifford W. Moy, Secretary of the Board of Zoning Adjustment Sara A. Bardin, Director, Office of Zoning.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19224 of ANC 1C, pursuant to 11 DCMR §§ 3100 and 3101, from an October 22, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot 818).

Appeal No. 19225 of Frederick W. McCarthy III, pursuant to 11 DCMR §§ 3100 and 3101, from an October 22, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot 818).

HEARING DATES: March 22, April 12, June 7, and June 14, 2016¹
DECISION DATE: June 14, 2016

DISMISSAL ORDER

Appeal No. 19224 was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on December 21, 2015 by ANC 1C, and Appeal No. 19225 was submitted to the Board on December 22, 2015 by Frederick W. McCarthy III. The two appeals challenge the decision made by the Zoning Administrator at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit No. B1502005, to convert a one-family dwelling into a four-unit residential building in the R-5-B District. Because both appeals challenge the same decision of the Zoning Administrator, the Board granted the Property Owner’s motion to consolidate the two appeals at the public hearing on June 14, 2016.

On June 9, 2016, DCRA filed a motion to dismiss both appeals as moot, indicating that DCRA has revoked the building permit at issue and that its revocation became effective on June 2, 2016. (Exhibit 23–Case Record No. 19224; Exhibit 19–Case Record No. 19225.) With the motion, DCRA submitted email communications from both Appellants and from the Property Owner consenting to the motion to dismiss.

Based on the revocation of the permit, and with the consent of the Appellants and Property Owner, the Board voted to grant DCRA’s motion to dismiss at its public hearing on June 14, 2016.

¹ The public hearing for Appeal No. 19225 was originally scheduled for March 22, 2016, but postponed to April 12, 2016 to be heard on the same day as Appeal No. 19224, based on the pending motion to consolidate the appeals. In advance of the April 12, 2016 hearing, all parties consented to a motion to postpone the appeals to June 7, 2016. Subsequently, both hearings were administratively postponed to the public hearing of June 14, 2016, at which time the appeals were consolidated.

Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Marcie I. Cohen, to DISMISS.)

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: June 28, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19242 of ANC 1C, pursuant to 11 DCMR §§ 3100 and 3101, from November 16, 2015 and December 15, 2015 decisions by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit Nos. B1412288 and B1601746, to permit two parking spaces in the rear yard of a residential lot in the R-5-B District at premises 1828 Ontario Place, N.W. (Square 2583, Lot 438).

HEARING DATES: April 26 and June 14, 2016¹

DECISION DATE: June 14, 2016

DISMISSAL ORDER

Appeal No. 19242 was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on February 5, 2016 by ANC 1C (the “Appellant”). The appeal challenges the decision made by the Zoning Administrator at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit Nos. B1412288 and B1601746, to permit two parking spaces in the rear yard of a residential lot in the R-5-B District to 1828 Ontario Place LLC (the “Property Owner”).

The Board received a request for intervenor status from Michael Rafferty on April 12, 2016. (Exhibit 17.) On May 24, 2016, DCRA filed a motion to dismiss the appeal as moot, indicating that the Property Owner had surrendered Building Permit No. B1412288. Accordingly, DCRA cancelled the permit in its permitting system, and also cancelled the two revisions to the original permit, Building Permits No. 1601746 and 1602713 (Exhibit 21.) The Appellant filed a response, indicating that it consents to the dismissal of the appeal based on DCRA’s motion. (Exhibit 22.) DCRA also filed emails confirming that the Property Owner and Mr. Rafferty also consented to DCRA’s motion to dismiss. (Exhibit 23.)

Based on the revocation of the permit, and with the consent of the Appellants and Property Owner, the Board voted to grant DCRA’s motion to dismiss at its public hearing on June 14, 2016.

Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D’Souza, Jeffrey L. Hinkle, and Marcie I. Cohen, to DISMISS.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

¹ The hearing was originally scheduled for April 26, 2016, and postponed to June 14, 2016 at the request of the Property Owner. (Exhibit 19.)

FINAL DATE OF ORDER: June 28, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**BZA APPEAL NO. 19242
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19259 of GINLIN LLC LLC, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the nonconforming structure requirements under § 2001.3, to construct a one-story¹ rear addition to an existing three-story, one-family dwelling in the R-3 District at premises 3420 P Street N.W. (Square 1246, Lots 866 and 867).

HEARING DATES: May 24, and June 7, 2016
DECISION DATE: June 7, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a report, dated May 6, 2016, indicating that at a duly noticed and regularly scheduled public meeting on May 2, 2016, at which a quorum was in attendance, ANC 2E voted 8-0-0 to adopt a resolution that it is not able to express support. (Exhibit 24.) After the public hearing on May 24, 2016, the Applicant presented revised plans to the ANC at its duly noticed and regularly scheduled public meeting on May 31, 2016, at which a quorum was in attendance. At that meeting, ANC 2E voted 7-0 in support of the application. (Exhibit 49.)

The Office of Planning ("OP") submitted a timely report, dated May 17, 2016, recommending approval of the application. (Exhibit 35.) OP also testified at the hearing in support of the

¹ During the May 24, 2016 public hearing, the Applicant clarified that the proposed addition is one story, although the original application incorrectly notes that it is a two-story addition. The caption has been revised accordingly.

application. OP also submitted a revised report to correct typographical errors and to reflect ANC 2E's May 31, 2016 meeting and recommendation of approval. (Exhibit 44.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 32.)

The Board received three party status requests in opposition to the application from Marlene McGuirl (Exhibit 34), Andrew Miller (Exhibit 22), and Nelson Cunningham. (Exhibit 25). At its hearing on May 24, the Board considered and granted the three requests together because of a shared concern over the impact of the project on Ms. McGuirl's property ("the Consolidated Party"). Mr. Cunningham did not appear at the hearing. Mr. Miller and Ms. McGuirl selected James Meyers as their representative.

At the end of the testimony, the Board decided to hold a limited hearing on June 7, 2016 and, among other things, requested that the Applicant conduct additional shadow studies showing the effect of the project on Ms. McGuirl's property. Prior to the June 7, 2016 hearing, the Applicant submitted the studies, and also an executed agreement with Ms. McGuirl. (Exhibits 43 and 45.) Mr. Meyers submitted a letter on behalf of Ms. McGuirl to "withdraw our opposition to the applicant's project." (Exhibit 46). Mr. Meyers' letter indicated that "Mrs. McGuirl has seen the additional shadow studies, with the windows included, and she no longer has concerns about the requested relief."

Mr. Meyers and Mr. Miller did not appear at the June 7, 2016 hearing, and Mr. Cunningham was again absent. At the hearing, the Applicant's counsel contended that, as a result of the withdrawal of Ms. McGuirl's opposition, there was no longer a "Consolidated Party," and therefore requested the Board to consider whether Mr. Miller and Mr. Cunningham individually met the criteria for being parties.

To be granted party status, a person must demonstrate why he would "likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those of other persons in the general public." (11 DCMR § 3113.21.) The Board concluded that neither Mr. Miller nor Mr. Cunningham met this test. In fact, the one person who did meet the criteria, Ms. McGuirl, is now satisfied that her interest will not be adversely affected. The Board therefore denied Mr. Miller's and Mr. Cunningham's requests for party status. The Board's decision does not prejudice either Mr. Miller or Mr. Cunningham. Mr. Miller was given all of the rights of a party during the May 24th hearing, and Mr. Cunningham, did not appear at either public hearing.

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, not meeting the lot occupancy requirements under § 403.2, and the nonconforming structure requirements under § 2001.3, to construct a one-story rear addition to an existing three-story, one-family dwelling in the R-3 District. As noted, there initially was a "Consolidated Party" in opposition. However, one member of that party withdrew her

opposition and the other two members were thereafter denied party status. 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, 403.2, 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 § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 27 AND THE ELEVATIONS AT EXHIBIT 42.**

VOTE: 4-0-1 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, and Michael G. Turnbull, to APPROVE; Jeffrey L. Hinkle not 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: June 23, 2016

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

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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. 16-14

**(Wardman Hotel, LLC – Consolidated PUD and Related Map Amendment @
Square 2132)**

June 29, 2016

THIS CASE IS OF INTEREST TO ANC 3C

On June 24, 2016, the Office of Zoning received an application from Wardman Hotel, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 839, 843, and 849 in Square 2132 in northwest Washington, D.C. (Ward 3), on property located at 2660 Woodley Road, N.W., which is primarily bounded by Woodley Road (north), the Marriott Wardman Park Hotel (south), an apartment building (west), and the historic Wardman Tower (east). The property is currently zoned RA-2 (formerly R-5-B). The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the RA-4 (formerly R-5-D) Zone District.

The Applicant proposes to construct a new multifamily residential and building and publicly-dedicated open space. The maximum height of the building will be 90 feet and the total density will be approximately 2.2 floor area ratio (“FAR”), based on the PUD site only. The project will have a mix of housing types ranging from one to four bedrooms and 10% of the gross floor area will be affordable housing.

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. 16-15

**(Wardman Park Residential, LLC and Wardman Hotel, LLC – First-Stage PUD and Related
Map Amendment @ Square 2132)**

June 29, 2016

THIS CASE IS OF INTEREST TO ANC 3C

On June 24, 2016, the Office of Zoning received an application from Wardman Park Residential, LLC and Wardman Hotel, LLC (the “Applicant”) for approval of a first-stage planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 831, 844, 846, 850, and 851 in Square 2132 in northwest Washington, D.C. (Ward 3), on property located at 2660 Woodley Road, N.W., which is primarily bounded by an apartment building (north), Calvert Street and a condominium building (south), apartment buildings and 24th Street (east), and apartment buildings and a public school (west). The property is currently zoned RA-2 and RA-4 (formerly R-5-B and R-5-D). The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the RA-4 (formerly R-5-D) Zone District.

The Applicant proposes to construct four new residential buildings, site improvements, new underground parking, and landscaping. Each building will have a maximum height of 90 feet and the total density of the parcel will be 5.51 floor area ratio (“FAR”). The four buildings will be connected so that they are one building for zoning purposes. The project will include a mix of unit types ranging from studios to four bedrooms.

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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