

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-264, Extreme Temperature Safety Amendment Act of 2015
- D.C. Council enacts Act 21-265, Body-Worn Camera Program Amendment Act of 2015
- D.C. Council schedules a public hearing on Bill 21-417, First-time Homebuyer Tax Benefit Amendment Act of 2015
- Department of Health Care Finance clarifies rules for Medicaid reimbursement of optometry services
- Department of Behavioral Health creates standards for Core Service Agencies (CSAs) that seek certification as Health Home providers
- Office of the City Administrator solicits comments on the Draft Workforce Innovation and Opportunity Unified State Plan
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2016 Physical Activity for Youth Grant (DC PAY)

Mayor Bowser Declares Winter Storm Public
Emergency (Mayor's Order 2016-006)

DISTRICT OF COLUMBIA REGISTER

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend the Student Access to Treatment Act of 2007 to authorize public schools to possess and administer epinephrine injectors and to require the Office of the State Superintendent of Education to establish and administer an undesignated epinephrine auto-injector plan; and to amend the District of Columbia Health Occupations Revision Act of 1985 and the State Education Office Establishment Act of 2000 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Emergency Epinephrine in Schools Amendment Act of 2015".

Sec. 2. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) "OSSE" means the Office of the State Superintendent of Education established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

"(3B) "Public school" means a District of Columbia Public Schools school or a public charter school. The term "public school" excludes any parochial school or private school in the District."

(2) New paragraphs (6) and (7) are added to read as follows:

"(6) "Undesignated epinephrine auto-injector" means a disposable drug delivery system with a spring-activated needle, which is obtained without a prescription for a particular person, that is designed for the emergency administration of epinephrine to a person suffering an episode of anaphylaxis.

"(7) "UEA plan" means the undesignated epinephrine auto-injector plan established pursuant to section 5a."

(b) Section 4(a)(1)(B) (D.C. Official Code § 38-651.03(a)(1)(B)) is amended by striking the phrase "responsible person" and inserting the phrase "responsible person, or, if the student is 18 years of age or older, another adult suitable to serve as an emergency contact" in its place.

(c) A new section 5a is added to read as follows:

"Sec. 5a. Student access to epinephrine.

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“(a) OSSE shall establish and administer an undesignated epinephrine auto-injector plan that authorizes a public school to possess and administer undesignated epinephrine auto-injectors.

“(b)(1) By June 1, 2016, the Department of Health shall obtain a standing order signed by at least one practicing physician, physician assistant, or advanced practice nurse licensed in the District to permit public schools to use undesignated epinephrine auto-injectors in emergency circumstances.

“(2) By July 1, 2016, OSSE shall develop and implement an epinephrine administration training program, which shall provide training and certification of employees and agents of a public school on the storage and emergency use of an undesignated epinephrine auto-injector on a person suffering an episode of anaphylaxis.

“(3) Upon implementation of the UEA plan, each public school shall ensure that it has at least 2 employees or agents certified in the use of an undesignated epinephrine auto-injector who are available to administer epinephrine during all hours of the school day.

“(4) For the purposes of this subsection, the term “certified” means an individual who has obtained a certificate of completion of the epinephrine administration training that is developed and implemented by OSSE and approved by the Mayor.

“(c)(1) Under the UEA plan, OSSE shall:

“(A) Implement the UEA plan, with guidance from the Department of Health;

“(B) Procure and distribute undesignated epinephrine auto-injectors to public schools for use in emergency circumstances;

“(C) Monitor the supply of undesignated epinephrine auto-injectors, including ensuring that the supply is restocked as auto-injectors are used;

“(D) Ensure the destruction of expired undesignated epinephrine auto-injectors at public schools; and

“(E) Maintain records regarding the procurement, distribution, and disposition of undesignated epinephrine auto-injectors for 3 years.

“(2)(A) A public school shall store undesignated epinephrine auto-injectors in a secure but easily accessible location in accordance with the manufacturer’s instructions.

“(B) Each public school shall maintain, at all times, no fewer than 2 unexpired undesignated epinephrine auto-injectors of each dosage available through the UEA plan.

“(d)(1) An employee or agent of a public school who is certified pursuant to this section may administer an undesignated epinephrine auto-injector to a student who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode.

“(2) Undesignated epinephrine auto-injectors may be used on public school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from public school property. The certified employee or agent of the public school may carry an appropriate supply of the public school’s undesignated epinephrine auto-injectors on field trips or excursions.

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“(3) Within 24 hours of the administration of an undesignated epinephrine auto-injector, the public school shall notify OSSE and the physician, physician assistant, or advance practice nurse who provided the standing order for the undesignated epinephrine auto-injector of its use.

“(4) As soon as practicable following the administration of medication pursuant to this section, the public school shall inform the student’s responsible person that the medication was administered.”

(d) Section 7(d) (D.C. Official Code § 38-651.06(d)) is amended by striking the phrase “a minor” and inserting the word “the” in its place.

(e) Section 10(a) (D.C. Official Code § 38-651.09(a)) is amended as follows:

(1) Strike the phrase “A school” and insert the phrase “Except as provided in section 5a, a school” in its place.

(2) Strike the phrase “, anaphylaxis,”.

(f) Section 12 (D.C. Official Code § 38-651.11) is amended by striking the phrase “The District, a school, or an employee or agent of a school” and inserting the phrase “The District, a school, an employee or agent of a school, or the practicing physician, physician assistant, or advanced practice nurse who has issued the standing order pursuant to this act” in its place.

(g) Section 13 (D.C. Official Code § 38-651.12) is amended by adding a new subsection (d) to read as follows:

“(d) By August 1, 2016, pursuant to the authority granted by section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11)), OSSE, in consultation with the Department of Health, shall issue rules to implement the provisions of section 5a, including establishing a protocol for record keeping whenever epinephrine is administered pursuant to section 5a.”

Sec. 3. Conforming amendments.

(a) Section 102(11)(B)(iii) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11)(B)(iii)), is amended by striking the phrase “of the person for whom” and inserting the phrase “of the person for whom or, with respect to auto-injectable epinephrine, the school to which” in its place.

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

(1) Paragraph (22) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (23) is amended by striking the period at the end and inserting the phrase “; and” in its place.

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

“(24) Procure, distribute, and maintain the undesignated epinephrine auto-injector supply and fulfill its other responsibilities as required by the Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*).”

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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.

Sec. 5. Fiscal impact statement.

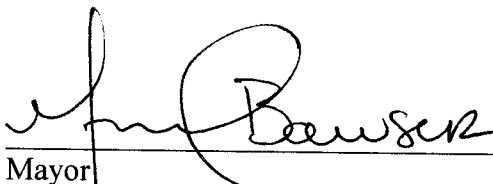
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 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
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

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

Sec. 2. Section 5a of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective August 15, 2008 (D.C. Law 17-216; D.C. Official Code § 42-3131.05a), is amended by striking the phrase "Notice shall also be posted on the vacant building" and inserting the phrase "Notice of the initial vacant or blighted property determination shall also be posted on the vacant building" in its place.

Sec. 3. Fiscal impact statement.

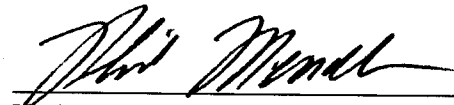
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend the Vending Regulation Act of 2009 to clarify that the Mayor may establish exemptions from licensure requirements, and to maintain criminal penalties provisions for a violation of the act or a vending regulation.

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

Sec. 2. The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 37-131.02) is amended as follows:

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

(A) Paragraph (2) is amended by striking the word "and"

(B) Paragraph (3) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(4) A person or entity authorized to vend from public space without a license pursuant to subsection (d) of this section."

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

"(d) The Mayor may establish by regulation exemptions from the licensure requirement for a person, entity, or categories of persons or entities to vend from public space without a basic business license when the public interest would be served by establishing such an exemption."

(b) Section 9 (D.C. Official Code § 37-131.08) is amended as follows:

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

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

"(b) Any person who violates any of the provisions of this act or any regulations issued pursuant to this act shall, upon conviction, be subject to a fine not to exceed the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), imprisonment not to exceed 90 days, or both, for each violation."

Sec. 3. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) A new section 573.8 is added to read as follows:

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

(b) A new section 573A is added to read as follows:

“573A Vending: Ticket Sales

“573A.1 Notwithstanding § 573, the DCRA Director in consultation with the Metropolitan Police Department and after consultation with any associated entertainment venue may establish a Ticket Resale Zone (TRZ) on a sidewalk, street, or other public space within which the sale of tickets may be authorized by the DCRA Director after approval from DDOT pursuant to § 501.2(b). A TRZ shall not be established within 1000 feet of an entertainment venue if the establishment thereof is objected to by the venue operator.

“573A.2 The Director of DCRA shall establish a TRZ by publishing a notice in the *D.C. Register* setting forth the location of the TRZ. The notice shall be published at least seven (7) days before the zone will be used for ticket sales.

“573A.3 The Director of DCRA may rescind the designation of an area as a TRZ by publishing a notice of rescission in the *D.C. Register*; provided, that the DDOT Director may rescind the designation of an area as a TRZ before publication of such a notice by posting notices of rescission at the TRZ.

“573A.4 DCRA may issue Vending Site Permits authorizing persons holding Class D Vending Licenses for ticket sales to sell tickets in a TRZ according to the provisions of this chapter.

“573A.5 A Vending Site Permit authorizing the sale of tickets from a TRZ shall specify the:

- “(a) Date(s) on which ticket sales are authorized;
- “(b) Time(s) during which ticket sales are authorized; and
- “(c) Ticket Resale Zone at which ticket sales are authorized.

“573A.6 In order to obtain a Vending Site Permit, a person holding a Class D Vending License for ticket sales shall, by the fifteenth (15th) day of any calendar month, submit, on a form prescribed by the Director of DCRA, a request for any dates that the person desires Vending Site Permits to sell tickets in a TRZ for the following month.

“573A.7 If requests from licensees for Vending Site Permits exceed the number of available permits for a TRZ for a particular date and time, DCRA shall assign the available spaces through a lottery. DCRA shall publish the results of the lottery on the DCRA website.

“573A.8 The venue associated with a TRZ shall, upon request, be granted one (1) Vending Site Permit for any requested event if the request is submitted by the fifteenth (15th) day of the previous calendar month or at the discretion of DCRA.

“573A.9 A person may sell or offer to sell tickets from a TRZ if:

“(a) The person holds a Class D Vending License for ticket sales or is the venue associated with the TRZ;

“(b) The person conspicuously displays his or her Vending Site Permit and Class D Vending License for ticket sales or an identification card provided to a venue by DCRA;

ENROLLED ORIGINAL

“(c) The person has been issued a Vending Site Permit by DCRA authorizing him or her to sell tickets from the TRZ;

“(d) The person is buying, selling, or offering to buy or sell tickets pursuant to the terms of the Vending Site Permit; and

“(e) The person is buying, selling, or offering to buy or sell tickets for an event scheduled to begin within six (6) hours of the time of sale.

“573A.10 To conduct a sale in a TRZ, a ticket sale licensee must, in addition to operating in compliance with § 573A.9, provide a receipt to the non-licensee on a form prescribed by the Director of DCRA. If both the buyer and seller are licensees, each shall provide a receipt to the other party.

“573A.11 An unlicensed person may sell tickets to a license holder who is operating in a TRZ in accordance with this chapter.

“573A.12 Subject to the hearing provisions of § 573A.13, the Director of DCRA may summarily suspend the Vending Site Permit of a person who violates §§ 573A.9 or 573A.10, and may further determine, in his or her reasonable discretion after providing notice to the person and an opportunity to be heard, that the person whose Vending Site Permit has been suspended shall for up to two (2) years be ineligible for a Vending Site Permit or any similar successor license or permit.

“573A.13 A licensee may appeal a suspension of a Vending Site Permit pursuant to § 573A.12 by:

“(a) Requesting a review from the Director of DCRA or his or her designate, which shall be provided within three (3) business days of receipt of a hearing request. The licensee may appeal any decision reached by DCRA in the review to the Office of Administrative Hearings; or

“(b) Requesting a hearing with the Office of Administrative Hearings, which shall be provided within three (3) business days of receipt of a hearing request.

“573A.14 This section shall expire 90 days after the effective date of the Vending Regulations Amendment Act of 2015, passed on 2nd reading on December 15, 2015 (Enrolled version of Bill 21-113).”.

Sec. 3. Fiscal impact statement.

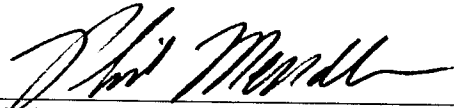
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend the Workforce Job Development Grant-Making Authority Act of 2012 to authorize the Director of the Department of Employment Services to issue grants from funds appropriated to or received by the Department of Employment Services for job development purposes on a continuing basis in accordance with applicable federal and District law, and to repeal the sunset provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Workforce Job Development Grant-Making Reauthorization Amendment Act of 2015”.

Sec. 2. The Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05 *et seq.*), is amended as follows:

(a) Section 2(a) (D.C. Official Code § 1-328.05(a)) is amended by striking the phrase “issue competitive grants to” and inserting the phrase “issue grants in accordance with applicable federal and District law to” in its place.

(b) Section 3 (D.C. Official Code § 1-328.05, note) is repealed.

Sec. 3. Fiscal impact statement


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

Sec. 4. Effective date.

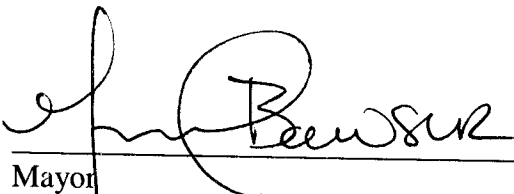
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend the Film DC Economic Incentive Act of 2006 to modify the incentives provided to qualified film, television, and entertainment businesses to work in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Film DC Economic Incentive Amendment Act of 2015".

Sec. 2. The Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 2-1204.11 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1204.11) is amended as follows:

(1) The section heading is amended by striking the phrase "DC Film Incentive Fund" and inserting the phrase "Film, Television and Entertainment Rebate Fund" in its place.

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

"(1)(A) There is established as a special fund the Film, Television and Entertainment Rebate Fund ("Fund"). The Fund shall appear as a separate program line within the budget of the Office of Cable Television, Film, Music, and Entertainment. The Fund shall be funded by annual appropriations."

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

(A) The lead-in text is amended as follows:

(i) Strike the phrase "Subject to section 2a" and insert the phrase "Subject to sections 2a, 2b, 2c, 2d, 2e, and 3" in its place.

(ii) Strike the word "equal" and insert the word "up" in its place.

(B) Paragraph (1) is amended by striking the figure "42%" and inserting the figure "35%" in its place.

(C) Paragraph (3) is amended by striking the word "expenditures" and inserting the phrase "expenditures that are subject to taxation in the District" in its place.

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

"(3A) The sum of 10% of the company's qualified personnel expenditures that are not subject to taxation in the District;"

(4) Subsection (c) is amended by striking the figure "25%" both times it appears and inserting the phrase "up to 25%" in its place.

(b) Section 2a (D.C. Official Code § 2-1204.11a) is amended as follows:

ENROLLED ORIGINAL

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

(A) Paragraph (1) is amended by striking the phrase “development,”.

(B) Paragraph (3) is amended by striking the phrase “incentive agreement” and inserting the phrase “rebate agreement” in its place.

(C) Paragraph (4) is amended by striking the word “and”.

(D) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(6) Agree to contain a 5-second long “Filmed in the District of Columbia” credit and logo provided by the Mayor in the final production and a link to the District of Columbia on the project’s web page, or an alternative recognition agreed upon by the Mayor that offers equal or greater promotional value to the District.”.

(2) Subsection (c) is amended by striking the phrase “incentive agreement” both times it appears and inserting the phrase “rebate agreement” in its place.

(3) Subsection (d) is amended by striking the phrase “incentive agreement” and inserting the phrase “rebate agreement” in its place.

(c) Section 2b (D.C. Official Code § 2-1204.11b) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “incentive agreement” both times it appears and inserting the phrase “rebate agreement” in its place.

(2) Subsection (d) is amended by striking the phrase “incentive agreement” and inserting the phrase “rebate agreement” in its place.

(d) Section 2c (D.C. Official Code § 2-1204.11c) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Above-the-line crew” means a person employed by an eligible production company for a qualified production, such as a producer, director, writer, or actor, who is not otherwise identified as below-the-line crew, as defined in paragraph (2) of this section.”.

(3) The newly designated paragraph (1A) is amended by striking the phrase “including fabrication” and inserting the phrase “including renovation, rehabilitation, fabrication,” in its place.

(4) Paragraph (4) is amended by striking the phrase “advertising, marketing, distribution,”.

(5) Paragraph (7) is repealed.

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

“(8) “Qualified personnel expenditure” means an expenditure made in the District directly attributable to the preproduction, production, or postproduction of a qualified production and is a payment of wages, benefits, or fees to above-the-line or below-the-line crew members and includes a payment to a personal services corporation or professional employer organization for the services of qualified personnel as above-the-line or below-the-line crew members. The term “qualified personnel expenditure” does not include salary, wages, and other compensation for personal services of above-the-line crew members that when combined exceed \$500,000 in

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salary, wages, or other compensation for personal services in connection with any qualified production activity.”.

(7) Paragraph (9) is amended as follows:

(A) The lead-in text is amended by striking the phrase “qualified production.” and inserting the phrase “qualified production. The term “qualified production” includes a music, sporting, interactive gaming, or other entertainment special event if it is determined that the event would not otherwise be produced in the District of Columbia without a production rebate.” in its place.

(B) Subparagraph (A)(ii) is amended by striking the phrase “event;” and inserting the phrase “event that would likely be staged in the District of Columbia without a production rebate;” in its place.

(8) Paragraph (10) is amended to read as follows:

“(10)(A) “Qualified production expenditure” means the preproduction, production, and postproduction expenditures in the District directly related to the qualified production, including:

“(i) Set construction and operation;

“(ii) Wardrobes, makeup, accessories, and related services;

“(iii) Photography and sound synchronization, lighting, and related services and materials;

“(iv) Editing and related services, including film processing, transfers of film to tape or digital format, sound mixing, computer graphic services, special effects services, and animation services;

“(v) Rental of facilities in the District and equipment used in the District;

“(vi) Establishment of office space in the District;

“(vii) Leasing of vehicles;

“(viii) Food and lodging;

“(ix) Music, if performed, composed, or recorded by a District musician or published by a person or company domiciled in the District; and

“(x) Any other production expense incurred in the District that is approved by the Mayor.

“(B) For goods with a purchase price of \$25,000 or more, the amount included in qualifying as a qualified production expenditure is the purchase price less the fair market value of the good at the time the production is completed.

“(C) The term “qualified production expenditure” does not include:

“(i) Qualified personnel expenditures;

“(ii) Marketing and distribution expenditures; or

“(iii) Non-production related overhead.”.

(e) Section 2e(b) (D.C. Official Code § 1-1204.11e(b)) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (2) is amended by striking the phrase "Office of Motion Picture and Television Development" and inserting the phrase "Office of Cable Television, Film, Music, and Entertainment" in its place.

(2) Paragraph (3) is amended by striking the phrase "Office of Motion Picture and Television Development" and inserting the phrase "Office of Cable Television, Film, Music, and Entertainment" in its place.

(f) A new section 3a is added to read as follows:

"Sec. 3a. References.

"All references in statutes, regulations, rules, orders, and other official documents to the "Film DC Economic Incentive Fund," "Incentive Awardee," and "incentive agreement" shall be deemed to refer, respectively, to the "Film, Television and Entertainment Rebate Fund," "Rebate Awardee" and "rebate agreement"."

Sec. 3. Fiscal impact statement.

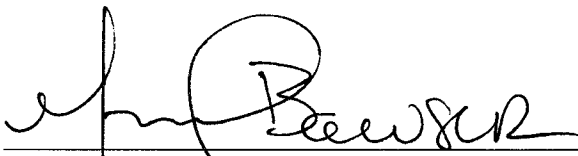
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend the Retail Electric Competition and Consumer Protection Act of 1999 and the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004 to prohibit an electric company or a gas company from disconnecting residential electric or gas service when there is a forecast of extreme temperature.

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

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast for the District of Columbia of 95 degrees Fahrenheit or above during any time of a day or of 32 degrees Fahrenheit or below during any time of a day.

"(b) An electric company shall not disconnect residential electric service during the day preceding and the day of a forecast of extreme temperature or if the forecast of extreme temperature precedes a holiday or weekend day, on any day during the holiday or weekend."

Sec. 3. The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast for the District of Columbia of 32 degrees Fahrenheit or below during any time of a day.

"(b) A gas company shall not disconnect residential gas service during the day preceding and the day of a forecast of extreme temperature or if the forecast of extreme temperature precedes a holiday or weekend day, on any day during the holiday or weekend."


Sec. 4. Fiscal impact statement.

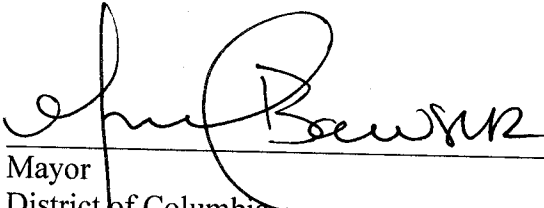
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend Title II of the District of Columbia Administrative Procedure Act to allow public access to certain body-worn camera recordings recorded by the Metropolitan Police Department; to amend the Fiscal Year 2016 Budget Support Act of 2015 to require the Mayor to collect additional data; to establish the Metropolitan Police Department Body-Worn Camera Fund; and to adopt regulations governing the Metropolitan Police Department's Body-Worn Camera Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Body-Worn Camera Program Amendment Act of 2015".

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

(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records." and inserting the phrase "A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, redacting, and making copies of records." in its place.

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

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

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

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

"(2)(A) If the public record requested is a body-worn camera recording recorded by the Metropolitan Police Department, the Metropolitan Police Department, upon request reasonably describing the recording, shall within 25 days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request either make the requested recording accessible or notify the person making such request of its determination not to make the requested recording or any part thereof accessible and the reasons therefor.

"(B) A request for a body-worn camera recording may only be submitted to the Metropolitan Police Department."

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

ENROLLED ORIGINAL

“(d)(1) In unusual circumstances, the time limits prescribed in subsection (c)(1) and (c)(2) of this section may be extended by written notice to the person making such request setting forth the reasons for extension and expected date for determination. Such extension shall not exceed 10 days (except Saturdays, Sundays, and legal public holidays) for records requested under subsection (c)(1) of this section and 15 days (except Saturdays, Sundays, and legal public holidays) for records requested under subsection (c)(2) of this section.

“(2) For the purposes of this subsection, and only to the extent necessary for processing of the particular request, “unusual circumstances” are limited to:

“(A) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;

“(B) The need for consultation, which shall be conducted with all practicable speed, with another public body having a substantial interest in the determination of the request or among 2 or more components of a public body having substantial subject-matter interest therein; or

“(C) For body-worn camera recordings covered by subsection (c)(2) of this section, the inability to procure a vendor that is able to perform the redactions within the 25-day time period provided under subsection (c)(2) of this section.”.

(b) Section 204(a) (D.C. Official Code § 2-534(a)) is amended by adding a new paragraph (2A) to read as follows:

“(2A) Any body-worn camera recordings recorded by the Metropolitan Police Department:

“(A) Inside a personal residence; or

“(B) Related to an incident involving domestic violence as defined in section 3032(1) of the Domestic Violence Hotline Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 4-551(1)), stalking as defined in section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133), or sexual assault as defined in D.C. Official Code § 23-1907(a)(7).”.

Sec. 3. Section 3004(a) of the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

(a) Paragraph (6) is amended by striking the word “and” at the end.

(b) Paragraph (7) is amended to read as follows:

“(7) How many Freedom of Information Act requests the Metropolitan Police Department received for body-worn camera recordings during the reporting period, the outcome of each request, including any reasons for denial, and the cost to the department for complying with each request, including redaction; and”.

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

“(8) How many recordings were assigned to each body-worn camera recording category.”.

ENROLLED ORIGINAL

Sec. 4. Metropolitan Police Department Body-Worn Camera Fund.

(a) There is established as a special fund the Metropolitan Police Department Body-Worn Camera Fund ("Fund"), which shall be administered by the Metropolitan Police Department.

(b) Funds from the following sources shall be deposited into the Fund:

(1) All fees that are paid as part of Freedom of Information Act requests for body-worn camera recordings recorded by the Metropolitan Police Department;

(2) All monies appropriated to the Fund;

(3) Federal grants to the Fund; and

(4) Private monies donated to the Fund.

(c) Money in the Fund shall be used for the purpose of procuring a vendor to perform any necessary redactions of body-worn camera recordings.

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

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

Sec. 5. Title 24 of the District of Columbia Municipal Regulations is amended by adding a new Chapter 39 to read as follows:

"3900 GENERAL PROVISIONS

"3900.1. The purposes of this chapter are to establish rules for the Metropolitan Police Department's Body-Worn Camera Program ("BWC Program") and to implement section 3003 of the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905).

"3900.2. The intent of the BWC Program is to promote accountability and transparency, foster improved police-community relations, and ensure the safety of both MPD members ("members") and the public.

"3900.3. In addition to these regulations, the Chief of Police of MPD may issue policy directives to members; those policy directives shall be published on the Department's website at <http://mpdc.dc.gov/page/written-directives-general-orders>.

"3900.4. Members shall successfully complete MPD-offered or approved BWC training before being issued a BWC.

"3900.5. When practicable, members shall inform contact subjects that they are being recorded at the beginning of the contact and shall provide language access services to all limited and non-English proficient persons in a timely and effective manner.

"3900.6. Members may record First Amendment assemblies for the purpose of documenting violations of law and police actions, as an aid to future coordination and deployment of law enforcement units, and for training purposes; provided, that recording First Amendment assemblies shall not be conducted for the purpose of identifying and recording the presence of participants who are engaged in lawful conduct.

"3900.7. Members shall not create BWC recordings when they are at a school and are engaged in non-critical contacts with students or mediating minor incidents involving students.

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For the purposes of this subsection, “school” means a facility devoted to primary or secondary education.

“3900.8. When reviewing BWC recordings, members shall immediately notify Department officials upon observing, or becoming aware of, an alleged violation of Department policies, laws, rules, regulations, or directives.

“3900.9. Members may review their BWC recordings or BWC recordings that have been shared with them to assist in initial report writing, except in cases involving a police shooting.

“3900.10. The Mayor may, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the United States Attorney’s Office for the District of Columbia, and the Office of the Attorney General, release BWC recordings that would otherwise not be releasable pursuant to a FOIA request. Examples of matters of significant public interest include officer-involved shootings, serious use of force by an officer, and assaults on an officer requiring hospitalization.

“3901 RETENTION OF BODY-WORN CAMERA RECORDINGS

“3901.1. Unless subject to the requirements of § 3901.2, a BWC recording shall be retained by the Department for not more than ninety (90) calendar days from the date the recording was created. All metadata shall be retained by the Department for not less than five (5) years.

“3901.2. The Department shall, through a policy directive, establish and make available on its website retention schedules for BWC recordings that contain the following:

“(a) Recordings related to a criminal investigation;

“(b) Recordings involving conduct by a member or civilian employee that is under investigation or the subject of a complaint;

“(c) Recordings related to a death investigation;

“(d) Recordings that the Department has actual or constructive knowledge may be:

“(1) Subject to a civil litigation hold;

“(2) Subject to a FOIA request; or

“(3) Used for training purposes by the Department; and

“(e) Any other category of recordings that the Chief of Police determines should be retained.

“3902. ACCESS TO BODY-WORN CAMERA VIDEO.

“3902.1. The Department shall make unredacted BWC recordings available to the United States Attorney’s Office for the District of Columbia, the Office of the Attorney General, and the Office of Police Complaints.

“3902.2. The Department shall make BWC recordings available to law enforcement or investigatory agencies, such as the Office of the Inspector General and the Office of the District of Columbia Auditor, pursuant to the officers’ or agencies’ official duties. Nothing in this subsection shall be construed to limit those entities’ authority under existing law. The cost of any required redactions shall be borne by the Department.

“3902.3. A FOIA request for a BWC recording shall only be submitted to MPD.

“3902.4. The Department shall make unredacted BWC recordings available to the appropriate oversight committee or committees of the Council of the District of Columbia upon

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request of the committee or committees. BWC recordings in the possession of the Council shall not be publicly disclosed.

“3902.5. (a) Pursuant to policy directives adopted under the authority of § 3900.3, the Department shall schedule a time for any subject of a BWC recording, the subject’s legal representative, and the subject’s parent or legal guardian if the subject is a minor, to view the BWC recording at the police station in the police district where the incident occurred; provided, that:

“(1) Neither the subject, the subject’s legal representative, nor the subject’s parent or legal guardian if the subject is a minor shall make a copy of the BWC recording;

“(2) Access to the unredacted BWC recording would not violate the individual privacy rights of any other subject; and

“(3) Access to the unredacted BWC recording would not jeopardize the safety of any other subject.

“(b)(1) To receive a copy of a BWC recording viewed pursuant to paragraph (a) of this subsection, an individual shall file a FOIA request with the Department; provided, that there shall be no cost to the individual for the production of the BWC recording.

“(2) Upon receipt of the copy of the BWC recording, the individual may further copy or distribute the BWC recording.

“3902.6. An individual seeking to obtain a copy of a BWC recording not covered by § 3902.5 may submit a FOIA request to the Department for a copy of the BWC recording.

“3902.7. The Department shall engage academic institutions and organizations to analyze the BWC Program; provided, that any such relationships shall require the protection of any information or unredacted BWC recordings.

“3902.8. The Department shall, through a policy directive, develop procedures to implement this section and District law.

“3903 BODY-WORN CAMERA AUDITS AND DATA PROTECTION

“3903.1. The Department shall conduct audits of the BWC Program to assess the following, at a minimum:

“(a) Member compliance with these regulations and any policy directives issued by the Department;

“(b) The impact of the BWC Program on reports submitted by members;

“(c) Member training and equipment needs;

“(d) The proper protection of individuals’ privacy rights;

“(e) The impact of BWCs on the number and type of citizen complaints filed with the Department;

“(f) The impact of BWCs on the number of use-of-force incidents;

“(g) The total number of contacts between members and the public; and

“(h) The maintenance of proper and secure access to shared or retained BWC recordings.

“3903.2. The Department shall regularly monitor the business practices of any third-party entity providing services to the BWC Program to ensure that individuals’ privacy rights are protected.

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“3903.3. The Department may enter into agreements with other government agencies to provide access to BWC recordings; provided, that any such agreements shall require the other agencies to adhere to the individual privacy protections contained in these regulations or any policy directives issued by the Department.

“3903.4. The Department shall strictly control access to BWC recordings and shall identify each member who accesses BWC recordings. The Department shall perform quarterly audits of member access to BWC recordings.

“3903.5. A member who makes a BWC recording shall not have access to delete that recording.

“3903.6. The deletion of any BWC recording shall be tightly restricted and shall require written justification for the deletion.

“3903.7. If it is discovered through review, audit, or inspection that a member did not record a required event, the Department shall require the member to provide written justification for the failure to record.

“3903.8. The Department shall regularly monitor its BWC recordings data protection policies.

“3999. DEFINITIONS.

“3999.1. When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Body-worn camera or “BWC”– means a camera system with secured internal memory for storage of recorded audio and video that is designed to be worn on the clothing of or otherwise secured to a person.

“Department” or “MPD” – means the Metropolitan Police Department.

“FOIA” – means Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

“Metadata – means descriptors that identify the time, date, location, badge number linked to the creation of the record, and officer interaction/offense categorization of BWC recordings.

“Subject – means an individual who is not an on-duty law enforcement officer at the time of the BWC recording and who has been recorded by a BWC.

“Use of force – means any physical contact used to effect, influence, or persuade an individual to comply with an order from an officer. The term shall not include unresisted handcuffing or hand control procedures that do not result in injury.”.

Sec. 6. Fiscal impact statement.


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

Sec. 7. Effective date.

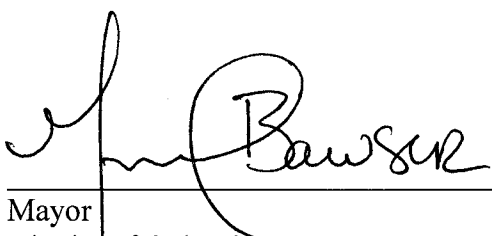
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend Title 25 of the District of Columbia Official Code to clarify that an unincorporated association can be issued a festival license, the penalties for the failure of a restaurant or hotel to keep records, and that a holder of a class A or class B manufacturer license is eligible to obtain an entertainment endorsement to provide entertainment between the hours of 8:00 a.m. and 12:00 a.m., to modify the hours that a class A or class B manufacturer holding an on-site sales and consumption permit may conduct operations on a sidewalk café or summer garden, and the hours that class A and class B manufacturers may offer tastings, to clarify the violations for which the Alcoholic Beverage Control Board may suspend, revoke, or deny renewal of a manager's license, to modify the hours that class A and class B manufacturers may utilize an on-site sales and consumption permit, to clarify the types of alcoholic beverages that may be sold by a manufacturer at a private event, to establish a new farmer's market license, to allow a class A or class B manufacturer to sell its products at a location holding a farmer's market license, to provide for passive Council approval for Board-created moratoria regulations, to establish an exception to the prohibition against liquor licenses in residential-use districts when an off-premises retailer's license previously existed at the same location within the previous 2 years, to clarify that it is a primary tier violation for a person to knowingly alter a document or application submitted to the Alcoholic Beverage Control Board for the purpose of deceiving the board, to clarify when an employee or agent of a manufacturer or wholesaler may work or serve alcoholic beverages at a licensed establishment, to clarify to whom a manufacturer or wholesaler may donate alcoholic beverages, that the holder of a retailer's license is required to maintain specified records for 3 years, that it is a violation for a person to willfully remove, obliterate, or deface a suspension placard posted by the Chief of Police, and to clarify the fine schedule for primary and secondary tier violations, sale to minor violations, and the failure to ascertain the legal drinking age violations; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal Regulations to provide that a holder of a sidewalk café permit that is adjacent to a brewery, winery, or distillery may conduct operations between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2015”.

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

(a) Chapter 1 is amended as follows:

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

“25-128. Farmer’s market license.”.

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

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

“(2A) “Administrative review” means the proceeding (known in regulation as a roll call hearing), specified in a placard posted at an applicant’s premises, at which the applicant and the protestant are introduced to each other and to the Board and the grounds for objection to the license application are read to the public.”.

(B) A new paragraph (21C) is added to read as follows:

“(21C) “Farmer’s market” means a food venue comprised of vendors who make, bake, grow, or raise the products they sell or of farmers, producers, and other vendors selling fresh produce, healthy foods, or baked goods.”.

(C) Paragraph 47 is amended by striking the phrase “the protestants.” and inserting the phrase “the protestants (known in regulation as a mediation).” in its place.

(3) Section 25-104 is amended as follows:

(A) Subsection (b) is amended by striking the phrase “a temporary license” and inserting the phrase “a festival license or a temporary license” in its place.

(B) Subsection (f) is amended by striking the phrase “a temporary license” and inserting the phrase “a festival license or a temporary license” in its place.

(4) Section 25-113(j)(3)(C) is amended to read as follows:

“(C) The failure of a licensee under a license class C/R, D/R, C/H, or D/H to keep and maintain records as required by this section shall be subject to the penalties set forth in § 25-830(c).”.

(5) Section 25-113a is amended as follows:

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

“(b)(1) The licensee under a manufacturer’s license, class A or B, holding an on-site sales and consumption permit or a license, class C/R, D/R, C/H, D/H, C/T, and D/T, shall obtain an entertainment endorsement from the Board to be eligible to have entertainment, a cover charge, or offer facilities for dancing.

“(2) The licensee under a manufacturer’s license, class A or B, holding an on-site sales and consumption permit shall only provide entertainment between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week.”.

(B) Subsection (c) is amended by striking the phrase “1:00 p.m. and 9:00 p.m.” and inserting the phrase “8:00 a.m. and 12:00 a.m.” in its place.

(6) Section 25-118(e) is amended by striking the phrase “1:00 p.m. and 9:00 p.m.”

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and inserting the phrase “8:00 a.m. and 12:00 a.m.” in its place.

(7) Section 25-119(d) is amended by striking the phrase “by the licensee.” and inserting the phrase “by the licensee and the canceled permit maintained for 3 years.” in its place.

(8) Section 25-120 is amended as follows:

(A) Subsections (e), (f), and (g) are repealed.

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

“(i)(A) The Board may suspend, revoke, or not renew the manager’s license of a manager who within the prior 2 years has:

“(i) Directly sold an alcoholic beverage to a minor on 2 or more dates;

“(ii) Directly interfered with an ABRA or Metropolitan Police Department investigation;

“(iii) Made false or misleading statements during or after a regulatory inspection or investigation;

“(iv) Aided, abetted, or conspired with a licensed or unlicensed person to evade compliance with the requirements of this title; or

“(v) Allowed the manager’s license to be used by an unlicensed person.

“(B) The Board shall provide notice to the holder of the manager’s license pursuant to the requirements set forth in § 25-447(c) before suspending or revoking a manager’s license pursuant to this subsection.

“(C) A subsequent manager’s license application for the person whose license was suspended or revoked or renewal denied shall not be considered within 2 years of a previous Board suspension, revocation, or denial.”

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

(A) Subsection (b) is amended by striking the phrase “1 p.m. and 9 p.m.” and inserting the phrase “8:00 a.m. and 12:00 a.m.” in its place.

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

“(e-1) The holder of a manufacturer’s license class A or B that holds an on-site sales and consumption permit may sell or serve beer, wine, and spirits purchased from a licensed wholesaler or licensed manufacturer at private events not open to the public for on-premises consumption.”

(10) A new section 25-128 is added to read as follows:

“§ 25-128. Farmer’s market license.

“(a) A farmer’s market license shall authorize the licensee to permit the holder of a manufacturer’s license, class A or B, or brew pub permit, wine pub permit, or distillery pub permit to conduct tastings and sell beer, wine, and spirits manufactured by the licensee in the District at a farmer’s market for off-premises consumption.

“(b)(1) The holder of a farmer’s market license shall not charge for tastings.

“(2) Tastings shall be limited to the sample sizes set forth in § 25-118(c). The tasting of alcoholic beverages shall be conducted at the vendor’s table or booth. Patrons shall

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not be permitted to walk around the farmer's market with alcoholic beverage samples.

"(3) The hours of alcoholic beverage tastings and off-premise sales shall only occur between 8 a.m. and 9 p.m.

"(c) A farmer's market license shall be valid for 6 months.

"(d) To qualify for a farmer's market license, the market shall:

"(1) Have at least 6 vendors who produce, grow, or raise the products they sell;

"(2) Operate at least 2 hours per market day but no more than 7 hours per market day;

"(3) Operate a minimum of 6 farmer's markets in a 6-month period, but no more than twice per week; and

"(4) Be registered with the Office of Tax and Revenue to make retail sales in the District.

"(e)(1) The issuance of a farmer's market license shall be solely at the discretion of the Board.

"(2) The Board may deny the license application if the applicant has failed to control the environment of a previous farmer's market event or has sustained community complaints or police action.

"(f)(1) There shall be 2 classes of farmer's market licenses:

"(A) Class J (beer and wine); and

"(B) Class K (spirits, beer, and wine).

"(2) The minimum annual fee for a class J license shall be \$300. The minimum annual fee for a class K license shall be \$500.

"(g) The licensed vendor shall be permitted to receive deliveries from a manufacturer or wholesaler for up to 48 hours before a farmer's market event occurring on a Saturday, Sunday, or a legal District or federal holiday; provided, that the alcoholic beverages delivered pursuant to this subsection shall not be consumed until the date and time of the farmer's market event and shall be stored at a secure location before the event.

"(h) The holder of a manufacturer's license class A or B or brew pub permit, wine pub permit, or distillery pub permit shall be permitted to conduct free tastings and to sell bottles or other closed containers of alcoholic beverages manufactured by the licensee in the District at a location holding a farmer's market license for off-premises consumption.

"(i) An applicant for a farmer's market license shall submit to the Board an initial list of all vendors licensed under this title that will conduct free tastings and sell alcoholic beverages for off-premises consumption a minimum of 15 days before the first farmer's market event. An applicant for a farmer's market license may add additional vendors licensed under this title by submitting to the Board an updated list of vendors a minimum of 15 days before the farmer's market event date that the additional vendors intend to participate."

(b) Section 25-211(b)(2) is amended by striking the phrase "deemed disapproved" and inserting the phrase "deemed disapproved; except, that upon the expiration of the 90-day review period, regulations issued pursuant to § 25-351 shall be deemed approved" in its place.

(c) Section 25-336 is amended by adding a new subsection (f) to read as follows:

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“(f) Notwithstanding the restriction in subsection (a) of this section, an off-premises retailer’s license may be applied for and approved by the Board in a residential-use district if an off-premises retailer’s license previously existed at the same location within the previous 2 years.”.

(d) Section 25-401 is amended by adding a new subsection (d) to read as follows:

“(d) It shall be a primary tier violation for a person to knowingly submit an altered document or application to the Board for the purpose of deceiving the Board. The submission of an altered document intended to deceive the Board, may, at the discretion of the Board, constitute sufficient cause for denial of the application or revocation of the license.”.

(e) Chapter 7 is amended as follows:

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

“25-773. Recordkeeping.”.

(2) Section 25-735 is amended by adding new subsections (e) and (f) to read as follows:

“(e) Notwithstanding subsections (a), (b), and (c) of this section, employees or agents of a manufacturer, whether licensed by this title or not, may work or serve alcoholic beverages at a licensed establishment during an event promoting alcoholic beverages manufactured by the manufacturer without Board approval.

“(f) Notwithstanding subsections (a), (b), and (c) of this section, a manufacturer, whether licensed by this title or not, may donate alcoholic beverages to the holder of a temporary license or a festival license or a nonprofit organization that does not hold a retailer’s license without Board approval.”.

(3) Section 25-736 is amended by adding new subsections (e) and (f) to read as follows:

“(e) Notwithstanding subsections (a), (b), and (c) of this section, employees or agents of a wholesaler, whether licensed by this title or not, may work or serve alcoholic beverages at a licensed establishment during an event promoting alcoholic beverages sold by the wholesaler without Board approval.

“(f) Notwithstanding subsections (a), (b), and (c) of this section, a wholesaler, whether licensed by this title or not, may donate alcoholic beverages to the holder of a temporary license or a festival license or a nonprofit organization that does not hold a retailers license without Board approval.”.

(4) A new section 25-773 is added to read as follows:

“§ 25-773. Recordkeeping.

“(a) As required by subsection (b) of this section, each holder of a retailer’s license shall maintain upon the licensed premises, either physically or electronically, records of canceled importation permits and of invoices and delivery slips that, as determined by ABRA, fully show the purchases made by and deliveries made to the licensee of all alcoholic beverages except beer, including:

“(1) The quantity, in gallons, of each kind of alcoholic beverage in each purchase;

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“(2) The date of each purchase;

“(3) The name and business address of the person from whom the alcoholic beverage was purchased, including the license number of the vendor, if licensed under this title;

“(4) The price of each kind of alcoholic beverage purchased and the total price for the quantity purchased; and

“(5) The character, brand, and quantity, in gallons, of all alcoholic beverages acquired other than by purchase.

“(b) All invoices and delivery slips required to be maintained by this section and importation permits after cancellation, as required by § 25-119, shall be systematically filed and maintained for 3 years from the date of receipt and shall show a true, accurate, and complete statement of terms and conditions on which each purchase was made.”.

(5) Section 25-781(f) is amended as follows:

(A) The lead-in language is amended by striking the phrase “4 years:” and inserting the phrase “4 years, the penalties shall be the following:” in its place.

(B) Paragraph (4) is amended by striking the phrase “4th violation,” and inserting the phrase “4th or subsequent violation,” in its place.

(6) Section 25-783(c) is amended as follows:

(A) The lead-in language is amended by striking the phrase “4 years:” and inserting the phrase “4 years, the penalties shall be the following:” in its place.

(B) Paragraph (4) is amended by striking the phrase “fourth violation,” and inserting the phrase “fourth or subsequent violation,” in its place.

(C) Paragraph (5) is repealed.

(f) Chapter 8 is amended as follows:

(1) Section 25-827 is amended by adding a new subsection (e) to read as follows:

“(e) The Chief of Police may post suspension placards at a closed establishment for up to 96 hours. Any person willfully removing, obliterating, or defacing a suspension placard before the expiration of the 96-hour closure period shall be guilty of a violation of this chapter.”.

(2) Section 25-830 is amended as follows:

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

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

(I) Subparagraph (B) is amended by striking the word “and”.

(II) New subparagraphs (D) and (E) are added to read as follows:

“(D) For the fourth violation within 4 years, the Board shall revoke the licensee’s license or fine the licensee no less than \$30,000 and suspend the licensee’s license for 30 consecutive days; and

“(E) For the fifth violation within 4 years, the Board shall revoke the licensee’s license.”.

(ii) Paragraphs (2), (3), and (4) are repealed.

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

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(i) Paragraph (1) is amended by adding new subparagraphs (D), (E), and (F) to read as follows:

“(D) For the fourth violation within 4 years, no less than \$1,000.

“(E) For the fifth violation within 4 years, no less than \$2,000.

“(F) For the sixth or subsequent violation within 4 years, no less than \$4,000.”.

(ii) Paragraph (2) is repealed.

Sec. 3. Section 301 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new subsection 301.6 to read as follows:

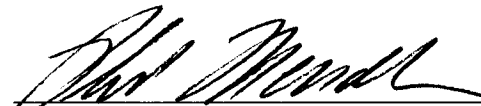
“301.6 The holder of a Sidewalk Café Permit adjacent to a brewery, winery, or distillery may conduct business operations on a sidewalk café between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week.”.

Sec. 4. Fiscal impact statement.


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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to encourage foster children to have connections with individuals who would have been considered siblings but for the termination of parental rights or death of a parent.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Encouraging Foster Children to Have Connections with Siblings Temporary Amendment Act of 2015".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102(3)(F)(ii) (D.C. Official Code § 4-1301.02(3)(F)(ii)) is amended by striking the phrase "separation of siblings" and inserting the phrase "separation of siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

(b) Section 303(a-1)(5) (D.C. Official Code § 4-1303.03(a-1)(5)) is amended by striking the phrase "siblings," and inserting the phrase "siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 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


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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that costs associated with the payment of compensation, benefits and other expenses to injured District government employees may be paid from the Employees' Compensation Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Employees' Compensation Fund Clarification Temporary Amendment Act of 2015".

Sec. 2. Section 2342 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.42), is amended as follows:

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

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is amended by striking the phrase "expenses, except administrative expenses, authorized by this title or any extension or application thereof, except as otherwise provided by this subtitle or other statute." and inserting the phrase "expenses that are necessary to implement the provisions of this title." in its place.

(3) Paragraph (3) is repealed.

(b) Subsection (b) is repealed.

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

"(c) This section shall apply to payments made from the Fund on or after October 1, 2008."

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

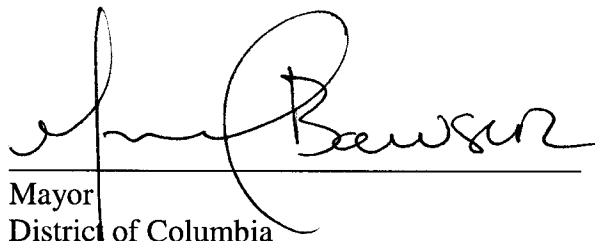
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to clarify the real property tax abatement for Lot 72 in Square 5041 and Lot 811 in Square 5056.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Amendment Act of 2015".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-4658. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056." and inserting the phrase "47-4658. Lot 72, Square 5041 and Lot 811, Square 5056." in its place.

(b) Section 47-4658 is amended as follows:

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

"§ 47-4658. Lot 72, Square 5041 and Lot 811, Square 5056."

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

"(a) Subject to subsection (b) of this section, the real property described as Lot 72 in Square 5041 and Lot 811 in Square 5056 shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for each lot of \$300,000 per year for 10 property tax years commencing for Lot 72 and Lot 811 at the beginning of the first month following the date that specific lot is issued a final certificate of occupancy ("commencement date") and ending for each lot at the end of the 10th full real property tax year following the lot's commencement date."

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

"(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2018, upon the issuance of a final certificate for Lot 72 or Lot 811, any fees or deposits charged to and paid by the owner of that specific lot for the development of Lot 72 or Lot 811, including private space or building permit fees or public space permit fees ("related fees"), shall be refunded and any prospective related fees forgiven.

"(d) The tax abatements and fees and deposits exemptions provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other

ENROLLED ORIGINAL

source applicable to the development of Lot 72 or Lot 811.”.

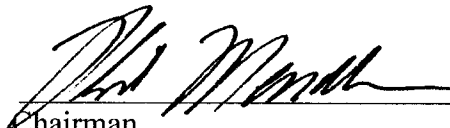
Sec. 3. Fiscal impact statement.


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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Classroom Animal for Educational Purposes Temporary Amendment Act of 2015”.

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

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

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 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
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 21, 2016

To amend, on a temporary basis, the Business Improvement Districts Act of 1996 to clarify that the business improvement district shall submit a plan to the Mayor to request to extend its operations for a period of 5 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Business Improvement Districts Charter Renewal Temporary Amendment Act of 2015".

Sec. 2. Section 19(a)(1)(B) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.18(a)(1)(B)), is amended by striking the phrase "The Board and membership approve a BID plan for the next 5 years of BID operations and submit that plan to the Mayor; and" and inserting the phrase "The BID submits a plan for the next 5 years of BID operations to the Mayor; and" 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 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

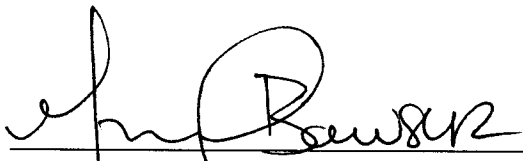
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24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2016

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Temporary Act of 2015”.

Sec. 2. Findings.

The Council finds that:

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

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

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

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

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

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

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

(8) Residents of Brentwood and the surrounding communities have concerns

ENROLLED ORIGINAL

regarding the noxious fumes that emanate from the trash transfer station and pervasive vermin, and have complained that there is an increased incidence of health concerns.

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

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

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

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

Sec. 3. Exercise of eminent domain.

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

Sec. 4. Fiscal impact statement.

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

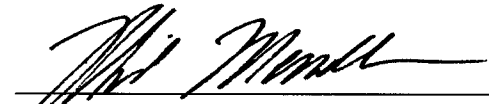
Sec. 5. Effective date.

(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
January 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2016

To amend, on an emergency basis, the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy, or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Marijuana Possession Decriminalization Clarification Emergency Amendment Act of 2016”.

Sec. 2. Section 301 of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01), is amended as follows:

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

“(3) Any place to which the public is invited. For the purposes of this subsection, and notwithstanding any other provision of law, a private club, which includes any building, facility, or premises used or operated by an organization or association for a common avocational purpose, such as a fraternal, social, educational, or recreational purpose, is a place to which the public is invited; provided, that a private club does not include a private residence.”.

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

“(f) No provision of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880), shall limit or be construed to limit the application of any provision of this section.”.

Sec. 3. Section 47-2844(a-1)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase “Title 48; or” and inserting the

ENROLLED ORIGINAL

phrase "Title 48;" in its place.

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

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

"(D) Conduct that violates section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)). In addition, the Mayor shall revoke any certificate of occupancy or permit associated with the specific address or unit, whichever is more specific, of the holder of a certificate of occupancy or permit who knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)), to occur at the specific address or unit identified in the certificate of occupancy or permit."

Sec. 4. Fiscal impact statement.

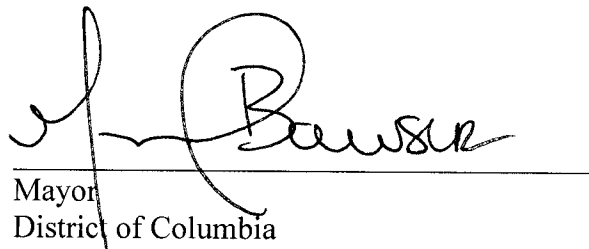
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 14, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 15, 2016

To create, on an emergency basis, a rebate program for the installation and registration of a security camera system on the exterior of a building owned or leased by a resident, business, nonprofit, or religious institution and to establish a special fund to implement the rebate program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private Security Camera Incentive Program Emergency Act of 2016".

Sec. 2. Private security camera system incentive program.

(a) Pursuant to section 7 of the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Temporary Adjustment Act of 2015, enacted on October 22, 2015 (D.C. Act 21-171; 62 DCR 13979), and section 7 of the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Congressional Review Emergency Adjustment Act of 2015, enacted on January 6, 2016 (D.C. Act 21-257; 62 DCR ____), there is established a Private Security Camera System Incentive Program ("Program"), to be administered by the Mayor, to encourage the purchase and installation of a security camera system ("system") on the exterior of a building owned or leased by a resident, business, nonprofit, or religious institution, and to require registration of the system with the Metropolitan Police Department.

(b) To be eligible for the rebate provided for in this section, a property owner or lessee shall:

- (1) After September 22, 2015, purchase and install a system on the exterior of the building;
- (2) Register the system with the Metropolitan Police Department;
- (3) Submit a rebate claim in accordance with Program rules promulgated pursuant to subsection (d) of this section; and
- (4) Meet all requirements and criteria provided for in Program rules promulgated pursuant to subsection (d) of this section.

(c) (1) Upon approval of a rebate claim, the Program shall provide a rebate as follows; provided, that the amount of the rebate shall not be more than the purchase price of the system:

(A) Up to \$200 per camera installed on the exterior of a residential building, with a maximum rebate of up to \$500 per residential address; or

(B) Up to \$200 per camera installed on the exterior of a business, commercial, nonprofit, or religious institution, with a maximum rebate of up to \$750 per address.

ENROLLED ORIGINAL

(2) Rebates shall be contingent upon availability of funds.

(3) No rebates shall issue until the Mayor promulgates rules pursuant to subsection (d) of this section.

(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including:

(1) Requirements for proof of purchase and system verification;

(2) Procedures for registering a system with the Metropolitan Police Department, including an agreement to be signed by the recipient providing that the recipient shall not use the system to intentionally record specific individuals conducting lawful activity; and

(3) Identification of priority areas for Program eligibility; provided, that the priority areas include at least one area in each ward identified by crime levels and other public safety indicators in the corresponding police service area.

(e) Any rebate issued under this act shall not be considered income for purposes of District of Columbia income tax.

(f) For the purposes of this section, the term "security camera system" means one or more outdoor surveillance cameras with functioning digital video recording capability.

Sec. 3. Private Security Camera Incentive Fund.

(a) There is established as a special fund the Private Security Camera Incentive Fund ("Fund"), which shall be administered by the Mayor in accordance with subsections (c) and (d) of this section.

(b) Revenue from the following sources shall be deposited in the Fund:

(1) Funds appropriated by the District;

(2) Grants;

(3) Donations from the public; and

(4) Donations from private entities.

(c) Money in the Fund shall be used to implement the Private Security Camera Incentive Program ("Program"), including:

(1) Providing rebates to eligible participants; and

(2) Appropriate overhead or administrative expenses related to the Program and the Fund.

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

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


ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

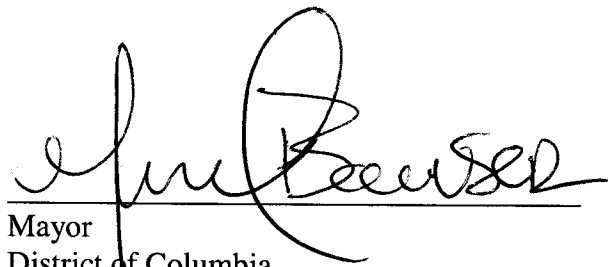
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 15, 2016

ENROLLED ORIGINAL

A RESOLUTION

21-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 3, 2015

To confirm the appointment of Ms. Ventris Gibson as the Director of the Department of Human Resources.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Department of Human Resources Ventris Gibson Confirmation Resolution of 2016”.

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ventris Gibson
12200 Foxhill Lane
Bowie, MD 20715

as the Director of the Department of Human Resources, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at the northeast corner of Sixth and E Streets, S.W., known for tax and assessment purposes as Lot 0036 in Square 0494, and to make conforming amendments to the Fourth/Sixth and E Streets, S.W., Property Disposition Resolution of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The District owns real property located at the northeast corner of Sixth and E Streets, S.W., known for tax and assessment purposes as Lot 0036 in Square 0494 (“Property”) being used for the construction of a mixed-use development, which was approved by the Council pursuant to the Fourth/Sixth and E Streets, S.W., Property Disposition Approval Resolution of 2009, effective November 3, 2009 (Res. 18-290; 56 DCR 8799).

(b) E Street Development Group, LLC, a joint venture led by Potomac Investment Properties and CityPartners (“Developer”) was selected in 2009, through a competitive RFP process, to redevelop property located at 4th and E Streets, S.W., and 6th and E Streets, S.W.

(c) The redevelopment was planned to include building a new fire station (the “Fire Station”) for Engine Company 13 within a mixed-use building and a new mixed-use commercial project on the site of the existing fire station.

(d) Phase 1 of the project is under construction and slated to deliver by early 2016. However, due to permit and weather delays, the Fire Station did not achieve Final Completion (Phase 2) as planned before the Mayor’s authority to dispose of the property expired on November 3, 2015.

(e) Approval of emergency legislation was necessary to extend the time to dispose of the property and to avoid the expiration of the Council’s approval of the disposition. Therefore, on October 6, 2015, the Council passed the Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Emergency Amendment Act of 2015, effective October 27, 2015 (D.C. Act 21-181; 62 DCR 14209) (the “emergency legislation”).

ENROLLED ORIGINAL

(f) On November 3, 2015, the Council passed the Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Amendment Act of 2015, enacted on November 30, 2015 (D.C. Act 21-213; 62 DCR 15612) (the “permanent legislation”).

(g) The emergency legislation will expire on January 25, 2016; however, the permanent legislation is not expected to become law until February 1, 2016. A congressional review emergency is necessary to ensure that the provisions of the emergency legislation continue in effect, without interruption, until the permanent legislation becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., 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

21-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, to authorize the Fire and Emergency Medical Services Department to contract with third parties to provide supplemental pre-hospital medical care and transportation for Basic Life Support calls for service, to require that third-party contracts preclude the District from liability and contain an indemnification provision, to set forth reporting requirements for third-party contractors, the Fire and Emergency Medical Services Department, and the Office of Unified Communications, and to extend the public duty doctrine to claims against the District for actions of a third-party contractor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Emergency Medical Services Contract Authority Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There is an immediate need to amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, to authorize the Fire and Emergency Medical Services Department to contract with third parties to provide supplemental pre-hospital medical care and transportation for Basic Life Support calls for service, to require that third-party contracts preclude the District from liability and contain an indemnification provision, to set forth reporting requirements for third-party contractors, the Fire and Emergency Medical Services Department, and the Office of Unified Communications, and to extend the public duty doctrine to claims against the District for actions of a third-party contractor.

(b) This bill is necessary to prevent a gap in the law as the emergency legislation, the Emergency Medical Services Contract Authority Emergency Amendment Act of 2015, effective October 16, 2015 (D.C. Act 21-0154; 62 DCR 13701), expires on January 14, 2016.

(c) Temporary legislation, the Emergency Medical Services Contract Authority Temporary Amendment Act of 2015, enacted on November 23, 2015 (D.C. Act 21-0207; 62 DCR 15597), may not become law until after the expiration of the emergency legislation; therefore, a congressional review emergency is needed to prevent a gap in the law.

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 Emergency Medical Services Contract Authority 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

21-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to extend Contract No. CFOPD-11-C-024 with Wells Fargo Bank, N.A. to continue to provide a wide variety of general banking services to the District of Columbia and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-11-C-024 Extension Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists an immediate need to approve the extension of Contract No. CFOPD-11-C-024 with Wells Fargo Bank, N.A. to continue to provide a wide variety of general banking services to the District of Columbia and to authorize payment for the services received and to be received under the contract.

(b) On December 10, 2015, the Office of the Chief Financial Officer executed Modification No. 8, partially exercising a 5-year option period under Contract No. CFOPD-11-C-024 for the period of December 15, 2015, through January 31, 2016, in the amount of \$400,000.

(c) Proposed Modification No. 9 will exercise the remainder of the 5-year option period of Contract No. CFOPD-11-C-024 from February 1, 2016, through December 15, 2020, in the amount of \$12,008,397.

(d) Council approval is necessary because this modification increases the contract to one of more than \$1 million during a 12-month period and the total term of the option is more than one year. Council approval is further necessary to allow the continuation of these vital services and to allow Wells Fargo Bank, N.A. to continue performance under the contract.

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. CFOPD-11-C-024 Extension 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

21-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 2016 Budget Support Act of 2015, various other acts, and Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2016 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2016 Budget Support Clarification Emergency Declaration Resolution of 2016”.

Sec. 2. (a) On June 30, 2015, the Council passed the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905) (the “Act”), and an emergency version of the legislation, the Fiscal Year 2016 Budget Support Emergency Act of 2015, effective July 27, 2015 (D.C. Act 21-127; 62 DCR 10201).

(b) Subsequently, it was discovered that several provisions within those measures were in need of technical corrections or further clarification.

(c) On September 22, 2015, the Council passed the Fiscal Year 2016 Budget Support Clarification Emergency Amendment Act of 2015, effective October 1, 2015 (D.C. Act 21-164; 62 DCR 13734) (the “first emergency act”), which made several clarifications to the Act.

(d) On November 3, 2015, the Council passed the Fiscal Year 2016 Second Budget Support Clarification Emergency Amendment Act of 2015, effective November 23, 2015 (D.C. Act 21-202; 62 DCR 15276) (the “second emergency legislation”), which made other necessary clarifications to the Act.

(e) On December 1, 2015, the Council passed the Fiscal Year 2016 Budget Support Clarification Temporary Amendment Act of 2015, enacted December 29, 2015 (D.C. Act 21-252; 62 DCR _____) (the “temporary act”), corresponding temporary legislation that combines the provisions of the first emergency act and the second emergency act.

(f) The provisions contained in the first emergency act are set to expire on January 14, 2015, before completion of the congressional review period for the temporary legislation.

(g) As such, it is necessary to adopt the provisions of the first emergency act on an emergency basis in order to prevent a gap in the law.

(h) As with the first emergency act, the present emergency legislation:

- (1) Clarifies the scope of funding for the WMATA Operations Support Fund;
- (2) Repeals the subject-to-appropriations clause for section 103(c) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C.

ENROLLED ORIGINAL

Law 20-154; 62 DCR 3600);

(3) Clarifies that a uniform interest rate applies to delinquent vault rents;

(4) Clarifies provisions of the Accrued Paid Sick and Safe Leave Act, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*), with regard to substitute teachers and substitute aides;

(5) Repeals the subject-to-appropriation clause for section 302(b) of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; 62 DCR 1243);

(6) Clarifies the scope of the District of Columbia Auditor's review of the summer youth jobs program to include multiple years;

(7) Adds a residency requirement to the Kids Ride Free program at the request of the Mayor;

(8) Clarifies administrative requirements related to tax sales; and

(9) Repeals the subject-to-appropriations clause for the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; 62 DCR 3820).

(i) In addition to the items listed above, the present emergency legislation also makes a technical clarification to Title 47 of the District of Columbia Official Code to conform to the tax reform implementation provided for in section 47-181 of the District of Columbia Official Code.

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 Budget Support Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to amend the Accrued Sick and Safe Leave Act of 2008 to clarify that employees in the building and construction industry covered by a bona fide collective bargaining agreement shall be exempted from the paid leave requirements of the act only if the agreement expressly waives those requirements; to amend the Minimum Wage Act Revision Act of 1992 to exempt an employer from keeping precise time records for bona fide executive, administrative, and professional, as well as certain other, employees, to require an employer or a temporary staffing firm to provide notice regarding payment to an employee in a second language if the Mayor has made available a translation of the sample notice template in that second language and the employer knows that second language to be the employee's primary language or the employee requests notice in that second language, and to require the Mayor to make available, in any language required for a vital document under the Language Access Act of 2004, a translation of the sample template to be used by an employer or a temporary staffing firm when providing notice to an employee regarding payment; and to amend An Act To provide for the payment and collection of wages in the District of Columbia to continue to exempt an employer from paying wages to bona fide executive, administrative, and professional employees at least twice during each calendar month, provided that the employer pays wages to such employees at least once per month.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Wage Theft Prevention Clarification Emergency Declaration Resolution of 2016".

Sec. 2. (a) On July 14, 2014, the Council unanimously passed the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157) (the "Act") to prevent employers' failure to pay earned wages through enforcement by the District and to create a private right of action for injured employees.

(b) Since the passage of the Act, the Council has identified several unintended consequences of the Act, including the requirement that all employees, including white-collar, salaried employees, be paid at least twice per month, the requirement that employers keep records of the "precise time worked" each day and each workweek by all employees, including those not compensated on an hourly or other unit-of-time basis, and the requirement that an

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employer provide notice to an employee regarding payment in an employee's primary language, without providing a limit on the languages in which that notice must be furnished.

(c) It was not the Council's intent to require that white-collar, salaried employees be paid at least twice a month or to require an employer to keep records of the precise time worked by all employees, including those not compensated on an hourly or other unit-of-time basis. Further, requiring notice to be furnished in any language that might be an employee's primary language will be unnecessarily burdensome and costly.

(d) To address these unintended consequences, on February 3, 2015, the Council passed the Wage Theft Prevention Clarification Emergency Amendment Act of 2015, effective February 26, 2015 (D.C. Act 21-8; 62 DCR 2669) (the "emergency legislation"), and, on March 3, 2015, the Council passed the Wage Theft Prevention Clarification Temporary Amendment Act of 2015, effective June 4, 2015 (D.C. Law 21-2; 62 DCR 4552) (the "temporary legislation").

(e) The emergency legislation has expired and the temporary legislation will expire on January 15, 2016.

(f) Since the passage of the emergency legislation and the temporary legislation, it also has come to the Council's attention that the Act inadvertently deleted language allowing employees in the building and construction industry to bargain to waive the paid leave requirements of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*), through a bona fide collective bargaining agreement. Instead, the Act exempts building and construction industry employees covered by a bona fide collective bargaining agreement from those paid leave requirements, regardless of whether the agreement addresses sick leave.

(g) Blanket exemption of this group of employees from the paid leave requirements was not the Council's intent and should be rescinded without delay.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Wage Theft Prevention Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to change the procedures for presidential candidates to be placed on the primary election ballot.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Presidential Primary Ballot Access Emergency Declaration Resolution of 2016".

Sec. 2. (a) The rules for qualifying a political party member to be listed on the ballot as a candidate for nomination for United States President in the District of Columbia's presidential primary election are, or may be, inconsistent with the rules of political parties for such listing.

(b) District of Columbia law should allow each political party to determine its own rules for ballot access as long as the rules are otherwise consistent and fair.

(c) The next primary election will take place on June 14, 2016. Under current law, candidates must submit their petitions to the District of Columbia Board of Elections by March 16, 2016, to be listed on the ballot.

(d) Changes to the petition process must therefore occur before the March 16 deadline to allow for candidates, political parties, and the District of Columbia Board of Elections to plan accordingly.

(e) The Council passed similar amendments to the law concerning petitions for the 2004, 2008, and 2012 presidential primary elections.

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 Presidential Primary Ballot Access Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that a District government attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment shall file a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals with the Department of Human Resources by December 15 of each year, to allow an attorney employed by the Council of the District of Columbia to file a Certificate of Good Standing with the Office of the Secretary to the Council of the District of Columbia, to allow the Director of the Department of Human Resources or the Secretary to the Council of the District of Columbia to verify good standing through electronic means, to clarify that the Director of the Department of Human Resources and the Secretary to the Council of the District of Columbia shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the Certificate of Good Standing filing requirement, and to authorize the Secretary to the Council of the District of Columbia to issue policy directives regarding timing, waiver, and notice of the Certificate of Good Standing filing requirement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Certificate of Good Standing Filing Requirement Emergency Declaration Resolution of 2016".

Sec. 2. (a) On December 17, 2014, the Council passed the District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014, effective March 13, 2015 (D.C. Law 20-241; 62 DCR 1335) (the "Act"), which clarified that hearing officers and administrative law judges are required to file a Certificate of Good Standing if their employment requires that they be members of the District of Columbia Bar. Previously, the law required only attorneys to file such certificates, but it was discovered in 2014 that certain administrative law judges and hearing officers were allegedly presiding over their cases without being in good standing with the District of Columbia Bar. In order to close this loophole, the Council passed the Act.

(b) Additionally, the Act transferred responsibility for collecting Certificates of Good Standing from the District's Department of Human Resources ("DCHR") to the Board of Ethics and Government Accountability ("BEGA"). However, enforcement and regulatory authority

ENROLLED ORIGINAL

remains with DCHR. Thus, the Act created a bifurcated process in which one agency, BEGA, acts solely as a repository for the Certificates of Good Standing, but another agency, DCHR, is responsible for ensuring that attorneys, hearing officers, and administrative law judges comply with the law and is the agency with rulemaking authority. In order to streamline the process and to prevent duplicity, it is necessary to transfer collection authority back to DCHR.

(c) Further, section 881 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective July 25, 2002 (D.C. Law 14-182; D.C. Official Code § 1-608.81), requires attorneys employed by an independent agency to file certificates of good standing with DCHR if they meet the applicable requirements. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, confusingly, and incorrectly, defines the Council of the District of Columbia as an “independent agency.”

(d) Accordingly, the law currently requires attorneys employed by the Council of the District of Columbia to file their Certificates of Good Standing with DCHR, which falls under the executive branch of the District government. This violates the spirit of separation of powers, as it requires legislative branch employees to report to an agency overseen by the executive branch. Thus, this emergency clarifies that an attorney employed by the Council of the District of Columbia who is required to file a Certificate of Good Standing shall file his or her certificate with the Office of the Secretary to the Council of the District of Columbia and not with DCHR.

(e) In order to further aid DCHR and the Office of the Secretary to the Council of the District of Columbia in streamlining this process, and to reduce the burden on the District of Columbia Court of Appeals, DCHR, and the Office of the Secretary to the Council of the District of Columbia, the proposed emergency legislation would allow DCHR and the Office of the Secretary to the Council of the District of Columbia to verify the good standing of attorneys, hearing officers, and administrative law judges through electronic means.

(f) Given that the law mandates that all applicable individuals file a Certificate of Good Standing by December 15 of each year and that BEGA and DCHR already have begun the process for calendar year 2015, it is necessary that the Council immediately clarify the process so that these agencies may take prompt action. Moreover, immediate Council action is necessary so that attorneys employed by the Council of the District of Columbia may file a Certificate of Good Standing for calendar year 2015 with the Office of the Secretary to the Council of the District of Columbia without violating section 881 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective July 25, 2002 (D.C. Law 14-182; D.C. Official Code § 1-608.81).

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 Certificate of Good Standing Filing Requirement Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to confirm the appointment of Ms. Dionna Maria Lewis to the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Elections Dionna Maria Lewis Confirmation Emergency Declaration Resolution of 2016".

Sec. 2. (a) The District of Columbia Board of Elections ("Board") is a 3-member, independent agency that convenes to consider and vote on election administration, ballot access, and voter registration matters.

(b) Section 3 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.03), provides that members of the Board shall be appointed for 3-year terms with the advice and consent of the Council.

(c) Since July 7, 2014, all sitting members of the Board have been holding over. One member of the Board resigned after serving for one year as a holdover member, and the other 2 members continue to hold over until their replacements are confirmed.

(d) On November 5, 2015, Chairman Mendelson introduced, at the request of the Mayor, PR21-0415, the District of Columbia Board of Elections Dionna Maria Lewis Confirmation Resolution of 2015, to confirm Dionna Maria Lewis to the Board for a term to end July 7, 2018.

(e) The Committee on the Judiciary held a public hearing on PR21-0415 on December 16, 2015.

(f) As there are currently no permanent members on the Board and no permanent Executive Director, it is necessary to confirm Ms. Lewis on an emergency basis.

(g) Without her confirmation, the Board will be unable to adequately prepare for the June 2016 primary election.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Board of Elections Dionna Maria Lewis Emergency Confirmation Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To confirm, on an emergency basis, the appointment of Ms. Dionna Maria Lewis to the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Elections Dionna Maria Lewis Emergency Confirmation Resolution of 2016".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Dionna Maria Lewis
3958 Blaine Street, N.E.
Washington, D.C. 20019
(Ward 7)

as a member of the District of Columbia Board of Elections, established by section 3 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.03), for a term to end July 7, 2016, and reappointment for a term to end July 7, 2019.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to confirm the appointment of Ms. Carol Schwartz to the District of Columbia Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Ethics and Government Accountability Carol Schwartz Confirmation Emergency Declaration Resolution of 2016".

Sec. 2. (a) The District of Columbia Board of Ethics and Government Accountability ("BEGA") investigates alleged ethics law violations by District government employees and public officials, provides binding ethics advice, and conducts mandatory training on the District government's Code of Conduct. The Office of Open Government is an independent office within BEGA that enforces the Open Meetings Act, monitors the District's Freedom of Information Act compliance, and assists agencies with implementing open government practices.

(b) Section 203 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03), provides that members shall be appointed for 6-year terms with the advice and consent of the Council.

(c) On November 23, 2015, Chairman Mendelson introduced, at the request of the Mayor, PR21-436, the District of Columbia Board of Ethics and Government Accountability Carol Schwartz Confirmation Resolution of 2015, to confirm Carol Schwartz to BEGA for a 6-year term.

(d) The Committee on the Judiciary held a public hearing on PR21-0436 on December 16, 2015.

(e) As there are currently 3 vacancies on BEGA and one member's term is set to expire in July 2016, it is necessary to confirm Ms. Schwartz's appointment on an emergency basis.

(f) Without her confirmation, the Board risks the loss of a quorum to conduct its business.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Board of Ethics and Government Accountability Carol Schwarz Emergency Confirmation Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To confirm, on an emergency basis, the appointment of Ms. Carol Schwartz to the District of Columbia Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Ethics and Government Accountability Carol Schwartz Emergency Confirmation Resolution of 2016".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Carol Schwartz
2029 Connecticut Avenue, N.W.
Washington, D.C. 20008
(Ward 1)

as a member of the District of Columbia Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02), for a term to end July 1, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare the existence of an emergency with respect to the need to create a rebate program for the installation and registration of a security camera system on the exterior of a building owned or leased as a residence, business, nonprofit, or religious institution, and to establish a special fund to implement the rebate program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Private Security Camera Incentive Program Emergency Declaration Resolution of 2016”.

Sec. 2. (a) District residents, building owners, businesses, nonprofits, and religious institutions should be encouraged to take proactive steps to guard against criminal activity.

(b) In any criminal investigation, the availability of security camera footage is of significant assistance to law enforcement agencies, both to identify possible suspects and to determine how the crime was committed.

(c) The creation of an incentive program to purchase and install a security camera system and register the system with the Metropolitan Police Department (“MPD”) would increase public safety.

(d) Registering a system will help MPD identify possible sources of video footage following crime in a neighborhood, and will increase the likelihood that, upon request, video footage will be shared with MPD to help identify suspects, shed light on how the crimes were committed, and possibly assist in prosecution.

(e) Even the visible presence of security cameras on the exterior of a building can serve as a deterrent to criminal activity; at the same time, the District government must emphasize that private security cameras under this incentive program are not to be used to intentionally monitor specific individuals conducting lawful activity.

(f) The District’s public safety will immediately benefit from launching a security camera system incentive program.

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 Private Security Camera Incentive Program 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**

- | | |
|---------|---|
| B21-577 | Strengthening Transparency and Open Access to Government Amendment Act of 2016

Intro. 1-19-16 by Councilmembers Grosso and Cheh and referred to the Committee on Judiciary |
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| B21-578 | Protecting Students Digital Privacy Act of 2016

Intro. 1-19-16 by Councilmember Grosso and referred to the Committee on Education |
| <hr/> | |
| B21-579 | Anti-Graffiti Amendment Act of 2016

Intro. 1-19-16 by Councilmembers Todd and May and referred to the Committee on Judiciary |
| <hr/> | |
| B21-580 | Pesticide Education and Control Amendment Act of 2016

Intro. 1-19-16 by Councilmember Cheh and referred to the Committee on Transportation and the Environment |
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B21-581 Council Independent Authority Clarification Amendment Act of 2016
Intro. 1-19-16 by Chairman Mendelson and referred to the Committee of the Whole

B21-582 Adult Protective Services Amendment Act of 2016
Intro. 1-13-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

PROPOSED RESOLUTIONS

PR21-528 Historic Preservation Review Board Brian D. Crane Confirmation Resolution of 2016
Intro. 1-13-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-531 Science Advisory Board Simone N. Gittelsohn Confirmation Resolution of 2016
Intro. 1-14-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-532 Housing Production Trust Fund Board Susanne Slater Confirmation Resolution of 2016
Intro. 1-14-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Community Development

PR21-533 Real Estate Commission Danai Mattison Sky Confirmation Resolution of 2016
Intro. 1-14-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PR21-534 Real Estate Commission Darrin D. Davis Confirmation Resolution of 2016
Intro. 1-14-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

Bill 21-417, the “First-time Homebuyer Tax Benefit Amendment Act of 2015”

Wednesday, February 10, 2016

9:30 a.m.

Room 123 - John A. Wilson Building

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday February 10, 2016 at 9:30 a.m. in Room 123, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 21-417, the “First-time Homebuyer Tax Benefit Amendment Act of 2015” would amend Title 42 of the District of Columbia Code to include a first-time homebuyer tax benefit for residents who have never owned residential property or an economic interest in a cooperative unit in the District of Columbia.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Tuesday, February 9, 2016. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2015-2016**

1/19/2016

SUMMARY

February 3, 2016	Committee of the Whole Public Briefing on the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR) 9:30 a.m. in Room 500
February 4, 2016 to March 10, 2016	Agency Performance Oversight Hearings on Fiscal Year 2015-2016

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2015 and FY 2016. The hearings will begin Thursday, February 4, 2016 and conclude on Thursday, March 10, 2016 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the Council's Office of the Budget Director at (202) 724-8544.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 3, 2016; COUNCIL CHAMBER (Room 500)	
Time	Subject
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR)

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

THURSDAY, FEBRUARY 4, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, FEBRUARY 4, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Public Safety and Justice
	Department of Youth Rehabilitation Services
	Office of Victim Services and Justice Grants
	Criminal Justice Coordinating Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, FEBRUARY 8, 2016; Room 412	
Time	Agency
Noon - End	Department of Parks and Recreation
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nicole Rentz, nrentz@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

WEDNESDAY, FEBRUARY 10, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

WEDNESDAY, FEBRUARY 10, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Advisory Commission on Caribbean Community Affairs
	Office of African American Affairs
	Office of Asian and Pacific Islanders Affairs
	Office of Latino Affairs
	Office on African Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

THURSDAY, FEBRUARY 11, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Sentencing and Criminal Code Revision Commission
	Office of Police Complaints

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, FEBRUARY 11, 2016; Room 412	
Time	Agency
11:00 a.m. - End	Department of Energy and Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nicole Rentz, nrentz@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

FRIDAY, FEBRUARY 12, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Office on Aging
	Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

WEDNESDAY, FEBRUARY 17, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Fire and Emergency Medical Services Department
	Office of Unified Communications
	Homeland Security and Emergency Management Agency
	Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, FEBRUARY 17, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

WEDNESDAY, FEBRUARY 17, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Office of Gay, Lesbian, Bisexual, and Transgender Affairs
	Office of Religious Affairs
	Office of Veterans Affairs
	Office on Women's Policy and Initiatives

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

WEDNESDAY, FEBRUARY 17, 2016; Room 123	
Time	Agency
10:00 a.m. - End	Health Benefit Exchange Authority
	Department of Health Professional Licensing Boards

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, FEBRUARY 18, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

THURSDAY, FEBRUARY 18, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Washington Metropolitan Area Transit Authority
	Events DC
	Destination DC
	Office of Partnerships and Grant Services
	Commission on Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, FEBRUARY 18, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Office of the Attorney General
	Mayor's Office of Legal Counsel
	Office of Administrative Hearings

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

FRIDAY, FEBRUARY 19, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, FEBRUARY 22, 2016; Room 412	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nicole Rentz, nrentz@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

TUESDAY, FEBRUARY 23, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability
	Office of Human Rights

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

TUESDAY, FEBRUARY 23, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Children and Youth Investment Corporation
	United Medical Center
	Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

TUESDAY, FEBRUARY 23, 2016; Room 120	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library System

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

WEDNESDAY, FEBRUARY 24, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Housing Finance Agency
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

WEDNESDAY, FEBRUARY 24, 2016; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, FEBRUARY 25, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
Noon - End	Department of General Services
	Washington Aqueduct
	DC Water

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nicole Rentz, nrentz@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Chairperson Yvette Alexander

THURSDAY, FEBRUARY 25, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, FEBRUARY 29, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Risk Management
	Department of Small and Local Business Development
	Office of the Tenant Advocate
	Deputy Mayor for Greater Economic Opportunity

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, pjohnson@dccouncil.us or by calling 202-727-6683.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, FEBRUARY 29, 2016; Room 412	
Time	Agency
11:00 a.m. - End	Bicycle Advisory Council
	Pedestrian Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Nicole Rentz, nrentz@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, MARCH 2, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games Control Board
	Real Property Tax Appeals Commission
	Office of the Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, MARCH 2, 2016; Room 412	
Time	Agency
9:30 a.m. - End	Office of Zoning
	Office of Planning
	Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, MARCH 2, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Office of the Deputy Mayor for Education
	State Board of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

WEDNESDAY, MARCH 2, 2016; Room 123	
Time	Agency
10:00 a.m. - End	Department of Corrections
	Corrections Information Council
	Office of Returning Citizens Affairs
	Commission on Fathers, Men, and Boys

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, MARCH 3, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	Interagency Council on Homelessness
	University of the District of Columbia
	Department of Human Resources
	Office of Labor Relations and Collective Bargaining
	Office of Employee Appeals
	Public Employee Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

THURSDAY, MARCH 3, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, MARCH 3, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Department of Forensic Sciences
	District of Columbia National Guard

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, MARCH 3, 2016; Room 123	
Time	Agency
10:00 a.m. - End	Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

FRIDAY, MARCH 4, 2016; COUNCIL CHAMBER (Room 500)

Time	Agency
11:00 a.m. - End	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

MONDAY, MARCH 7, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Secretary of the District of Columbia
	Contract Appeals Board
	Office of Contracting and Procurement
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

MONDAY, MARCH 7, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment
	Office of the People's Counsel
	Public Service Commission
	Department of Employment Services
	Workforce Investment Council
	Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, pjohnson@dccouncil.us or by calling 202-727-6683.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, MARCH 8, 2016; Room 412	
Time	Agency
10:30 a.m. -End	Metropolitan Washington Airport Authority
	Metropolitan Washington Council of Governments
	Office of the District of Columbia Auditor
	New Columbia Statehood Commission
	Office of Budget and Planning
	District of Columbia Retirement Board
	Retiree Health Contribution (Other Post-Employment Benefits)

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

THURSDAY, MARCH 10, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2017 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2017 BUDGET SUPPORT ACT OF 2016,
 FISCAL YEAR 2017 BUDGET REQUEST ACT OF 2016, AND
 COMMITTEE MARK-UP SCHEDULE**

01/19/16

SUMMARY

March 24, 2016	Mayor Transmits the Fiscal Year 2017 Proposed Budget and Financial Plan
April 4, 2016	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2016 Proposed Budget and Financial Plan
April 6, 2016 to April 26, 2016	Committee Public Hearings on the "Fiscal Year 2017 Budget Request Act of 2016." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2016 Budget Support Acts that affect the agencies under each Committee's purview)
April 29, 2016	Committee of the Whole Public Hearing on the "Fiscal Year 2017 Budget Request Act of 2016" and the "Fiscal Year 2017 Budget Support Act of 2016"
May 4-5, 2016	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2017
May 17, 2016	Committee of the Whole and Council consideration of the "Fiscal Year 2017 Budget Request Act of 2016", and the "Fiscal Year 2017 Budget Support Act of 2016"
May 31, 2016	Council consideration of the "Fiscal Year 2017 Budget Request Act of 2016"
June TBD	Council consideration of the "Fiscal Year 2017 Budget Support Act of 2016"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2017 Proposed Budget and Financial Plan, the "Fiscal Year 2017 Budget Request Act of 2016", and the "Fiscal Year 2017 Budget Support Act of 2016". The hearings will begin Monday, April 4, 2016 and conclude on Friday, April 29, 2016 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Wednesday, May 4, 2016 and conclude on Thursday, May 5, 2016 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to Nyasha Smith, Secretary to the Council of the District of Columbia; Suite 5; John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearing and mark-up schedule please contact the Council's Office of the Budget Director at (202) 724-8544.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, APRIL 4, 2016; COUNCIL CHAMBER (Room 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2017 Proposed Budget and Financial Plan

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, APRIL 6, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	Office of Zoning
	Office of Planning
	Deputy Mayor for Planning & Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

WEDNESDAY, APRIL 6, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Criminal Justice Coordinating Council
	Department of Youth Rehabilitation Services
	Office of Victim Services and Justice Grants
	Office of Human Rights

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

WEDNESDAY, APRIL 6, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

THURSDAY, APRIL 7, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Metropolitan Police Department
	Office of Police Complaints

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 7, 2016; Room 412	
Time	Agency
9:30 a.m. - End	University of the District of Columbia
	Department of Human Resources
	Office of Labor Relations and Collective Bargaining
	Office of Employee Appeals
	Public Employee Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

THURSDAY, APRIL 7, 2016; Room 120	
Time	Agency
11:00 a.m. - End	Advisory Commission on Caribbean Community Affairs
	Office of African American Affairs
	Office of Asian and Pacific Islander Affairs
	Office of Latino Affairs
	Office on African Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, APRIL 8, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, abenjamin@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

FRIDAY, APRIL 8, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

FRIDAY, APRIL 8, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Office of Gay, Lesbian, Bisexual, and Transgender Affairs
	Office of Religious Affairs
	Office of Veterans Affairs
	Office of Women's Policy and Initiatives

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, APRIL 11, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Secretary
	Office of the Senior Advisor
	Contracts Appeals Board
	Office of Contracting and Procurement
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cow@dccouncil.us.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

TUESDAY, APRIL 12, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

TUESDAY, APRIL 12, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Fire and Emergency Medical Services Department
	Office of Unified Communications
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

TUESDAY, APRIL 12, 2016; Room 120	
Time	Agency
11:00 a.m. - End	Department of Energy and Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, abenjamin@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

TUESDAY, APRIL 12, 2016; Room 123	
Time	Agency
10:00 a.m. - End	Public Charter School Board
	State Board of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

WEDNESDAY, APRIL 13, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games Control Board
	Real Property Tax Appeals Commission
	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

WEDNESDAY, APRIL 13, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Health Benefit Exchange Authority
	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

WEDNESDAY, APRIL 13, 2016; Room 120	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library System
	Office of the Deputy Mayor for Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

WEDNESDAY, APRIL 13, 2016; Room 123	
Time	Agency
11:00 a.m. - End	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, APRIL 14, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of the Attorney General
	Office of Administrative Hearings
	Board of Ethics and Government Accountability
	Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, APRIL 14, 2016; Room 412	
Time	Agency
10:00 a.m. (this hearing will end after the last witness and reconvene at 5:00pm)	District of Columbia Public Schools (Public Witnesses only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, APRIL 14, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Metropolitan Washington Council of Governments
	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission
	Office of Budget and Planning
	District of Columbia Retirement Board/Funds
	Retiree Health Contribution

Persons wishing to testify about the performance of any of the foregoing agencies may send an email to: cw@dccouncil.us.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, APRIL 14, 2016; Room 123	
Time	Agency
11:00 a.m. - End	Department of Parks and Recreation
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, abenjamin@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

MONDAY, APRIL 18, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON EDUCATION

Chairperson David Grosso

MONDAY, APRIL 18, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Office of State Superintendent of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

WEDNESDAY, APRIL 20, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS **Chairperson Vincent Orange**

WEDNESDAY, APRIL 20, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Department of Consumer and Regulatory Affairs
	Department of Insurance, Securities and Banking
	Office of Tenant Advocate
	Department of Small and Local Business Development
	Deputy Mayor for Greater Economic Opportunity

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, pjohnson@dccouncil.us or by calling 202-727-6683.

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

WEDNESDAY, APRIL 20, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Corrections Information Council
	Department of Corrections
	Department of Forensic Sciences
	Department of the Chief Medical Examiner
	Office of Returning Citizens Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Katherine Mitchell, kmitchell@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

THURSDAY, APRIL 21, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Housing Finance Agency
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

THURSDAY, APRIL 21, 2016; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.ly/EdOversight16> or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, APRIL 22, 2016; Room 412	
Time	Agency
11:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, abenjamin@dccouncil.us or by calling 202-724-8062.

COMMITTEE ON HEALTH & HUMAN SERVICES **Chairperson Yvette Alexander**

FRIDAY, APRIL 22, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Children and Youth Investment Trust Corporation
	United Medical Center
	Deputy Mayor for Health and Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron, mcameron@dccouncil.us or by calling 202-741-0909.

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS **Chairperson Vincent Orange**

MONDAY, APRIL 25, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment
	Office of the People's Counsel
	Public Service Commission
	Department of Employment Services
	Office of Risk Management

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Peter Johnson, pjohnson@dccouncil.us or by calling 202-727-6683.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

MONDAY, APRIL 25, 2016; Room 412	
Time	Agency
10:00 a.m. - End	Washington Metropolitan Area Transit Authority
	Office of the Inspector General
	Office of Partnerships and Grant Services
	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy, sloy@dccouncil.us or by calling 202-724-8058.

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT **Chairperson Anita Bonds**

TUESDAY, APRIL 26, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office on Aging
	Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel, omontiel@dccouncil.us or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

TUESDAY, APRIL 26, 2016; Room 412	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	District of Columbia Taxicab Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin, abenjamin@dccouncil.us or by calling 202-724-8062.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 29, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Committee of the Whole Hearing on the "Fiscal Year 2017 Budget Request Act of 2016", and the "Fiscal Year 2017 Budget Support Act of 2016"

COMMITTEE MARK-UP SCHEDULE**WEDNESDAY, MAY 4, 2016; COUNCIL CHAMBER (Room 500)**

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Business, Consumer and Regulatory Affairs
12:00 p.m. - 2:00 p.m.	Committee on Finance and Revenue
2:00 p.m. - 4:00 p.m.	Committee on Transportation and the Environment
4:00 p.m. - 6:00 p.m.	Committee on Health and Human Services

THURSDAY, MAY 5, 2016; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Housing and Community Development
12:00 p.m. - 2:00 p.m.	Committee on the Judiciary
2:00 p.m. - 4:00 p.m.	Committee on Education
4:00 p.m. - 6:00 p.m.	Committee of the Whole

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF DECEMBER 31, 2015
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NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Hart, John A	Administrative Assistant	5	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 22, 2016
 Petition Date: March 7 2016
 Roll Call Hearing Date: March 21, 2016
 Protest Hearing Date: May 18, 2016

License No.: ABRA-101066
 Licensee: ZL, Inc.
 Trade Name: 14th Street Café Asian Bistro
 License Class: Retailer’s Class “D” Restaurant
 Address: 1416 14th Street, N.W., 1st floor
 Contact: Neng Hsiang Wang: 202-479-0744

WARD 2 ANC 2F SMD 2F02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for May 18, 2016 at 1:30pm.

NATURE OF OPERATION

New restaurant serving Asian cuisine. Total Occupancy Load of 29. Seating for 22 patrons.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday 12pm – 11pm, Monday through Friday 11am – 10:30pm, Friday & Saturday 11am – 11pm

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 11-05: Southern Railway Building
1500 K Street NW
Square 199, Lot 832
Applicant: D.C. Preservation League
Affected Advisory Neighborhood Commission: 2B

Case No. 15-02: Lincoln Playground Fieldhouse
555 L Street SE
Square 853N, Part of Lots 807 and 811
Applicant: Historic Washington Architecture, Inc.
Affected Advisory Neighborhood Commission: 6D

The hearing will take place at **9:00 a.m. on Thursday, February 25, 2016** at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. It is also posted on the website. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may

apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE**

TUESDAY, MARCH 8, 2016

441 4TH STREET, N.W.

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

Revision: Added BZA Case 19220

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD TWO

18772A **Application of MR Gallery Square LLC**, pursuant to 11 DCMR § 3104.1,
ANC-2C for a special exception from the number of roof structure requirements pursuant
to § 411.4, to permit a restaurant use in the penthouse of a hotel in the DD/C-3-C
District (Housing Priority Area B) at premises 627-631 H Street N.W. (Square
453, Lot 59).

WARD SIX

19194 **Application of Utku Aslanturk**, pursuant to 11 DCMR § 3104.1, for a
ANC-6B special exception under § 223, not meeting the lot occupancy requirements under
§ 403.2, the open court requirements under § 406, and the nonconforming
structure requirements under § 2001.3, to construct a three-story rear addition to
an existing one-family dwelling in the R-4 District at premises 229 10th Street
S.E. (Square 944, Lot 39).

WARD TWO

19197 **Application of Nicholas Rubenstein and Jenn Hsu**, pursuant to 11 DCMR
ANC-2F § 3103.2, for variances from the lot occupancy requirements under § 403.2, and
the nonconforming structure requirements under § 2001.3, to renovate an existing
one-story garage into a two-story, one-family dwelling in the R-4 District at
premises 1317 Naylor Court N.W. (Square 367, Lot 863).

WARD SIX

19198 **Application of Peter Lord and Rebecca Larsen**, pursuant to 11 DCMR §
ANC-6A 3104.1, for a special exception under § 223, not meeting the lot occupancy
requirements under § 403.2, the open court requirements under § 406, and the
nonconforming structure requirements under § 2001.3, to construct a two-story
rear addition to an existing one-family dwelling in the R-4 District at premises
230 12th Place N.E. (Square 1010, Lot 74).

BZA PUBLIC HEARING NOTICE

MARCH 8, 2016

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WARD SIX

19199 **Application of Thomas and Whitney Paxson**, pursuant to 11 DCMR §
ANC-6A 3104.1, for a special exception under § 223, not meeting the lot occupancy
 requirements under § 403.2, the open court requirements under § 406, and the
 nonconforming structure requirements under § 2001.3, to construct a third-story
 addition to an existing one-family dwelling in the R-4 District at premises 619
 Elliott Street N.E. (Square 1028, Lot 131).

WARD SIX

19207 **Appeal of ANC 6C**, pursuant to 11 DCMR §§ 3100 and 3101, from an October
ANC-6C 1, 2015 decision by the Zoning Administrator, Department of Consumer and
 Regulatory Affairs, to issue Building Permit No. B1509391 (revised as
 B1512716), to allow the construction of a second-story addition with balcony to
 a one-family dwelling in the CAP/R-4 District at premises 518 6th Street N.E.
 (Square 835, Lot 29).

WARD EIGHT

19210 **Application of Atlantic Gardens Redevelopment LP**, pursuant to 11
ANC-8D DCMR § 3104.1, for a special exception from the child development center
 requirements pursuant to § 205, to permit an increase in the number of children
 and staff for an existing child development center from 20 children and four staff
 to 33 children and nine staff in the R-5-A District at premises 4226-4228 4th
 Street S.E. (Square 6207, Lot 30).

WARD TWO

19213 **Application of PVS International, LLC**, pursuant to 11 DCMR § 3104.1,
ANC-2E for a special exception from the fast-food establishment requirements pursuant to
 § 733, to permit the continued operation of a fast-food establishment with 45
 seats in the C-2-A District at premises 3347 M Street N.W. (Square 1205, Lot
 810).

WARD SIX

19220 **Application of The Department of General Services of DC**, pursuant to
ANC-6B 11 DCMR § 3104.1, for a special exception from the rooftop mechanical
 equipment requirements under § 411.11, to allow the installation of new rooftop
 mechanical equipment to an existing school building in the C-2-A/R-4 District at
 premises 1445 C Street S.E. (Square 1061, Lot 820).

BZA PUBLIC HEARING NOTICE

MARCH 8, 2016

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PLEASE NOTE:

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

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

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

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

MARNIQUE Y. HEATH, CHAIRMAN, FREDERICK L. HILL, VICE CHAIRPERSON, JEFFREY L. HINKLE, AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the adoption of a new Chapter 25, entitled “Health Home Certification Standards”, of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of Chapter 25 is to create standards for Core Service Agencies (CSAs) that seek certification as Health Home providers. A Health Home is a service delivery model that focuses on providing comprehensive care coordination centered on improving the management of chronic behavioral and physical health conditions. Health homes organize person-centered care plans that facilitate access to physical health services, behavioral health care, community-based services and supports for individuals determined eligible for Health Home services by the Department. Care coordination is provided through a team based approach and involves all health care practitioners, family members, and other social support networks identified by the consumer as relevant and necessary. The goal of the Health Homes service delivery model is to improve the health and life expectancy of consumers and reduce avoidable health care costs, specifically preventable hospital admissions, readmissions, and avoidable emergency room visits, for consumers and the enrolled Health Home population as a whole.

Health Home services are Medicaid reimbursable.

A first notice of emergency and proposed rulemaking was adopted on October 22, 2015, and was published in the *D.C. Register* on November 13, 2015, at 62 DCR 014893. No comments were received and no changes have been made to the rule as originally published.

The Director of the Department adopted these rules as final on December 17, 2015, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 25 to read as follows:

CHAPTER 25 HEALTH HOME CERTIFICATION STANDARDS**2500 HEALTH HOME PROGRAM**

2500.1 These rules establish the requirements and process for certifying a Mental Health Rehabilitation Services (MHRS) Core Services Agency (CSA) as a Health Home provider in the District of Columbia.

2500.2 A Health Home is an MHRS CSA that serves as the coordinating entity for services offered to a person with a mental illness (consumer) who has or is at risk of developing co-occurring chronic medical conditions. The provider is the central point for coordinating patient-centered and population-focused care for both behavioral health and other medical services. The Health Home provider is compensated on a per member per month (PMPM) basis to coordinate care between itself as the behavioral health provider, and other physical and specialty health care providers and community-based services and supports. The purpose and goal of individualized care coordination is to increase collaboration and integration of behavioral, health and community based services, improve management of chronic conditions, and reduce avoidable health care costs, specifically for hospital admissions, readmissions and emergency room visits.

2501 CERTIFICATION REQUIREMENTS

2501.1 No person or entity shall operate a Health Home unless certified in accordance with this chapter.

2501.2 The following minimum eligibility requirements shall apply to any CSA seeking certification as a Health Home:

- (a) Current certification as an MHRS CSA in accordance with Chapter 34 of this subtitle;
- (b) Current enrollment as a D.C. Medicaid provider for the delivery of MHRS;
- (c) Use of the Department of Behavioral Health's (the Department's), data management system for all Health Home-related services and functions;
- (d) No current or pending exclusions, suspensions or debarment from any federal or D.C. healthcare program; and
- (e) Demonstrated ability through readiness assessments and training to comply with the terms and requirements of this chapter.

2501.3 An MHRS CSA seeking certification shall submit an application in a format established by the Department.

2501.4 The Department shall process applications for certification as a Health Home provider in accordance with the procedures for MHRS certification in Subsection 3401 of Chapter 34 of this subtitle.

2501.5 Initial certification as a Health Home program is effective for a one (1)-year period. Certification shall remain in effect until it expires, is revoked or the provider is re-certified in accordance with Section 2502 of this chapter.

- 2501.6 The Department's certification shall specify the number of Health Home teams certified at each provider. A Health Home team can serve up to three hundred (300) individuals and consists of the following staff: Health Home Director, Primary Care Liaison, Nurse Care Manager (s) and Care Coordinators. No provider shall add additional Health Home teams unless the addition is approved by the Department.
- 2501.7 Certification is not transferable to any other organization.
- 2501.8 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. Certification as a provider depends upon the Director's assessment of the need for additional Health Home providers.
- 2501.9 Corrective action plans and decertification of Health Home providers shall comply with the procedures set forth in Chapter 34 of this subtitle.

2502 RECERTIFICATION REQUIREMENTS

- 2502.1 Recertification applications shall be processed in accordance with the requirements in Section 3401 of Chapter 34 and Section 2501 of this chapter.
- 2502.2 Subject to Subsection 2502.3, recertification is effective for a two (2)-year period from the date of issuance of recertification by the Department.
- 2502.3 The Department may conditionally recertify a Health Home for a period not to exceed one (1) year if the Health Home has not met one or more terms of its HCA during the previous certification period. The Department shall issue and enforce a Corrective Action Plan (CAP) for any conditional recertification. The Department shall not recertify any Health Home that has failed to satisfy the terms of the CAP.
- 2502.4 Recertification is not transferable to any other provider organization.

2503 EXEMPTIONS FROM CERTIFICATION STANDARDS

- 2503.1 Upon good cause shown, the Department may, at its discretion, exempt a provider from a certification standard if the exemption does not jeopardize the health and safety of clients, infringe on client rights, or diminish the quality of the service delivery.
- 2503.2 If the Department approves an exemption, such exemption shall end on the expiration date of the program certification, or at an earlier date if specified by the Department, unless the provider requests renewal of the exemption and renewal is granted by the Department prior to expiration of its certificate or the earlier date set by the Department.

2503.3 The Department may revoke an exemption that it determines is no longer appropriate.

2503.4 All requests for an exemption from certification standards must be submitted in writing to the Department.

2504 HEALTH HOME SERVICES ELIGIBILITY

2504.1 To be eligible for Health Home services, a consumer shall:

- (a) Be eligible for Medicaid;
- (b) Be diagnosed as having a serious and persistent mental illness;
- (c) Be enrolled in a CSA; and
- (d) Consent to be enrolled in a Health Home and authorize the disclosure of his or her mental health, physical health and other relevant information for the purpose of integrating primary and behavioral health care and services.

2504.2 A consumer currently enrolled in Assertive Community Treatment is not eligible to receive Health Home services.

2504.3 A consumer may only be enrolled with one (1) Health Home at a time.

2505 HEALTH HOME SERVICES

2505.1 Health Home providers shall provide the following services to each Health Home enrollee in an individualized manner as determined by the consumer’s care plan:

- (a) Comprehensive Care Management;
- (b) Care Coordination;
- (c) Comprehensive Transitional Care;
- (d) Health Promotion;
- (e) Individual and Family Support Services; and
- (f) Referral to Community and Social Support Services.

2506 COMPREHENSIVE CARE MANAGEMENT

2506.1 Comprehensive Care Management is the assessment and identification of health risks leading to the development and implementation of a care plan that addresses these health risks and the individualized needs of the whole person. Care plan development will be led by qualified practitioners operating within their scope of practice with input from members of the Health Home team and external resources.

2506.2 Comprehensive Care Management consists of the:

- (a) Assessment of health risks and identification of high risk sub groups;
- (b) Identification of service needs of consumers and construction of a comprehensive care plan addressing physical and behavioral health chronic conditions, current health status, and goals for improvement (see Section 2512 in this chapter);
- (c) Assignment of different care management roles for a consumer to members of the Health Home Team;
- (d) Construction of standardized, evidence-based protocols and clinical pathways for mental health, physical health, social, employment, and economic needs;
- (e) Monitoring of the consumer and population health status and service use;
- (f) Development and dissemination of reports on satisfaction, health status, cost and quality to guide Health Home service delivery and design; and
- (g) Development of partnerships with physical health care providers and community-based entities in order to facilitate the sharing of information and timely responses to each consumer's needs.

2507 CARE COORDINATION

2507.1 Care Coordination is the implementation of the comprehensive care plan through appropriate linkages, referrals, coordination and follow-up to needed services and support. Care Coordination provides assistance with the identification of individual strengths, resources, preferences and choices. Care Coordination is a function shared by the entire Health Home Team and may involve:

- (a) Developing strategies and supportive mental health intervention for avoiding out-of-home placement and building stronger family support skills and knowledge of the consumer's strengths and limitations;
- (b) Providing telephonic reminders of appointments;

- (c) Providing telephonic consults and outreach;
- (d) Communicating with family members;
- (e) Identifying outstanding items on patient visit summaries such as referrals, immunization, self-management goal support and health education needs;
- (f) Assisting with medication reconciliation;
- (g) Making appointments;
- (h) Providing patient education materials;
- (i) Assisting with arrangements such as transportation, directions and completion of durable medical equipment requests;
- (j) Obtaining missing records and consultation reports;
- (k) Participating in hospital and emergency room (ER) transition care; and
- (l) Coordination with other health care providers.

2508 COMPREHENSIVE TRANSITIONAL CARE

2508.1 Comprehensive Transitional Care is a set of actions designed to ensure the coordination and continuity of health care as consumers transfer between different locations or different levels of care. Comprehensive transitional care includes assistance with discharge planning from inpatient settings. It also includes:

- (a) Contact with the consumer within forty-eight (48) hours of the completed transition;
- (b) Outreach to consumers to ensure appropriate follow-up after transitions;
- (c) Ensuring visits for consumers with the appropriate health and community-based service providers following the completed transition;
- (d) Developing strategies and supportive mental health interventions that reduce the risk for or prevent out-of-home placements for adults and builds stronger family support skills and knowledge of the adult's strengths and limitations; and
- (e) Developing mental health relapse prevention and illness management strategies and plans.

2509 HEALTH PROMOTION

- 2509.1 Health Promotion services involve the provision of health education to the consumer and as appropriate the consumer's family member(s) and significant others specific to his/her chronic illness or needs as identified in the initial assessment and ongoing as services are provided. This service may include but is not limited to:
- (a) Providing consumer education and development of self-monitoring and health management related to consumers' particular chronic conditions as well as in connection with healthy lifestyle and wellness; these may include nutrition counseling, substance abuse prevention, smoking prevention and cessation and physical activity;
 - (b) Assisting with medication reconciliation;
 - (c) Developing and implementing health promotion campaigns;
 - (d) Connecting consumers with peer and recovery supports including self-help and self-management and advocacy groups;
 - (e) Mental health education, support and consultation to consumers' families and their support system, which is directed exclusively to the well-being and benefit of the consumer; and
 - (f) Assisting the consumer in symptom self-monitoring and self-management for the identification and minimization of the negative effects of psychiatric symptoms, which interfere with the consumer's daily living, financial management, personal development, or school or work performance.

2510 INDIVIDUAL AND FAMILY SUPPORT SERVICES

2510.1 Individual and family support services include the ways a Health Home supports the consumers and their support teams (including families and authorized representatives) in meeting the range of psychosocial needs and accessing resources (*e.g.*, medical transportation; language interpretation; appropriate literacy materials; and other benefits to which they may be eligible or need). The services provide for continuity in relationships between the consumers/families with their physicians and other health service providers and can include communicating on the consumers' and families' behalf.

2510.2 Individual and Family Support Services include:

- (a) Assistance and support for the consumer in stressor situations;

- (b) Mental health education, support and consultation to consumers' families and their support systems, which is directed exclusively to the well-being and benefit of the consumers;
- (c) Developing mental health relapse prevention and illness management strategies and plans;
- (d) Activities that facilitate the continuity in relationships between consumer/family and physician and care manager;
- (e) Advocacy on a consumers' behalf to identify and obtain needed resources such as medical transportation and other benefits for which they may be eligible;
- (f) Consumer education on how to self-manage their chronic condition;
- (g) Providing opportunities for the families to participate in consumers' assessment and care treatment plan developments;
- (h) Efforts that ensure that Health Home services are delivered in a manner that is culturally and linguistically competent; and
- (i) Efforts that promote personal independence and empower the consumers to improve their own environment and health. This may include engagement with consumers' families in identifying solutions to improve consumers' health and environment and helping consumers and their families with consumer's authorizations to access the consumers' health record information or other clinical information.

2511 REFERRAL TO COMMUNITY AND SOCIAL SUPPORT SERVICES

2511.1 Referral to Community and Social Support Services includes the provision of referrals to a wide array of support services that will help consumers overcome access or service barriers, increase self-management skills and achieve overall health. Specifically, this activity involves facilitating access to support and assistance for consumers to address medical, behavioral, educational, social, and community issues that may impact overall health.

2511.2 The types of community and social support services to which consumers will be referred to may include, but are not limited to:

- (a) Wellness programs, including smoking cessation, fitness, weight loss programs;
- (b) Specialized support groups (*i.e.*, cancer, diabetes support groups, and others);

- (c) Substance use recovery support groups ;
- (d) Housing resources;
- (e) The Supplemental Nutrition Assistance Program;
- (f) Legal assistance resources;
- (g) Faith-based organizations; and
- (h) Access to employment and educational program or training.

2512 COMPREHENSIVE CARE PLAN

2512.1 A Comprehensive Care Plan (CCP) is the authorizing document for the delivery of all Health Home services.

2512.2 The development of a CCP shall include:

- (a) Active participation and partnership with the consumer;
- (b) A comprehensive physical health, behavioral health and socioeconomic assessment;
- (c) The consumer's goals as identified by the comprehensive assessment and the timeframes and strategies for addressing each;
- (d) The delineation of the specific roles and responsibilities of the members of the Health Home Team who are assisting the consumer in achieving his/her goals;
- (e) The signature of all participants in the development of the CCP including the Nurse Care Manager as the approving authority for the CCP; and
- (f) All services the Health Home provider delivers to the consumer.

2512.3 The CCP shall be updated every one-hundred eighty (180) days or more often if the consumer's needs or acuity level changes.

2512.4 The consumer's Individual Recovery Plan (IRP), developed in accordance with Section 3408 of Chapter 34 of this title shall be incorporated into the CCP and may be used to satisfy the behavioral health assessment referenced in Subsection 2512.2(b) above. The IRP may be developed within the CCP but the requirements of Subsection 3408 of Chapter 34 of this title must be satisfied.

2513 HEALTH HOME STAFFING REQUIREMENTS

2513.1 Health Homes shall have the following staff:

- (a) Health Home Director;
- (b) Nurse Care Manager(s);
- (c) Primary Care Liaison; and
- (d) Care Coordinator(s)

2513.2 The Health Home Director shall be responsible for managing the CSA's Health Home program. The Health Home Director shall have a Master's level education in a health-related field. There shall be a point five (.5) Full Time Equivalent staff person for every Health Home Team of three hundred (300) consumers.

2513.3 The Nurse Care Manager shall be an Advanced Practice Registered Nurse (APRN) or Registered Nurse (RN) with relevant experience and expertise in care of physical health care. The Nurse Care Manager shall lead and/or manage team-based assessment, care plan development and care plan implementation activities. The Health Home provider shall ensure one (1) full-time Nurse Care Manager per one hundred and fifty (150) enrolled Health Home consumers.

2513.4 The Primary Care Liaison shall be a Medical Doctor or APRN. The Primary Care Liaison shall be licensed in the District of Columbia and have experience in the care and treatment of the serious mentally ill. The Health Home provider shall ensure one (1) full-time Primary Care Liaison per five hundred (500) Health Home enrollees. The responsibilities of the Primary Care Liaison shall include the following:

- (a) Provide medical consultation to the Health Home team;
- (b) Coordinate care with external medical and behavioral health providers; and
- (c) Assist with developing effective Health Home comprehensive care management and coordination of care protocols involving community and hospital medical providers.

2513.5 A Care Coordinator shall have a Bachelor's degree in a health or public health-related field with training in a care coordinator role or equivalent experience, skills and aptitudes to meet functional requirements of the Health Home care coordinator role. A Care Coordinator shall provide supports to the Health Home team and individual consumers as part of the implementation of the CCP activities. The ratio of a Care Coordinator to consumers shall not exceed 1:60.

- 2513.6 Responsibilities of the Care Coordinator shall include the following:
 - (a) Provide and assist in the provision of Home Health services as stated on the care plan;
 - (b) Coordinate behavioral health care, substance abuse, and health care services informed by evidence-based clinical practice guidelines, including prevention of mental illness and substance use disorders;
 - (c) Coordinate access to preventive and health promotion services;
 - (d) Coordinate access to chronic illness management, including self-management support to individuals and their families; and
 - (e) Coordinate access to individual and family supports, including referral to community, social support, and recovery services.

2513.7 Care Coordinators shall provide services under the supervision of a Qualified Practitioner.

2513.8 All Health Homes shall provide Health Home services in accordance with their HCA with the Department.

2514 ACUITY LEVELS

2514.1 The Department shall assign each Health Home consumer into either a high- or low-acuity category.

2514.2 A High Acuity adult consumer is a consumer with serious and persistent mental illness and at least one (1) high-cost condition (*i.e.*, cancer; coronary artery disease; diabetes; peripheral vascular disease; congestive heart failure; cirrhosis; HIV; lung disease; multiple sclerosis; quadriplegia; seizure disorders; rheumatoid arthritis) and a history in the past year of:

- (b) A high-cost chronic medical condition and one (1) non-psychiatric hospitalization; or
- (c) Two (2) or more non-psychiatric hospitalizations; or
- (d) One (1) psychiatric hospitalization.

2514.3 A low-acuity consumer is an adult consumer with serious and persistent mental illness who does not qualify as a high-acuity consumer.

2515 HEALTH HOME REIMBURSEMENT

- 2515.1 The Department shall require all CSAs certified as Health Home providers to enter into an HCA with the Department. All payment for services shall be implemented through terms and conditions contained in the HCA and the D.C. Medicaid program.
- 2515.2 A CSA also certified as a Health Home may not bill MHRS Community Support for a consumer enrolled in the Health Home.
- 2515.3 Reimbursement for Health Home services is on a PMPM rate as published by the Department of Health Care Finance. The month time period shall begin on the first (1st) of the month and end on the last day of the month. In order to qualify for the monthly rate, Health Home providers shall provide and document the required services provided during the month for which reimbursement is claimed.
- 2515.4 For a consumer enrolled in a high-acuity band, the Health Home shall provide, at a minimum, and shall document in the consumer's chart the following services, at least one of which must be provided as a face-to-face service:
- (a) Two (2) care management services; and
 - (b) At least two (2) other Health Home services.
- 2515.5 For a consumer enrolled in a low-acuity band, the Health Home shall provide at a minimum one (1) care management service and one (1) other Health Home service.
- 2515.6 Only one (1) Health Home will receive payment for delivering Health Home services to a consumer in a particular month.

2516 HEALTH HOMES RECORDS AND DOCUMENTATION REQUIREMENTS

- 2516.1 Each Health Home shall utilize the Department's electronic record system, iCAMS, for documenting and billing all Health Home services.
- 2516.2 Health Home providers shall maintain all Health Home consumer information in accordance with federal and District privacy laws and the Department's Privacy Manual.
- 2516.3 Health Home providers shall document each Health Home service and activity in the consumer's iCAMS record. Any claim for services shall be supported by written documentation which clearly identifies the following:
- (a) The specific service type rendered;

- (b) The date, duration, and actual time, a.m. or p.m. (beginning and ending), during which the services were rendered;
- (c) Name, title, and credentials of the person who provided the services;
- (d) The setting in which the services were rendered;
- (e) Confirmation that the services delivered are contained in the consumer's CCP;
- (f) Identification of any further actions required for the consumer's well-being raised as a result of the service provided;
- (g) A description of each encounter or service by the Health Home team member which is sufficient to document that the service was provided in accordance with this chapter; and
- (h) Dated and authenticated entries, with their authors identified, which are legible and concise, including the printed name and the signature of the person rendering the service, diagnosis and clinical impression recorded in the terminology of the International Statistical Classification of Diseases and Related Health Problems – 9 (ICD-9 CM) or subsequent revisions, and the service provided.

2516.4 No Health Home provider shall be reimbursed for a claim for services that does not meet the requirements of this section or is not documented in accordance with this section.

2516.5 Health Home providers shall implement a compliance program that regularly reviews submitted claims and identifies errors and overpayments. Health Home providers shall repay any paid claims that do not meet reimbursement criteria within sixty (60) days of discovery.

2599 DEFINITIONS

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

Behavioral Health Care – care that promotes the well-being of individuals by intervening and preventing incidents of mental illness, substance abuse, or other health concerns.

Chronic Physical Condition – a somatic health condition, such as asthma, cardiovascular disease, diabetes, substance use disorder, and/or Human Immunodeficiency Virus.

Comprehensive Care Plan or CCP – an individualized plan to provide health home services to address a consumer’s behavioral and physical chronic conditions, based on assessment of health risks and the consumer’s input and goals for improvement.

Consumer – a person who seeks or receives mental health services or mental health supports funded or regulated by the Department.

Core Services Agency or CSA – a community-based provider that has entered into a Human Care Agreement with the Department to provide specific MHRS in accordance with the requirements of Chapter 34 of this subtitle.

Cultural and Linguistic Competence - a set of congruent behaviors, attitudes and policies that come together in a system, agency or among professionals that enables effective work in cross-cultural situations. Culture refers to integrated patterns of health human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, institutions of racial, ethnic, religious or social groups. Competence implies having the capacity to function effectively as individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.

Department of Behavioral Health or DBH – the District of Columbia agency that regulates the District’s mental health and substance abuse treatment system for adults, children, and youth.

Health Home – an entity that is certified by the Department of Behavioral Health, that uses a patient-centered approach to coordinate a consumer’s behavioral, primary, acute or other specialty medical health care services.

Health Home Team – the Health Home staff that delivers services to a specific group of consumers in their assigned Health Home teams. A Health Home Team includes the Health Home Director, Primary Care Liaison, Nurse Care Manager(s) and Care Coordinator(s).

High Cost Chronic Medical Conditions – medical conditions that create the need for intensive or long-term treatment and therefore make the cost of the individual’s treatment higher than the average Medicaid beneficiary

Mental Health Rehabilitation Services or MHRS –palliative services provided by a Department-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the Medical Assistance Administration (MAA) (now Department of Health Care Finance (DHCF))/ Department Interagency Agreement, and Chapter 34 of this subtitle.

Qualified Practitioner – a psychiatrist, psychologist, licensed independent clinical social worker, advance practice registered nurse, registered nurse, licensed professional counselor or licensed independent social worker.

Serious and Persistent Mental Illness – a diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the DSM-IV or its ICD-9-CM equivalent (and subsequent revisions) with the exception of DSM-IV "V" codes, substance abuse disorders, intellectual disabilities and other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

Specialty Provider – a community-based organization MHRS provider certified by Department to provide specialty services either directly or through contract.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2851.20 (2015 Repl.)), Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)), and Mayor's Order 99-68, dated April 28, 1999, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 9 (Prohibition on the Sale of Synthetic Drugs) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

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

No comments were received and no changes were made to the rules as published in a Notice of Proposed Rulemaking on October 30, 2015 at 62 DCR 014097. The DCRA Director adopted these rules as final on December 7, 2015, and they shall become effective on the date of the publication of this notice in the *D.C. Register*.

Chapter 9, PROHIBITION ON THE SALE OF SYNTHETIC DRUGS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

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

Subsection 904.3 is amended to read as follows:

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority set forth in Section 1002 of the Second Omnibus Regulatory Reform Act of 1998, effective April 20, 1999 (D.C. Law 12-261, § 1002; D.C. Official Code § 47-2853.10(a)(12) (2015 Repl.)), Section 22a of the Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28, § 902(c); D.C. Official Code § 3-420 (2012 Repl.)), Mayor's Order 2000-70, dated May 2, 2000, and Mayor's Order 2007-216, dated October 5, 2007, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Chapter 31 (Funeral Services Establishments) and Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of Title 17 (Business, Occupations, and Professionals), the District of Columbia Municipal Regulations (DCMR).

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

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

No comments were received and no changes were made to the rules as published in a Notice of Proposed Rulemaking on October 30, 2015 at 62 DCR 014098. The DCRA Director adopted these rules as final on December 7, 2015, and they shall become effective on the date of the publication of this notice in the *D.C. Register*.

Chapter 31, FUNERAL SERVICES ESTABLISHMENTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

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

3100 APPLICABILITY

3100.1 This chapter applies to applicants for licenses and licensed funeral services establishments.

3100.2 Chapter 30 (Funeral Licensure Directors) and Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of this title supplement this chapter.

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

3101 CLASSES OF LICENSURE

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

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

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

3102 APPLICATION FOR A LICENSE AS A FUNERAL HOME ESTABLISHMENT

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

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

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

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

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

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

- (a) Proof that the applicant is properly organized under applicable District and federal law;

- (b) Proof that at least one (1) of the applicant’s owners is a funeral director who is licensed and in good standing in the District of Columbia. Acceptable proof of ownership may include, but is not limited to, the following:
 - (1) Stock certificates;
 - (2) Corporate registration documents;
 - (3) Articles of organization;
 - (4) Partnership agreements; or
 - (5) Tax forms;
- (c) Proof that the applicant has employed a designated funeral director who is licensed and in good standing in the District of Columbia to be responsible for the daily operation of the funeral services establishment;
- (d) If the applicant is a corporation, the names and street addresses of each of its directors and principal officers, and a copy of the certificate of incorporation; and
- (e) If the applicant is a partnership, the names and street addresses of each of the general partners.

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

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

3103 PRE-LICENSURE INSPECTIONS

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

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

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

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

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

3104 ISSUANCE AND DISPLAY OF LICENSE

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

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

3105 TERM OF LICENSE

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

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

3106 RENEWAL OF LICENSE

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

and pay the required reinstatement fee in accordance with D.C. Official Code § 47-2853.15 (2012 Repl.) and § 3308 of Chapter 33 (GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS AND REAL ESTATE APPRAISERS) of this title.

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

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

- 3107.1 Upon the death of a funeral director licensed to operate a funeral services establishment, a surviving spouse or the estate of the funeral director may apply for a license to continue operating the funeral services establishment for the remainder of the licensure period.
- 3107.2 The surviving spouse or representative of the estate shall notify the Board within ten (10) days of the death of the funeral director of the intent to continue operating the funeral services establishment.
- 3107.3 Within thirty (30) days of the death of the funeral director, an applicant for a license as a Funeral Home Establishment – Surviving Spouse or Funeral Home Establishment – Estate shall duly file an application on a form prescribed and provided by the Board.
- 3107.4 The proper fees and all required documents shall accompany the application at the time of filing.
- 3107.5 The surviving spouse or representative of the estate shall attest to the truthfulness of the application before a notary public, who shall affix his or her seal to the application.
- 3107.6 The surviving spouse or representative of the estate shall provide the following:
- (a) Proof of the death of the funeral director who was licensed to operate the establishment;
 - (b) Proof that the applicant was married to the funeral director at the time of his or her death; or
 - (c) Proof of the applicant’s authority to act on behalf of the estate of the deceased funeral director;
 - (d) Proof that the applicant has employed a designated funeral director who is licensed and in good standing in the District of Columbia to be responsible for the daily operation of the funeral services establishment; and
 - (e) A business or a home address, which cannot be a post office box number.

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

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

3108 REQUIRED NOTIFICATIONS

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

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

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

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

3109 RIGHT OF ENTRY AND INSPECTION

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

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

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

3110 MINIMUM STANDARDS FOR FUNERAL SERVICES ESTABLISHMENTS

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

3110.2 A funeral services establishment shall include the following:

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

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

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

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

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

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

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

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

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

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

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

3111 VARIANCES

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

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

3112 APPOINTMENT OF DESIGNATED FUNERAL DIRECTOR

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

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

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

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

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

3116 [RESERVED]

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

3120 [RESERVED]

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

3122 [RESERVED]

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

3123 [RESERVED]

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

3125 [RESERVED]

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

3126 [RESERVED]

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

3127 [RESERVED]

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

3128 [RESERVED]

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

3129 [RESERVED]

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

3131 [RESERVED]

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

3133 [RESERVED]

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

3134 [RESERVED]

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

3136 [RESERVED]

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

3138 [RESERVED]

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

3139 [RESERVED]

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

3140 [RESERVED]

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

3141 [RESERVED]

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

3149 [RESERVED]

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

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

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

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

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

A new Subsection 3316.6 is added to read as follows:

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority in the District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010, effective July 2, 2011 (D.C. Law 18-378; D.C. Official Code § 29-101.05 (2012 Repl.)), and Mayor’s Order 2011-178, dated October 25, 2011, hereby gives notice of the intent to revise Chapter 89 (Trade Name Registration) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking clarifies the requirements for creating and maintaining a trade name registration as outlined in Chapter 89.

The first version of a Notice of Proposed Rulemaking was published in the *D.C. Register* on August, 28, 2015 at 62 DCR 11932. Due to substantive changes made to the first version of the proposed rulemaking, a Notice of Second Proposed Rulemaking was submitted to the *D.C. Register* for public comments on November 20, 2015 at 62 DCR 015137. No comments were received and no changes were made to the second notice of proposed rulemaking. The DCRA Director adopted these rules as final on December 21, 2015, and they shall become effective on the date of the publication of this notice in the *D.C. Register*.

Chapter 89, TRADE NAME REGISTRATION, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended to read as follows:

CHAPTER 89 TRADE NAME REGISTRATION

8900 APPLICABILITY

8900.1 Each person who carries on, conducts, or transacts business in the District of Columbia under a trade name shall register that trade name with the D.C. Superintendent of Corporations as required under D.C. Official Code § 47-2855.02.

8901 APPLICATION FORM

8901.1 Each applicant shall file a trade name application with DCRA, and provide the information specified in D.C. Official Code § 47-2855.02.

8902 TERM OF REGISTRATION

8902.1 An initial trade name registration shall expire on September 1 of the second calendar year after the calendar year in which the initial registration occurred (for example, a trade name registration that occurred on August 15, 2015, would expire on September 1, 2017).

8902.2 Except as provided in Subsection 8902.3, each renewal of a trade name

registration shall expire two (2) years after the expiration date of the registration being renewed.

- 8902.3 If a person has an existing trade name registration on October 1, 2015, the first renewal of that trade name registration after October 1, 2015 shall expire on September 1 of the second calendar year after the calendar year in which the initial registration occurred (for example, a trade name registration that occurred on August 15, 2015, would expire on September 1, 2017).

8903 RENEWAL

- 8903.1 A trade name renewal application shall be filed by April 1 of the year in which the trade name registration expires; unless, the trade name registration does not expire on September 1, in which case the renewal application shall be filed within one hundred fifty (150) days before the trade name registration's expiration date.

- 8903.2 A trade name renewal application received after the filing deadline shall incur a late fee outlined in Subsection 8908.2.

- 8903.4 If a person fails to file its trade name renewal application by the filing deadline and the trade name expires pursuant to § 8902.2, the person shall complete a new trade name application and pay all fees associated with the trade name application if the person wishes to continue to register the trade name.

8904 REQUIRED SIGNATURES

- 8904.1 The trade name application shall be executed as specified under D.C. Official Code § 47-2855.02(c).

8905 NO PROTECTIONS OR WARRANTIES

- 8905.1 Registration of a trade name with DCRA does not guarantee or warrant that another person has not or will not register the same trade name with DCRA.

- 8905.2 DCRA's acceptance of a trade name registration shall not in any way be deemed a warranty of the applicant's right to do business in the District under the name registered, nor shall it be deemed a guarantee that the applicant is exclusively using the trade name in the District at the time of the grant of registration.

- 8905.3 DCRA shall not be responsible for determining whether there is an existing person carrying on, conducting, or transacting business using the same trade name.

8906 JUDICIAL FILINGS

- 8906.1 No person carrying on, conducting, or transacting business under a trade name shall be entitled to file an action under that trade name in a District court until the

person has properly completed the registration with the Superintendent according to this chapter.

8906.2 A person’s failure to properly register a trade name shall not impair the validity of a contract or act of such person and shall not prevent such person from defending a suit in a District court.

8907 CHANGES IN REGISTRATION, CANCELLATION, AND FILING REQUIREMENTS

8907.2 An amendment to, notice of cancellation of, or new registration of a trade name shall be filed according to D.C. Official Code § 47-2855.03.

8908 FEES AND REFUNDS

8908.1 The Superintendent shall charge and collect fees as specified under 17 DCMR § 612.

8908.2 The Superintendent shall charge a person a late fee equivalent to an initial trade name application fee in cases where a trade name renewal application is submitted after the renewal deadline, but before cancellation.

8908.3 A duplicate fee shall be refunded if:

- (a) The request for a refund is submitted to the Superintendent within sixty (60) calendar days after the date of payment of the duplicate fee; or
- (b) The request for a refund is submitted to the Superintendent within sixty (60) calendar days from the date of DCRA’s rejection notification letter.

8909 DENIAL, CANCELLATION, OR REVOCATION OF TRADE NAME REGISTRATION

8909.1 If a person includes a false or misleading statement in its trade name registration application, or if the person files an incomplete trade name registration application, then the application shall be denied or, if the application was previously approved, the trade name shall be canceled by the Superintendent.

8909.2 If a person files a trade name registration application that fails to meet the requirements of this chapter, then the application shall be denied by the Superintendent.

8909.3 If a person fails to meet the renewal deadline set forth in § 8903 of this chapter, the Superintendent shall cancel the trade name upon its expiration.

8910 INFRACTIONS AND FINES

- 8910.1 Failure to comply with the requirement to register or renew a trade name under this chapter shall result in a civil infraction and fines as provided under 16 DCMR § 3201.1(c).
- 8910.2 Any fraudulent conduct or willful misconduct in complying with this chapter, including but not limited to the use of a fraudulent trade name registration certificate or misrepresenting the registration status of a trade name when applying for a license, shall result in a civil infraction and fines as provided under 16 DCMR § 3201.1(b).
- 8910.3 The Superintendent shall cancel a trade name if:
- (a) A filing entity, as defined in D.C. Official Code § 29-101.02(13), is the owner of the trade name; and
 - (b) The filing entity has an inactive status with DCRA.

8911 GOOD STANDING REQUIREMENT FOR FILING ENTITIES

- 8911.1 If a filing entity, as defined in D.C. Official Code § 29-101.02(13), applies for a trade name as the owner, the filing entity shall be in good standing, as specified in D.C. Official Code § 29-102.08, prior to completing the trade name registration application.

8912 NAME REQUIREMENTS FOR TRADE NAMES

- 8912.1 In addition to the requirements specified in D.C. Official Code § 47-2855.02(d), a person or entity seeking to register a trade name that is similar to an existing trade name may register the similar trade name if the owner of the existing trade name provides written consent to the Superintendent authorizing the registration of the similar trade name.
- 8912.2 A trade name shall not include the following suffixes or any derivative:
- (a) Incorporated or Inc.;
 - (b) Limited or Ltd.;
 - (c) Professional Corporation or P.C.;
 - (d) Chartered or Chtd.;
 - (e) Limited Partnership or L.P. or LP;
 - (f) Limited Liability Limited Partnership or L.L.L.P. or LLLP;

- (g) Registered Limited Liability Limited Partnership or R.L.L.L.P. or RLLLP;
- (h) Limited Liability Company or L.L.C. or LLC;
- (i) Limited Company or L.C. or LC;
- (j) Professional Limited Liability Company or P.L.L.C. or PLLC;
- (k) Limited or Ltd.;
- (l) Cooperative Association or Co-op or Coop; or
- (m) Limited Cooperative Association, Limited Cooperative or L.C.A. or LCA;

8999 DEFINITIONS

8999.1 As used in this chapter, the following terms shall have the mean:

DCRA - District of Columbia Department of Consumer and Regulatory Affairs.

Inactive status – the organizational standing of an entity that was formerly but is no longer registered with the DCRA to do business in the District because the entity has been administratively or voluntarily dissolved, merged out of existence, converted into a non-filing entity, domesticated outside of the District, had its certificate of registration administratively rescinded or voluntarily withdrawn, or is not in active status for any other reason.

Superintendent - DCRA Superintendent of Corporations.

Trade name - has the meaning ascribed to it in D.C. Official Code § 47-2855.01(7).

Trade name application - a DCRA-issued document requiring information to register a trade name.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education (Superintendent), pursuant to the authority set forth in Sections 4073 and 4074 of the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code §§ 38-281 *et seq.* (2012 Repl.)), hereby gives notice of the adoption of a new Chapter 10 (Healthy Tots) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to provide additional funding for District of Columbia child development facilities that: (1) participate in the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766); and (2) meet the United States Department of Agriculture (USDA) meal requirements in 7 C.F.R. § 226.20.

Emergency and proposed regulations were published in the *D.C. Register* on October 30, 2015, at 62 DCR 14119. The comment period officially closed on November 30, 2015, with the State Superintendent having received comments from nine (9) advocates and members of the regulated community. The State Superintendent has made one (1) non-substantive clarification amendment. Subsection 1002.1 is amended to add the language “provide technical assistance and” and to strike the word “determine” and insert the word “ensure” in its place. These changes reflect the title of the section, which the State Superintendent intended to include in the proposed rulemaking but was omitted in error. This amendment is made in response to comments raising concerns that the proposed rulemaking did not provide technical assistance necessary for implementation on the provider level. This amendment is intended to clarify that the State Superintendent has and will continue to provide technical assistance. Three (3) commenters requested clarification on this issue.

The State Superintendent received several comments regarding the proposed rules’ alignment with the USDA CACFP meal requirements for the additional ten cent reimbursement, specifically suggesting the State Superintendent adopt higher nutrition standards than the USDA CACFP meal requirements. The State Superintendent has considered these comments and has decided to retain the alignment with the USDA CACFP meal requirements as proposed because there are anticipated changes to regulations governing the USDA CACFP meal requirements. Once the regulations governing the USDA CACFP meal requirements are updated, the State Superintendent will then reconsider this issue through a separate rulemaking action.

In addition, the State Superintendent received several comments requesting the proposed rules be expanded to set forth physical activity requirements and an infrastructure for a grant program. The State Superintendent recognizes that the Healthy Tots Act requires the State Superintendent issue rules to “establish physical activity standards for child development facilities; improve the educational sustainability of child development facilities; enhance nutrition and healthy eating education programming for infants, toddlers, and preschoolers at child development facilities, including farm-to-preschool programs; and ensure that child development facilities provide sufficient training to staff on improving nutrition and increasing the physical activity.” However,

the State Superintendent did not intend to address these aspects of the Healthy Tots Act through the current rulemaking. The intent of the current rulemaking was to set forth a structure to provide reimbursements to child development facilities as soon as the funding was made available to the State Superintendent. The State Superintendent does intend to address the components of the Healthy Tots Act listed above through separate rulemaking action in the near future.

These rules were adopted as final on January 11, 2016 and will become effective upon publication in the *D.C. Register*.

Title 5- A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended by adding a new Chapter 10 to read as follows:

CHAPTER 10 HEALTHY TOTS

1000 GENERAL PROVISIONS

- 1000.1 This chapter is promulgated pursuant to Sections 4073 and 4074 of the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code §§ 38-282 and 38-283) (“the Act”).
- 1000.2 The purpose of this chapter is to implement the requirements of the Act, as amended.
- 1000.3 All child development facilities must participate in the Child and Adult Care Food Program (CACFP) authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766) and comply with the rules issued pursuant to this chapter if fifty-percent (50%) or more of the enrolled children are eligible for subsidized child care unless the child development facility is exempted from participation through a waiver from the Office of the State Superintendent of Education (OSSE).
- 1000.4 An eligible child is child who is a District resident who occupies a slot funded in whole or in part by the subsidized child care, authorized by section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402), the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code §§ 38-2901 *et seq.*), or the District of Columbia Public Schools' Head Start program.
- 1000.5 A child development facility may be eligible for a waiver exempting the facility from participation in the CACFP if the facility demonstrates to OSSE that participation in the CACFP constitutes a hardship or proves the facility is exempt under Subsection 1000.10 of this chapter.

- 1000.6 OSSE shall accept applications for a waiver exempting a child development facility from participating in CACFP on an annual basis.
- 1000.7 OSSE shall determine whether good cause exists to grant the child development facility a waiver from participating in the CACFP based on the facility's application and any other information available to OSSE. If OSSE grants a waiver, OSSE shall provide written notice to the facility that it is excused from participating in the CACFP for the one (1) year following the date of the notice.
- 1000.8 Applications for waiver exempting a child development facility from participating in CACFP shall be in a format and shall contain the information designated by OSSE.
- 1000.9 To the extent possible, OSSE shall work with a child development facility granted a waiver to address barriers to participating in the CACFP.
- 1000.10 A child development facility shall be exempt from participation in the CACFP through a waiver from OSSE if:
- (a) OSSE has denied a facility's initial application to participate in CACFP or a facility's subsequent application to renew participation in the CACFP because the application does not meet all of the requirements in 7 C.F.R. Part 226; or
 - (b) The facility's CACFP agreement is terminated and deemed disqualified, the responsible individual(s) are disqualified, and the facility and/or individual(s) have been placed on the National Disqualified List pursuant to 7 C.F.R. §§ 226.6(c) *et seq.*

1001 ADDITIONAL LOCAL MONTHLY REIMBURSEMENT FUNDING AND MEAL REQUIREMENTS

- 1001.1 This section establishes rules for additional funding from the Healthy Tots Fund established by the Act for meals served by child development facilities participating in the CACFP.
- 1001.2 In order to be eligible for reimbursement from the Healthy Tots Fund, a meal (breakfast, lunch, or supper) must meet the regulatory requirements of the United States Department of Agriculture (USDA) CACFP (7 C.F.R. § 226.20). Each child development facility participating in the CACFP may request an additional ten cents (\$0.10) for each eligible breakfast, lunch and supper served to an eligible child.
- 1001.3 No additional funding from the Health Tots Fund is available for snacks served by a child development facility that meet the CACFP meal requirements.

- 1001.4 Each child development facility participating in the CACFP that serves a lunch or supper which is eligible for reimbursement, may request an additional five cents (\$0.05) per lunch or supper when at least one component of the meal is comprised entirely of locally grown, as defined in Section 101(3) of the Healthy Schools Act of 2010 (D.C. Official Code § 38–821.01) and unprocessed foods, as defined in Section 101(10) of the Healthy Schools Act of 2010 (D.C. Official Code § 38–821.01).
- 1001.5 Locally grown and unprocessed foods do not include milk.
- 1001.6 Each child care development facility must maintain documentation of locally grown and unprocessed foods. As a means of documentation, each facility shall indicate on the daily menus for each meal type, which food item served was locally grown. In addition, each facility shall maintain receipts from farms and/or grocery stores indicating which are local food items, the date of purchase, and if available the name and address of the farm(s) and/or grocery stores. Each facility may be required to submit this documentation to OSSE each quarter, or as requested, to monitor compliance with this provision.
- 1001.7 For those child development facilities that have maximized the number of daily meal services eligible for CACFP reimbursements allowed (two (2) meals and one (1) snack or one (1) meal and two (2) snacks), reimbursements from the Healthy Tots Fund shall be made available for each breakfast served to each enrolled and participating child, if seventy-five percent (75%) of the children enrolled and attending the child development facility are District of Columbia residents and at least fifty percent (50%) of the enrolled and attending children are eligible for subsidized child care.
- 1001.8 The amount of the local funding for the breakfast meal, in accordance with the Act, shall be equal to the per meal free rate as established under the federal CACFP rate of reimbursement pursuant to 7 C.F.R. § 226, as amended.
- 1001.9 The breakfast meal shall meet the CACFP meal requirements.
- 1001.10 Child development facilities requesting reimbursement for the breakfast meal shall submit a monthly report documenting the residency and eligibility of the child receiving that meal.
- 1001.11 Each child development facility participating in CACFP shall plan and post monthly menus for all foods served, including snacks, and shall update the menus daily to indicate the modification or substitutions to the menus to reflect food actually served. The menus shall be posted in a prominent place where parents/guardians are able to view them. In addition, all menus shall be posted on the website of the child development facility, if one exists. The facility shall maintain the menus for the current fiscal year and three years after the date of the submission of the final claim for the fiscal year to which the menu pertains.

- 1001.12 Each child development facility seeking reimbursement pursuant to this chapter shall make meals available at no charge to any enrolled and attending infant, toddler or preschooler.
- 1001.13 OSSE may deny monthly reimbursement requests from a child development facility that does not meet all the requirements of 7 C.F.R. Part 226 and this chapter.

1002 MONITORING AND TECHNICAL ASSISTANCE

- 1002.1 OSSE may provide technical assistance and monitor the progress of a child development facility receiving reimbursements under this chapter to ensure if the facility is complying with this chapter.
- 1002.2 Each child development facility, or its sponsoring organization, as defined in 7 C.F.R. § 226.2, if applicable, seeking reimbursement pursuant to this chapter shall, as part of its recordkeeping procedures, identify, document and maintain records of expenditures for meals for the current year and three (3) years after the date of submission of the final claim for the fiscal year to which it pertains.
- 1002.3 OSSE shall provide periodic training (as determined by OSSE) to child development facilities participating or desiring to participate in CACFP to support and adhere to the requirements of this chapter and the CACFP.

1099 DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

“Child and Adult Care Food Program” or “CACFP”-- The program authorized by Section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat. 522; 42 U.S.C. § 1766).

“Child development facility” --- A licensed community-based center, home, or other structure, regardless of its name, that provides care, supervision, guidance, and other services for infants, toddlers, and preschoolers on a regular basis. The term "child development facility" does not include a child development center or program that is sponsored or run by a public or private school.

“Infant” --- A child younger than twelve (12) months of age.

“OSSE” --- The Office of the State Superintendent of Education, established by Section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C Official Code § 38-2601).

“Preschool” or “preschooler” ----A child twenty- four (24) months of age or older but younger than compulsory school attendance age, who is not enrolled in a public, charter, or private school.

“Subsidized child care” --- Part-time or full-time child care services, subsidized in whole or in part to eligible families pursuant to local and federal law, including but not limited to Sections 5a and 6 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code §§ 4-404.01 and 4-405), Title 29 DCMR § 380 (“Direct-Subsidized Child Care Services”), and the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (Pub. L 113-186, 128 Stat. 1971).

“Toddler” ---A child between twelve (12) months of age and twenty-four (24) months of age.

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.774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 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 an amendment to repeal Chapter 7 (Medicaid Day Treatment Programs) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Medicaid day treatment programs are nonresidential programs operated for the purposes of providing medically supervised day treatments for the following individuals: (1) adults who are elderly; (2) adults who have a developmental disability; (3) adults who have mental disorders; and (4) infants and children who are aged three (3) or younger.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has required the termination of all existing fee-for-service day treatment programs. In January 2013, pursuant to this directive, DHCF ceased enrollment of new admissions into existing day treatment programs.

Based upon the District's need to continue delivering day treatment type services in the wake of eliminating services, DHCF and other District agencies have since developed and transitioned many day treatment users to existing alternative services. On April 24, 2015, DHCF published rules governing Adult Day Health Services, a new service designed to encourage older adults to live in the community by offering non-residential medical supports; provide supervised therapeutic activities in an integrated community setting that foster opportunities for community inclusion; and deter more costly facility-based care.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 23, 2015 at 62 DCR 013878. No comments were received. No substantive changes have been made. The Director adopted these rules as final on January 12, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 7, MEDICAID DAY TREATMENT PROGRAMS, of Title 29 DCMR, PUBLIC WELFARE, is repealed in its entirety, effective on the date of publication of this notice in the *D.C. Register*.

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. & 2015 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of a new Section 965 (Optometry Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The District of Columbia Medicaid program is required to cover certain mandatory benefits, and can choose to provide other optional benefits under federal law. One of these optional benefits is optometry services. Federal law also requires that all Medicaid programs provide services "...sufficient in amount, duration and scope to reasonably achieve their purpose." 42 C.F.R. § 440.230. These rules clarify the coverage and limitations for Medicaid reimbursement of optometry services consistent with the District of Columbia State Plan for Medical Assistance.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 6, 2015 at 62 DCR 001707, and a Notice of Second Proposed Rulemaking was published in the *D.C. Register* on October 23, 2015 at 62 DCR 013860. No comments were received. No substantive changes have been made from the second proposed rulemaking. The Director adopted these rules as final on January 12, 2016, and they shall become effective on 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 965 is adopted to read as follows:

965 OPTOMETRY SERVICES

965.1 Optometry services related to vision and vision disorders that are obtained for the purpose of diagnosis and treatment, including lenses, frames, other aids to vision, and therapeutic drugs, provided consistent with the requirements set forth in 42 C.F.R. Sections 440.60(a), 440.120(d), and 441.30, shall be eligible for Medicaid reimbursement.

965.2 Medicaid reimbursement of optometry services shall be limited to specific services set forth in this section and any additional optometry services, identified at www.dc-medicaid.com, which have received prior authorization by the Department of Health Care Finance (DHCF) or its agent.

- 965.3 Medicaid reimbursement of eye exams for Medicaid beneficiaries over twenty-one (21) years of age shall be limited in the following manner:
- (a) The services shall be medically necessary and required to monitor a chronic condition that could harm a beneficiary's vision; or
 - (b) The beneficiary has an acute condition that, if left untreated, may cause permanent or chronic damage to the eye.
- 965.4 Medicaid reimbursement of eye exams for Medicaid beneficiaries from birth through twenty-one (21) years of age shall be based on Early Periodic Screening, Diagnosis, and Treatment program requirements, as set forth in 42 C.F.R. Section 440.40(b).
- 965.5 Medicaid reimbursement for eyeglasses for Medicaid beneficiaries shall be limited to one (1) complete pair of eyeglasses in a twenty-four (24) month period unless:
- (a) The beneficiary is under twenty-one (21) years of age;
 - (b) The new prescription represents a change of at least +/- 0.50 diopters from the prior prescription;
 - (c) A prescription represents a change from the prior prescription of at least + 0.75 sphere or - 0.50 sphere, 0.50 cylinder, 1/2 prism diopter vertical, or 3 prism diopter lateral;
 - (d) There has been a major change in visual acuity documented by an optometrist licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended; and the new lenses cannot be accommodated by a beneficiary's existing eyeglasses; or
 - (e) The frames or lenses have been lost, broken beyond repair or scratched to the extent that visual acuity is compromised, as determined by the dispensing provider.
- 965.6 Medicaid reimbursement for Medicaid beneficiaries under twenty-one (21) years of age shall be limited to one (1) complete pair of eyeglasses in a twelve (12) month period.
- 965.7 The limitations described at Subsections 965.5 through 965.6 shall apply to new, duplications, and changes in a prescription.
- 965.8 Medicaid reimbursement for repairs or replacements of eyeglasses, contact lenses, glass lenses, ultraviolet lenses, prosthetic eyes, lenses made of polycarbonate or

equal material, tinted lenses, and photochromatic lenses shall require prior authorization from DHCF.

965.9 After receiving written documentation that the repair or replacement is medically necessary, DHCF may provide prior authorization for reimbursement.

965.10 Repairs or replacements of eyeglasses, under Subsection 965.8, shall only be reimbursed if ordered in writing by an optometrist licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended.

965.11 Reimbursement of optometry services shall be limited to those services provided by optometrists who are screened and enrolled as a District Medicaid program provider pursuant to Chapter 94 of Title 29 of the District of Columbia Municipal Regulations and who adhere to dispensing procedures in the Vision Billing Manual, published on the Department of Health Care Finance’s Provider website at www.dc-medicaid.com.

965.99 DEFINITIONS

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

Eyeglasses: Lenses, including frames, contact lenses, and other aids to vision that are prescribed by a physician skilled in diseases of the eye or by an optometrist.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(7) and (11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl. & 2015 Supp.)); Section 403 of the Public Education Reform Amendment Act of 2007 (PERAA), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl. & 2015 Supp.)); and with the advice and approval to be requested of the State Board of Education (SBOE) pursuant to Section 403(a)(3) of PERAA (D.C. Official Code § 38-2652(a)(3) (2012 Repl. & 2015 Supp.)), hereby gives notice of the intent to adopt, in not less than thirty (30) days after the publication of this notice in the *D.C. Register*, Section 2203 (Academic Requirements) of a new Chapter 22 (Graduation) in Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR), and to delete Section 2203 (Graduation: Academic Requirements) of Chapter 22 (Grades, Promotion, and Graduation) in Subtitle E (Original Title 5), Title 5 DCMR (Education).

The Office of the State Superintendent of Education (OSSE), pursuant to section Sections 3(b)(7) of the State Education Office Establishment Act of 2000 (D.C. Official Code § 38-2602(b)(7) (2012 Repl. & 2015 Supp.)), is responsible for establishing the minimum credits that must be achieved in order to graduate, with the advice and approval of the SBOE, pursuant to Section 403(a)(3) of PERAA (D.C. Official Code §§ 38-2652(a)(3) (2012 Repl. & 2015 Supp.)). From August 2015 to December 2015, the SBOE convened a cross-city task force of twenty-five (25) representatives from the education and workforce sectors to consider whether and how to supplement the Carnegie Unit with additional means for students in the District to earn units toward graduation. The task force made the following four recommendations: (1) create a waiver process for schools wishing to pursue competency-based learning; (2) allow students to receive credit for demonstrated knowledge in world language and mathematics; (3) maintain Carnegie Units as the default means for earning credit where neither of the two above conditions apply; and (4) remove the requirement that students enroll in Algebra I by ninth (9th) grade. The purpose of this rulemaking is to update the graduation requirements based on the recommendations of the task force to create flexible opportunities for students to obtain Carnegie Units toward graduation.

Accordingly, the proposed rules maintain the Carnegie Unit as the default means for earning units towards graduation and create a waiver process for schools desiring to pursue competency-based learning. In addition, the proposed rules embrace the spirit of the other two recommendations offered by the task force, but do not align precisely with the language of the task force's recommendations. First, while the task force recommends allowing students to receive credit for demonstrated knowledge in world language and mathematics, the proposed rules allow students to receive credit for demonstrated knowledge in any required course. OSSE chose not to limit the courses this option would apply to through regulatory action, however. OSSE plans to implement this option for only mathematics and world language in the first year. Second, the task force recommends OSSE remove the requirement that students enroll in Algebra I by ninth (9th) grade; however, the proposed rulemaking requires students to enroll in

Algebra I by tenth (10th) grade unless the school is granted a waiver to pursue competency-based learning. In the proposed rulemaking, OSSE maintains the spirit of the task force’s recommendation by adding the necessary flexibility to this requirement, while acknowledging that a specific three (3)-course sequence is required for graduation from high school.

This notice is being circulated throughout the District for a thirty (30) day period, including an opportunity to submit written comments on these proposals, as is set forth in detail below.

A new Chapter 22 is added to Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, as follows:

CHAPTER 22 GRADUATION

Section 2203, ACADEMIC REQUIREMENTS, is added to read as follows:

2203 ACADEMIC REQUIREMENTS

2203.1 The course work set forth in Subsections 2203.3 through 2203.8 shall be required of students who enrolled in ninth (9th) grade in school year 2007-2008 and thereafter in order to be certified as eligible to receive a high school diploma.

2203.2 At the beginning of the ninth (9th) grade, students shall develop a graduation plan pacing the courses they will take to complete high school. This shall be done with the assistance of the school counselor or other school official designated by the local education agency (LEA).

- 2203.3 (a) A total of twenty-four (24) Carnegie Units in corresponding subjects and required volunteer community service hours shall have been satisfactorily completed for graduation.
- (b) The following Carnegie Units in the following subjects shall be required:

COURSES	UNIT(S)
English	4.0
Mathematics; must include Algebra 1, Geometry, and Algebra II at a minimum	4.0
Science; must include three (3) lab sciences	4.0
Social Studies; must include World History 1 and 2, United States History; United States Government, and District of Columbia History	4.0
World Language	2.0
Art	0.5
Music	0.5
Physical Education/Health	1.5
Electives	3.5
Total	24.0

- (c) At least two (2) of the twenty four (24) Carnegie Units for graduation must include a College Level or Career Preparatory (CLCP) course approved by the LEA and successfully completed by the student. The course may fulfill subject matter or elective unit requirements as deemed appropriate by the LEA. CLCP courses approved by the LEA may include courses at other institutions.
- (d) All students must enroll in Algebra I no later than tenth (10th) grade commencing with the 2016-2017 school year, unless the school is approved for a waiver pursuant to Subsection 2203.7.
- (e) For all students entering the ninth (9th) grade beginning school year 2009-2010, one (1) of the three (3) lab science units, required by paragraph (a) of this subsection, shall be a course in Biology.
- (f) In addition to the twenty-four (24) Carnegie Units, one hundred (100) hours of volunteer community service shall be satisfactorily completed. The specific volunteer community service projects shall be established by the LEA.
- (g) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.4 An LEA may establish specialized or career-focused programs or courses of study, which lead to the high school diploma in accordance with Subsection 2203.3. These courses of study can include academic, performing arts, science and mathematics, and career or vocational education focuses or other areas of concentration. The programs or courses of study may require additional coursework.

2203.5 Electives taken to fulfill the requirements of Subsection 2203.4 shall be required to be taken in courses established by the LEA for each area of concentration in order to receive certification in the area of concentration.

2203.6 Each student who completes the requirements for specialized or career focused courses of study established under Subsection 2203.4 shall receive appropriate recognition on the student's diploma.

2203.7 Beginning with school year 2016-2017:

- (a) The District of Columbia Public Schools ("DCPS") or the Public Charter School Board ("PCSB") may waive the Carnegie Unit requirement set forth in Subsection 2203.3 for a school seeking to award competency-based unit(s), as defined in this chapter, accordingly:

- (1) A school that seeks a waiver from the Carnegie Unit requirement to award competency-based unit(s) shall submit an application to either the DCPS or PCSB. If a charter school is part of an LEA, the application must be submitted to the PCSB through the LEA;
 - (2) Applications for a waiver to award competency-based unit(s) shall be in the format established by the Office of the State Superintendent of Education (“OSSE”) and contain the information required by OSSE; and
 - (3) The DCPS or PCSB, respectively, shall review the school’s application in accordance with the standards and requirements established by OSSE. If the school’s application meets the standards and requirements established by OSSE, the DCPS or PCSB, respectively shall approve the school’s application for a waiver to award competency-based unit(s);
- (b) An LEA may award a unit equivalent to a Carnegie Unit to a student who is not enrolled in a course, or who has not completed a course, if the student attains a minimum score, as set by OSSE, on a corresponding OSSE-approved assessment; and
- (c) OSSE shall make publicly available aggregated evidence of annual implementation of Subsections 2203.6(a) and (b) in a summative report no later than three years after initial implementation to share best practices and lessons learned from implementation.

2203.8 A student with special needs who does not achieve a diploma, as set forth in Subsection 2203.3 shall be eligible to receive an Individual Educational Program (IEP) Certificate of Completion. The decision to pursue a program leading to an IEP Certificate of Completion shall be made by the IEP team including the parent(s) and where possible, the student. The decision shall be made no earlier than the ninth (9th) grade and shall be attached in writing to the student’s IEP. An LEA shall comply with the requirements of the Individuals with Disabilities Education Act of 2004 (20 U.S.C. §§ 1400 *et seq.*) (IDEA) and District law with regard to appropriate transition assessments.

2203.9 Graduation Requirements for Previous Years: The following coursework shall be required of students who enrolled in ninth (9th) grade for the first time in 1982-1983 or a prior school year in order to be certified as eligible to receive a high school diploma:

- (a) A total of seventeen and a half (17.5) Carnegie Units;
- (b) The Carnegie Units shall include:

- (1) Four (4) Units in English;
 - (2) One (1) in United States History;
 - (3) One half (0.5) Unit in United States Government;
 - (4) One (1) Unit in Mathematics;
 - (5) One (1) Unit in Science;
 - (6) One and one half (1.5) Units in Health/Physical Education; and
 - (7) Eight and one half (8.5) electives; and
- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.10

The following coursework shall be required of students entering ninth (9th) grade for the first time in any of the school years between and including school year 1983-1984 and school year 1992-1993 in order to be certified as eligible to receive a high school diploma.

- (a) A total of twenty and a half (20.5) Carnegie Units;
- (b) The Carnegie Units shall include:
 - (1) Four (4) in English;
 - (2) One (1) in Foreign Language;
 - (3) One half (0.5) in DC History-Government;
 - (4) One (1) in US History;
 - (5) One half (0.5) in US Government;
 - (6) Two (2) in Mathematics;
 - (7) Two (2) in Science;
 - (8) One and one half (1.5) in Health/Physical Education;
 - (9) One (1) in Life Skills Seminar and seven (7) Electives; and
- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.11 The following coursework shall be required of students entering ninth (9th) grade for the first time in any of the school years between and including 1993-1994 and school year 2006-2007 in order to be certified as eligible to receive a high school diploma:

- (a) A total of twenty-three and a half (23.5) Carnegie Units shall have been completed;
- (b) The following Carnegie Units in the corresponding subjects shall be required:

COURSES	UNITS
Art	0.5
Career/Vocational Education	1.0
Electives	4.5
English	4.0
Foreign Languages	2.0
Health & Physical Education	1.5
Mathematics (including elementary Algebra or its equivalent)	3.0
Music	0.5
Science (including one (1) year of lab science)	3.0
Social Studies to include D.C. History, World Geography and US Government (each 0.5), US History and World History (each 1)	3.5
Total	23.5

- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma; and
- (d) One hundred (100) hours of community service shall be required for graduation.

A new Section 2299, DEFINITIONS, is added to read as follows:

2299 DEFINITIONS

2299.1 When used in this chapter, the following terms shall have the ascribed meanings:

“**Carnegie Unit**” - one hundred and twenty (120) hours of classroom instruction or one hundred and fifty (150) hours of laboratory instruction over the course of an academic year.

“Competency-based Unit” - a unit equivalent to a Carnegie Unit that is earned toward graduation for successful completion of an approved competency-based learning course or course series per Subsection 2203.6(d).

“Local Education Agency” - pursuant to Section 9101 of the No Child Left Behind Act of 2001, approved January 8, 2002 (115 Stat. 1956; 20 U.S.C. § 7801(26)(A)), a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or of or for a combination of school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools.

“Office of the State Superintendent of Education” or “OSSE” - the District of Columbia state level education agency established by Section 302(a) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2601 (2012 Repl.)).

“School” - a public or public charter school in the District of Columbia.

Chapter 22, GRADES, PROMOTION, AND GRADUATION, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2203, GRADUATION: ACADEMIC REQUIREMENTS, is deleted in its entirety.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Graduation Requirements and Diplomas, 810 First Street, NE 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Retirement Board (DCRB), pursuant to the authority set forth in § 121(e) of the District of Columbia Retirement Reform Act (Reform Act), approved November 17, 1979 (Pub. L. 96-122, 93 Stat. 866; D.C. Official Code § 1-711(e) (2014 Repl.)), and § 12(j)(c)(5) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-714(c)(5) (2012 Repl.)), hereby gives notice of its intent to adopt the following proposed annual income review rule under Chapter 17 (District of Columbia Retirement Board Benefits Rules) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

DCRB was established by the Reform Act as an independent agency of the District of Columbia. DCRB is responsible for managing and controlling the Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund, as well as implementing and administering the retirement plans for certain members and officers of the Metropolitan Police Department and the Fire and Emergency Medical Services Department of the District of Columbia and the teachers in the public day schools of the District of Columbia (Retirement Program). Under the Retirement Program, DCRB is required to perform annual earned income reviews for annuitants who are receiving a disability retirement annuity. In the event an annuitant exceeds the income threshold for outside earnings, the disability annuity is terminated by DCRB.

This proposed rule clarifies when the annual earned income review ends, defines basic pay to include longevity pay and technical pay, and deletes a provision. Upon adoption, this rule will amend Section 1701 of Chapter 17, Title 7 DCMR, previously published in a final rulemaking at 60 DCR 1790 (February 15, 2013).

Chapter 17, DISTRICT OF COLUMBIA RETIREMENT BOARD BENEFITS RULES, of Title 7 DCMR, EMPLOYMENT BENEFITS, is amended as follows:

Section 1701, ANNUAL INCOME REVIEW, Subsections 1701.1, 1701.2, 1701.3, 1701.6(d), and 1701.8(a), are amended to read as follows:

- 1701.1 Annual Income Review for Teacher Disability Annuitants. Any teacher disability annuitant who retired under D.C. Official Code § 38-2021.04(a) and who is under the eligibility requirements for voluntary retirement as defined in D.C. Official Code § 38-2021.03 must file annually with DCRB by May 15th a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the last calendar year in which the annuitant is under the eligibility requirements for voluntary retirement as of December 31st.

1701.2 Annual Income Review for Police Officer and Firefighter Disability Annuitants Under Age 50. Any police officer or firefighter annuitant who was hired on or after February 15, 1980, retired under D.C. Official Code § 5-709 or § 5-710, and who is under age fifty (50), must file annually with DCRB by May 15th a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the last calendar year in which the annuitant is under age fifty (50) as of December 31st.

1701.3 Notarized Annual Earnings Statement. DCRB will notify annuitants at the beginning of each calendar year if they are required to file an annual income report, what they must file, when they must file, and the forfeiture of annuity payments for failure to file. Information required to be filed may include, but is not limited to, tax returns, Forms W-2 and 1099, proof of non-filing of a tax return or extension of time to file a tax return, Form 4506-T Request for Transcript of Tax Return, or Form 1040 Schedule C or C-EZ.

...

1701.6

...

(d) [REPEALED].

1701.8 Current Rate of Pay for the Position Occupied Immediately Before Retirement.

(a) A disability annuitant’s earned income for a calendar year is compared to the gross annual rate of basic pay in effect on December 31st of that year for the position occupied immediately before retirement. The earned income for disability annuitants is based on the rate for the grade and step which reflects the total amount of basic pay (both the grade and step and any additional basic pay such as longevity and technical pay) in effect on the date of retirement.

Comments on this proposed rulemaking should be submitted in writing to Erie F. Sampson, General Counsel, District of Columbia Retirement Board, 900 7th Street, N.W., 2nd Floor, Washington, D.C. 20001, or by email to erie.sampson@dc.gov, within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed rulemaking are available on the Board’s website: <http://www.dcrb.dc.gov>.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF SECOND PROPOSED RULEMAKING**

The Director of the District Department of Transportation (“Department”), pursuant to the authority set forth in Sections 4(a)(5)(A) (assigning authority to coordinate and manage public space permits and records to the Department Director), 5(4)(A) (assigning duty to review and approve public space permit requests to the Department Director), 6(b) (transferring the public right-of-way maintenance function previously delegated to the Department of Public Works under Section III(F) of Reorganization Plan No. 4 of 1983 to the Department), 9j (granting the Director rulemaking authority), and 9(j) (authorizing civil fines and penalties) of the Department of Transportation Establishment Act of 2002 (“DDOT Establishment Act”), effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.03(5)(A), 50-921.04(4)(A), 50-921.05(b), 50-921.18, and 50-921.19 (2014 Repl. & 2015 Supp.)), Sections 604 and 607 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.04 and 10-1141.07 (2013 Repl. & 2015 Supp.)), Subtitle C of Title VI of the Fiscal Year 2005 Budget Support Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code §§ 10-1181.01 *et seq.* (2013 Repl. & 2015 Supp.)), and the Public Space Enforcement Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-207; 61 DCR 12690 (December 19, 2014)), provides notice of the intent to adopt the following proposed rules to amend Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (“DCMR”) by adding a new Chapter 36 (Publisher Boxes).

The purpose of this rulemaking is to regulate the placement of publisher boxes on public space within the District of Columbia to promote public safety and the efficient use of public space, and to require annual permits, public liability insurance, and indemnification of the District in connection with the placement of publisher boxes on public space. This rulemaking will also establish an annual permit fee per publisher box to partially cover the administrative costs of permitting and monitoring the placement of publisher boxes on public space. Additionally, this rulemaking will establish a process whereby a person may obtain a public space permit to install and maintain a publisher box corral on public space.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 23, 2013 at 60 DCR 12226. In response to public comments received, the annual permit fee per publisher box is reduced from \$5.00 to \$1.00 and the following provisions are added: an option for a two (2) year annual permit; an allowance for the number of permitted publisher boxes to increase by ten percent (10%) without penalty; the addition of a permit amendment process if the number of publisher boxes increases by more than ten percent (10%); and permission for the publisher box owner to print as many permit stickers as desired. Also added are requirements for the publisher box to: be ADA accessible; display contact information for the person responsible for maintenance of the box; protect publications from weather; keep the publisher boxes free of past issues, trash and debris; and a prohibition on displaying an expired permit sticker. Additionally, the publisher box placement requirements are reorganized into general requirements, curbside requirements, and new requirements for placement adjacent to a building or wall. The prohibition on residential zone placement has been removed. A new section is added to address the need to move or remove publisher boxes from public space due to presidential inaugurations, some special events, construction work and new or relocated bus stops.

Also, due to the enactment of the Public Space Enforcement Amendment Act of 2014, new sections are added to outline the processes for the immediate removal of a dangerous publisher box, the service, abatement and adjudication of a compliance order and the service, abatement and adjudication of a notice of infraction. A new section is added to specify where in Title 16 DCMR (Consumers, Commercial Practices, and Civil Infractions) the applicable civil infractions for publisher box violations and associated Administrative procedures and schedule of fines are located. Finally, a new section for publisher box infractions is added to a chapter of Title 16 DCMR that is being proposed by a separate rulemaking.

DDOT received some comments that it believes conflicts with the goal of the rulemaking and did not modify the rulemaking as a result. Accordingly, DDOT: retained language requiring an annual permit, a permit fee, liability insurance and the minimum pedestrian pathway widths on sidewalks as other major cities have similar requirements. DDOT rejected one commentator’s proposal to prohibit plastic or top heavy publisher box designs because adequate bottom weighting is already required by these rules. Also rejected was a proposal to require a building owner’s or a building manager’s permission to place a publisher box adjacent to a building or within a certain distance or security perimeter of a building. While a prudent suggestion, it proposes an encumbrance on free speech that no other large U.S. city imposes.

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

A new Chapter 36, PUBLISHER BOXES, is added to Title 24 DCMR, PUBLIC SPACE AND SAFETY,as follows:

CHAPTER 36 PUBLISHER BOXES

3600 PLACEMENT OF PUBLISHER BOXES ON PUBLIC SPACE

3600.1 Any person may place, maintain, or operate a publisher box on public space after first obtaining an annual public space permit from the Director of the District Department of Transportation (“Director”).

3600.2 The Director shall issue an annual public space permit when the following conditions are satisfied:

- (a) A non-refundable public space permit application fee of fifty dollars (\$50) has been paid;
- (b) The Director determines that the information and documentation submitted pursuant to § 3601 are complete; and
- (c) An annual public space permit fee of one dollar (\$1) per publisher box per year has been paid.

- 3600.3 As a condition of the annual public space permit, the permittee shall indemnify and hold harmless the District of Columbia, its officers, employees or agents from any and all liability, loss, or damage the District of Columbia may suffer as a result of claims, demands, costs, or judgments against it arising from the placement of the publisher box.
- 3600.4 An owner of an existing publisher box on public space must obtain the annual public space permit required by § 3600.1 by June 1, 2016.
- 3600.5 Notwithstanding § 3600.2(a), the fifty dollar (\$50) public space permit application fee shall only be charged for the original permit application and shall not be charged when submitting an application to renew or to amend the original permit. The fee to renew or amend an annual permit shall be based solely on the permit fee per box per year pursuant to § 3600.2(c).
- 3600.6 If after securing the annual public space permit, the owner no longer wishes to place publisher boxes in public space, the owner must request a refund within one hundred eighty (180) days from the date the permit was issued pursuant to 24 DCMR § 225.3.

3601 APPLICATION AND QUALIFICATIONS TO OBTAIN A PUBLISHER BOX PERMIT

- 3601.1 The owner of a publisher box located or to be located on public space shall submit a public space permit application to the Director on an annual or biennial basis. The application shall be accompanied by the following:
- (a) Contact information for the following:
 - (1) The name, business address, phone number and the email address of the person requesting the annual permit who may be the owner of the publisher box or the agent for the owner;
 - (2) The name, business address, phone number and, if applicable, the email address of the owner of the publisher box who shall be shown on the permit as the permittee; and
 - (3) The name, business address, phone number and email address of the person currently responsible for maintaining the publisher box on public space;
 - (b) A document stating the name of each publication, periodical, or document distributed from the publisher box owned by the applicant, to be used solely for DDOT confirmation of use of the publisher box by a permitted applicant;
 - (c) A certificate of insurance naming the District of Columbia, a municipal corporation, its officers, and employees as an additional insured and

covering any liability arising from the placement of the applicant’s publisher box on public space for the duration of the permit. The certificate of insurance shall show the following:

- (1) The District of Columbia, a municipal corporation, as the certificate holder;
- (2) Minimum general liability limits of no less than three hundred thousand dollars (\$300,000), except that any person who maintains one hundred (100) or more publisher boxes at any one time shall maintain minimum insurance coverage of one million dollars (\$1,000,000). These limits shall include a combined single limit for bodily injury, including death and property damage; and
- (3) A cancellation clause requiring notice to the District of Columbia, as certificate holder, prior to the cancellation of the insurance coverage;
- (d) Information as to the total number of publisher boxes the owner is placing on public space for the duration of time the annual permit is in effect;

3601.2 The annual public space permit required by § 3600.1 and the liability insurance required by § 3601.1(c) shall be maintained for as long as the publisher box remains on public space.

3601.3 Notwithstanding § 3601.1(d), the actual number of publisher boxes located on public space for the duration of the annual permit may increase to one hundred ten percent (110%) of the total number of boxes the owner claimed on the application.

3601.4 If at any time after securing the annual public space permit, the owner wishes to install additional publisher boxes in excess of the one hundred ten percent (110%) allowed by § 3601.3, the owner shall submit a public space permit application pursuant to § 3601.1 to amend the current annual public space permit to include the number of publisher boxes the owner is placing on public space in addition to the one hundred percent (100%) originally claimed.

3601.5 The Director shall reissue the applicant’s annual permit when the owner pays the pro-rated permit fee for each additional publisher box installed for the duration of time remaining until the annual permit expires.

3601.6 To place a publisher box on public space lawfully, the owner of the publisher box must also have a basic business license with a general business endorsement in accordance with Section 3800 of Title 17 of the District of Columbia Municipal Regulations.

3602 DISPLAY OF ANNUAL STICKER ON PUBLISHER BOXES ON PUBLIC SPACE

3602.1 In addition to the annual public space permit, the Director shall issue an annual sticker for each publisher box owned by the applicant and located on public space. Each sticker shall have the following information:

(a) The permit number of the annual public space permit issued to the applicant; and

(b) The expiration date of the annual public space permit.

3602.2 The applicant shall affix one (1) sticker to each publisher box in a visible location on the front side of the box at least one foot (1 ft.) above the sidewalk grade, unless another location is designated by the Director.

3602.3 The Director may issue additional permit stickers to the applicant free of charge at the time of permit issuance or at any other time for the duration of the annual permit.

3602.4 At no time shall an expired annual permit sticker be displayed on a publisher box.

3603 SPECIFICATIONS OF PUBLISHER BOXES ON PUBLIC SPACE

3603.1 No person shall place a publisher box on public space unless the publisher box complies with the following specifications:

(a) The publisher box shall be no more than fifty-two inches (52 in.) tall, twenty-five inches (25 in.) wide, and twenty-two inches (22 in.) deep. In determining whether a publisher box is in compliance with these limits, each of the dimensions of the publisher box shall be measured at its widest point, including any coin mechanism;

(b) The publisher box shall be sufficiently weighted at the base, or attached to other publisher boxes or a publisher box corral, so as to be secure in all expected weather conditions; and

(c) Each publisher box shall display a sticker, decal, stencil or other printed sign displaying the name, mailing address, current phone number and email address of the person currently responsible for maintaining the publisher box on public space.

3603.2 The owner of the publisher box or the owner’s authorized agent may use space on the publisher box to display the name and trademarks of the publication the publisher box is being used to distribute.

3604 MAINTENANCE OF PUBLISHER BOXES ON PUBLIC SPACE

3604.1 A publisher box on public space shall be maintained in good working order, including the following:

- (a) Any vandalized or otherwise damaged publisher box shall be repaired within a reasonable time, but no later than thirty (30) calendar days following the occurrence of the damage or within the time allowed by a compliance order sent by the Director;
- (b) The interior and exterior of the publisher box shall be reasonably clean and free of dents, blemishes, and discoloration;
- (c) The publisher box's clear or glass parts, if any, shall be unbroken and reasonably free of cracks, and discoloration;
- (d) Any lid or door for accessing the publications shall protect the publications from the weather at all times and prevent the publications from littering the surrounding area during windy conditions;
- (e) The interior of the publisher box shall be kept free of past issues of publications, food, clothing, trash, debris and other solid waste;
- (f) The exterior of the publisher box shall be kept free of graffiti and pasted bills; and
- (g) The publisher box shall be stocked with current publications and shall not remain empty of current publications for more than thirty (30) consecutive days. Any publisher box empty for longer than this period shall be deemed abandoned.

3604.2

No person shall place a publisher box on public space unless the publisher box placement complies with the following general placement requirements:

- (a) No publisher box shall be attached to a utility pole, street light pole, traffic signal light pole, regulatory sign, parking meter, trash receptacle, fire hydrant, directional sign, bicycle rack, bike station, bus shelter, street furniture, or other public street fixture, except as allowed by Subsection 3604.3;
- (b) No publisher box shall be placed on any space that reduces the width of the pedestrian circulation pathway on the sidewalk to less than the following:
 - (1) Ten feet (10 ft.) on sidewalks having a total width of twenty feet (20 ft.) or more;
 - (2) Eight feet (8 ft.) on sidewalks having a total width of sixteen feet (16 ft.) to twenty feet (20 ft.); or
 - (3) Six feet (6 ft.) in other areas.

- (c) No publisher box shall be placed within five feet (5 ft.) of the edge of a driveway or alley, a fire hydrant, a bus shelter, a bicycle rack, or a designated vending cart location;
- (d) No publisher box shall be placed on or within two feet (2 ft.) of a manhole cover, meter, or valve box cover or any utility access cover or vent cover for underground utilities or within two feet (2 ft.) of a traffic control cabinet;
- (e) No publisher box shall be placed within a designated bus zone or on a streetcar platform; and
- (f) No publisher box shall be placed on a tree space or on any other unpaved surface adjacent to the sidewalk;

3604.3 Notwithstanding Subsection 3604.2(a), a publisher box may be attached to a publisher box corral; provided there is available space within the corral for the publisher box.

3604.4 No person shall place a publisher box adjacent to the roadway curb on public space unless the publisher box placement complies with the following curbside placement requirements:

- (a) Publisher boxes shall be placed no less than eighteen inches (18 in.) and no more than twenty four inches (24 in.) from, and parallel to, the vertical face of the roadway curb, with the publisher box opening facing toward the sidewalk and away from the roadway;
- (b) No publisher box shall be placed within three feet (3 ft.) of a parking meter or a multi-space parking meter, as measured parallel to the roadway curb, or within four feet (4 ft.) of a parking meter reserved for persons with disabilities;
- (c) No publisher box shall be placed upon or within five feet (5 ft.) of a pedestrian access ramp, including the area between any two ramps on a given corner, or within two feet (2 ft.) of a marked pedestrian crosswalk;
- (d) No publisher box shall be placed adjacent to the curved portion or radius of any roadway curb at the corner of any city block;
- (e) No publisher box shall be placed within a designated commercial loading zone, taxi stand, valet staging zone, building entrance zone or other passenger drop-off zone as delineated by signage posted at the roadway curb;
- (f) No publisher box shall be placed at a location where signage designates the curb space as being reserved parking for persons with disabilities; and

- (g) Publisher boxes placed side by side, and not located within a publisher box corral, shall be arranged in groups of no more than seven (7) boxes. A space of at least six feet (6 ft.) shall separate each group of publisher boxes or shall separate a group of publisher boxes from an adjacent publisher box corral.

3604.5 No person shall place a publisher box at a location on public space which is adjacent to a building or wall unless the publisher box placement complies with the following requirements:

- (a) A publisher box shall be parallel to and not more than six inches (6 in.) from the building face or wall; and
- (b) A publisher box shall be located at least five feet (5 ft.) from either side of a building entrance, fire exit, fire hose connection, show window, display window, ATM or sidewalk café.

3605 PUBLISHER BOX CORRALS

3605.1 No person shall place or maintain a publisher box corral on the public sidewalk or other public space without first obtaining a public space permit from the Director.

3605.2 Unless in conflict with a legal priority established for a business improvement district (BID) concerning streetscape improvements, any person may submit a public space permit application to the Public Space Committee (PSC) for the purpose of installing and maintaining a publisher box corral on public space.

3605.3 An application for the installation of a publisher box corral shall include the following:

- (a) The name and contact information of the person that will be responsible for maintaining the publisher box corral;
- (b) A site plan drawn to scale showing the location and dimensions of the proposed publisher box corral and any associated new paving, including dimensions to the roadway curb and property line, a dimension specifying the distance to the nearest intersection, and showing all the existing conditions within thirty feet (30 ft.) of the corral location, including any business entrances, transit entrances, bus zones or street car platforms, crosswalks, regulatory signage, light poles, traffic signal lights, traffic control cabinet, and other public street fixtures;
- (c) A drawing of the publisher box corral showing the front and side views, the method of anchoring or attaching the corral to the ground, and, if proposed by the applicant, the placement and display of a logo or the name of the organization responsible for the corral;

- (d) A proposal for the allocation of space within the publisher box corral and any limits on the placement of publisher boxes that allows for the removal or addition of publisher boxes within the corral;
 - (e) Any required approvals by the U. S. Commission of Fine Arts (CFA) and by the D.C. Historic Preservation Review Board; and
 - (f) The application fee required under Section 225 of this title.
- 3605.4 The corral shall have an open design and shall be a height of no less than thirty-six inches (36 in.) and no more than forty-two inches (42 in.);
- 3605.5 The applicant's proposal for the allocation of space and any limits on the placement of publisher boxes within the publisher box corral shall be content neutral.
- 3605.6 In determining whether to approve an application, the PSC shall allow as much space for publisher boxes as is consistent with pedestrian and vehicular safety and other lawful uses of the public space.
- 3605.7 As a condition of the permit, the person responsible for maintaining the publisher box corral shall bear sole responsibility, including the cost, for installing and maintaining the publisher box corral, as well as its removal, should the Director determine that the sidewalk space is needed for another transportation related purpose, such as for a bus zone, bike station or tree space.
- 3605.8 The Director shall issue a public space permit for the installation and maintenance of the publisher box corral if:
- (a) The application has been approved by the PSC; and
 - (b) All permit fees, pursuant to Section 225 of this title, have been paid.
- 3605.9 No person shall place or maintain any advertising on any publisher box corral other than the logo or name of the organization responsible for the publisher box corral.

3606 RELOCATING OR REMOVING PUBLISHER BOXES

- 3606.1 Any person owning or maintaining a publisher box located within the perimeter of the Presidential Inauguration Parade Route, as defined by the U.S. Secret Service prior to the inauguration, shall remove or relocate the publisher box to a location outside the parade route perimeter at least one (1) day prior to the inauguration. The publisher box may be returned to its original position the day after the inauguration.

- 3606.2 An authorized agent of the D.C. government or the U.S. government may relocate a publisher box under circumstances where crowd control or public safety is an immediate concern as follows:
- (a) Relocating a publisher box from within the security perimeter of the presidential inauguration parade route the day before the inauguration;
 - (b) Relocating a publisher box from within the security perimeter established for an event when the Metropolitan Police Department (MPD) has determined that the presence of the publisher box poses an eminent safety threat to the public; provided advance notice of the event and the need for relocating the publisher box has been sent by DDOT to the email address of the permittee and, if different, the person responsible for maintaining the publisher box; or
 - (c) Replacing a fallen publisher box to its upright position.
- 3606.3 Prior to the start of a DDOT street reconstruction project, the temporary occupancy of public space in connection with construction work on private property, or other work in the sidewalk that will take longer than two (2) weeks and will require the temporary removal of a publisher box from public space, the contractor performing the work shall provide notice to the person responsible for maintaining the publisher box to remove the publisher box from the planned work zone provided the person's contact information is displayed on the publisher box.
- 3606.4 The contractor performing the work shall provide notice to remove a publisher box pursuant to § 3606.3 by mail or by email at least fifteen (15) days prior to the time the work will commence. The request shall include the following information:
- (a) A detailed description or map showing the location and extents of the work zone;
 - (b) The approximate date the work will commence;
 - (c) The approximate date when the work will be completed; and
 - (d) The phone number and email address of the person who may be contacted for additional information.
- 3606.5 Upon the commencement of work, the contractor performing the work may relocate any publisher box that has not been removed from the work zone to the nearest available location on the adjacent sidewalk without providing additional notice.
- 3606.6 Prior to the commencement of a sidewalk replacement project or for other work performed in the sidewalk requiring the temporary relocation of a publisher box for no more than two (2) weeks, the contractor performing the work may

temporarily relocate the publisher box to the nearest available location on the adjacent sidewalk without first providing notice to the person responsible for maintaining the publisher box.

- 3606.7 Following the completion of work in the sidewalk pursuant to § 3606.6, the contractor shall endeavor to return the publisher box to its original location on the sidewalk.
- 3606.8 Prior to the installation of transportation related infrastructure, such as a new bus zone, bus shelter or bike station, the Director shall provide notice to the person responsible for maintaining the publisher box to relocate any publisher box under their control from the planned bus zone, bus shelter area or bike station area; provided the person's contact information or the permit sticker is displayed on the publisher box.
- 3606.9 The Director shall provide notice to relocate a publisher box pursuant to § 3606.8 by mail or by email at least fifteen (15) days prior to the time the new bus zone will be put into service. The request shall include the following information:
- (a) A detailed description or map showing the location of the new bus zone, bus shelter or bike station;
 - (b) The approximate date the bus zone will be put into service as a bus stop or the approximate date when a bus shelter or bike station will be installed;
 - (c) If applicable, the date when the enforcement of the bus zone placement violation may commence; and
 - (d) The phone number and email address of the person at DDOT who may be contacted for additional information.

3607 REMOVAL OF A HAZARDOUS PUBLISHER BOX

- 3607.1 No person shall leave in or upon any public space any hazardous publisher box. A hazardous publisher box shall be defined as any publisher box that is in a wrecked, incinerated or otherwise irreparable condition such that it poses an imminent hazard to public safety and welfare.
- 3607.2 Any publisher box that has been deemed to be an actual or potential hazardous publisher box may be removed from public space immediately by an authorized agent of DDOT.
- 3607.3 The removal of a hazardous publisher box shall be conducted in accordance with the requirements of D.C. Official Code § 921-19(d)(1), to include the issuance of a notice of infraction pursuant to the Civil Infractions Act and § 3609 of this chapter.

3607.4 Notwithstanding § 3607.3, if no legible contact or ownership information is available on the hazardous publisher box, the Director shall post information regarding the removal of the hazardous publisher box and the notice of infraction on the Department's website pursuant to § 3609 of this chapter and include the following additional information:

- (a) The condition of the hazardous publisher box necessitating its immediate removal from public space; and
- (b) A description of the publisher box, including any identifying information that is printed on or affixed to the publisher box.

3608 COMPLIANCE ORDERS

3608.1 When the Director has determined that a publisher box is in violation of a provision of this chapter, the Director shall serve a first notice of infraction (Compliance Order) to the owner by mail directing the owner and, if different, the person responsible for maintaining the publisher box to abate the violation within fifteen (15) days of the date the compliance order was sent. Additionally, the Director may post information regarding the Compliance Order on the agency's website.

3608.2 In the event that the Director has determined that a publisher box is in violation of a provision of this chapter and no contact or other ownership information is displayed on the publisher box, the Director shall affix the Compliance Order to a conspicuous location on the publisher box and shall post information regarding the Compliance Order on the Department's website as a means of providing the fifteen (15) day notice.

3608.3 Each Compliance Order shall display the following information:

- (a) The nature of the alleged violation, including the citation to the regulation that the respondent is violating;
- (b) The conduct the respondent must cease or the action the respondent must take to correct the infraction;
- (c) The date and time by which such conduct must be ceased or such action must be taken;
- (d) A statement that the respondent has a right to timely challenge the order at a hearing before the Office of Administrative Hearings, where the hearing will determine whether the order is valid;
- (e) A statement that to obtain a hearing, the respondent must request a hearing in writing within fifteen (15) days after the service of the order;
- (f) The process by which the respondent may request a hearing; and

- (g) A statement that if the respondent fails to comply with the order or request a hearing within the fifteen (15) days, the Director may impound or remove and dispose of the publisher box and recover up to three (3) times the cost and expense of removing and disposing of the non-compliant publisher box.

3608.4 Answering a Compliance Order shall be in accordance with 16 DCMR § 3103 (Answering a Notice of Infraction).

3608.5 The abatement of a Compliance Order shall be in accordance with 16 DCMR § 3104 (Abatement of Infractions).

3608.6 If a respondent does not request a hearing in writing within fifteen (15) days after the service of the Compliance Order, the order shall be deemed final.

3609 NOTICE OF INFRACTION

3609.1 If the respondent has been served with a Compliance Order, but failed to abate the violation or request a hearing within the fifteen (15) days allowed by the Compliance Order or the Director takes action pursuant to § 3607, the respondent shall be liable for civil penalties and expenses incurred by the Department due to the violation. Additionally, the Director may impound or remove the publisher box from public space.

3609.2 The Director shall serve a Notice of Infraction to the respondent by mail. In addition, the Director may post information regarding the Notice of Infraction on the Department's website.

3609.3 In the event that no contact or ownership information is displayed on the publisher box, the Director shall affix the Notice of Infraction to a conspicuous location on the publisher box and shall post information regarding the Notice of Infraction on the Department's website as a means of providing the fifteen (15) day notice.

3609.4 The Notice of Infraction shall state the following:

- (a) Any action the Department has taken, including the impoundment or removal of the publisher box from public space;
- (b) The basis for the action;
- (c) The nature of the alleged infraction, including a citation to the regulation that the respondent violated;
- (d) A statement that the respondent has a right to challenge the action at a hearing before the Office of Administrative Hearings;

- (e) A statement that to obtain a hearing, the respondent must request a hearing in writing within fifteen (15) days after the service of the notice;
- (f) That the respondent has a right to request an expedited hearing by making this request in writing within five (5) days after service of the notice;
- (g) The process by which the respondent may request a hearing;
- (h) The method by which the respondent may recover the publisher box impounded or removed from public space;
- (i) The deadline by which the respondent must recover the publisher box; and
- (j) The amount owed the Department for the civil infraction pursuant to Chapter 32 of Title 16 DCMR, and expenses incurred by the Department.

3609.5 The Notice of Infraction shall be answered, abated and adjudicated in accordance with administrative procedures found in Chapter 31 of Title 16 DCMR.

3609.6 The Director shall store the publisher box which has been impounded or removed from the public space pursuant to § 3609.1 for fifteen (15) days after the service of the Notice of Infraction.

3609.7 If the respondent does not recover the property by the date set forth in the notice, the Director may, consistent with reasonable business practices, sell or otherwise dispose of the property.

3609.8 A respondent who fails to reclaim the property within the time prescribed shall nevertheless be entitled to recover the fair market value of any property disposed of pursuant to this subsection if:

- (a) The respondent timely requests a hearing;
- (b) The administrative law judge dismisses the notice or order or finds no violation; and
- (c) The respondent establishes the property's fair market value by a preponderance of the evidence; provided that if the District has sold the property, the price paid by a good faith purchaser, other than the respondent, shall establish a rebuttable presumption of the fair market value of the property.

3609.9 If the respondent who fails to request a hearing or to otherwise abate the Notice of Infraction or is ordered to make payment by the administrative law judge pursuant to 16 DCMR § 3113, the respondent shall be responsible for the payment of all fines, costs and expenses imposed in accordance with Chapter 31 of Title 16 DCMR.

3610 CIVIL INFRACTIONS, ADMINISTRATIVE PROCEDURES AND SCHEDULE OF FINES APPLICABLE

3610.1 The civil infractions set forth pursuant this chapter are subject to the provisions of Chapter 31 (Administrative Procedures) and Chapter 32 (Schedule of Fines) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) DCMR.

3610.2 The civil infractions set forth pursuant this chapter are found under the DDOT infractions chapter of Title 16 (Consumers, Commercial Practices, and Civil Infractions) DCMR.

3699 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Bus zone – a ten foot (10 ft.) wide strip of sidewalk parallel to the roadway and measured from the vertical face of the roadway curb toward the building line that runs the entire length of the area delineated as a bus zone by signage posted at the roadway curb.

DDOT or Department – District Department of Transportation.

Director – Director of the District Department of Transportation, or the Director's agent, representative, or designee.

Fixture - District government-authorized furniture or equipment that is secured or permanently affixed to public space.

Mail – Delivery of notice by U.S. Postal Service, electronic mail or other method of written message delivery.

MPD - Metropolitan Police Department of the District of Columbia.

Owner – a person that owns or is in control of one or more publisher boxes placed, installed, or maintained on public space. Each publisher box shall have a single owner for the purposes of this chapter.

Person – an individual or entity.

Publisher box – a self-service or coin-operated box, container, storage unit, display or dispenser installed, used, or maintained for the display, distribution, or sale of newspapers or other periodicals.

Publisher box corral – a fixture, approved by the Public Space Committee, installed on public space for the purpose of controlling the placement of publisher boxes.

Streetcar platform - the public right of way designated for public use as an embarkation/disembarkation or waiting area for the streetcar and which includes streetcar shelters, adjoining stairways, ramps and sidewalks and all attached equipment or fixtures.

All persons interested in commenting on the subject matter of this proposed rulemaking should file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel Zimbabwe, District of Columbia Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. You 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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216); D.C. Official Code §§ 34-2202.03(3) and (11), and § 34-2202.16 (2012 Repl.); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2012 Repl.)), hereby gives notice that at its regularly scheduled meeting on January 7, 2016, the Board adopted Board Resolution #16-10 to propose the amendment of Sections 112 (Fees) and 199 (Definitions) of Chapter 1 (Water Supply) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to add the System Availability Fee and relevant definitions.

The Board requests comments on these proposed regulations and comments on whether DC Water should consider exemptions for charitable organizations and affordable housing and if so, the nature and extent of such exemptions.

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

Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 112, FEES, is amended by adding a new Subsection 112.11 to read as follows:

112.11 Effective April 1, 2016, DCRA Construction Permit Applicants and federal facilities shall be assessed a System Availability Fee (SAF) for new water and sewer connections and renovation or redevelopment projects for existing connections to the District’s potable water and sanitary sewer systems based on the SAF meter size in accordance with the following fee schedule and requirements:

- (a) Residential customers shall be charged a System Availability Fee based on the SAF meter size as listed below:

SAF Meter Size (inches)	Water System Availability Fee	Sewer System Availability Fee	Total System Availability Fee
5/8"	\$ 1,135	\$ 2,809	\$ 3,944
3/4"	\$ 1,135	\$ 2,809	\$ 3,944
1"	\$ 1,135	\$ 2,809	\$ 3,944
1"x1.25"	\$ 2,047	\$ 5,066	\$ 7,113
1.5"	\$ 5,491	\$ 13,591	\$ 19,082

2"	\$ 11,125	\$ 27,536	\$ 38,661
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(b) Multi-Family and all Non-Residential customers shall be charged a System Availability Fee based on the SAF meter size as listed below:

SAF Meter Size (inches)	Water System Availability Fee	Sewer System Availability Fee	Total System Availability Fee
1" or smaller	\$ 1,282	\$ 3,173	\$ 4,455
1"x1.25"	\$ 2,047	\$ 5,066	\$ 7,113
1.5"	\$ 5,491	\$ 13,591	\$ 19,082
2"	\$ 11,125	\$ 27,536	\$ 38,661
3"	\$ 32,500	\$ 80,442	\$ 112,942
4"	\$ 83,388	\$ 206,394	\$ 289,782
6"	\$ 229,246	\$ 567,408	\$ 796,654
8"	\$ 229,246	\$ 567,408	\$ 796,654
8"x2"	\$ 229,246	\$ 567,408	\$ 796,654
8"x4"x1"	\$ 229,246	\$ 567,408	\$ 796,654
10"	\$ 229,246	\$ 567,408	\$ 796,654
12"	\$ 229,246	\$ 567,408	\$ 796,654
16"	\$ 229,246	\$ 567,408	\$ 796,654

- (c) The SAF meter size shall be computed for the peak water demand, excluding fire demand in accordance with D.C. Construction Codes Supplement of 2013, as amended, Chapter 3 (Water Meters) of this title, and DC Water Standard Details and Guideline Masters.
- (d) The System Availability Fee shall be assessed for any new premises, building or structure that requires a metered water service connection to the District’s potable water and/or sanitary sewer systems.
- (e) The System Availability Fee shall be assessed for renovation or redevelopment projects for any premises, building or structure that requires a metered water service connection to the District’s potable water and/or sanitary sewer systems.
- (f) For a renovation or redevelopment project on a property that already had/has a DC Water meter(s) and account(s), DC Water shall determine the net System Availability Fee based on the difference between the property’s new System Availability Fee determined by the SAF meter size(s) and the System Availability Fee determined by the old meter size(s) for the meters(s) being removed from the system.
- (g) If the net System Availability Fee is zero or less, no System Availability Fee shall be charged.

- (h) If the net System Availability Fee is greater than zero, DC Water shall provide System Availability Fee credits for the removed capacity and assess the net System Availability Fee.
- (i) Properties under renovation or redevelopment shall not receive a System Availability Fee credit for the DC Water account(s) that are/have been inactive during the twelve month period prior to DC Water's issuance of the Certificate of Approval.
- (j) For DCRA Construction Permit applicants, payment of the System Availability Fee shall be a condition for DC Water's issuance of the Certificate of Approval.
- (k) DCRA Construction Permit applicants that submitted plans and specifications to DC Water prior to the effective date of these regulations, shall not be subject to the System Availability Fee provided:
 - (1) The DC Water Engineering Review fee(s) has been paid;
 - (2) The plans, specifications and other information conform to the requirements of the DC Construction Codes Supplement, as amended, and are sufficiently complete to allow DC Water to complete its Engineering Review without substantial changes or revisions; and
 - (3) DC Water issues the Certificate of Approval within one year after the effective date of these regulations.
- (l) For federal facilities, payment of the System Availability Fee shall be a condition of DC Water's issuance of the Certificate of Approval.
- (m) After the effective date of these regulations to December 31, 2019, the property owner may request to pay the System Availability Fee in four equal installments, with the final payment due on or before one year after the execution date of a Payment Plan Agreement. Execution of a Payment Plan Agreement and payment of the first installment payment, shall be a condition of DC Water's issuance of the Certificate of Approval.
- (n) In the case that the DCRA Construction Permit is not issued or is revoked or the construction project is abandoned or discontinued, upon written request from the property owner, DC Water shall issue the property owner a refund of the System Availability Fee.

Section 199, DEFINITIONS, is amended by adding the following terms and definitions to read as follows:

Development – the construction of a premises, building or structure that establishes a new water and/or sewer connection.

Redevelopment – the renovation or alteration of a premises, building or structure or reconstruction of a property that increases or decreases the water supply demand or drainage, waste, and vent (DWV) system load. Redevelopment shall not include the up-sizing of a water service or sewer lateral to comply with the D.C. Construction Codes Supplement of 2013, provided the water supply demand and DMV system load remain the same.

System Availability Fee – A one-time fee assessed to a property owner of any premises, building or structure to recover the cost of system capacity put in place to serve all metered water service and sanitary sewer connections and renovation or redevelopment projects that require an upsized meter service connection to the District’s potable water system. The fee is assessed based on the peak water demand, excluding fire demand, for new meter water service connection and renovation or redevelopment projects that increase the peak water demand and associated SAF meter size for the property.

Comments on these proposed rules and comments on whether DC Water should consider exemptions for charitable organizations and affordable housing and if so, the nature and extent of such exemptions should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to Lmanley@dcwater.com, or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the intent to adopt a new Chapter 64, “Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers” to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these proposed and emergency rules is to set forth the reimbursement rates for services provided to eligible District residents, twenty-one (21) years of age or older, by substance use disorder treatment and recovery providers who have been certified pursuant to Chapter 63 of this title and have an active Human Care Agreement with the Department to provide such services.

Issuance of these rules on an emergency basis is necessary to ensure the continued provision of essential substance use disorder treatment services as providers are certified under a new chapter with new service standards. The Department of Behavioral Health created new certification standards promulgated in Chapter 63 of this title to 1) generally update the substance use disorder treatment and recovery service requirements to reflect improvements in the American Society of Addiction Medicine (“ASAM”) practice guidelines; 2) align the certification requirements with other certified programs within the authority of the Department of Behavioral Health; and 3) include the requirements of the Adult Substance Abuse Rehabilitation Services (“ASARS”) State Plan Amendment (“SPA”) which enables Medicaid reimbursement for services falling within the ASARS requirements. This reimbursement rule is necessary in order to reimburse providers using non-Medicaid local District funds for non-Medicaid services provided under that chapter. Delay in promulgating the published reimbursement rates would result in interruption of substance use disorder services. Therefore, emergency action is necessary for the immediate preservation of the critical substance use disorder treatment and recovery services that will ensure the health, welfare, and safety of individuals with substance abuse disorders.

The emergency rulemaking was adopted on November 19, 2015 and is effective for services rendered on or after December 1, 2015 by a provider certified pursuant to Chapter 63 of this title. The emergency rules will remain in effect for one hundred twenty (120) days after adoption or until March 18, 2016, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

The Acting Director also gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 64 to read

as follows:

CHAPTER 64 REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63 CERTIFIED SUBSTANCE USE DISORDER PROVIDERS

6400 PURPOSE

6400.1 This chapter establishes the reimbursement rate for services provided to eligible District residents ages twenty-one (21) and older by Department of Behavioral Health (Department) certified substance use disorder providers, as this term is defined in Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

6400.2 Establishment of these reimbursement rates will allow the Department to reimburse providers using non-Medicaid local funds for services provided in accordance with the Human Care Agreement to those clients who are not eligible for Medicaid funding and for those services that are not reimbursable by Medicaid. Reimbursement rates using non-Medicaid local funds are equivalent to the reimbursement rates for equivalent services which may be reimbursable by Medicaid.

6400.3 Nothing in this chapter grants to a certified substance use disorder provider the right to reimbursement for costs of substance use disorder services and supports. Eligibility for reimbursement is determined solely by the Human Care Agreement between the Department and the certified substance use disorder provider, and reimbursement is subject to the availability of appropriated funds.

6401 REIMBURSEMENT RATE

6401.1 Reimbursement for substance abuse services shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003	15.00	Per service
Breathalyzer Collection	H0048	8.80	Per service
Urinalysis Collection	H0048LR	8.80	Per

SERVICE	CODE	RATE per UNIT	UNIT
			service
Case Management	H0006	21.97	15 min.
Case Management (HIV)	H0006HKHF	21.97	15 min.
Clinical Care Coordination	T1017HF	26.42	15 min.
Counseling, Group	H0005	8.00	15 min.
Counseling, Group, Psycho-educational	H2027HQ	6.65	15 min.
Counseling, Group, Psycho-educational (HIV)	H2027HQHF	6.65	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HF	26.42	15 min.
Counseling, Individual, Off-site	H0004HFTN	27.45	15 min.
Counseling, Family with Client	H0004HFHR	26.42	15 min.
Counseling, Family without Client	H0004HFHS	26.42	15 min.
Crisis Intervention	H0007HF	36.93	15 min.
Short-term MMIWM	H0010	605.00	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HF	85.34	Per service
Behavioral Health	H0002TG	140.00	

SERVICE	CODE	RATE per UNIT	UNIT
Assessment, on- going, Risk Rating			Per service
Diagnostic Assessment, Comprehensive, Adult	H0001	256.02	Per service
Diagnostic Assessment, Brief, Modify Tx Plan	H0001TS	85.34	Per service
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020	8.58	Dose
Medication Assisted Therapy, Administration	H0020HF	8.58	Per Service
Medication Management, Adult	H0016	44.65	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HF	57.42	15 min.
Residential Treatment, Room & Board	H0043	72.90	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UN	210.00	Per diem
Residential Treatment, Room & Board, Woman w/2	H0043UP	215.00	Per diem

SERVICE	CODE	RATE per UNIT	UNIT
children			
Residential Treatment, Room & Board, Woman w/3 children	H0043UQ	220.00	Per diem
Residential Treatment, Room & Board, Women w/4 or more children	H0043UR	225.00	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HF	85.34	Per service
Case Management, Recovery Support	T1017	21.97	15 min.
Environmental Stability, Supported Housing, Individual	H0044HF	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUN	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HF	21.97	15 min.
Training and Skills Development, Life Skills, Individual	H2014	21.97	15 min.
Training and Skills Development, Life Skills, Adult, Group Substance Use	H2014HQ H0047HF	6.65 6.65	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Disorder Services NOS, Spiritual Support Group			15 min.
PsychoSocial Rehabilitative Service, Recovery Social Activities, Group	H2017HQ	6.65	15 min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HF	21.97	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQ	6.65	15 min.

6402 REIMBURSEMENT RATE FOR CLIENTS WHO ARE DEAF OR HARD-OF-HEARING

6402.1 Reimbursement for substance abuse services provided to clients who are deaf or hard-of-hearing by a provider certified to provide services to clients who are deaf or hard-of-hearing shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003HK	15.00	Per service
Breathalyzer Collection	H0048HK	11.88	Per service
Urinalysis Collection	H0048LRHK	11.88	Per service
Case Management	H0006HK	29.66	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Case Management (HIV)	H0006HKHFHV	29.66	15 min.
Clinical Care Coordination	T1017HFHK	35.67	15 min.
Counseling, Group	H0005HK	10.80	15 min.
Counseling, Group, Psycho-educational	H2027HQHK	8.97	15 min.
Counseling, Group , Psycho-educational (HIV)	H2027HQHFHK	8.97	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HFHK	35.68	15 min.
Counseling, Individual, Off-site	H0004HFTNHK	37.06	15 min.
Counseling, Family with Client	H0004HFHRHK	35.68	15 min.
Counseling, Family without Client	H0004HFHSHK	35.68	15 min.
Crisis Intervention	H0007HFHK	49.85	15 min.
Short-term MMIWM	H0010HK	816.75	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HFHK	115.21	Per service
Behavioral Health Assessment, on-going, Risk Rating	H0002TGHK	189.00	Per service
Diagnostic	H0001HK	345.63	Per

SERVICE	CODE	RATE per UNIT	UNIT
Assessment, Comprehensive, Adult			service
Diagnostic Assessment, Brief, Modify Treatment Plan	H0001TSHK	115.21	Per Service
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020HK	8.58	Dose
Medication Assisted Therapy, Administration	H0020HFHK	11.58	Service
Medication Management, Adult	H0016HK	60.28	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HFHK	77.52	15 min.
Residential Treatment, Room & Board	H0043HK	98.42	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UNHK	283.50	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UPHK	290.25	Per diem
Residential Treatment, Room &	H0043UQHK	297.00	Per diem

SERVICE	CODE	RATE per UNIT	UNIT
Board, Woman w/3 children			
Residential Treatment, Room & Board - Women w/4 or more children	H0043URHK	303.75	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HK	115.21	Per service
Case Management, Recovery Support	T1017HFHK	29.66	15 min.
Environmental Stability, Supported Housing, Individual	H0044HFHK	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUNHK	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HFHK	29.66	15 min.
Training and Skills Development, Life Skills, Individual	H2014HK	29.66	15 min.
Training and Skills Development, Life Skills, Adult, Group	H2014HQHK	8.98	15 min.
Substance Use Disorder Services NOS, Spiritual Support Group	H0047HFHK	8.98	15 min.
PsychoSocial		8.98	15

SERVICE	CODE	RATE per UNIT	UNIT
Rehabilitative Service, Recovery Social Activities, Group	H2017HQHK		min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HFHK	29.66	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQHK	8.98	15 min.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Suzanne Fenzel, Deputy Director, Office of Strategic Planning, Policy and Evaluation, Department of Behavioral Health, at 64 New York Ave., NE, 3rd Floor, Washington, D.C. 20002, or e-mailed to Suzanne.Fenzel@dc.gov. Copies of the proposed rules may be obtained from dbh.dc.gov or from the Department of Behavioral Health at the address above.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(11), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), (15), and (17) (2012 Repl. & 2015 Supp.)), hereby gives notice of the adoption, on an emergency basis, of the following amendments to create a new Chapter 84 (General Educational Development (GED[®]) Testing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”), and to delete Section 2320 (General Educational Development (GED[®]) Testing) of Chapter 23 (Curriculum and Testing) in Subtitle E (Original Title 5), Title 5 DCMR (Education), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to (1) align regulations with the 2014 Series of the GED[®] test, which is now a computer-based test; (2) to provide the flexibility needed to allow the District of Columbia to continue to act as the national GED[®] jurisdiction, which gives the Office of the State Superintendent of Education (OSSE) the authority to provide GED[®] testing and credentialing to a range of non-residents; and (3) establish new eligibility requirements for test takers. This emergency rulemaking is necessitated by the immediate need to ensure that OSSE maintains the national partnership with GED Testing Service which authorizes OSSE to provide GED[®] testing and credentialing to a range of non-residents and reduces the GED[®] test fee for District residents to fifteen dollars (\$15.00) total for all four (4) subject area tests.

The rules were adopted on December 10, 2015 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on April 8, 2016, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The State Superintendent of Education also gives notice of her intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

A new Chapter 84 is added to Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, as follows:

CHAPTER 84 GENERAL EDUCATIONAL DEVELOPMENT (GED[®]) TESTING**8400 GENERAL PROVISIONS**

8400.1 The Office of the State Superintendent of Education (“OSSE” or “State Superintendent”) is the sole entity authorized and responsible for the administration of the tests of General Educational Development (GED[®] test) for eligible applicants in the District of Columbia; and, is the sole entity authorized to certify and monitor other entities as official GED[®] testing sites for eligible applicants in the District of Columbia.

8401 ADMINISTRATION OF THE GED[®] TEST

- 8401.1 The content of the GED[®] test administered by the OSSE shall be determined or supplied by GED Testing Service.
- 8401.2 The State Superintendent shall refer all applicants seeking test-taking accommodations to GED Testing Service. The decision to provide test-taking accommodations is made solely by GED Testing Service.
- 8401.3 The GED[®] test is a computer-based test and shall be given on computer at an approved test center.
- 8401.4 A resident must complete all subjects in the same language in order to earn a GED[®] test credential.
- 8401.5 The GED[®] test shall not be administered for any purpose prohibited by GED Testing Service.

8402 ELIGIBILITY REQUIREMENTS

- 8402.1 An applicant is eligible to take the GED[®] tests in the District of Columbia if the applicant:
- (a) Establishes evidence of residence in the District of Columbia, as defined in this chapter, at the time of both application and examination by presenting documentation in compliance with D.C. Official Code § 38-309-310;
 - (b) Has not already graduated or matriculated from a traditional high school program;
 - (c) Prior to taking each GED[®] subject test, demonstrates preparedness to successfully complete the test by:
 - (1) Providing documentation of the completion of the corresponding GED[®] subject test of the official practice test, the GED Ready[®], with a result of “likely to pass” or “too close to call” for that Module; or
 - (2) Providing a letter from a GED[®] preparation program recognized by the State Superintendent stating that the applicant has participated in that program and is prepared to successfully complete the corresponding GED[®] subject test; and
 - (d) Is at least eighteen (18) years old, and meets one of the following criteria:

- (1) The applicant has not been enrolled in a traditional high school program for a period of not less than six (6) months prior to submitting an application;
- (2) The applicant was a member of a high school class which has already graduated;
- (3) The applicant has officially withdrawn from a traditional high school program without re-enrollment for a period of not less than six (6) months, during which time the applicant has been enrolled in a GED[®] preparatory class; or
- (4) The applicant is certified by a GED[®] preparation program sponsored by the government of the District of Columbia or the federal government.

8402.2 Exceptions to the criteria stated in § 8402.1(c) or (d) shall be approved by the State Superintendent or an authorized designee.

8402.3 Nonresidents of the District of Columbia who are otherwise eligible may apply and participate in GED[®] testing and credentialing in the District if they fall under one (1) of the following criteria:

- (a) The applicant is currently serving as a member, or dependent family member, of the Armed Forces of the United States on active duty assignment in the District of Columbia;
- (b) The applicant is a trainee in a program sponsored by the government of the District of Columbia or federal government which is operated in the District of Columbia; or
- (c) The applicant is a ward of the District of Columbia.

8402.4 Notwithstanding the criteria established for nonresidents in Subsection 8402.3 of this chapter, the State Superintendent may waive the residency requirements of Subsection 8402.1(a) of this chapter and provide GED[®] testing and credentialing to nonresidents who are otherwise qualified under GED Testing Service's testing policies.

8402.5 The State Superintendent shall also provide GED[®] testing and credentialing services to persons incarcerated or confined in institutions located in the District of Columbia or operated by the District outside the physical boundaries of the District.

8403 RETESTING

- 8403.1 An applicant who has taken any GED[®] subject test and failed to meet the minimum standards for qualification may apply to retake the test that was failed after the expiration of the applicable waiting period, as follows:
- (a) Thirty (30) calendar days, if the applicant has taken the corresponding GED Ready[®] test, the official practice test for the GED[®] test and achieved a result of “likely to pass” or “too close to call” since the date of their failed attempt; or
 - (b) Sixty (60) calendar days if the applicant has tested and failed the subject test three times and sixty (60) calendar days waiting period between each subsequent administration of the same subject test.
- 8403.2 Exceptions to the criteria stated in § 8403.1 shall be approved by the State Superintendent or an authorized designee.

8404 FEE SCHEDULE

- 8404.1 The Superintendent shall adopt and publicize uniform fees for the administration of each GED[®] test and subsequent re-tests.
- 8404.2 Waivers of the testing fees stated in § 8404.1 may be approved by the State Superintendent or an authorized designee in cases of demonstrated financial hardship.

8405 ISSUANCE OF THE GED[®] CREDENTIAL

- 8405.1 The State Superintendent shall approve the issuance of the District of Columbia GED[®] credential, as defined in this chapter, pursuant to statutory requirements, the requirements of GED Testing Service, and the provisions of this section.
- 8405.2 Approval of the issuance of GED[®] credentials by the State Superintendent shall be based upon certification that the applicants are qualified by virtue of having fulfilled all requirements for issuance of the credential.
- 8405.3 GED Testing Service shall establish the minimum qualifying score for issuance of a District of Columbia GED[®] Credential and the Superintendent shall reserve the option of establishing a higher passing score for the District of Columbia at any time.

8499 DEFINITIONS

“Applicant” means the individual who is seeking to take the GED[®] test.

“Credential” means the certificate and/or the state diploma provided by OSSE for successfully passing the GED[®] test.

“**GED[®] test**” means the nationally recognized high school equivalency test.

“**Module**” means a single subject area being measured by the GED[®] test.

“**OSSE**” means the Office of the State Superintendent of Education.

“**Residence**” means the address where the applicant’s parent, legal guardian, custodian or other primary caregiver resides, if the applicant is under eighteen (18), or if the applicant is an adult, or emancipated minor, the address where the applicant actually resides.

Chapter 23, CURRICULUM AND TESTING, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2320, GENERAL EDUCATIONAL DEVELOPMENT (GED[®]) TESTING, is deleted in its entirety.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: State Education Agency Diploma, 810 First Street, NE 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl.& 2015 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 an amendment to Section 4216 of Chapter 42 (Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Centers for Medicare and Medicaid Services (CMS) issued regulations governing conflict-free standards for the delivery of case management services and the person-centered service planning process in its Home and Community-Based regulations, at 42 C.F.R. §§ 441.301(c)(1) – (3). These standards became effective on March 17, 2014. To bring the District into compliance, these emergency and proposed rules amend the previously published emergency rules governing the delivery of case management services under the Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD Waiver) by changing the timelines for provider qualification criteria for existing case managers. Each case manager must now self-attest that he or she meets the CMS standards for conflict-free case management services using a form developed by DHCF. Existing and new case managers shall have until July 1, 2016, to complete their self-attestation forms as a pre-condition for billing EPD Waiver case management services. EPD Waiver case management service providers shall be required to maintain the self-attestation forms in their personnel files and such files shall be subject to inspection and audit by DHCF or its designated agent.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 10, 2015 at 62 DCR 009490. These rules amended the provider qualification criteria to prohibit any new entity from enrolling as a Medicaid reimbursable provider of case management services if that entity is a Medicaid provider of Personal Care Aide (PCA) services or any other direct services under the EPD Waiver, or has a financial relationship, as defined under 42 C.F.R. § 411.354, in a Medicaid provider of PCA or any other direct services under the EPD Waiver. A new entity is an entity that was not enrolled as an EPD waiver case management service provider on the effective date of these rules. Existing and new case managers shall complete self-attestation forms as a pre-condition for billing EPD Waiver case management services. Finally, EPD waiver case management service providers shall begin incorporating the requirements of 42 C.F.R. §§ 441.301(c)(1) - (3) requiring that Individual Service Plans developed by case managers incorporate the principles and requirements of person-centered planning. These changes correlate with the conflict-free case management requirements, 42 C.F.R. § 441.301(c)(1)(vi), and person-centered planning requirements, 42 C.F.R. §§ 441.301(c)(1) – (3) prescribed under CMS's final rulemaking regarding Home and Community-Based Services published in the *Federal Register* on January 16, 2014 at 79 Fed. Reg. 2948.

Comments were received on the first emergency and proposed rules, and changes were made to the rulemaking to incorporate the comments. These second emergency and proposed rules amend the previously published rules by: (1) requiring the case management service providers to ensure that they have completed self-attestation forms on file no later than July 1, 2016; (2) establishing that all case managers shall ensure that all Individual Support Plan (ISPs) shall utilize DHCF's template for person-centered-planning available at the DHCF website detailed within this section, and conform to all the person-centered planning requirements by November 1, 2016; (3) requiring that transition plans submitted by case management service providers must include sufficient safeguards to protect a beneficiary who may experience gaps in services due to an interruption of case management services; (4) establishing that case managers shall complete and submit the beneficiary's ISP to DHCF or its designee for review and approval within ten (10) business days of conducting the beneficiary's assessment; and (5) requiring case managers to take the required steps detailed within this section to ensure that a beneficiary's care is coordinated.

In order to come into compliance with the new requirements for the delivery of case management services, to preserve the beneficiaries' health, safety, and welfare, and to avoid any lapse in access to conflict-free case management services, it is necessary that these rules be published on an emergency basis. These standards ensure that the interests of case managers who arrange for the delivery of services are consistent with the needs and preferences of the beneficiary, and protect the beneficiary's health care delivery needs. Amending the provider enrollment requirements for EPD Waiver case managers is necessary to ensure that the District comes into compliance with CMS's conflict-free case management standards.

The emergency rulemaking was adopted on January 7, 2016 and shall become effective for services rendered on or after that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until May 6, 2016, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in no less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 42, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 4216, SPECIFIC PROVIDER REQUIREMENTS: CASE MANAGEMENT AND RELATED WAIVER SERVICES, is amended as follows:

4216 SPECIFIC PROVIDER REQUIREMENTS: CASE MANAGEMENT

4216.1 Each individual providing case management services shall meet the following requirements:

- (a) Be at least eighteen (18) years of age;

- (b) Be a United States citizen or alien who is lawfully authorized to work in the United States;
- (c) Provide proof of the supporting documents for the Immigration and Naturalization Service's Form I-9 requirements;
- (d) Be able to read and write English;
- (e) Be acceptable to the person using the Waiver service;
- (f) Confirm, on an annual basis, that he or she is free of active tuberculosis by undergoing an annual purified protein derivative (PPD) skin test;
- (g) Confirm, on an annual basis, that he or she is free of communicable diseases by undergoing an annual physical examination by a physician, and obtaining written and signed documentation from the examining physician that confirms he or she is free of communicable diseases; and
- (h) Provide to each case management service provider for whom he or she works:
 - (1) Evidence of acceptance or declination of the Hepatitis vaccine; and
 - (2) A completed Department of Health Care Finance Conflict-Free Case Management Self-Attestation Form described under Subsection 4216.2.

4216.2 Except as provided in Subsection 4216.3, on or after the effective date of these rules, an individual providing case management services, who is employed or under contract to a Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD Waiver) case management service provider shall self-attest to meeting the CMS conflict-free standards in accordance with 42 C.F.R § 441.301(c)(1)(vi) using the DHCF Conflict-Free Case Management Self-Attestation Form. Under these standards, individual case managers shall not:

- (a) Be related by blood or marriage to the person receiving services, or to any paid caregiver of the person;
- (b) Be financially responsible for the person, or be empowered to make financial or health decisions on the person's behalf;
- (c) Have a financial relationship, defined under 42 C.F.R § 411.354, with any entity that is paid to provide care for the person; and

- (d) Be employed by any entity that is a provider of a person's personal care aide (PCA) services or any other direct services under the EPD Waiver.
- 4216.3 An individual providing EPD waiver case management services shall meet the requirements of Subsection 4216.1(h)(ii) no later than July 1, 2016.
- 4216.4 EPD Waiver case management service providers shall ensure they have a copy of the DHCF Conflict-Free Case Management Self-Attestation Form on file for each case manager prior to submission of any claims for case management services provided by that case manager on or before July 1, 2016. DHCF Conflict-Free Case Management Self-Attestation Forms are subject to inspection and audit and must be produced upon request.
- 4216.5 Individuals conducting case management services shall meet one of the following educational requirements:
- (a) Have a current appropriate license, have a Master's degree in social work, psychology, counseling, rehabilitation, nursing, gerontology, or sociology, and have at least one (1) year of experience working with the elderly or individuals with physical disabilities;
- (b) Have a current appropriate license, have a Bachelor's degree in social work, psychology, counseling, rehabilitation, nursing, gerontology, or sociology, and have two (2) years of experience working with the elderly or individuals with physical disabilities; or
- (c) Have a current license as a Registered Nurse (RN), have an Associate degree in nursing, and have at least three (3) years of experience working with the elderly and individuals with physical disabilities.
- 4216.6 Case management service providers shall not provide medical, financial, legal, or other services or advice for which they are not qualified or licensed to provide (except for providing referrals to qualified individuals, agencies, or programs).
- 4216.7 Except as provided in Subsection 4216.8, on or after the effective date of these rules, in accordance with 42 C.F.R. § 441.301(c)(1)(vi), the following providers shall not be eligible to provide case management services:
- (a) An entity that is a Medicaid provider of PCA services or any other direct services under the EPD Waiver; or
- (b) An entity that has a financial relationship, as defined under 42 C.F.R. § 411.354, with a Medicaid provider of PCA services or any other direct services under the EPD Waiver.

- 4216.8 An entity that is enrolled to provide case management services on the effective date of these rules that is also a Medicaid provider of PCA services or any other direct services under the EPD Waiver; or has a financial relationship, as defined under 42 C.F.R § 411.354, with a Medicaid provider of PCA services or any other direct services under the EPD Waiver, shall have until July 1, 2016 to come into compliance with Subsection 4216.7.
- 4216.9 An entity described in Subsection 4216.8 shall notify DHCF of its election to continue or discontinue providing case management services no later than September 1st, 2015. An entity that chooses to discontinue case management services shall submit a transition plan to DHCF no later than October 1st 2015, and shall cooperate with DHCF to effectuate the orderly and timely transition of its enrollees to other case management providers that meet the conflict-free case management standards. These transition plans shall include sufficient safeguards to protect individuals who may experience gaps in services during transitions, including demonstrating efforts to ensure compliance with any notice or due process rights governed under local and federal law in case of service suspensions, or terminations.
- 4216.10 Each case management service provider shall conduct a comprehensive intake within forty-eight (48) business hours of receiving the waiver referral and prior to the development of the individual service plan (ISP). All initial ISPs and all renewal ISPs shall conform to the person-centered planning requirements under 42 C.F.R §§ 441.301(c)(1) – (3) by November 1, 2016, and case managers shall use DHCF’s person-centered-planning template, available at <http://dhcf.dc.gov/release/person-centered-planning>, to develop each beneficiary’s ISP.
- 4216.11 Each case management service provider shall complete and submit the ISP to DHCF or its designee for review and approval within ten (10) business days of conducting the comprehensive intake.
- 4216.12 Each case management service provider shall include the person whose plan is being developed, other contributors chosen and invited by the person, and representatives of the person’s interdisciplinary team, as possible, in the initial assessment and in the development and implementation of the ISP. The person or authorized representative shall have access to the ISP and shall be involved in the periodic review of the ISP.
- 4216.13 It is the responsibility of the case management service provider to ensure that all other professional disciplines, as identified for resolution of identified needs, are incorporated into the ISP. Specifically, each case management service provider shall coordinate a beneficiary’s care by sharing information with all other health care and service providers identified in the ISP, as applicable, to ensure that the beneficiary’s care is organized and to achieve safer and more effective health outcomes.

- 4216.14 Each case management service provider shall maintain, follow, and continually update a training and supervision program to ensure the individual delivering case management services is fully trained and familiar with the waiver policies and procedures, including CMS's conflict-free case management standards as set forth under this section.
- 4216.15 Each provider of case management services shall ensure that individuals providing case management services are appropriately supervised and that the case management service provided is consistent with the person's ISP.

Comments on the emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone at (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rules may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-006
January 21, 2016

SUBJECT: Declaration of Public Emergency

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2012 Repl.), and section 2 of the Natural Disaster Consumer Protection Act of 1992, effective March 20, 1992, D.C. Law 9-80, D.C. Official Code § 28-4102 (2012 Repl.) it is hereby **ORDERED** that:

I. FINDINGS (NATURE OF THE PUBLIC EMERGENCY)

The National Weather Service is monitoring an imminent, major winter storm that is approaching the District of Columbia. This storm is forecasted to produce freezing temperatures, high winds, and heavy snow. Because the storm system is expected to have serious widespread effects in the region, there is an imminent threat to the health, safety, and welfare of District residents that requires emergency protective actions. Accordingly, by this Order, a public emergency is declared in the District of Columbia, effective immediately. This Order shall stay in effect for 15 days until and unless provided for by further Mayoral Order.

II. EMERGENCY MEASURES AND REQUIREMENTS

- A. The City Administrator, in consultation with the Director of the District of Columbia Homeland Security and Emergency Management Agency, is authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by this snow storm. Such measures may include, as necessary or appropriate, actions authorized under D.C. Official Code § 7-2304(b), including requesting federal disaster assistance, or taking measures under the District Response Plan to the extent necessary or appropriate to effectuate the relief contemplated by this Order. Such measures may also include where appropriate, actions to enforce the NDCPA.

- B. This Order shall apply to all departments, agencies, and instrumentalities of the District government as necessary or appropriate to implement this Order.
- C. The Chief Financial Officer of the District of Columbia is authorized to approve disbursement of all appropriations necessary to carry out this Order.
- D. The City Administrator, in coordination with the Deputy Mayor for Public Safety and Justice, the Director of the District of Columbia Homeland Security and Emergency Management Agency and the Chief Financial Officer, is authorized to apply for financial assistance through the Federal Emergency Management Agency, any other federal, private, or nonprofit disaster relief and recovery organizations, and any other appropriate agencies of the United States government to recoup expenditures incurred, or obtain funding needed, under this order.
- E. The District Response Plan (DRP) is hereby implemented beginning immediately.
- F. In accordance with 49 C.F.R. § 390.23 (Relief from Regulations), any motor carriers or drivers operating commercial motor vehicles directly engaged in the resolution of this emergency shall not be subject to any provision that restricts the length of their work hours. Accordingly, this order permits utility workers and District agencies to retain crews to complete emergency repairs and restore services beyond normal work hours.
- G. Pursuant to D.C. Official Code § 28-4102 (Overcharging), it shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold. This provision will remain in effect for the duration of the declared state of emergency or thirty (30) calendar days from the effective date of this Order, whichever is shorter.

III. DURATION OF ORDER

This Order shall remain in effect until fifteen (15) days after its effective date, unless earlier rescinded or superseded.

IV. EFFECTIVE DATE:

This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 27, 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 # 15-PRO-00119; Chaplin Restaurant DC, LLC, t/a Chaplin, 1501 9th Street NWm, License #95700, Retailer CR
Substantial Change (Request to add Entertainment Endorsement)
- Protest Hearing (Status)** **9:30 AM**
Case # 15-PRO-00120; Meskerem Abebe, t/a Gebena Restaurant, 1917 9th Street NW, License #100631, Retailer CR
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00636; Debebe Addis, t/a Mesobe Restaurant and Deli Market 1843 7th Street NW, License #81030, Retailer CR
No ABC Manager on Duty, Failed to Post In a Conspicuous Place the Name of the Licensee
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00396; Bardo, LLC, t/a Bardo, 1200 Bladensburg Road NE License #90430, Retailer CT
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00660; Pal the Mediterranean Spot and More, LLC, t/a Pal the Mediterranean Spot, 1501 U Street NW, License #92484, Retailer CR
Failed to File Quarterly Statements (3rd Quarter 2015)

Board's Calendar

January 27, 2016

Show Cause Hearing (Status) 9:30 AM

Case # 15-251-00157; 2461 Corporation, t/a Madam's Organ, 2461 18th Street NW, License #25273, Retailer CR

Interfered with an Investigation

Show Cause Hearing (Status) 9:30 AM

Case # 15-251-00179; Precious Pies and Catering, LLC, t/a Layla Lounge 501 Morse Street NE, License #97637, Retailer CT

Failed to Follow Security Plan

Show Cause Hearing (Status) 9:30 AM

Case # 15-CMP-00554; Spo-dee-o-dee, LLC, t/a The Showtime, 113 Rhode Island Ave NE, License #89186, Retailer CT

Substantial Change without Boards Approval, Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM

Case # 15-AUD-00054; 600 F D.C., LLC, t/a Fuel Pizza & Wings, 600 F Street NW, License #88727, Retailer CR

Failed to File Quarterly Statements (4th Quarter 2014)

Show Cause Hearing (Status) 9:30 AM

Case # 15-CMP-00631; Thirteenth Step, LLC, t/a Kitty O'Shea's DC, 4624 Wisconsin Ave NW, License #90464, Retailer CR

No ABC Manager on Duty

Show Cause Hearing* 10:00 AM

Case # 14-CMP-00399; Fetlework Wolde, t/a Ethiopia Restaurant & Market 4630 14th Street NW, License #91373, Retailer CR

Failed to File Quarterly Statements (1st Quarter 2014)

Show Cause Hearing* 10:00 AM

Case # 14-CMP-00734; Notta Bike or Bar, LLC, t/a Joint Chiefs, 3400 11th Street NW, License #83926, Retailer CT

Failed to Maintain Books and Records (two counts)

Board's Calendar

January 27, 2016

Show Cause Hearing*

11:00 AM

Case # 15-251-00006; Trinidad & Tobago Association, t/a T & T Association
5123 Georgia Ave NW, License #17426, Retailer CX

**Allowed the Establishment to be Used for an Unlawful or Disorderly
Purpose, Trade Name Change Without Board Approval**

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing*

1:30 PM

Case # 15-AUD-00060; Nispero, LLC, t/a El Nuevo Migueleno, 1721 Columbia
Road NW, License #75403, Retailer CR

Failed to File Quarterly Statements (4th Quarter 2014)

Show Cause Hearing*

2:30 PM

Case # 15-CC-00007; H&Y Chun Corporation, t/a Michigan Liquors, 3934 12th
Street NE, License #23640, Retailer A

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal
Drinking Age, No ABC Manager on Duty**

Protest Hearing*

2:30 PM

Case # 15-PRO-00107; Tasty Burger DC1, LLC, t/a Tasty Burger, 2108 8th
Street NW, License #100284, Retailer CR, ANC 1B

Application for a New License

Protest Hearing*

2:30 PM

Case # 15-PRO-00108; DC Live, LLC, t/a XO, 15 K Street NE, License
#100316, Retailer CT

Application for a New License

Protest Hearing*

4:30 PM

Case # 15-PRO-00106; MMA by TMI, LLC, t/a To Be Determined, 2066
Rhode Island Ave NE, License #100283, Retailer CT

Application for a New License

This hearing has been rescheduled to February 17, 2016 at 4:30.

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, JANUARY 27, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On January 27, 2016 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#15-CC-00137 Cleveland Park Bar & Grill, 3421 CONNECTICUT AVE NW Retailer C Tavern, License#:ABRA-073821

2. Case#15-CC-00128 Washington Plaza Hotel, 10 THOMAS CIR NW Retailer C Hotel, License#: ABRA-024625

3. Case#15-CC-00129 Martha's Market, 2400 MINNESOTA AVE SE Retailer B Retail - Grocery, License#: ABRA-019249

4. Case#15-CMP-00826 Chuck & Bill Bison Lounge, 2718 GEORGIA AVE NW Retailer C Tavern, License#:ABRA-014759

5. Case#15-CMP-00868 Mad Hatter, 1321 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-082646

6. Case#15-CMP-00869 Noble Lounge, 1915 9TH ST NW Retailer C Tavern, License#: ABRA-085258

7. Case#15-CC-00138 Whole Foods Market, 4530 40TH ST NW Retailer D Restaurant, License#: ABRA-086073

8. Case#15-CC-00136 Anacostia Market, 1303 GOOD HOPE RD SE Retailer B Retail - Class B, License#: ABRA-086470
-
9. Case#15-CMP-00811 Crown Liquors, 1325 Connecticut AVE NW Retailer A Retail - Liquor Store, License#: ABRA-088121
-
10. Case#15-CMP-00827 Dulcinea Bar and Grill, 2618 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-088870
-
11. Case#15-CMP-00974 TABLE DC, 903 N ST NW Retailer C Restaurant, License#: ABRA-089395
-
12. Case#15-CMP-00798 Red Apron Butchery/ The Partisan, 709 D ST NW Retailer C Restaurant, License#: ABRA-090742
-
13. Case#15-CMP-00874 Gryphon (The), 1337 CONNECTICUT AVE NW Retailer C Tavern, License#: ABRA-090830
-
14. Case#15-CMP-01005 Provision No. 14, 2100 14TH ST NW Retailer C Restaurant, License#: ABRA-096425
-
15. Case#15-CC-00150 Sign of the Whale, 1825 M ST NW C Tavern, License#: ABRA-085120
-
16. Case#15-251-00205 Rumors, 1900 M ST NW Retailer C Nightclub, License#: ABRA-100517
-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 27, 2016 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 2E. SMD 2E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Yummi Crawfish*, 1529 Wisconsin Avenue NW, Retailer CR, License No. 096169.
-

2. Review Application for Manager’s License. *Jessica L. Khosravi-Heins*-ABRA 101135.
-

***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.**

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Tuesday, January 26, 2016 at 6:30 pm.

The meeting will be held at the MOAPIA office at One Judiciary Square, 441 4th Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov or Christina Truong at christina.truong@dc.gov. Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs convenes meetings to discuss current issues affecting the DC Asian American and Pacific Islander (AAPI) community.

**BRIYA PUBLIC CHARTER SCHOOL
BRIDGES PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

IT/SECURITY/AV SERVICES

Bridges Public Charter School and Briya Public Charter School, through the Mamie D. Lee, LLC partnership, are seeking competitive proposals for an **IT/Security/AV equipment vendor** to provide **furnishing and installation services** for a public charter school facility project. For a copy of the RFP, please contact Mr. Brenden Kollar of Brailsford & Dunlavey at bkollar@programmanagers.com. All proposals must be submitted by 12:00 pm on Monday, February 19, 2015.

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR QUOTES****HUMAN RESOURCE INFORMATION SYSTEM**

The Carlos Rosario IPCS is looking to solicit bids for payroll and HRIS services for approximately 275 employees. The service needs to include electronic timesheets, bi-weekly payroll processing, W-2 & 941 Reporting, ACA Form 1094 & 1095, benefit administration, and wage garnishment services. Prices should be quoted on a per employee basis. If there is a need for additional information please contact Jerry Luna via email gluna@carlosrosario.org

RECRUITMENT FIRM**PRINCIPAL (VACANCY)**

The Carlos Rosario IPCS is looking to solicit bids for a professional recruitment firm to help fill a principal position at our V St campus. For additional information please contact Jerry Luna via email gluna@carlosrosario.org

CENTER CITY PUBLIC CHARTER SCHOOLS, INC.**REQUEST FOR PROPOSALS****Network Equipment and Related Services**

Center City Public Charter Schools, Inc. is soliciting proposals from qualified vendors for the following:

Center City Public Charter School wishes to purchase network equipment and related services for the 2016-2017 school year. Interested parties should read the requirements listed within the RFP to submit a proposal that outlines services, fees and qualifications.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Scott Burns

sburns@centercitypcs.org

**OFFICE OF THE CITY ADMINISTRATOR
OFFICE OF THE DEPUTY MAYOR FOR GREATER
ECONOMIC OPPORTUNITY
WORKFORCE INVESTMENT COUNCIL**

NOTICE OF SOLICITATION OF COMMENTS

Draft Workforce Innovation and Opportunity Unified State Plan

The Office of the City Administrator, Office of the Deputy Mayor for Greater Economic Opportunity, and Workforce Investment Council encourage members of the public to participate in the development of the District's federally required Workforce Innovation and Opportunity Act (WIOA) Unified State Plan by submitting comments and ideas to help improve the District's workforce development system.

The draft Unified State Plan outlines a four-year workforce development strategic roadmap for how the District will realize our vision of a coordinated, accessible, and effective workforce system, including through the provision of employment, education, training, and related services and supports.

The draft Unified State Plan also includes the vision, goals, and strategies for the District's workforce development system as well as operational elements that detail the necessary infrastructure, policies, and activities to meet our strategic goals and support ongoing program development and coordination.

The final Unified State Plan will be submitted to the U.S. Secretary of Labor as well as the U.S. Secretary of Education by March 3, 2016.

The draft WIOA state plan will be available online at dmgeo.dc.gov and drafts.dc.gov starting on January 26, 2016. The drafts.dc.gov website allows the public to provide comments online about the plan overall and also to provide comments on specific sections, provisions, and individual words in the document.

Comments must be received by February 25, 2016.

Please submit comments by one of the following methods:

Online: drafts.dc.gov

Email: wic.dmped@dc.gov

Mail: WIOA State Plan Comments, DC Workforce Investment Council, 4058 Minnesota Avenue, NE, Suite 3700, Washington, DC 20019

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, February 5, 2016
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 4, 2016 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

**Meeting Agenda
Monday, February 1, 2016
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – Monday, March 7, 2016

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**February 4, 2016
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 7, 2016
7. Executive Session (Closed to the Public)
 - a. Applications
 - b. Complaints
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 3, 2016 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
February 16, 2016**

1. Call to Order – 1:00 p.m.
2. Executive Session (Closed to the Public) – 1:00 p.m. -1:30 p.m.
 - A. Review-Application (s) for licensure
3. Attendance (Start of Public Session) – 1:30 p.m.
4. Comments from the Public
5. Minutes
6. Recommendations
 - A. Review-Application(s) for Licensure
7. Old Business
 - District of Columbia Municipal Regulation Review
8. New Business
9. Adjourn

Next Scheduled Regular Meeting: March 15, 2016
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**February 17, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, December 16, 2015
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – February 17, 2015 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

February 2016

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	5	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	17	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	No Meeting	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	1	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	9	7:00-pm-8:30 pm
Sheldon Brown	Board of Funeral Directors	4	11:00am-1:00 pm
Avis Pearson	Board of Professional Engineering	25	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	9	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	16	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**D.C. BOXING AND WRESTLING COMMISSION****1100 4th Street SW-Suite E500****Washington, D.C. 20024****FEBRUARY 9, 2016****7:00 P.M.**Website: http://www.pearsonvue.com/dc/boxing_wrestling/**AGENDA****CALL TO ORDER & ROLL CALL****COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS**

1. Josef Pearson Amateur Muay Thai Event on **Saturday, December 5, 2015** at the Thurgood Marshall Center.
2. World Wrestling Entertainment (WWE) Smack Down TV Event on **Tuesday, December 29, 2015** at the Verizon Center.

REVIEW OF MINUTES

- Approval of Minutes

UPCOMING EVENT

1. Josef Pearson Amateur Muay Thai Event on **Saturday, February 13, 2016** at the Thurgood Marshall Center.
2. Marshall Kauffman-Kings Boxing Promotions Professional Boxing Event on **Saturday, February 27, 2016** at the Walter E. Washington Convention Center.

OLD BUSINESS

1. 6th Annual Dr. McKnight Preliminary Discussion
2. Officials Pay Raise Discussion

NEW BUSINESS

1. Upcoming Amateur Events
2. Officials Goals for 2016/Evaluation Procedures
3. Review & Re-cap/Open Discussion of 2015 Events, Progress and Recommendations.
4. 2016 Commission Meeting Dates

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS MARCH 8, 2016

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**February 25, 2016 ~ Room 300
9:00 A.M. (Application Review by Board Members)**

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – March 24, 2016
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**February 9, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 12, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 8, 2016 at 10:00 a.m.

DC INTERNATIONAL SCHOOL**REQUEST FOR PROPOSALS****Financial Advisory Services**

DC International School is soliciting proposals from qualified vendors for financial advisory and consulting services in order to raise new debt financing via bond financing or another vehicle. This financing is anticipated to close in mid-2016 and will be used to finance approximately \$53 million in leasehold improvements to our new facility at Walter Reed. The RFP can be obtained by contacting DCI at RFP@dcinternationalschool.org. Proposals must be received by COB February 12, 2016.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2016

Physical Activity for Youth Grant

Announcement Date: January 22, 2016

Request for Application Release Date: February 5, 2016

The Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the District of Columbia Physical Activity for Youth (DC PAY) grant. The purpose of this grant is to increase the capacity of D.C. schools to provide physical activity to all students before, during, or after the school day.

Eligibility: OSSE will accept applications from Washington D.C. public schools and public charter schools participating in the Healthy Schools Act (2010) and community-based organizations applying on behalf of a school. Past award recipients are eligible; however, a school may only receive the DC PAY Grant three times in a five year period. Community-based organizations may apply on behalf of up to four different schools.

Length of Award: The grant award period is one year.

Available Funding for Award: The total funding available for this award period is \$200,000. Eligible schools and organizations may apply for an award amount up to \$10,000 per school.

Anticipated Number of Awards: OSSE has funding available for at least twenty (20) awards.

The RFA and all supporting documents will be available on February 5, 2016 at <https://osse.mtwgms.org/wdcossegmsweb/logon.aspx>. For additional information regarding this grant competition, please contact:

Katie Lantuh
Physical Education & Physical Activity Specialist
Health & Wellness Division
Office of the State Superintendent of Education
202.481.3401
kathryn.lantuh@dc.gov

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2A07

Petition Circulation Period: **Monday, January 25, 2016 thru Tuesday, Feb. 16, 2016**
Petition Challenge Period: **Friday, February 19, 2016 thru Thursday, Feb. 25, 2016**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

IDEA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

IDEA Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Development & fundraising - seeking a consultant to assist with donor relations to establish an annual fund and capital campaign for the school.
- Contractor - install and construction of 2-3 bathrooms for a small remodel of existing unoccupied space; work may also include installation of some new interior doors and several window AC units.
- Building Painting - provide painting services for selected school areas. The contractor needs to complete work on the weekends and after school hours.

Please go to www.ideapcs.org. to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Friday, Feb 5, 2016.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
BIDS@ideapcs.org.

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Service). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

KIPP DC PUBLIC CHARTER SCHOOLS
REQUEST FOR PROPOSALS

Security System

KIPP DC is soliciting proposals from qualified vendors for a Security System. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on February 10, 2016. Questions can be addressed to jason.salsbury@kippdc.org.

Utility & Telecom Invoice Auditing & Monitoring

KIPP DC is soliciting proposals from qualified vendors for Invoice Auditing and Monitoring. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on January 29, 2016. Questions can be addressed to nate.schwartz@kippdc.org.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00am on Wednesday, January 27, 2016. The meeting will be located at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**

- II. DETERMINATION OF A QUORUM**

- III. APPROVAL OF AGENDA**

- IV. CONSENT AGENDA**
 - A. READING AND APPROVAL OF MINUTES**
 - 1. September 24, 2015 – General Board Meeting
 - 2. October 24, 2015 - General Board Meeting
 - 3. November 25, 2015 - Emergency General Board Meeting

 - B. EXECUTIVE REPORTS**
 - 1. Dr. Julian R. Craig, Chief Medical Officer
 - 2. Thomas E. Hallisey, Chief Information Officer
 - 3. Jackie Johnson, EVP of Human Resources
 - 4. Pamela R. Lee, EVP of Hospital Operations & CQO
 - 5. David Thompson, Interim Director of Public Relations and Communications
 - 6. Maribel Torres, Chief Nursing Officer
 - 7. Charletta Washington, VP of Ambulatory & Ancillary Services

- V. NONCONSENT AGENDA**
 - A. CHIEF EXECUTIVE REPORTS**
 - 1. Andrew L. Davis, Interim CEO
 - 2. Finance Report - Steve Lyons, Finance Committee Chair

B. MEDICAL STAFF REPORT

1. Dr. Raymond Tu, Medical Chief of Staff

C. COMMITTEE REPORTS

1. Patient Safety and Quality Committee
2. Governance Committee
3. Strategic Planning Committee

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

Next Meeting – Wednesday, February 24, 2016 at 9:00am in Conference Rooms 2/3.

F. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

PERRY STREET PREP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Student Assessment Services**

The Perry Street Prep Public Charter School intends to enter into a sole source contract with The Achievement Network for student assessment services to help identify and close gaps in student learning for the upcoming school year.

- Perry Street Prep constitutes the sole source for The Achievement Network for student assessment services that will lead to student achievement.
- For further information regarding this notice contact psp_bids@pspdc.org no later than **4:00 pm January 29, 2016**.

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)	
)	
Fraternal Order of Police/)	
Metropolitan Police Department)	
Labor Committee)	
)	
Complainant,)	PERB Case No. 11-U-17
)	
v.)	Opinion No. 1554
)	
District of Columbia)	
Metropolitan Police Department)	
Respondent.)	
)	
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DECISION AND ORDER

On January 21, 2011, Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP” or “Union”) filed an unfair labor practice complaint (“Complaint”) alleging that the District of Columbia Metropolitan Police Department (“Respondent” or “MPD”) violated D.C. Official Code § 1-617.04 (a)(1) and (5) of the Comprehensive Merit Personnel Act (“CMPA”) by failing to comply with the Union’s request for information.

MPD filed a motion to dismiss the complaint. The Board denied the motion and referred the complaint to a Hearing Examiner for findings of fact. MPD also filed a motion for reconsideration. For reasons stated herein, the Board adopts the Hearing Examiner’s findings and recommendation that the Respondent committed an unfair labor practice (ULP). In addition, we deny the Respondent’s Motion for Reconsideration of Slip Op. No. 1135.

I. Statement of the Case

On September 27, 2010, FOP submitted an information request to MPD pursuant to Article 10 of the Collective Bargaining Agreement (“CBA”) and Section 1-617.04(a)(5) of the D.C. Official Code. The request sought information concerning an investigation into an allegation that unknown subjects tampered with a private vehicle owned by an MPD lieutenant. The accused officers were transferred to new assignments, apparently as a result of the charges. Specifically, the request sought the following information:

Complete copies of all documents, including but not limited to, investigative packages on Sergeant Frank Edwards, Sergeant Mark Eckenrode, Officer Patty Cox, Officer Scott Mann and Officer Bernard

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PERB Case No. 11-U-17
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Richardson in reference to an incident that occurred on Friday, April 23, 2010 when an unknown subject(s) tampered with Lieutenant Tracy Hayes [sic] privately owned vehicle at which time Sergeant Frank Edward[s] was detailed out of the EOD¹ to the First District. On Monday, April 26, 2010 Sergeant Mark Eckenrode was detailed out of EOD to the Fourth District, Officer Patty Cox was detailed out of EOD to the Sixth District and Officer Scott Mann was detailed out of EOD to the Seventh District. On Friday, April 30, 2010, Officer Bernard Richardson was detailed out of EOD to the Fourth District.

A complete copy of Sergeant Frank Edwards, Sergeant Mark Eckenrode, Officer Patty Cox, Officer Scott Mann and Officer Bernard Richardson Internal Affairs file, including, but not limited to, all documents and information contained or referenced in that file.

By letter dated December 1, 2010,² MPD asked the Union for written authorizations for the Union to represent the members specified in its request. The letter stated:

On September 30, 2010 and again on November 15, 2010, Lieutenant Samuel Golway of the Internal Affairs Division contacted you by telephone and advised that until each member listed in this request designates you as his or her representative in writing, these requests cannot be considered.

This written designation is required under the District Personnel Manual (DPM). See DPM 3112.11: "Copies of reports of investigation conducted by the Office of Personnel or an Independent Personnel Authority³ shall be furnished upon request to the subject or to his or her representative designated in writing, with the exception of any material that is exempted from disclosure under this section."

Therefore, until the members you listed in your request have designated in writing that you are representing them, your request is denied.

FOP's response to MPD was that FOP was not required to, and would not provide any such written authorizations.⁴ FOP filed the instant unfair labor practice complaint on January 21, 2011.

II. Hearing Examiner's Recommendation

¹ Defined as the "bomb unit." R&R at 8.

² Complaint, Attachment 3

³ MPD was designated as an Independent Personnel Authority by D.C. Mayor's Order No. 2009-117 (June 19, 2009).

⁴ Tr. at 77.

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At the hearing on February 16, 2012, Union witnesses stated that they had never previously been required to provide written authorization to obtain members' information.⁵ MPD's sole witness was its Director of Internal Affairs. According to his testimony, he did not know MPD's past practice, but rather had applied this policy once he became head of Internal Affairs based upon his reading of the regulation. Furthermore, MPD did not provide any additional evidence to support its position that requests for information were sometimes submitted with signed authorizations from the members.⁶

Based on the testimony at the hearing, Hearing Examiner Gloria Johnson issued a Report and Recommendation on August 6, 2014, finding that MPD committed an unfair labor practice in violation of D.C. Official Code § 1-617.4(a)(1) by not providing the requested necessary and relevant information. In her Report and Recommendation she relied exclusively on what the parties' past practice had been to resolve whether additional written authorizations were required for MPD to provide the requested information to FOP.⁷ The Hearing Examiner concluded that by refusing to provide the requested information, MPD prevented FOP from properly representing its members, and the refusal was an improper interference and restraint in violation of the statute.

III. MPD's Exceptions

The first issue raised by MPD in its exceptions is that the Hearing Examiner's Report misconstrued the PERB decision in *Fraternal Order of Police/ Metropolitan Police Department Labor Committee v. Metropolitan Police Department*⁸ and did not address MPD's justification for requesting written authorization.

The second issue raised by MPD is that the Hearing Examiner's finding that there was no past practice requiring written authorization is not supported by the record and it should not be the basis for an unfair labor practice finding.⁹ The Hearing Examiner's discussion of the past practice of MPD relied on MPD's sole witness' testimony that he could not recall any meetings with MPD personnel or with FOP about the requirements under DPM 3112.11¹⁰ to respond to requests for information, and that he did not know what the procedure was before he became Director of the Internal Affairs Division. As a result, the witness had no information about the past practice in this situation.

IV. Analysis

⁵ Tr. at 22.

⁶ R&R at 20.

⁷ R&R at 15-21.

⁸ 59 DC Reg. 11371, Slip Op. No. 1302, PERB Case Nos. 07-U-49, 08-U-13 and 08-U-16 (July 26, 2012).

⁹ MPD in its Exceptions states that a number of the Hearing Examiner's findings about past practice are not supported by the record. Since we are finding that past practice is not dispositive, we consider it unnecessary to address each of MPD's suggestions that findings by the Hearing Examiner were unsupported by the record.

¹⁰ DPM 3112.11: "Copies of reports of investigation conducted by the Office of Personnel or an Independent Personnel Authority shall be furnished upon request to the subject or to his or her representative designated in writing, with the exception of any material that is exempted from disclosure under this section."

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A. *MPD was not justified in requiring written authorization before releasing employees' investigative records to FOP.*

PERB has held that agencies are obligated to provide relevant and necessary documents in response to a request made by the union.¹¹ Furthermore, when an agency has failed and refused, without a viable defense, to produce relevant and necessary information that the union has requested, the agency has failed to meet its statutory duty to bargain in good faith and has therefore violated D.C. Code 1-617.04(a)(5).¹² In addition, "a violation of the employer's statutory duty to bargain under D.C. Code 1-617.04(a)(5) also constitutes derivatively a violation of the counterpart duty not to interfere with the employees' statutory rights to organize a labor union free from interference, restraint or coercion; to form, join or assist any labor organization or to refrain from such activity; and to bargain collectively through representatives of their own choosing" found in D.C. Code 1-617.04(a)(1)¹³.

In this case, FOP submitted a request to MPD for the investigative packages involving five unit members and an incident report of tampering with the private vehicle of a MPD lieutenant. MPD responded that the request could not be considered without the written authorization of the members. MPD stated in its December 1, 2010 letter to FOP that "...until each member listed in this request designates you as his or her representative in writing, these requests cannot be considered," citing DPM 3112.11.¹⁴ However, Commander LoJacono, MPD's sole witness, stated in the hearing that he did not recall whether any requests for information were provided without a specific union designation during his two and a half years as director. He further admitted "I don't know what happened before I was there."¹⁵ The Hearing Examiner concluded that "the Department did not put on a preponderance of credible evidence showing past practice between the parties was to apply Section 3112.11 of the DPM in cases of this sort"¹⁶

MPD did not raise past practice as a defense in its Answer to the Complaint. The issue was first raised by the Hearing Examiner during the hearing and it was not until the filing of the Respondent's Post Hearing Brief and then Respondent's Exceptions to the Hearing Examiner's Report and Recommendation that MPD addressed the issue of past practice. MPD later sought to add past practice as a defense. Although there was an extensive discussion of past practice by the Hearing Examiner, PERB does not recognize past practice as a defense to denial of a request for information. There is no presumption that a past practice can justify not responding to an

¹¹ *American Federation of Government Employees, Local 631 v. District of Columbia Water and Sewer Authority*, 59 D. C. Reg. 3948 (2012), Slip Op. No. 924 at 5-6, PERB Case No. 08-U-04 (2007).

¹² *American Federation of Government Employees, Local 2725 v. District of Columbia Department of Health*, 59 DC Reg. 6003 (2012), Slip Op. No. 1003 at 4, PERB Case 09-U-65 (2009). Citing *Psychologists Union, Local 3758 of the D.C. Department of Health, 1199 National Union of Hospital and Health Care Employees, American Federation of State County and Municipal Employees, AFL-CIO v. District of Columbia Department of Mental Health*, 59 DC Reg. 3315(2012), Slip Op. No. 809, PERB Case No. 05-U-41(September 9, 2005).

¹³ Quoting *American Federation of State, County and Municipal Employees, Local 2776 v. District of Columbia Department of Finance and Revenue*, 37 DCR 5658, Slip Op. No. 245 at 2, PERB Case No.89-U-02 (1990).

¹⁴ District Personnel Manual (DPM). See DPM 3112.11 quoted on page 2 above.

¹⁵ R&R at 17.

¹⁶ R&R at 15.

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information request. In this case, the Board does not consider past practice to reach the conclusion that MPD inappropriately withheld necessary and relevant information from FOP as part of the latter's investigation in connection with a grievance.¹⁷

Contrary to the assertion in MPD's exceptions, the Hearing Examiner did address MPD's justification for requesting written authorization, namely DPM 3112.11. The Hearing Examiner cited *Fraternal Order of Police/ Metropolitan Police Department Labor Committee v. Metropolitan Police Department*,¹⁸ that stated "personnel regulations [including DPM 3112.11] do not, and cannot, constrain FOP's statutory right to information that is necessary and relevant to the Union's role as the exclusive representative and duty to represent" the employees in the unit. In that case, the information in question related to non-unit members who were subjects of the same investigation as a member. In that case, the Board held that the personnel regulations could not be used to deny the Union access to the requested information. The Board also imposed safeguards on the Union's use of the information in view of the legitimate confidentiality issues raised by the Employer.¹⁹

B. Failure to provide the requested information without written authorization is an unfair labor practice violation.

To establish an unfair labor practice violation under D.C. Official Code § 1-617.04 (a)(1) and (5) of the CMPA, the Union must show that the Respondent interfered with, restrained or coerced an employee in the exercise of rights guaranteed by this subsection, or that the Respondent refused to bargain in good faith with the union.

In a recent decision, the Board held that when confidentiality is raised as a defense, "a union's right to information has always been balanced against confidentiality concerns. The test is whether the information sought is relevant and necessary to the union's legitimate collective bargaining functions and whether this need is outweighed by privacy concerns."²⁰ The Hearing Examiner in the instant case held that the information sought by FOP was relevant and necessary.²¹ In its answer to the complaint, no claim of confidentiality was made by MPD. It simply relied on DPM 3112.11 as the later explanation for demanding written authorization. It was undisputed that FOP was the exclusive representative of the members of the unit. And, there was no reason to suspect that status would not continue at least to the end of the current CBA. It was also undisputed that the officers in question were members of the unit. Thus, because there is a CBA that establishes that FOP is the exclusive representative of these employees, it was

¹⁷ *Washington Teachers' Union, Local #6 AFT, AFL-CIO v. District of Columbia Public Schools*, 61 DC Reg. 1537 (2014), Slip Op. No. 1448 at 4, PERB Case No. 04-U-25 (January 23, 2014).

¹⁸ Slip Op. No. 1302 at 24-25, PERB Case No. 07-U-49, 08-U-13, and 08-U-16 (July 26, 2012).

¹⁹ *Id.*

²⁰ *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, Slip Op. No. 1553 at 5, PERB Case Nos. 12-U-05, 12-U-10, and 13-U-28 (October 29, 2015). See also, *D.C. Nurses Ass'n v. Mayor of D.C.*, 445 D.C. Reg. 6736, Slip Op. No. 558 at 5, PERB Case Nos. 95-U-03, 97-U-16, and 97-U-28 (1998); *Univ. of D.C. Faculty Ass'n v Univ. of D.C.*, 36 D.C. Reg. 3333, Slip Op. No. 215 at 3, PERB Case No. 88-U-16(1989), quoted in *F.O.P./Metro. Police Dep't Labor Comm.*, Slip Op. No. 1302 at 22, and *F.O.P./Metro. Police Dep't Labor Comm. V. Metro. Police Dep't.*, Slip Op. No. 1521 at 3.

²¹ R&R at 22.

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unnecessary for MPD to demand further written authorization before providing the requested information.

In *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. Metropolitan Police Department*²², we held that it is an unfair labor practice for an agency to withhold relevant and necessary information from the Union without a *viable defense*. MPD's reliance on the requirements of DPM 3112.11 is not reasonable or a viable defense under the circumstances of this case. Commander LoJacono stated he believed he was "protecting the member from an unauthorized disclosure of information."²³ Where there was no dispute that the five officers are members of the FOP bargaining unit, and the union provided a reasonable explanation for why it needed the information, it should have been routine for MPD to provide the requested information simply upon the request of a known union official. The safeguard against unauthorized disclosure was in the fact that the union was elected to represent the interests of the members of the unit. Thus, Commander LoJacono's insertion of an additional layer of scrutiny, i.e. written authorization, to establish if the member wished to be represented by the union in a specific undertaking, was unnecessary and a violation of the CMPA.

The Board concludes that the Hearing Examiner's findings and conclusions are reasonable, supported by the record, and consistent with the Board precedents. Although we agree with the Hearing Examiner's conclusion that MPD violated the Act, we reach that conclusion with different reasoning. The parties' past practice with respect to responding to information requests is irrelevant and was not pled by MPD. FOP requested information to represent its unit members, the Hearing Examiner found the requested information was relevant and necessary,²⁴ and MPD did not provide the requested information. Thus, without any viable defense to denying the information request, it is clear that MPD violated D. C. Official Code § 1-617.04(a)(1) and (5) of the CMPA.²⁵

V. Remedy

In accordance with the Board's finding that MPD's conduct constituted an unfair labor practice under the CMPA, the Board now turns to the question of what constitutes an appropriate remedy. FOP asked the Board to order MPD to: 1) cease and desist from violating the CMPA in the manner alleged; 2) to post notices; 3) to immediately provide FOP with the requested information; and, 4) pay FOP's costs.²⁶

The Board finds it reasonable to order MPD to cease and desist from violating the CMPA in the manner alleged or in any like or related manner. We also find it reasonable to order MPD to immediately deliver to FOP any and all information requested by FOP in its letter of September

²² 59 D.C. Reg. 3386, Slip Op. No. 835 at 9-10, PERB Case No. 06-U-10 (2006).

²³ R&R at 16.

²⁴ R&R at 21-23.

²⁵ *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Labor Committee*, 60 DC Reg. 5337 (2013), Slip Op. No. 1374, PERB Case No. 06-U-41 at 17-18, (March 14, 2013)

²⁶ Complaint at 6-7.

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27, 2010.²⁷ In addition, the Board orders MPD to post a notice acknowledging its violation of the CMPA, as detailed herein. When a violation of the CMPA has been found, the Board's order is intended to have a "therapeutic as well as a remedial effect" and is further to provide for the "protection of rights and obligations."²⁸ It is the protection of employees' rights, that "underlies [the Board's] remedy requiring the posting of a notice to all employees" that details the violations that were committed and the remedies afforded as a result of those violations.²⁹ Posting a notice will enable bargaining unit employees to know that their rights under the CMPA are fully protected.³⁰ It will likewise discourage the Agency from committing any future violations.³¹

FOP further requested that MPD be ordered to pay "the Union's costs associated with the proceeding."³² D.C. Code § 1-617.13(d) authorizes the Board "to require the payment of reasonable costs incurred by a party to a dispute from the other party or parties as the Board may determine."

The circumstances under which the Board orders an award of costs were articulated in *AFSCME, D.C. Council 20, Local 2776 v. D.C. Department of Finance and Revenue*,³³ in which the Board stated:

[A]ny such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the face of the statute that it is only those costs that are "reasonable" that may be ordered reimbursed . . . Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued . . . What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive bargaining representative.

²⁷ *AFGE, Local 2725 v. D.C. Dep't of Health*, 59 D.C. Reg. 6003, Slip Op. No. 1003 at p. 5, PERB Case 09-U-65. (2012)

²⁸ *Id.* (quoting *National Association of Government Employees, Local R3-06 v. District of Columbia Water and Sewer Authority* 47 D.C. Reg. 7551, Slip Op. No. 635 at pgs. 15-16, PERB Case No. 99-U-04 (2000)).

²⁹ *Id.* (quoting *Charles Bagenstose v. District of Columbia Public Schools*, 41 D.C. Reg. 1493, Slip Op. No. 283 at p. 3, PERB Case No. 88-U-33 (1991)).

³⁰ *Id.*

³¹ *Id.*

³² Complaint at 7.

³³ 37 D.C. Reg. 5658, Slip Op. No. 245 at p. 4-5, PERB Case No. 89-U-02 (1990).

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In the instant matter, the Board found that MPD failed and refused, without a viable defense, to produce the information that FOP requested which impeded FOP's ability timely to "protect the interests of several of its members facing a pending disciplinary matter" in violation of the CMPA.³⁴ Despite MPD's having the information and knowing it was required to produce the information, it withheld the information from FOP. The Board found that in so doing, MPD failed to meet its statutory duty to bargain in good faith, that its defenses were wholly without merit, and that its actions reasonably and foreseeably undermined FOP's ability to fulfill its duties on behalf of the bargaining unit employees that faced disciplinary action. In light of these findings, the Board finds that the award of costs in accordance with FOP's request would serve the "interest-of-justice" test articulated in *AFSCME, supra*.

VI. Respondent's Motion for Reconsideration

The Board, in Slip Opinion Number 1135³⁵ denied MPD's motion to dismiss the unfair labor practice complaint in this case. MPD argued that this dispute arose under the contractual provision concerning information requests. The Board stated that "if the allegations made in an unfair labor practice complaint do, in fact, concern statutory violations, then the Board is empowered to decide whether MPD committed an unfair labor practice concerning the Union's document request, even though the document request was made ... pursuant to a contract's resolution provisions."³⁶ MPD filed a Motion for Reconsideration and FOP filed a timely Opposition. The Hearing Examiner rejected MPD's assertion that "the complaint only involves an alleged violation of a contractual provision,"³⁷ and found that the complaint alleged a statutory violation and thus was within the Board's jurisdiction.³⁸

The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision."³⁹ In its Motion for Reconsideration, MPD presented no arguments that were not already considered by the Board in Slip Op. No. 1135. Consequently,

³⁴ Complaint at 4.

³⁵ *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 59 DC Reg. 6805 (2012), Slip Op. No. 1135, PERB Case No. 11-U-17 (September 15, 2011).

³⁶ *Id.* at 5-6.

³⁷ R & R at 5 and 18.

³⁸ *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Labor Committee*, 59 DC Reg. 6552 (2012), Slip Op. No. 1114, PERB Case No. 11-U-24 (August 15, 2011).

³⁹ *American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO v. District of Columbia Public Schools*, Slip Op. No. 1518, PERB Case No. 12-E-10 9 (April 24, 2015). See also *Candi Peterson v. Washington Teachers Union*, Slip Op. No. 1254 at pp. 2-3, PERB Case No. 12-S-01 (March 28, 2012); *University of the District of Columbia Faculty Association/National Education Association v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009); and, *American Federation of Government Employees, Local 2725 v. District of Columbia Department of Consumer and Regulatory Affairs and District of Columbia Office of Labor Relations and Collective Bargaining*, 59 D.C. Reg. 5041, Slip Op. No. 969 at pp. 4-5, PERB Case No. 06-U-43 (2003).

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it appears that MPD is merely disagreeing with the previous decision by the Board.⁴⁰ Additionally, the moving party must provide authority which “compels reversal” of the Board’s initial decision.⁴¹ Likewise, the Motion offered no authority that would compel reversal. Consequently, MPD’s motion is denied.

VII. Conclusion

We conclude that MPD did violate D.C. Official Code § 1-617.04 (a)(1) and (5) of the Comprehensive Merit Personnel Act, and thus did commit an unfair labor practice. The unfair labor practice complaint is upheld.

In addition, we agree with the Hearing Examiner that contract interpretation was not required in this case and that PERB has jurisdiction to hear this case. Therefore, MPD’s Motion for Reconsideration is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. Complainant’s unfair labor practice complaint is upheld.
2. Respondent’s motion for reconsideration is denied.
3. The District of Columbia Metropolitan Police Department shall deliver to the Fraternal Order of Police/Metropolitan Police Department Labor Committee, within fourteen (14) days of the date of the issuance of this Order, the information FOP requested.
4. The District of Columbia Metropolitan Police Department shall conspicuously post where notices to employees are normally posted a notice that the Board will furnish to MPD. The notice shall be posted within ten (10) days from MPD’s receipt of the notice and shall remain posted for thirty (30) consecutive days.

⁴⁰ In its Answer to the ULP Complaint, Respondent stated as an Affirmative Defense, “The Board lacks jurisdiction over this matter as the parties’ collective bargaining agreement provides a grievance and arbitration procedure to resolve contractual disputes. Since the Board’s precedent provides that the Board has no jurisdiction over contract disputes, the Board should dismiss the complaint in this matter.” (Answer at 4) In declining to dismiss the complaint based on the pleadings alone the Board stated “establishing the existence of the alleged unfair labor practice violations requires the evaluation of evidence and the resolution of conflicting allegations.” (Slip Op. No. 1135 at 7).

⁴¹ *American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO v. District of Columbia Public Schools*, 62 DC Reg. 9200 (2015), Slip Op. No. 1518, PERB Case No. 12-E-10 9 (April 24, 2015).

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5. Within fourteen (14) days from the date of the issuance of this Decision and Order, the Metropolitan Police Department shall notify the Public Employee Relations Board in writing that the attached Notice has been posted accordingly.
6. Upon request, MPD shall reimburse FOP for its reasonable costs associated with PERB Case No. 11-U-17.
7. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon and Ann Hoffman.

November 19, 2015

Washington, DC

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 11-U-17, Opinion No. 1554, was served by File & ServXpress on the following parties on this the 7th day of December, 2015.

Marc L. Wilhite, Esq.
Pressler & Senftle, P.C.
1432 K Street, N.W.
Twelfth Floor
Washington, D.C. 20005

Mark Viehmeyer, Esq.
Metropolitan Police Department
300 Indiana Avenue, N.W., Room 4126
Washington, DC 20001

/s/ Sheryl Harrington

PERB



Public Employee Relations Board



1100 4th Street S.W.
Suite E630
Washington, D.C. 20024
Business: (202) 727-1822
Fax: (202) 727-9116
Email: perb@dc.gov

NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1554, PERB CASE NO. 11-U-17 (November 19, 2015)

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law in the manners alleged in PERB Case No. 11-U-17, and has ordered MPD to post this Notice.

WE WILL cease and desist from violating D.C. Official Code §§ 1-617.04(a)(1) and (5) in the manners stated in Slip Opinion No. 1554, including not bargaining in good faith by refusing or failing to provide relevant and necessary information that is requested by the exclusive representative, the Fraternal Order of Police/Metropolitan Police Department Labor Committee.

Metropolitan Police Department

Date: _____ By: _____

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or MPD’s compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board by U.S. Mail at 1100 4th Street, SW, Suite E630; Washington, D.C. 20024, or by phone at (202) 727-1822.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon and Ann Hoffman.

November 19, 2015

Washington, D.C.

SOMERSET PREPARATORY DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Speech and OT SPED Services**

Somerset Preparatory DC Public Charter School is advertising the opportunity to bid on Special Education Speech and Occupational Therapy services for grades 6 - 9. Additional specifications outlined in the Request for Proposals (RFP) may be obtained beginning on **Friday, 1/22/16** by emailing **sspdc_bids@somersetprepdc.org**.

Please send all proposals by Friday, **2/5/16** no later than 12 noon.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETINGS

Regular Meetings of the Board of Trustees - 2016

Tuesday, February 9, 2016 – 5:00 p.m.

Tuesday, April 26, 2016 – 5:00 p.m.

Tuesday, July 26, 2016 – 5:00 p.m.

Tuesday, November 22, 2016 – 5:00 p.m.

All meetings will be held in the Board Room, Third Floor, Building 39 at the University of the District of Columbia, Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Information regarding the meetings, including the final agenda, will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS**

TIME AND PLACE: **Tuesday, January 19, 2016, @ 9:00 a.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

The Zoning Commission, in accordance with § 405(c) of the Open Meetings Act, hereby provides notice it will hold a closed meeting at the time and place noted above for the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12). The subjects of the trainings are: Follow-Up on the June Training; the Anatomy of a Zoning Order; Compliance with Conditions in Orders Prior to Issuance of Building Permits and/or Certificate of Occupancy; New Text Amendments – Penthouse and R-4 Regulations Review; and Density Definitions.

**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.**

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