

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-276, Washington Metropolitan Area Transit Authority Safety Regulation Temporary Amendment Act of 2016
- D.C. Council schedules a public roundtable on “Protecting the Rights of Tenants at the Congress Heights Metro Station Development Project”
- Office on Aging requests applications for the Fiscal Year 2016 Needs Assessment and Feasibility Study
- Alcoholic Beverage Regulation Administration schedules a public hearing on the proposed amendments to the Pub Crawl Regulations
- Executive Office of the Mayor delegates authority for the removal of snow and ice from the paved sidewalks of the District (Mayor’s Order 2016-016)
- Department of Consumer and Regulatory Affairs updates boxing and wrestling licensing and event regulations
- Department of Housing and Community Development Housing and Community Development publishes the Rental Housing Commission Certification
- DC Taxicab Commission amends Requests for Applications for the Grants for Electric Taxicabs and Neighborhood Van Service

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

RM 520 – 441 4th ST, ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 21, 2016

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require the Attorney General for the District of Columbia to issue personnel rules for employees of that office; and to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to require the Attorney General for the District of Columbia to issue rules to govern procurement conducted by that office.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of the Attorney General Personnel and Procurement Clarification Temporary Amendment Act of 2016".

Sec. 2. Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04), is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) The Attorney General shall issue rules and regulations to implement the provisions of titles VII, VIII, IX, IX-A, XI, XII, XIII, XIII-A, XIV-A, XVI-A, XVII, XIX, XXIV, XXVII, and XXXI of this act for employees under the jurisdiction of the Attorney General.

"(2) The rules and regulations promulgated pursuant to subsection (a) of this section shall apply to employees under the jurisdiction of the Attorney General unless the Attorney General has issued a superseding rule or regulation."

Sec. 3. Section 108b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

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

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

"(b)(1) The Attorney General shall issue rules to govern the procurement of goods and services for the Office of the Attorney General.

"(2) The rules promulgated pursuant to section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 1-371; D.C. Official Code § 2-361.06), shall apply to procurement of goods and services for the Office of the Attorney General unless the Attorney General has issued a superseding rule or regulation."

ENROLLED ORIGINAL


Sec. 4. Fiscal impact statement.

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


Sec. 5. Effective date.

(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 21, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 21, 2016

To amend, on a temporary basis, the Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997 to authorize the Mayor to transfer funds to the Metropolitan Washington Council of Governments for the formation of an independent interstate entity to replace the joint state oversight agency responsible for the regulation of Washington Metropolitan Area Transit Authority rail safety, and to require any proposal or agreement to form an independent interstate legal entity to be approved by the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Safety Regulation Temporary Amendment Act of 2016”.

Sec. 2. The Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997 (D.C. Law 12-20; D.C. Official Code § 9-1109.01 *et seq.*), is amended by adding a new section 8a to read as follows:

“Sec. 8a. Formation of a replacement independent interstate legal entity.

“(a) Notwithstanding any other provision of law and pursuant to the authority and requirements set forth in section 20021(a) of the Moving Ahead for Progress in the 21st Century Act, approved July 6, 2012 (126 Stat. 709; 49 U.S.C. § 5329), to enable the Metropolitan Washington Council of Governments (“COG”) to assist the District in the formation of an independent interstate legal entity to replace the Tristate Oversight Committee as the joint state oversight agency authorized by this act, the Mayor is authorized to transfer funds by contract, grant, sub-grant, or other available means to COG. The authority under this section shall include the transfer of federal funds received by the District for expenses related to the formation of the replacement independent interstate legal entity, and any matching funds required from the District to receive and spend such federal funds.

“(b) Any agreement or proposal to form an independent interstate legal entity to replace the joint state oversight agency authorized by this act shall be submitted to the Council for approval.”.

Sec. 3. Fiscal impact statement.

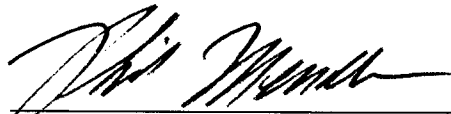
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 21, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 21, 2016

To amend, on a temporary basis, the Firearms Control Regulations Act of 1975 to extend to January 1, 2018, the date for implementation of the microstamping requirement for semiautomatic pistols.

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

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

(a) Section 408(b) (D.C. Official Code § 7-2504.08(b)) is amended by striking the date "January 1, 2016" wherever it appears and inserting the date "January 1, 2018" in its place.

(b) Section 503 (D.C. Official Code § 7-2505.03) is amended as follows:

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

(A) The lead-in language is amended by striking the date "January 1, 2016" and inserting the date "January 1, 2018" in its place.

(B) Paragraph (2) is amended by striking the date "January 1, 2016" and inserting the date "January 1, 2018" in its place.

(C) Paragraph (3) is amended by striking the date "January 1, 2016" and inserting the date "January 1, 2018" in its place.

(2) Subsection (c)(1) is amended by striking the date "January 1, 2016" and inserting the date "January 1, 2018" in its place.

(3) The lead-in language of subsection (e) is amended by striking the date "January 1, 2016" both times it appears and inserting the date "January 1, 2018" 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

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 21, 2016

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

BILL

B21-586 Closing of a Public Alley in Square 126, S.O. 14-17521, Act of 2016

Intro. 1-19-16 by Councilmember Evans and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR21-535 Chief Technology Officer Archana Vemulapalli Confirmation Resolution of 2016

Intro. 1-15-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-536 Disposable Food Service Ware Schedule of Fines Approval Resolution of 2016

Intro. 1-20-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR21-537 Local Rent Supplement Program Contract No. 2014-LRSP-06A Approval Resolution of 2016

Intro. 1-21-16 by Chairman Mendelson at the request of the District of Columbia Housing Authority, and Retained by the Council with comments from the Committee on Housing and Community Development

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE**

on

**PR 21-474, Board of Zoning Adjustment Ms. Anita Butani D'Souza
Confirmation Resolution of 2015**

on

**Tuesday, February 9, 2016
1:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of Whole on PR 21-474, the "Board of Zoning Adjustment Ms. Anita Butani D'Souza Confirmation Resolution of 2015." The roundtable will be held Tuesday, February 9, 2016 at 1:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 21-474 is to confirm the appointment of Ms. Anita Butani D'Souza to the Board of Zoning Adjustment. The Board of Zoning Adjustment ("Board") is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District's zoning regulations in the form of variances, to grant special exceptions in approving certain land uses, and to hear appeals from actions taken by the Zoning Administrator of the Department of Consumer and Regulatory Affairs. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of this nominee for the Board.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or email Cynthia LeFevre, Legislative Counsel, at cow@dccouncil.us, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, Feb. 5, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Feb. 5, 2016 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on February 23, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

**PR 21-0522, the Department of Public Works Christopher Shorter Confirmation
Resolution of 2016**

Monday, February 8, 2016
at 1:30 p.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, November 18, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR 21-0522, the Department of Public Works Christopher Shorter Confirmation Resolution of 2016. This legislation would confirm Christopher Shorter as the Director of the Department of Public Works. The roundtable will begin at 1:30 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., concurrently with the Department of Public Works' Performance Oversight Hearing.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 5 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on February 22, 2016.

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

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE**

and

**COUNCILMEMBER ANITA BONDS
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

ANNOUNCE A JOINT PUBLIC ROUNDTABLE

on

Protecting the Rights of Tenants at the Congress Heights Metro Station Development Project

on

**Thursday, February 4, 2016
5:00 p.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember Anita Bonds announce a joint public roundtable before the Committee of the Whole and the Committee on Housing and Community Development on protecting the rights of tenants at the Congress Heights Metro Station development project. The hearing will be held at 5:00 p.m. on Thursday, February 4, 2016 in the Council Chamber of the John A. Wilson Building.

The purpose of this roundtable is to provide a forum for the public and District government to discuss the actions of a politically-connected developer over the last year to remove low income tenants from apartment units in Congress Heights in order to make way for a new development. All of the buildings are rent-controlled and continue to house a handful of tenants each. These include: 1309 Alabama Avenue, S.E.; 1331 and 1333 Alabama Avenue, S.E.; and 3210 13th Street, S.E. A fifth building included in the developer's plans is located at 3200 13th Street, S.E. and is encumbered by financial obligation owed to the District's Department of Housing and Community Development. The planned redevelopment requires demolition of all five existing buildings and construction of a 446,000 square foot mixed-use project with office buildings, apartments, and ground floor retail.

The partnership owning the properties has allowed the premises to deteriorate substantially. In response to this neglect, the Office of the Attorney General recently filed a lawsuit against Sanford Capital and its affiliates. According to the complaint, Sanford Capital and its affiliates engaged in "repeated neglect, delayed response, or total inaction" in response to reported violations of the District housing code, and this pattern of neglect "poses a serious threat to the health, safety, or security of the tenants" (p.3). Specific allegations include inoperable fire extinguishers and fire alarms, improperly maintained exit/emergency lights, broken doors, rodents, bedbug infestations, improperly maintained plumbing facilities, lack of heat, lack of hot water, defective electrical outlets, and, in at least one case, a structurally unsound ceiling that collapsed on tenants.

The Committees are concerned about Sanford Capital's dangerous disregard for the basic welfare of its tenants demonstrated in this instance. On a broader level, this hearing is intended to explore the implications of economic development at the St. Elizabeths campus and in the Congress Heights area on vulnerable low-income populations. Sanford Capital, a development company based in Bethesda, Maryland, owns the four occupied apartment buildings located in the vicinity of the Congress Heights Metro Station in Ward 8 where the proposed entertainment venue and the Wizards practice facility is to be built.

Those who wish to testify are asked to telephone the Committee of the Whole at (202) 724-8196, or email Cynthia LeFevre, Legislative Counsel, at cow@dccouncil.us, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday, Feb. 2, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Feb. 2, 2016, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on February 18, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-161: Request to reprogram \$500,000 of Special Purpose Revenue Funds Budget Authority within the Department of Employment Services was filed in the Office of the Secretary on January 20, 2016. This reprogramming ensures that activities are aligned within the Workforce Development program.

RECEIVED: 14 day review begins January 21, 2016

Reprog. 21-162: Request to reprogram \$475,000 of Capital funds budget authority and allotment within the Office of Unified Communication (OUC) was filed in the Office of the Secretary on January 20, 2016. This reprogramming are needed to support the costs of upgrades of IT applications and hardware replacement of aging computer components of the 911 telecommunication system.

RECEIVED: 14 day review begins January 21, 2016

Reprog. 21-163: Request to reprogram \$900,000 of Fiscal Year 2016 Local funds budget authority from the Office of the Chief Technology Officer (OCTO) to the Office of Unified Communication (OUC) was filed in the Office of the Secretary on January 21, 2016. This reprogramming ensures that the OUC will be able to cover additional costs of personnel in the emergency call center.

RECEIVED: 14 day review begins January 21, 2016

Reprog. 21-164: Request to reprogram \$1,309,891 of Fiscal Year 2016 Special Purpose Revenue funds budget authority from the District Department of Transportation (DDOT) to Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on January 21, 2016. This reprogramming ensures that DDOT can cover costs associated with the review of plans, permit issuance, and field verification activities related to project-related construction, which impacts public safety, public transportation, and the District's physical facilities.

RECEIVED: 14 day review begins January 26, 2016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: January 29, 2016
Petition Date: March 14, 2016
Hearing Date: March 28, 2016

License No.: ABRA-023539
Licensee: Vangho, Corp.
Trade Name: Bistro Italiano
License Class: Retailer's Class "C" Restaurant
Address: 320 D Street, N.E.
Contact: Costa Pappas: 202-536-7961

WARD 6

ANC 6C

SMD 6C02

Notice is hereby given that this licensee who has applied for a Substantial Change to his license under the D.C. Alcoholic Beverage Control Act and for objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, Suite 400S, 2000 14th Street, N.W., Washington, DC 20009. A petition or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add a Summer Garden with 20 seats.

CURRENT HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

Sunday through Thursday 11 am – 12 am, Friday and Saturday 11 am – 1 am

PROPOSED HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 11 am – 12 am, Friday and Saturday 11 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: **January 29, 2016
Petition Date: **March 14, 2016
Hearing Date: **March 28, 2016

License No.: ABRA-079276
Licensee: Matchbox Capitol Hill, LLC
Trade Name: Matchbox
License Class: Retailer's Class "C" Restaurant
Address: 521 8th Street, S.E.
Contact: Kayla Brown: (407) 506-0514

WARD 6

ANC 6B

SMD 6B03

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests renovations for an expansion of 1600 square feet with addition of 45 interior dining seats, 14 bar/counter seats, and six exterior patio seats.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES,
SERVICE AND CONSUMPTION FOR PREMISES AND SIDEWALK CAFE**

Sunday through Thursday 11:00am to 2:00am, Friday and Saturday 11:00am to 3:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: **January 15, 2016
Petition Date: **February 29, 2016
Hearing Date: **March 14, 2016

License No.: ABRA-079276
Licensee: Matchbox Capitol Hill, LLC
Trade Name: Matchbox
License Class: Retailer’s Class “C” Restaurant
Address: 521 8th Street, S.E.
Contact: Kayla Brown: (407) 506-0514

WARD 6

ANC 6B

SMD 6B03

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests renovations for an expansion of 1600 square feet with addition of 45 interior dining seats, 14 bar/counter seats, and six exterior patio seats.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR PREMISES AND SIDEWALK CAFE

Sunday through Thursday 11:00am to 2:00am, Friday and Saturday 11:00am to 3:00am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

1:30 – 3:30 P.M., WEDNESDAY, MARCH 2, 2016

FRANK D. REEVES MUNICIPAL CENTER
ALCOHOLIC BEVERAGE CONTROL BOARD HEARING ROOM
2000 14TH STREET, N.W., SUITE 400 SOUTH, 4TH FLOOR
WASHINGTON, D.C. 20009

The Alcoholic Beverage Control Board (Board) will hold a hearing to receive public comment on its proposal to permanently amend Section 712 of Title 23 of the D.C. Municipal Regulations regarding pub crawls. Proposed amendments include:

- Revisions to the pub crawl license requirements;
- Establishment of a pub crawl licensing fee;
- Providing the Board with more authority over the management of pub crawls; and
- Strengthening the requirements for pub crawl applicants regarding their responsibilities before, during, and after pub crawl events, including having a litter plan in place.

The Board will adopt these rules on a permanent basis following 30 days of publication in the *D.C. Register* and upon approval from the Council of the District of Columbia. Review complete details of the proposal in the Notice of Emergency and Proposed Rulemaking.

HEARING INFORMATION

WHEN: 1:30 p.m. on Wednesday, March 2, 2016

WHERE: Alcoholic Beverage Control Board Hearing Room, 2000 14th Street, N.W., Suite 400 South, 4th Floor, Washington, D.C. 20009

Individuals and representatives of organizations that want to testify should contact ABRA General Counsel Martha Jenkins by **Friday, February 26, 2016:**

- Call - (202) 442-4456
- Email - abralegal@dc.gov
(include full name, title, and organization, if applicable, of the person(s) testifying in the email)

Witnesses should bring six (6) copies of their written testimony to the Board. Testimony may be limited to five minutes in order to permit each person an opportunity to be heard.

Members of the public that are unable to testify in person are encouraged to provide written comments, which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Friday, March 11, 2016**, at ABRA's mailing address or e-mail address stated above.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 22, 2016
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD TWO

18471A **Application of Universalist National Memorial Church**, pursuant to 11
ANC-2B DCMR § 3103.2, for a variance from the use requirements under § 350.4, to
allow the continued use of theater performances on the basement level of a
church in the DC/R-5-B District at premises 1810 16th Street N.W. (Square 177,
Lot 802).

WARD SIX

19211 **Application of Kathryn Johnston**, pursuant to 11 DCMR § 3104.1, for a
ANC-6C special exception under § 223, not meeting the lot occupancy requirements under
§ 403.2, the court width requirements under § 406, and the nonconforming
structure requirements under § 2001.3, to construct a second-story addition to an
existing one-family dwelling in the R-4 District at premises 629 L Street N.E.
(Square 856, Lot 166).

WARD FIVE

19219 **Application of 2001 2nd St NE, LLC**, pursuant to 11 DCMR § 3104.1, for a
ANC-5E special exception from the residential conversion requirements pursuant to §§
336.5 and 336.13, to expand an existing two-story, four-unit apartment house
into a three-story, six-unit apartment house in the R-4 District at premises 2001
2nd Street N.E. (Square 3565, Lot 58).

WARD SIX

19221 **Application of Aaron Presnall**, pursuant to 11 DCMR § 3103.2, for
ANC-6B variances from the lot occupancy requirements under § 403.2, the non-
conforming structure requirements under § 2001.3, and the accessory use and
building requirements under § 2500.3, to permit the construction of a new third-
story addition to an existing one-family dwelling in the CAP/R-4 District at
premises 160 North Carolina Avenue S.E. (Square 734, Lot 800).

BZA PUBLIC HEARING NOTICE

MARCH 22, 2016

PAGE NO. 2

WARD ONE

19223 **Application of 5Design Development LLC**, pursuant to 11 DCMR §
ANC-1B 3103.2, for variances from the floor area ratio requirements under § 402.4, and
the nonconforming structure requirements under § 2001.3, to allow the
construction of a third story onto an existing one-family dwelling in the R-5-B
District at premises 2233 10th Street N.W. (Square 357, Lot 90).

WARD ONE

19225 **Appeal of Frederick W. McCarthy III**, pursuant to 11 DCMR §§ 3100 and
ANC-1C 3101, from an October 22, 2015 decision by the Zoning Administrator,
Department of Consumer and Regulatory Affairs, to issue Building Permit No.
B1502005, to convert a one-family dwelling into a four-unit residential building
in the R-5-B District at premises 1835 Ontario Place N.W. (Square 2584, Lot
818).

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.

**Note that party status is not permitted in Foreign Missions cases.*

BZA PUBLIC HEARING NOTICE

MARCH 22, 2016

PAGE NO. 3

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.**

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

TIME AND PLACE: **Thursday, March 31, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 08-30C (25 M Street Holdings, LLC – Modification of Capitol Gateway Overlay Review @ Square 700, Lots 33, 802, 840, 841, 850, 864, 865, 868, and 871-875)

THIS CASE IS OF INTEREST TO ANC 6D

On January 11, 2016, the Office of Zoning received an application from 25 M Street Holdings, LLC (the “Applicant”) requesting modification of a portion of the previously approved plans in Z.C. Order No. 08-30, as previously amended by Z.C. Order No. 08-30A, in order to modify the office building portion of the project located along M Street, S.E., pursuant to the requirements of the Capitol Gateway (CG) Overlay District set forth in 11 DCMR § 1610.

The subject property consists of Lots 33, 802, 840, 841, 850, 864, 865, 868, 871, 872, 873, 874, and 875 in Square 700, having a land area of approximately 87,991 square feet. Square 700 is bound by M Street, S.E. on the north, South Capitol Street on the west, Half Street, S.E. on the east, and N Street, S.E. on the south. Van Street bisects the square, running in a north-south orientation. The subject property is located in the eastern portion of the Square, with frontage on M Street, Half Street, N Street, and Van Street. The subject property is located in the CG Overlay District.

Through Z.C. Order Nos. 08-30 and 08-30A, the Zoning Commission approved redevelopment of the subject property with a mixed-use building measuring 110 feet in height and containing approximately 288,242 square feet of residential use, approximately 369,292 square feet of office use and approximately 51,624 square feet of retail use. The footprint of the building occupies the entirety of the subject property and consists of two primary sections: a northern section consisting of office and ground floor retail uses fronting on M Street; and a southern section consisting of the residential use as well as office and ground and second floor retail uses. A dedicated 30-foot-wide pedestrian right of way, the Via, runs in an east-west orientation and separates the northern and southern sections of the approved building.

This application only applies to a portion of the building located on Lot 873, the northern section of the subject property which includes the office building located along M Street, S.E. The Applicant is requesting this modification in order to better respond to the demands of the current office market. As part of the requested modification, the Applicant is seeking to maintain the area variances from the following requirements (which were previously approved in Z.C. Order

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 08-30C
PAGE 2

Nos. 08-30 and 08-30A): setback along M Street (11 DCMR § 1604.3); setback along Half Street (11 DCMR § 1607.2); and ground floor retail requirements (11 DCMR § 1607.3).

An application to modify the southern section of the approved building is the subject of Z.C. Case No. 08-30B and is a separate and distinct application from this application.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

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

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

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

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

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 08-30C
PAGE 3**

submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

TIME AND PLACE: Thursday, March 10, 2016, @ 6:30 p.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:

CASE NO. 13-14B (JAIR LYNCH Development Partners – Modification to Consolidated PUD @ Square 3128, Lot 800 – McMillan Reservoir Slow Sand Filtration Site – Parcel 4)

THIS CASE IS OF INTEREST TO ANC 5E, 5A, and 1B

On October 13, 2015, the Office of Zoning received an application from JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the District of Columbia through the Office of the Deputy Mayor for Planning and Economic Development, the owner of the property described below (collectively, the “Applicant”), for review and approval of a modification to a consolidated planned unit development (“PUD”) for Parcel 4 of the McMillan Reservoir Slow Sand Filtration Site redevelopment project. The Office of Planning provided its report on December 4, 2015, and the case was set down for hearing on December 14, 2015. The Applicant provided its prehearing statement on December 30, 2015.

The property that is the subject of this application is known as Parcel 4 of the planned redevelopment of the former McMillan Reservoir Slow Sand Filtration Site located at 2501 First Street, N.W., Washington, D.C. (the “PUD Site”). The PUD Site consists of approximately 24.69 acres and is bounded by North Capitol Street on the east, Michigan Avenue, N.W. on the north, First Street, N.W. on the west, and Channing Street, N.W. on the south. Parcel 4 consists of approximately 95,984 square feet of land area.

Pursuant to Z.C. Order No. 13-14 (the “Order”), which became final and effective on April 17, 2015, the Commission approved a mixed-use residential/grocery building on Parcel 4 (the “Parcel 4 Building”). Since the Commission’s approval, the Applicant has identified a grocery store tenant, Harris Teeter. The modifications include refinements to the Parcel 4 Building design and changes to approved loading hours to accommodate programmatic requirements specific to Harris Teeter that could not have been anticipated during the initial review. In addition, the Applicant will request a change to the Parcel 4 Building height, as stated in Z.C. Order No. 13-14 (Condition B-2), from 77’-0” to 78’-8”.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR, § 3022.

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 13-14B
PAGE 2

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

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

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

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

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

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

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

Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 13-14B
PAGE 3

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

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

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

TIME AND PLACE: **Thursday, March 17, 2016 @ 6:30 p.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:

CASE NO. 16-01 (TMASSHLDG, LLC – Capitol Gateway Overlay District Review @ Square 656, Lot 813)

THIS CASE IS OF INTEREST TO ANC 6D

On January 8, 2016, the Office of Zoning received an application from TMASSHLDG, LLC (the "Applicant"). The Applicant is requesting review and approval of new development along 1st St. S.W., pursuant to the Capitol Gateway Overlay District provisions set forth in § 1610. In addition, the Applicant seeks an area variance approval, pursuant to 11 DCMR § 3103, from the onsite parking requirements set in 11 DCMR § 2101.1.

The property which is the subject of this application consists of approximately 3,000 square feet of land area and is located at 1542 1st Street, S.W., also known as Square 656, Lot 813. The property is bounded to the east by a "public alley" West of Half Street, S.W., to the south by Q Street, S.W., to the west by 1st Street, S.W., and to the north by P Street, S.W. The property is currently vacant and is zoned CR/CG, a district in which multi-family residential uses are permitted as a matter-of-right.

The Applicant proposes to develop the property with a new four-story, eight-unit residential building. No parking will be provided. The floor area ratio ("FAR") of the property will be approximately 3.35. The building height will measure approximately 55 feet. Loading access will be provided on 1st Street, S.W.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR, § 3022.

How to participate as a witness.

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

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How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

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

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

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR § 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in § 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

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

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

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be

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submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
DISTRICT OF COLUMBIA BOXING AND WRESTLING COMMISSION**

NOTICE OF FINAL RULEMAKING

The District of Columbia Boxing and Wrestling Commission (“Commission”), pursuant to the Authority set forth in Section 7 of the District of Columbia Boxing and Wrestling Commission Act of 1975, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-606 (2012 Repl.)) (“Act”), 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*, the following amendments to Chapter 20 (Boxing and Wrestling: General Rules), Chapter 21 (Boxing Events), Chapter 22 (Wrestling Events), Chapter 23 (Kickboxing Events), and Chapter 24 (Mixed Martial Arts Uniform Rules) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking would update the boxing and wrestling licensing and event regulations to correct the terms of licensure, clarify the scopes of practice for licensed officials, and standardize licensure requirements for each category of licensure for boxing officials. In addition, this rulemaking would amend the restrictions on complimentary tickets provided by promoters for all boxing, wrestling, kickboxing, and mixed martial arts events held in the District.

No comments were received and no changes were made to the rules as published in a Notice of Proposed Rulemaking on November 6, 2015 at 62 DCR 014340. The Chairperson of the District of Columbia Boxing and Wrestling Commission adopted these rules as final on December 11, 2015, and they shall become effective on the date of the publication of this notice in the *D.C. Register*.

Chapter 20, BOXING AND WRESTLING: GENERAL RULES, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 2002, GENERAL LICENSING PROVISIONS, is amended to read as follows:

2002 GENERAL LICENSING PROVISIONS

2002.1 The Commission shall issue licenses for the following participants in an event:

- (a) Amateur boxer;
- (b) Announcer;
- (c) Inspector;
- (d) Judge;
- (e) Manager;

- (f) Matchmaker;
- (g) Physician;
- (h) Professional boxer;
- (i) Professional kickboxer;
- (j) Professional mixed martial artist;
- (k) Professional wrestler;
- (l) Promoter;
- (m) Referee;
- (n) Second; and
- (o) Timekeeper.

2002.2 All licenses issued pursuant to this chapter and the Act shall expire on March 31 of each even numbered year, constituting a license cycle.

Section 2012, REFEREE’S LICENSE, is amended to read as follows:

2012 REFEREE’S LICENSE

2012.1 No person shall act as a referee for an event without a referee’s license issued pursuant to this chapter.

2012.2 Except as provided in § 2012.4, in order to be licensed as a referee, an applicant shall pass a written examination administered by the Commission which tests the applicant’s knowledge of the rules governing events of the type which the applicant is qualified to referee.

2012.3 To be eligible to sit for the examination required by § 2012.2, an applicant shall:

- (a) Prove to the satisfaction of the Commission that he or she has obtained three (3) or more years of experience as a referee on the amateur level; or
- (b) Prove to the satisfaction of the Commission that he or she has been:
 - (1) Actively engaged as a licensed inspector or licensed judge in the District or elsewhere for the three (3) years immediately preceding the date on which the application for a referee’s license is filed; and

- (2) Certified by the Association of Boxing Commissions (ABC) as having completed approved training for referees.

2012.4 An applicant who is licensed and in good standing as a referee in a jurisdiction of the United States, or licensed by an appropriate licensing authority of a foreign jurisdiction, may be permitted to obtain a license in the District of Columbia without examination if the applicant proves, to the satisfaction of the Commission, that he or she has completed experience and examination requirements for licensure in the other jurisdiction that were substantially equivalent to the requirements of this section.

2012.5 All applicants for licensure as a referee shall pass a medical examination conducted by a licensed physician approved by the Commission.

2012.6 An applicant for a license as a referee shall prove to the satisfaction of the Commission that he or she:

- (a) Does not maintain, directly or indirectly, a financial or business interest in the management of a contestant;
- (b) Is not an individual promoter; and
- (c) Is not a stockholder or an employee of, and does not otherwise hold a financial or business interest in, a corporation, unincorporated club, partnership, or association that promotes contests under the purview of the Commission.

2012.7 Persons licensed as referees in the District are deemed to have satisfied the experience and examination requirements for licensure as a timekeeper, inspector, and judge. A licensed referee may be assigned by the Commission to serve as an official in any of these capacities.

Section 2013, TIMEKEEPER’S LICENSE, is amended to read as follows:

2013 TIMEKEEPER’S LICENSE

2013.1 No person shall act as a timekeeper for an event without a license as a timekeeper, inspector, judge, or referee issued pursuant to this chapter.

2013.2 To be eligible for licensure as a timekeeper, an applicant shall:

- (a) Prove to the satisfaction of the Commission that he or she has obtained at least four (4) months of experience as a timekeeper on the amateur level; or

- (b) Prove to the satisfaction of the Commission that he or she is licensed and in good standing as a timekeeper in a jurisdiction of the United States or foreign territory, with requirements that are substantially equivalent to the requirements of this section.

2013.3 An applicant for a license as a timekeeper shall prove to the satisfaction of the Commission that he or she:

- (a) Does not maintain, directly or indirectly, a financial or business interest in the management of a contestant;
- (b) Is not an individual promoter; and
- (c) Is not a stockholder or an employee of, and does not otherwise hold a financial or business interest in, a corporation, unincorporated club, partnership, or association that promotes contests under the purview of the Commission.

Section 2014, INSPECTOR'S LICENSE, is amended to read as follows:

2014 INSPECTOR'S LICENSE

2014.1 No person shall act as an inspector for an event without a license as an inspector, judge, or referee issued pursuant to this chapter.

2014.2 Except as provided in § 2014.4, in order to be licensed as an inspector, an applicant shall pass a written examination administered by the Commission which tests the applicant's knowledge of the rules governing contests of the type for which the applicant is qualified to act as an inspector.

2014.3 To be eligible to sit for the examination required by § 2014.2, an applicant shall:

- (a) Prove to the satisfaction of the Commission that he or she has obtained three (3) or more years of experience as an inspector on the amateur level; or
- (b) Prove to the satisfaction of the Commission that he or she has been actively engaged as a licensed timekeeper in the District or elsewhere for the three (3) years immediately preceding the date on which the application for an inspector's license is filed.

2014.4 An applicant who is licensed and in good standing as an inspector in a jurisdiction of the United States, or licensed by an appropriate licensing authority of a foreign jurisdiction, may be permitted to obtain a license in the District of Columbia without examination if the applicant proves, to the satisfaction of the Commission, that he or she has completed experience and examination

requirements for licensure in the other jurisdiction that were substantially equivalent to the requirements of this section.

- 2014.5 An applicant for a license as an inspector shall prove to the satisfaction of the Commission that the inspector:
- (a) Does not maintain, directly or indirectly, a financial or business interest in the management of a contestant;
 - (b) Is not an individual promoter; and
 - (c) Is not a stockholder or an employee of, and does not otherwise hold a financial or business interest in, a corporation, unincorporated club, partnership, or association that promotes contests under the purview of the Commission.

Section 2016, JUDGE'S LICENSE, is amended to read as follows:

2016 JUDGE'S LICENSE

- 2016.1 No person shall judge an event without a license as a judge or referee issued pursuant to this chapter.
- 2016.2 Except as provided in § 2016.4, in order to be licensed as a judge, an applicant shall pass a written examination administered by the Commission which tests the applicant's knowledge of the rules governing contests of the type for which the applicant is qualified to act as a judge.
- 2016.3 To be eligible to sit for the examination required by § 2016.2, an applicant shall:
- (a) Prove to the satisfaction of the Commission that he or she has obtained three (3) or more years of experience as a judge on the amateur level; or
 - (b) Prove to the satisfaction of the Commission that he or she has been:
 - (1) Actively engaged as a licensed inspector in the District or elsewhere for the three (3) years immediately preceding the date on which the application for a judge's license is filed; and
 - (2) Certified by the Association of Boxing Commissions (ABC) as having completed approved training for boxing judges.
- 2016.4 An applicant who is licensed and in good standing as a judge in a jurisdiction of the United States, or licensed by an appropriate licensing authority of a foreign jurisdiction, may be permitted to obtain a license in the District of Columbia without examination if the applicant proves, to the satisfaction of the

Commission, that he or she has completed experience and examination requirements for licensure in the other jurisdiction that were substantially equivalent to the requirements of this section.

- 2016.5 An applicant for a license as a judge shall prove to the satisfaction of the Commission that he or she:
- (a) Does not maintain, directly or indirectly, a financial or business interest in the management of a contestant;
 - (b) Is not an individual promoter; and
 - (c) Is not a stockholder or an employee of, and does not otherwise hold a financial or business interest in, a corporation, unincorporated club, partnership, or association that promotes contests under the purview of the Commission.

Chapter 21, BOXING EVENTS, is amended as follows:

Section 2123, TICKETS, is amended to read as follows:

2123 TICKETS

- 2123.1 The promoter shall provide to the Commission, prior to the commencement of an event at which admission is charged, a manifest or report on the number, kind, and price of tickets printed for the contest.
- 2123.2 Each ticket shall have the price, name of the promoter, date, and place of the event printed plainly on it.
- 2123.3 No promoter shall sell a ticket at a price other than the price which appears on the ticket.
- 2123.4 No promoter shall change a ticket price, or the place or date of an event, without the approval of the Commission.
- 2123.5 Tickets of different prices shall be printed on cardstock of different colors.
- 2123.6 The total of all complimentary tickets to a contest shall not exceed six percent (6%) of the seating capacity of the venue.
- 2123.7 Complimentary tickets may be designated as follows:
- (a) A maximum of three percent (3%) of the tickets to a contest may be designated as complimentary for distribution to the general public,

including, but not limited to, sponsors, friends and family members of the promoter, a contestant, or other participant.

(b) Additional tickets to a contest, up to the maximum limit established by § 2123.6, may be designated as complimentary for distribution to at-risk youth, active members of the military, veterans, and their family members.

2123.8 The promoter of an event shall be subject to a penalty equaling five percent (5%) of the average ticket price, as determined by the Commission, for any complimentary tickets that exceed the maximum limits established by § 2123.6 and § 2123.7.

2123.9 Each complimentary ticket shall be marked "Complimentary" and be clearly marked to reflect whether it has been designated as a military, youth, or general complimentary ticket.

2123.10 No person, except members of the Metropolitan Police Department, the working press, Commission officials and employees, and official photographers who have been assigned to duty at an event, may be admitted without a ticket.

2123.11 Each ticket collected at the gate shall be separated from the stub when an attendee enters through the admission gate.

2123.12 All tickets collected at the gate shall be deposited in a locked box.

2123.13 An official of the Commission shall check the number and location of ticket boxes at the gates, ensure that the ticket boxes are sealed and locked in accordance with § 2123.12, and open the ticket boxes and count the tickets after the event.

2123.14 At each event, representatives of the promoter and the inspector assigned by the Commission shall supervise the gates and the gate receipts.

2123.15 After each event where an admission fee is charged, the promoter and the designated Commission official shall submit and sign a detailed report on the results of the contest, attendance, number of tickets sold at various prices, and total gate receipts.

Chapter 22, WRESTLING EVENTS, is amended as follows:

Section 2210, TICKETS, is amended to read as follows:

2210 TICKETS

2210.1 The promoter shall provide to the Commission, prior to the commencement of an event at which admission is charged, a manifest or report on the number, kind, and price of tickets printed for the contest.

- 2210.2 Each ticket shall have the price, name of the promoter, date, and place of the event printed plainly on it.
- 2210.3 No promoter shall sell a ticket at a price other than the price which appears on the ticket.
- 2210.4 No promoter shall change a ticket price, or the place or date of an event, without the approval of the Commission.
- 2210.5 Tickets of different prices shall be printed on cardstock of different colors.
- 2210.6 The total of all complimentary tickets to a contest shall not exceed six percent (6%) of the seating capacity of the venue.
- 2210.7 Complimentary tickets may be designated as follows:
- (a) A maximum of three percent (3%) of the tickets to a contest may be designated as complimentary for distribution to the general public, including, but not limited to, sponsors, friends and family members of the promoter, a contestant, or other participant.
 - (b) Additional tickets to a contest, up to the maximum limit established by §2210.6, may be designated as complimentary for distribution to at-risk youth, active members of the military, veterans, and their family members.
- 2210.8 The promoter of an event shall be subject to a penalty equaling five percent (5%) of the average ticket price, as determined by the Commission, for any complimentary tickets that exceed the maximum limits established by § 2210.6 and § 2210.7.
- 2210.9 Each complimentary ticket shall be marked “Complimentary” and be clearly marked to reflect whether it has been designated as a military, youth, or general complimentary ticket.
- 2210.10 No person, except members of the Metropolitan Police Department, the working press, Commission officials and employees, and official photographers who have been assigned to duty at an event, may be admitted without a ticket.
- 2210.11 Each ticket collected at the gate shall be separated from the stub when an attendee enters through the admission gate.
- 2210.12 All tickets collected at the gate shall be deposited in a locked box.

- 2210.13 An official of the Commission shall check the number and location of ticket boxes at the gates, ensure that the ticket boxes are sealed and locked in accordance with § 2210.12, and open the ticket boxes and count the tickets after the event.
- 2210.14 At each event, representatives of the promoter and the inspector assigned by the Commission shall supervise the gates and the gate receipts.
- 2210.15 After each event where an admission fee is charged, the promoter and the designated Commission official shall submit and sign a detailed report on the results of the contest, attendance, number of tickets sold at various prices, and total gate receipts.

Chapter 23, KICKBOXING EVENTS, is amended as follows:

Section 2323, TICKETS, is amended to read as follows:

2323 TICKETS

- 2323.1 The promoter shall provide to the Commission, prior to the commencement of an event at which admission is charged, a manifest or report on the number, kind, and price of tickets printed for the contest.
- 2323.2 Each ticket shall have the price, name of the promoter, date, and place of the event printed plainly on it.
- 2323.3 No promoter shall sell a ticket at a price other than the price which appears on the ticket.
- 2323.4 No promoter shall change a ticket price, or the place or date of an event, without the approval of the Commission.
- 2323.5 Tickets of different prices shall be printed on cardstock of different colors.
- 2323.6 The total of all complimentary tickets to a contest shall not exceed six percent (6%) of the seating capacity of the venue.
- 2323.7 Complimentary tickets may be designated as follows:
- (a) A maximum of three percent (3%) of the tickets to a contest may be designated as complimentary for distribution to the general public, including, but not limited to, sponsors, friends and family members of the promoter, a contestant, or other participant.
 - (b) Additional tickets to a contest, up to the maximum limit established by § 2323.6, may be designated as complimentary for distribution to at-risk youth, active members of the military, veterans, and their family members.

- 2323.8 The promoter of an event shall be subject to a penalty equaling five percent (5%) of the average ticket price, as determined by the Commission, for any complimentary tickets that exceed the maximum limits established by § 2323.6 and § 2323.7.
- 2323.9 Each complimentary ticket shall be marked “Complimentary” and be clearly marked to reflect whether it has been designated as a military, youth, or general complimentary ticket.
- 2323.10 No person, except members of the Metropolitan Police Department, the working press, Commission officials and employees, and official photographers who have been assigned to duty at an event, may be admitted without a ticket.
- 2323.11 Each ticket collected at the gate shall be separated from the stub when an attendee enters through the admission gate.
- 2323.12 All tickets collected at the gate shall be deposited in a locked box.
- 2323.13 An official of the Commission shall check the number and location of ticket boxes at the gates, ensure that the ticket boxes are sealed and locked in accordance with § 2323.12, and open the ticket boxes and count the tickets after the event.
- 2323.14 At each event, representatives of the promoter and the inspector assigned by the Commission shall supervise the gates and the gate receipts.
- 2323.15 After each event where an admission fee is charged, the promoter and the designated Commission official shall submit and sign a detailed report on the results of the contest, attendance, number of tickets sold at various prices, and total gate receipts.

Chapter 24, MIXED MARTIAL ARTS UNIFORM RULES, is re-named and amended as follows:

Chapter 24 MIXED MARTIAL ARTS EVENTS AND UNIFORM RULES

Section 2418, [RESERVED], is amended as to read follows:

2418 TICKETS

- 2418.1 The promoter shall provide to the Commission, prior to the commencement of an event at which admission is charged, a manifest or report on the number, kind, and price of tickets printed for the contest.
- 2418.2 Each ticket shall have the price, name of the promoter, date, and place of the event printed plainly on it.

- 2418.3 No promoter shall sell a ticket at a price other than the price which appears on the ticket.
- 2418.4 No promoter shall change a ticket price, or the place or date of an event, without the approval of the Commission.
- 2418.5 Tickets of different prices shall be printed on cardstock of different colors.
- 2418.6 The total of all complimentary tickets to a contest shall not exceed six percent (6%) of the seating capacity of the venue.
- 2418.7 Complimentary tickets may be designated as follows:
- (a) A maximum of three percent (3%) of the tickets to a contest may be designated as complimentary for distribution to the general public, including, but not limited to, sponsors, friends and family members of the promoter, a contestant, or other participant.
 - (b) Additional tickets to a contest, up to the maximum limit established by § 2418.6, may be designated as complimentary for distribution to at-risk youth, active members of the military, veterans, and their family members.
- 2418.8 The promoter of an event shall be subject to a penalty equaling five percent (5%) of the average ticket price, as determined by the Commission, for any complimentary tickets that exceed the maximum limits established by § 2418.6 and § 2418.7.
- 2418.9 Each complimentary ticket shall be marked “Complimentary” and be clearly marked to reflect whether it has been designated as a military, youth, or general complimentary ticket.
- 2418.10 No person, except members of the Metropolitan Police Department, the working press, Commission officials and employees, and official photographers who have been assigned to duty at an event, may be admitted without a ticket.
- 2418.11 Each ticket collected at the gate shall be separated from the stub when an attendee enters through the admission gate.
- 2418.12 All tickets collected at the gate shall be deposited in a locked box.
- 2418.13 An official of the Commission shall check the number and location of ticket boxes at the gates, ensure that the ticket boxes are sealed and locked in accordance with § 2418.12, and open the ticket boxes and count the tickets after the event.

- 2418.14 At each event, representatives of the promoter and the inspector assigned by the Commission shall supervise the gates and the gate receipts.
- 2418.15 After each event where an admission fee is charged, the promoter and the designated Commission official shall submit and sign a detailed report on the results of the contest, attendance, number of tickets sold at various prices, and total gate receipts.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2012 Repl.)), hereby gives notice of corrections to the Notice of Final Rulemaking issued by the Director of the Department of Energy and Environment, and published in the *D.C. Register* on January 8, 2016 at 63 DCR 285.

The final rulemaking amended Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). Subsection 501.11 provided an erroneous text version of a number despite a correct parenthetical Arabic numeral.

Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Correct the text version of the dollar amount to match the Arabic numeral in Section 501.11, with the deleted word in strike-through text and the correction in underlined text:

501.11 The in lieu fee shall be three dollars and ~~fifty-seven~~ fifty-eight cents (\$3.58) per year for each gallon of Off-Site Retention Volume (Offv).

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of January 8, 2016.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

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.)), 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 Chapter 97, entitled “Adult Day Health Program (ADHP) Services”, of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules establish standards for adult day program services that govern eligibility criteria for beneficiaries, conditions of participation for providers, and provider reimbursement. The adult day health program is a new service under the Medicaid State Plan Home and Community-Based Services benefit. These services are 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.

This chapter sets forth the following: (1) establishing that a program director employed at an ADHP site shall have a bachelor’s degree in a human services field from an accredited college or university and at least four (4) years of experience working with older adults in a social services or health care program, instead of two (2) years; (2) clarifying that transportation for non-emergency medical services including therapeutic activities not included in the participant’s Adult Day Health Plan plan of care, but outlined under the participant’s person-centered service plan shall be provided under the DHCF non-emergency medical transportation contract; (3) establishing that each provider shall coordinate the participant’s care by sharing information with all other health care and service providers rendering services under the person-centered service plan, as necessary to ensure that the participant’s care is organized and to achieve safer and more effective health outcomes; (4) supplementing the list of participant rights by adding that the participant at the ADHP shall have the right to participate in activities and receive services in a fully integrated setting to the same extent as people not receiving Medicaid Home and Community- Based Services (HCBS); (5) clarifying that participants shall have the right to be notified about complaint and appeal procedures including contact information about agencies or programs that can respond to complaints such as the Ombudsman’s office, or the District’s Protection and Advocacy Program for Individuals with Disabilities; (6) requiring that the notification to DHCF of a provider’s intent to withdraw from the Medicaid program be supplemented with a transition plan to prevent service gaps at least sixty (60) days in advance of the initial notification; (7) establishing that the plan of care shall also include efforts to coordinate services with other health care providers to prevent a gap of service delivery in the event of unscheduled absences from the ADHP program; (8) adding that for participants receiving a combination of ADHP and Personal Care Aide services, any service change requests must be submitted to DHCF on the first (1st) and fifteenth (15th) day of every month in order for

the prior authorization to be issued and changes to be in effect on the first day of the following month except in the case of emergencies; and (9) clarifying existing language to simplify interpretation.

DHCF also amended the District of Columbia State Plan for Medical Assistance (State Plan) to reflect these changes. The corresponding amendment to the State Plan Amendment was deemed approved by the Council of the District of Columbia (Council) on August 14, 2014 (PR 20-0944), and was approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on February 10, 2015.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 24, 2015 at 62 DCR 005212. Comments were received and taken into account in the publication of a Notice of Second Emergency and Proposed Rulemaking, published in the *D.C. Register* on October 23, 2015, at 62 DCR 013889. The emergency and proposed rulemaking was adopted on October 14, 2015, and remains in effect until February 11, 2016, or the publication of these final rules in the *D.C. Register*, whichever occurs first. No comments were received and no substantive changes were made to the Second Emergency and Proposed rulemaking.

The Director of DHCF 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*.

Title 29 DCMR, PUBLIC WELFARE, is amended by adding a new Chapter 97 to read as follows:

CHAPTER 97 ADULT DAY HEALTH PROGRAM (ADHP) SERVICES

9700 GENERAL PROVISIONS

9700.1 The purpose of this chapter is to establish the Department of Health Care Finance (DHCF) standards governing Medicaid eligibility for individuals receiving Adult Day Health Program (ADHP) services, to establish conditions of participation for providers of ADHP services, and to set provider reimbursement for ADHP services.

9700.2 ADHP services are designed to:

- (a) Encourage older adults to live in the community by offering non-residential medical supports and supervised, therapeutic activities in an integrated community setting;
- (b) Foster opportunities for community inclusion; and
- (c) Deter more costly facility-based care.

9701 ELIGIBILITY REQUIREMENTS

9701.1 To qualify for ADHP services under these rules, the Medicaid beneficiary shall meet the following criteria:

- (a) Be age fifty-five (55) and older;
- (b) Be an adult with a chronic medical condition diagnosed by a physician;
- (c) Have income up to one hundred fifty percent (150%) of the federal poverty level (FPL); and
- (d) Be in receipt of an assessment determination authorizing, and specifying the level of need for ADHP services in accordance with Section 9709 of this chapter.

9702 PROVIDER QUALIFICATIONS

9702.1 To be eligible to receive reimbursement for ADHP services, a Provider shall:

- (a) Submit a Medicaid Provider Enrollment Application to DHCF, and comply with all requirements set forth under Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 DCMR;
- (b) Comply with all programmatic, staffing and reporting requirements as set forth in this chapter; and
- (c) Have a valid Certificate of Need (CON) determined in accordance with the District of Columbia Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code §§ 44-401 *et seq.*), and implementing regulations.

9702.2 In addition to the requirements described under Subsection 9702.1, DHCF shall verify that a Provider has developed the following programmatic requirements as part of its Provider Readiness Review:

- (a) A service delivery plan to render the services described under Section 9705;
- (b) Policies and procedures as described in Section 9703.4;
- (c) A staffing and personnel training plan that meets the requirements described under Section 9704; and
- (d) A plan which demonstrates compliance with all State Plan Home and Community-Based Setting requirements pursuant to 42 C.F.R. § 441.710 (a)(1)(2).

- 9702.3 DHCF shall conduct an on-site Provider Readiness Review to ensure that all Providers meet the requirements described under Section 9702.
- 9702.4 DHCF shall also conduct subsequent visits at least annually to ensure providers continue to maintain the requirements described under this chapter.
- 9702.5 For out-of-state ADHP providers who are serving District of Columbia residents on the effective date of these rules, DHCF may accept the licensure and/or certification for adult day programs issued by another state if the provider also meets the Provider Readiness Review requirements described under Section 9702.

9703 PROGRAM ADMINISTRATION

- 9703.1 Each Provider shall have a current organizational chart that clearly identifies the organizational structure, lines of authority, staffing levels, and the use of contracted staff.
- 9703.2 Each Provider shall have a governing body with oversight responsibility for administrative and programmatic policy development, monitoring and implementation.
- 9703.3 A Provider shall be prohibited from waiving liability for the delivery of services when they assign contract authority to any other entity for services provided under a participant's ADHP plan of care.
- 9703.4 Each Provider shall develop and implement written policies and procedures to comport to the following program requirements:
- (a) A description of the program's mission statement and goals;
 - (b) The roles and responsibilities of its governing body;
 - (c) A fee schedule including a description of the services to be provided and that are included in the Medicaid per diem rates established in accordance with Section 9723;
 - (d) Participant admission and discharge procedures;
 - (e) A description of the ADHP's approach for implementing the participant's person-centered plan of care;
 - (f) Nutritional standards including guidelines for meal preparation, menu planning and meeting the individualized nutritional needs of each participant;

- (g) Participant rights and responsibilities procedures consistent with the requirements set forth in Section 9712, and contact information about agencies or programs which can respond to complaints;
- (h) Hours and days of operation;
- (i) Personnel standards for hiring, requirements for professional licensure and certification, performance assessments, grievances, and staff training for all staff who deliver services;
- (j) ADHP site environmental standards;
- (k) Health and wellness standards;
- (l) Safety and emergency preparedness procedures;
- (m) Medication administration, storage, and record keeping requirements to conform with requirements described under Section 9707;
- (n) Quality assurance procedures identifying performance measures to evaluate the ADHP program's effectiveness, and weaknesses, including performance measures to ensure service coordination with services provided by other service providers;
- (o) Processes for reporting, investigating and addressing ADHP participants' incidents, and complaints;
- (p) Financial, administrative and participant record keeping requirements;
- (q) A compliance plan in accordance with guidance from Department of Health and Human Services, Office of Civil Rights, available at: <http://www.hhs.gov/ocr/privacy/hipaa/administrative/combined/hipaa-simplification-201303.pdf> to incorporate appropriate administrative, physical, and technical safeguards to protect the privacy of ADHP participants and ensure compliance with the Health Insurance, Portability, and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191, 110 Stat. 1936) (HIPAA); and
- (r) A community outreach and education plan which demonstrates how the ADHP will: (1) develop and maintain linkages with other community-based organizations that serve adults with chronic medical conditions; and (2) provide annual outreach for hard to reach populations.

9703.5

Each ADHP shall notify the DHCF within twenty-four (24) hours in writing, in the following situations:

- (a) Fire, serious accident, serious injury, neglect, abuse or other incidents that impact the health or safety of a participant;
- (b) Evidence of serious communicable disease contracted by staff or participants;
- (c) The death of a participant at, en route to, or en route from, the program site; and
- (d) Changes in professional staff or a reduction of work force that may result in a disruption of service delivery.

9703.6 If a provider intends to relocate to a new program site, each ADHP provider shall obtain DHCF's approval of the new site by undergoing a new Provider Readiness review and notifying the DHCF at least sixty (60) days in advance of the actual move.

9703.7 If a provider intends to withdraw from the Medicaid program, each ADHP provider shall notify DHCF at least ninety (90) days in advance of the provider's intention to withdraw, and supplement the notification with a transition plan, to prevent service gaps for the participants at least sixty (60) days in advance of the provider's intention to withdraw.

9703.8 Each ADHP shall maintain minimum insurance coverage as follows:

- (a) Blanket malpractice insurance for all employees in the amount of at least one million dollars (\$1,000,000) per incident;
- (b) General liability insurance covering personal property damages, bodily injury, libel and slander of at least one million dollars (\$1,000,000) per occurrence; and
- (c) Product liability insurance, where applicable.

9704 STAFFING REQUIREMENTS: GENERAL

9704.1 Each ADHP shall develop and maintain a staffing and personnel training plan that ensures adequate personnel in number and skill to meet minimum required staffing levels in accordance with this section and to deliver required services to each participant in accordance with the ADHP plan of care.

9704.2 Each ADHP program shall maintain the following staffing requirements:

- (a) For acuity level 1 (minimum acuity level), each ADHP program shall maintain a minimum staff to participant ratio of at least one (1) Direct

Support Professional staff member for every ten (10) participants (1:10 ratio);

- (b) For acuity level 2 (maximum acuity level), each ADHP program shall maintain a minimum staff to participant ratio of at least one (1) Direct Support Professional staff member for every four (4) participants (1:4 ratio);
- (c) Only Direct Support Professional staff shall be included in calculating the staffing ratios; and
- (d) Volunteers shall not be used to fulfill the required staffing ratios nor be counted in calculating the staffing ratios.

9704.3 Each ADHP program shall conduct staff orientation for new employees and in-service training sessions consisting of continuing education at least quarterly and as needed, in accordance with its staffing and personnel training plan. The training and orientation shall include, at a minimum, the following topics:

- (a) Infection control;
- (b) Developing an ADHP plan of care to implement a participant's person-centered service plan;
- (c) Procedures to identify, and report abuse, neglect, and exploitation;
- (d) Body Mechanics (including physically assisting in escorting, lifting and transferring participants);
- (e) Emergency procedures for evacuation of the building in the case of fire and/or other disaster or emergency; and
- (f) Specialized needs of older adults, including Alzheimer's or dementia.

9704.4 Each Provider of ADHP services shall employ a full time professional staff member as the Program Director who shall be responsible for the overall management, administration and fiscal operations of the ADHP program including, but not limited to:

- (a) Supervising and directing the general administration of the program;
- (b) Developing and implementing appropriate programmatic policies pursuant to the requirements under Subsection 9703.4;
- (c) Preparing budgets and required financial reports, ensuring sound fiscal administration including billing and payment;

- (d) Ensuring that an ADHP plan of care is developed for each participant;
- (e) Developing and implementing a community outreach plan to publicize the ADHP's goals, mission, and target population served;
- (f) Developing and implementing effective strategies to recruit, employ, supervise, and retain qualified staff, including staff orientation and on-going in-service training;
- (g) Developing and implementing an effective quality assurance program;
- (h) Overseeing regulatory and reporting requirements in accordance with this chapter; and
- (i) Appointing one (1) professional staff member to ensure that there is an Acting Program Director in the absence of the Program Director.

9704.5 An ADHP program director employed pursuant to Subsection 9704.4 shall meet the following qualifications:

- (a) Have a bachelor's degree in a human services field from an accredited college or university and at least four (4) years of experience working with older adults in a social services or health care program; or
- (b) Have a master's degree in a human services field and a minimum of one (1) year of experience working with older adults in a social service or health care program; or
- (c) Is a licensed registered nurse with at least two (2) years working with older adults in a social service or health care program.

9704.6 Each Provider of ADHP services shall employ a full time registered nurse who shall be responsible for, but not limited to:

- (a) Coordinating the implementation and on-going review of each participant's ADHP plan of care, including making any updates to the plan, and coordinating the sharing of information with the participants' other health care providers to ensure care is organized;
- (b) Monitoring the health care needs of each participant and providing or supervising nursing services, including medication administration, for each participant in accordance with the orders of the participant's physician and the participant's ADHP plan of care;
- (c) Supervising other nursing personnel;

- (d) Providing teaching and instruction about a participant's ADHP plan of care;
- (e) Providing guidance and counseling that focus on improving the health, safety and psycho-social needs of each participant;
- (f) Assisting, as necessary, in the delivery of other required program services;
- (g) Updating each participant's record with progress notes at least monthly or more often if indicated (this activity may be delegated to other nursing personnel); and
- (h) Notifying the beneficiary's physician of any significant change in the beneficiary's condition.

9704.8 A registered nurse employed pursuant to Subsection 9704.6 shall meet the following qualifications:

- (a) Be licensed pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2011 Supp.)); and
- (b) Have at least two (2) years of experience working with older adults in a social services or health care program.

9704.9 Each Provider of ADHP services shall employ a full time activities coordinator who shall be responsible for developing and implementing a program of therapeutic activities including, but not limited to:

- (a) Developing and scheduling educational, recreational and community integration activities and events;
- (b) Supervising activity program assistants;
- (c) Assisting personnel who are responsible for providing direct care support to the program participants;
- (d) Participating in reviews of each participant's ADHP plan of care;
- (e) Ensuring that a comfortable, safe and therapeutic environment for daily program implementation is maintained;
- (f) Fostering a participant's freedom of choice, decision making and active participation in daily activities; and

- (g) Developing monthly progress notes regarding status updates relative to the participant's engagement and participation in therapeutic activities.
- 9704.10 An activities coordinator employed pursuant to Subsection 9704.9 shall have a minimum of one (1) year of experience working at a social service, health care, or therapeutic recreational program that serves older adults.
- 9704.11 Each ADHP shall employ a full time social service professional who shall be responsible for, but not be limited to the following:
- (a) Assisting in developing activities designed to improve a participant's self-awareness, level of functioning and psycho-social needs;
 - (b) Incorporating the interest and therapeutic needs of participants in the development of the activity programs;
 - (c) Coordinating and conducting individual, group and family counseling services;
 - (d) Entering monthly notes in each participant's record;
 - (e) Referring the participant and the participant's family to appropriate community services and resources, as needed;
 - (f) Assisting staff with ongoing program services;
 - (g) Offering guidance through counseling and teaching to the participant and the participant's family on matters related to a participant's health, safety and general welfare;
 - (h) Assisting in the coordination of non-ADHP services, including but not limited to case management services, medical, personal care assistance services, skilled therapies, waiver services, transportation services, home-delivered meals; and
 - (i) Assisting participants to access and maintain public benefits.
- 9704.12 A social service professional(s) employed in accordance with Subsection 9704.11 shall:
- (a) Have a master's degree in social work, psychology, counseling, gerontology, sociology, therapeutic recreation or a related field and at least one (1) year of experience working with older adults in social service, health care or therapeutic recreational settings; or

- (b) Have a four (4) year degree from an accredited university or college in social work, counseling, psychology, gerontology or therapeutic recreation or a related field and at least two (2) years of experience working with older adults and/or adults with disabilities in a social, health or recreational setting/; and
- (c) Obtain the requisite licensure under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.01), if required.

9704.13 Each ADHP shall have a medical director who shall be responsible for:

- (a) Providing guidance, leadership, oversight and quality assurance for the development and implementation of policies and practices to promote the appropriate medical management and care of participants, including in emergency situations;
- (b) Consulting with the participant's physician, when necessary;
- (c) Taking professional responsibility for each participant's medical care in emergency situations or when the participant's personal physician is unavailable when the medical director is on-site at the facility;
- (d) Overseeing the delivery of all required medical services to ensure that needed services are provided in a timely manner by the appropriate personnel, consistent with each participant's ADHP plan of care; and
- (e) Participating in support team conferences, care planning and case reviews.

9704.14 A medical director employed by or under contract to an ADHP shall be licensed as a physician in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2011 Supp.));

9704.15 Each ADHP shall have a dietician or nutritionist who shall be responsible for, including but not limited to, the following:

- (a) Developing and designing menus for meals and snacks to accommodate daily nutrient requirements of each ADHP participant.
- (b) Collaborating with the participant's support team members as described in Subsection 9711.4, to ensure that a participant's nutritional needs are addressed;
- (c) Providing nutritional education, training and counseling to each participant, the participant's family and ADHP staff;

- (d) Conducting and recording periodic inspections of the food service program and the food service area; and
- (e) Ensuring that special or modified diets are developed and offered in accordance with the participant's ADHP plan of care.

9704.16 A dietician or nutritionist employed or under contract to an ADHP shall be licensed in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2011 Supp.)).

9704.17 If required, other health and social service professionals employed or under contract to an ADHP shall be licensed in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2007 Repl. & 2011 Supp.)).

9704.18 Each ADHP shall employ a direct support professional who shall be responsible for, but not be limited to, the following:

- (a) Assisting participants with personal care tasks and other activities of daily living;
- (b) Providing guidance to participants during group activities;
- (c) Supporting and encouraging a participant's participation in scheduled activities;
- (d) Monitoring and reporting any change in a participant's health status as appropriate;
- (e) Assisting in the implementation of each participant's ADHP plan of care as a member of the participant's support team;
- (f) Documenting daily attendance and participation for each participant; and
- (g) Assisting participants with maintaining their optimal physical and mental health.

9704.19 A direct support professional employed by an ADHP shall:

- (a) Be at least eighteen (18) years of age;
- (b) Be a citizen of the United States or a non-citizen who is lawfully authorized to work in the United States;

- (c) Be mentally, physically and emotionally competent to provide services;
- (d) Be free of tuberculosis and other communicable diseases as certified in writing by a physician on an annual basis;
- (e) Be able to read and write the English language at least at the fifth (5th) grade level and carry out instructions and directions in English;
- (f) Be certified in cardiopulmonary resuscitation (CPR), and first aid certification and maintain current certifications;
- (g) Complete three (3) hours of continuing education at quarterly intervals, in addition to annual CPR re-certification;
- (h) Be trained on the participant's ADHP plan of care prior to assisting any participant;
- (i) Be able to recognize an emergency and be knowledgeable about emergency procedures;
- (j) Pass a reference check and criminal background check pursuant to the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1988, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code, §§ 44-441 *et seq.* (2005 Repl. & 2012 Supp.)); and
- (k) Have at least a high school diploma or General Educational Development certificate.

9705 PROGRAM REQUIREMENTS

9705.1 An Adult Day Health Program shall provide, at minimum, all of the following services:

- (a) Nursing services, as described under Subsection 9704.6, including monitoring the participants' health care-needs, providing health counseling, and the coordinating and implementing the ADHP plans of care for each participant;
- (b) Individual and group therapeutic activities, including social, recreational and education activities, that:
 - (1) Are based upon each participant's assessed needs and personal preferences,

- (2) Are consistent with the participant's person-centered service plan, and
 - (3) Are designed to improve each participant's self-awareness, cognitive and physical functional abilities and personal safety;
- (c) Individual and group counseling for participants and their families;
 - (d) Personal care assistance services, including training and assistance in activities of daily living, accident prevention, and the use of special aides provided under the overall supervision of a registered nurse;
 - (e) Medication administration, assistance and counseling, including education and counseling of participants and family members regarding medication safety, efficacy and adherence, that are provided in accordance with the requirements set forth in Section 9707;
 - (f) Nutrition services that are provided in accordance with the requirements set forth in Section 9706; and
 - (g) Coordination of transportation services for therapeutic activities that are scheduled off-site.

9705.2 Transportation for non-emergency medical services including therapeutic activities not included in the participant's ADHP plan of care, but outlined under the participant's person-centered service plan, shall be provided under the DHCN non-emergency medical transportation contract. Each transportation provider shall comply with all applicable business licensing and certification requirements set forth under the District of Columbia Non-Emergency Medical Transportation contract.

9705.3 Each ADHP provider shall develop a safety and emergency preparedness plan which includes procedures for evacuation in the event of an emergency and ensuring staff is trained in CPR and First Aid.

9705.4 An ADHP program may provide or arrange for additional services including but not limited to non-emergency medical transportation services to and from the program site, and other activities not outlined under the participant's ADHP plan of care, but included under the participant's person-centered service plan, including psychiatric services and occupational, physical and speech therapies. These services are not included in the reimbursement rates set forth in Section 9723.

9705.5 Each provider shall coordinate the participant's care by sharing information with all other health care and service providers rendering services under the person-

centered service plan, as necessary to ensure that the participant's care is organized and to achieve safer and more effective health outcomes.

9706 NUTRITION SERVICES

- 9706.1 Nutrition services shall be provided in accordance with the requirements set forth in this Section.
- 9706.2 All meals and snacks shall be prepared under the direction of a dietician or nutritionist and shall be provided in accordance with the requirements set forth in Subsection 9706.7.
- 9706.3 All meals shall include hot foods and shall be equivalent to at least one-fourth (1/4) of the recommended daily dietary allowance established by the Food and Nutrition Board of the National Research Council.
- 9706.4 The ADHP shall furnish special diets, if required by the participant and prescribed by his or her physician.
- 9706.5 The ADHP shall ensure that all participants are properly hydrated and that drinking water is provided in a safe and hygienic manner and is accessible to the participants at all times.
- 9706.6 Program staff members, under the supervision of the dietician, nutritionist, or registered nurse, shall provide nutrition counseling and consumer shopping advice to participants and, if necessary, to their families or guardians.
- 9706.7 The ADHP shall adhere to the following requirements to determine the number of meals and snacks to be provided to each participant:
- (a) Participants who are in attendance for less than three (3) hours shall be provided with a minimum of one (1) meal or one (1) snack which shall constitute one-fourth (1/4) of the participant's daily nutritional allowance;
 - (b) Participants who are in attendance for a total of three (3) to four (4) hours per day shall be provided with a minimum of one (1) meal and one (1) snack which shall constitute one-third (1/3) of the participant's daily nutritional allowance; and
 - (c) Participants who are in attendance for a total of five (5) to eight (8) hours per day shall be provided with a minimum of two (2) meals and two (2) snacks, or one (1) meal and two (2) snacks, which shall constitute one-half (1/2) of the participant's daily nutritional allowance.
- 9706.8 Each ADHP shall ensure that all meals are prepared and served in accordance with the food safety requirements set forth in Title 25 DCMR.

9707 MEDICATION ADMINISTRATION, ASSISTANCE AND COUNSELING

- 9707.1 The ADHP shall provide medication administration, assistance and counseling in accordance with the requirements of this Section.
- 9707.2 Medication administration and counseling services shall be supervised by a registered nurse.
- 9707.3 Medications, including over the counter medications, shall not be administered without a written order signed by a physician or an advance practice registered nurse, acting within the scope of his or her license.
- 9707.4 Medications, including injectable medications, shall only be administered as ordered by the physician or advance practice registered nurse and may only be administered by a physician, registered nurse, or licensed practical nurse.
- 9707.5 An individual authorized under Subsection 9707.4 to administer medications to a participant under these rules shall personally prepare the dosage, observe the act of swallowing oral medicines, and record each dosage given in each participant's medication administration record (MAR). The MAR shall clearly identify each individual who administers each dose.
- 9707.6 A registered nurse or a direct support professional working directly with the participant and employed by the ADHP shall provide assistance to participants who are able to self-administer medications.
- 9707.7 The ADHP shall provide counseling to participants and their families regarding medication safety, efficacy, and adherence, and shall assist participants to order medications or obtain a prescription or prescription refill.
- 9707.8 All medications, including those for participants who are able to self-administer, shall be stored in a safe, secure, locked storage area.
- 9707.9 The ADHP shall develop and implement internal quality controls to ensure that medications are stored properly and administered in accordance with the physician's orders.
- 9707.10 No controlled substances shall be administered or stored on the premises in violation of the Controlled Substances Act, approved October 27, 1970 (Pub. L. No. 113-234, 84 Stat. 1242; 21 U.S.C. §§ 801 *et seq.*), and its implementing federal regulations.
- 9707.11 The ADHP shall adhere to any applicable Federal or District of Columbia law, rules and/or regulations related to medication administration.

9708 SAFETY AND ENVIRONMENTAL REQUIREMENTS

- 9708.1 Each provider rendering ADHP services shall ensure that the physical site where services are rendered is in compliance with safety and accessibility standards for disabled persons in accordance with the Americans with Disabilities Act of 1990 (ADA), approved July 26, 1990 (Pub. L. No. 101-336, 104 Stat. 327), as amended and supplemented by the American Disabilities Amendments Act of 2008, approved September 25, 2008 (Pub.L. No. 110-325, 122 Stat. 3554; 42 U.S.C. §§ 12101 *et seq.*), and its implementing federal regulations, ADA standards for accessible design, 28 C.F.R. Ch. I, parts 35 and 36.
- 9708.2 Each provider rendering ADHP services shall maintain a Certificate of Occupancy from the Department of Consumer and Regulatory Affairs (DCRA) to ensure that the site is in compliance with the applicable zoning regulations and construction codes including electrical, plumbing, mechanical, and fire prevention requirements in accordance with the Construction Codes Supplement of 2013 under Title 12 DCMR.
- 9708.3 Each ADHP program site shall have:
- (a) At least one (1) large room where all participants can gather for activities, socialization and meals;
 - (b) Separate areas for small group activities including a quiet area that permits participants to rest; and
 - (c) A room with a bed or medical examination table with adequate provision for privacy for medical examination, treatment in the event of illness or accident, or individualized programming or instruction.
- 9708.4 Each ADHP program site shall have sufficient toilet facilities at each site to accommodate participants with physical disabilities that comply with ADA standards for accessible design, 28 C.F.R. Ch. I, parts 35 and 36, also available at www.ada.gov.
- 9708.5 Each ADHP provider shall ensure adequate heating and cooling systems to ensure that room temperatures are maintained at comfortable levels.
- 9708.6 Each provider shall ensure that there are operating fire extinguishers and smoke and carbon monoxide detectors available on each building level.
- 9708.7 Each provider shall properly maintain walkways, ramps, steps and outdoor landscaping, and display clearly identifiable evacuation routes for safe means of exit in the event of an emergency.

- 9708.8 Each provider shall ensure that the program site is free of rodents, pests and insects.
- 9708.9 Each provider shall ensure that there is a first aid kit on site.
- 9708.10 Each provider shall have procedures for emergency care, infection control and reporting of accidents and incidents.
- 9708.11 Each provider shall ensure that participants have access to the private use of a telephone, on-site and at no charge, and that is easily and readily accessible.
- 9708.12 The minimum space requirements for each ADHP program site, exclusive of office space, bathrooms, storage space, examination rooms, food preparation areas and dining areas (unless also used for activities) shall be as follows:
- (a) One hundred (100) square feet for each of the first five (5) participants;
 - (b) Eighty (80) square feet for each of the next ten (10) participants; and
 - (c) Thereafter, sixty (60) square feet for each ten (10) participants.

9709 SERVICE AUTHORIZATION REQUEST REQUIREMENTS

- 9709.1 ADHP services shall not be initiated or provided on a continuing basis by a provider without an approved assessment determination and an authorization for the receipt of ADHP services from DHCF or DHCF's designated agent to authorize the receipt of ADHP services.
- 9709.2 A Medicaid beneficiary who is seeking ADHP services for the first time shall submit his or her request for an assessment and a certification from the beneficiary's physician or advance practice registered nurse that he or she has a chronic medical condition in accordance with Subsection 9710.2 to DHCF or its designated agent in writing.
- 9709.3 DHCF or its designated agent shall be responsible for conducting a face-to-face assessment of each beneficiary using a standardized needs-based assessment tool to determine each beneficiary's need for ADHP services. The assessment shall:
- (a) Confirm and document the beneficiary's functional limitations, behavioral and medical support needs and personal goals with respect to long-term care services and supports;
 - (b) Be conducted in consultation with the beneficiary and/or the beneficiary's representative and/or support team;

- (c) Document the beneficiary's unmet need for services taking into account the contribution of informal supports and other resources in meeting the beneficiary's needs for assistance; and
- (d) Document the amount, frequency, duration, and scope of long-term care services and support services needed.

9709.4 DHCF or its designated agent shall conduct the initial face-to-face assessment following the receipt of a request for an assessment and shall conduct a reassessment at least every twelve (12) months or upon significant change in the participant's condition. A request for a reassessment or a change in acuity level may be made by a Medicaid beneficiary, the beneficiary's representative, or a provider.

9709.5 Based upon the results of the face-to-face assessment conducted in accordance with Subsection 9709.3, DHCF or its authorized agent shall issue an assessment determination that specifies the beneficiary's acuity level.

9709.6 If the beneficiary meets the acuity level for ADHP services and chooses to participate in an ADHP program, DHCF or its authorized agent shall refer the beneficiary to the Aging and Disability Resource Center (ADRC) which shall be responsible for developing the person-centered service plan in accordance with federal regulations under 42 C.F.R. § 441.725.

9709.7 Consistent with 42 C.F.R. § 441.725(c), the person-centered service plan must be reviewed, and revised upon reassessment of functional need as required in § 441.720, at least every twelve (12) months, and/or when the beneficiary's circumstances or needs change significantly in accordance with Subsection 9709.4.

9709.8 The ADRC shall assist the beneficiary to select an ADHP provider, and shall refer the beneficiary to other available services of his or her choice.

9709.9 If, based upon the assessment or reassessment conducted pursuant to this section, a beneficiary is found to be ineligible for ADHP services, DHCF or its agent shall issue a letter informing the beneficiary of his or her ineligibility, or change in acuity for ADHP services, including information about his or her right to appeal the denial, reduction or termination of services in accordance with federal and District of Columbia law and regulations consistent with D.C. Official Code § 4-205.55. The notice shall also contain information regarding the beneficiary's right to request DHCF to reconsider its decision and the timeframes for making a request for reconsideration.

9710 ADMISSION REQUIREMENTS

9710.1 With respect to each new admission, an ADHP provider shall:

- (a) Obtain the ADHP assessment determination that authorizes the need for ADHP services, as described in Section 9709, establishing that the participant meets the level of care for admission to an ADHP;
- (b) Obtain a medical release form, signed by the participant's physician or advanced practice registered nurse, that addresses the participant's general medical condition, restrictions on activity, diet modifications, any instructions relative to health care, absence of infectious diseases, a list of current medications and treatment documenting the participant's medical history;
- (c) Conduct a pre-admission interview with the participant and his or her family, and support team, to gather information on the participant's health characteristics, psycho-social condition, nutritional habits, and other relevant data pertaining to the participant's home or community support system;
- (d) Develop and execute an agreement between the ADHP provider and the participant which shall include, but not be limited to, the following information:
 - (1) The program's operating business hours and schedule of holidays;
 - (2) The announcement procedures for unexpected closing of the program due to disaster or inclement weather;
 - (3) Participant rights and responsibilities;
 - (4) The Provider's HIPAA compliance policy;
 - (5) The Provider's safety and emergency preparedness policy and plan which outlines who the provider should contact in case of an emergency;
 - (6) The financial obligations of the participant, if any; and
 - (7) Other pertinent information; and
- (e) Implement the participant's ADHP plan of care in accordance with Section 9711.

9710.2

The signed medical release form referenced in Subsection 9710.1(b) shall be accompanied by a report from the beneficiary's physician or advance practice nurse indicating that the physician or advance practice nurse has physically examined the applicant and certified that the beneficiary has a chronic medical

condition within the past ninety (90) days and the results of that physical examination;

9711 ADHP PLAN OF CARE

9711.1 An ADHP plan of care shall:

- (a) Be completed within fourteen (14) business days of the participant's admission to the ADHP;
- (b) Be developed in consultation with the participant, or the participant's representative and the participant's Support Team;
- (c) Incorporate the participant's person-centered service plan and take into account the assessment conducted in accordance with Subsection 9709.3, as well as any other information relevant to a comprehensive understanding of the participant's clinical and support needs;
- (d) Specify how the ADHP will provide the services and supports that will assist the participant to achieve his or her identified goals as identified in the person-centered service plan;
- (e) Reflect the participant's preferences as to the types and scheduling of ADHP services to be provided as identified in the participant's person-centered service plan ;
- (f) Indicate any other supportive services that the participant is receiving away from the ADHP such as homemaker services, other therapies and services; and
- (g) Include efforts to coordinate services with other health care providers, to prevent a gap of service delivery in the event of unscheduled absences from the ADHP program.

9711.2 The ADHP plan of care shall be reviewed by the support team and the participant or the participant's representative at least once every ninety (90) days, and whenever there has been a significant change in the participant's conditions, and shall be updated or modified as needed.

9711.3 The initial ADHP plan of care, as well as any updates or changes made, shall be approved and signed by the participant and/or the participant's representative, the registered nurse in charge of the participant's care and all support team members who participate in its development.

9711.4 For participants receiving a combination of ADHP and personal care aid services, any change requests to a participant's approved schedule or services must be communicated and coordinated between the ADHP and Home Care Agency

providers. The change requests must be submitted to DHCF on the first (1st) and fifteenth (15th) day of every month in order for the prior authorization to be issued and changes to be in effect on the first (1st) day of the following month. Exceptions will be considered for emergencies consisting of a sudden or unexpected change in a person's health care needs that necessitates a change.

9711.5 A support team includes the clinical and non-clinical staff who shall be responsible for providing or arranging for services and supports for the participant. At minimum, for purposes of developing an ADHP plan of care for each participant, the Support Team shall include:

- (a) The Registered Nurse;
- (b) The Social Worker;
- (c) The Dietician/Nutritionist;
- (d) The Activities Coordinator;
- (e) The direct support professional(s) who worked directly with the participant; and
- (f) Any other person chosen by the participant.

9712 PARTICIPANT RIGHTS AND RESPONSIBILITIES

9712.1 Each ADHP provider shall develop a written statement of the participant's rights and responsibilities consistent with the requirements of this section, which shall be given to each participant in advance of receiving services.

9712.2 The written statement of the participant's rights and responsibilities shall be prominently displayed at the provider's business location and available at no cost upon request by the general public.

9712.3 Each participant shall have the following rights:

- (a) To be treated with courtesy, dignity and respect;
- (b) To participate in the planning of his or her care and treatment;
- (c) To receive treatment, care, and services consistent with the person-centered service plan and to have the ADHP plan of care modified for achievement of outcomes;
- (d) To receive services by competent provider personnel who can communicate with the participant in accordance with the Language Access

Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.*);

- (e) To refuse all or part of any treatment, care, or service and be informed of the consequences;
- (f) To be free from mental and physical abuse, neglect and exploitation from persons providing services;
- (g) To be assured of the privacy of protected health and financial information in accordance with all the provisions of applicable District and federal laws;
- (h) To voice a complaint or grievance about treatment, care, or lack of respect for personal property by persons providing services without fear of reprisal;
- (i) To have access to his or her records;
- (j) The right to participate in activities and receive services in a fully integrated setting to the same extent as people not receiving Medicaid Health Care Benefit Services;
- (k) To be informed orally and in writing of the following:
 - (1) Services to be provided, including any limits;
 - (2) Amount charged for each service, the amount of payment required from the participant and the billing procedures, if applicable;
 - (3) Whether services are covered by health insurance, Medicare, Medicaid, or any other third party sources;
 - (4) Acceptance, denial, reduction or termination of services with notices to be issued at least fifteen (15) days before the effective date of reduction or termination;
 - (5) Complaint and appeal procedures including contact information about agencies or programs that can respond to complaints such as the Ombudsman's office, or the District's Protection and Advocacy Program for Individuals with Disabilities;
 - (6) Name, address and telephone number of the Provider;
 - (7) Telephone number of the District of Columbia Medicaid fraud hotline;

- (8) Participant's freedom from being forced to sign for services that were not provided or were unnecessary; and
- (9) A statement, provided by DHCF, defining health care fraud and ways to report suspected fraud.

9712.4 Each participant shall be responsible for the following:

- (a) Treating all ADHP personnel with respect and dignity;
- (b) Providing accurate information when requested;
- (c) Informing provider personnel when instructions are not understood or cannot be followed;
- (d) Cooperating in making a safe environment for care within the ADHP site; and
- (e) Reporting suspected fraud, waste and abuse.

9712.5 Each provider shall take appropriate steps to ensure that each participant, including participants who cannot read or those who have a language or a communication barrier, has received the information required pursuant to this section.

9712.6 Each Provider shall document in the participant's records, described under Section 9713, the steps taken to ensure that each participant has received the information.

9713 RECORDKEEPING

9713.1 Each ADHP provider shall maintain complete and accurate participant records (paper or electronic) for each participant that documents the specific ADHP services provided to each participant for a period of ten (10) years or until all audits are completed, whichever is longer.

9713.2 Each participant's record shall include, but not be limited to, the following information:

- (a) General information including the participant's name, Medicaid identification number, address, telephone number, age, sex, name and telephone of emergency contact person, authorized representative (if applicable), and primary care physician's or advanced practice registered nurse's name, address, and telephone number;

- (b) The approved ADHP assessment determination, certification of chronic medical condition, and the Medical Release Form;
- (c) Notes from the participant's pre-admission interview;
- (d) An emergency care form to include the name and contact information for at least three people to be notified in case of emergency;
- (e) ADHP HIPAA Privacy Act Statement and signed acknowledgement in accordance with the HIPAA Privacy Act of 1996, approved August 21, 1996 (Pub. L. 104-191, 110 Stat. 1936);
- (f) The participant's person-centered service plan, the ADHP plan of care, and all monthly updates;
- (g) The results of the participant's initial and any revised needs-based assessment;
- (h) A copy of the written agreement between the ADHP provider and the participant;
- (i) All physician orders including all orders for medications;
- (j) Other assessments and consultations;
- (k) Documentation of services received, how often and by whom;
- (l) Progress notes and quarterly updates;
- (m) Incident and accident reports;
- (n) Copies of any written notices given to the participant; and
- (o) Discharge summary, if applicable.

9713.3 Each provider shall maintain the following fiscal records:

- (a) Daily attendance roster;
- (b) The program inspection reports (health, fire, safety, food), if applicable;
- (c) An annual ADHP program evaluation report including program enrollment and discharge data;
- (d) Current copies of all fully executed contracts pertaining to the delivery of ADHP services;

- (e) Current and projected budgets, including specific cost allocations;
- (f) General ledger and books of original entry showing receipts and expenditures with supporting documentation;
- (g) The fee schedule and fee charges;
- (h) The daily schedule of activities;
- (i) The daily menus for meals and snacks for each thirty (30) day period;
- (j) Any audits by Centers for Medicare and Medicaid Services (CMS) and/or DHCF;
- (f) The discharge planning form/report;
- (k) The number of individuals waiting for admission to the program, if any;
- (l) The community outreach materials that shall include:
 - (1) A program brochure;
 - (2) Letters to physicians, health facilities, senior centers, and social service agencies informing them of the services provided by the program;
 - (3) Strategies for participation and involvement with community service agencies and community leaders to develop referral mechanisms;
 - (4) Notices posted in community facilities; and
 - (5) Schedule of events held for the general public and various community groups.

9713.4 Individual personnel records shall be maintained on all program staff and consultants.

9713.5 Individual personnel records shall include the following:

- (a) Name, address, telephone number, age and sex;
- (b) Educational background;

- (c) Employment history and notes on references;
- (d) Evaluation of performance and attendance;
- (e) Certification that the staff member is free of tuberculosis and other communicable diseases;
- (f) CPR certification(s);
- (g) Results of reference and criminal background checks including proof of compliance with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-551 *et seq.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §§ 44-551 *et seq.*) for the following employees or contract workers:
 - (1) Individuals who assist licensed health professionals in providing direct patient care or common nursing tasks, but are not licensed under Chapter 12, Health Occupations Board, of Title 3 of the D.C. Official Code;
 - (2) Nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, or other health aides; and
 - (3) Housekeeping, maintenance, and administrative staff who may have direct contact with participants.
- (h) Evidence of participation in continuing education; and
- (i) Copies of all professional licenses held by employees or any contractor utilized by the Provider for the delivery of ADHP services.

9713.6 All ADHP participant, personnel and program administrative and fiscal records shall be maintained so that they are accessible and readily retrievable for inspection and review by DHCF, CMS, and other authorized government officials or their agents, as requested.

9714 TERMINATION AND ALTERNATIVE SANCTIONS FOR ADHP NONCOMPLIANCE

9714.1 In order to qualify for Medicaid reimbursement, ADHP providers shall comply with programmatic requirements as part of its Provider Readiness Review. The

programmatic requirements include adherence to acceptable standards in the following areas:

- (a) Service delivery;
- (b) Program administration as governed under mandated policies and procedures;
- (c) Staffing and training; and
- (d) Home and Community Based Services (HCBS) setting requirements.

9714.2 An ADHP that fails to maintain compliance with the programmatic requirements and any requirements set forth in this chapter may be subject to alternative sanctions and/or termination of its participation in the Medicaid program.

9714.3 If DHCF initiates an action to terminate, DHCF shall follow the procedures set forth in Chapter 13 of Title 29 DCMR governing termination of the Medicaid provider agreement.

9714.4 If DHCF initiates an action to impose an alternative sanction, a written notice shall be issued to each ADHP provider notifying the provider of the imposition of an alternative sanction.

9714.5 The written notice shall inform the provider that DHCF intends to impose an alternative sanction.

9714.6 The written notice shall also include the following:

- (a) The basis for the proposed action;
- (b) The specific alternative sanction that DHCF intends to take;
- (c) The provider's right to dispute the allegations and to submit evidence to support his or her position; and
- (d) Specific reference to the particular sections of the statutes, rules, provider's manual, and/or provider's agreement involved.

9714.7 Within thirty (30) days of the date of the notice, an ADHP provider may submit documentary evidence to DHCF's Long Term Care Administration, 441 4th St., NW, Ste. 1000, Washington, DC 20001 to refute DHCF's argument for imposition of the alternative sanction.

9714.8 On a case-by-case basis, DHCF may extend the thirty (30) day period prescribed in Subsection 9714.7.

- 9714.9 If DHCF determines to impose an alternative sanction against the ADHP provider after the provider has issued a response under Subsection 9714.7, DHCF will send a written notice at least fifteen (15) days before the imposition of the alternative sanction. The notice shall include the following:
- (a) The reason for the decision;
 - (b) The effective date of the sanction; and
 - (c) The provider's right to request a hearing by filing a notice of appeals with the District of Columbia Office of Administrative Hearings.
- 9714.10 If the ADHP provider files a notice of appeal within fifteen (15) days of the date of the notice of the alternative sanction under Subsection 9714.9, then the effective date of the proposed sanction shall be stayed until the District of Columbia Office of Administrative Hearings has rendered a final decision.
- 9714.11 The Director of DHCF shall consider modifying the alternative sanction upon the occurrence of one of the following:
- (a) Circumstances have changes and resulted in alterations of the programmatic requirement violation(s) in such a manner as to immediately jeopardize a participant's health, and safety; or
 - (b) The ADHP makes significant progress in achieving compliance with the programmatic requirements through good faith efforts.
- 9714.12 When a participant's health or safety is in immediate jeopardy, the provider must implement the safety and emergency preparedness plan. Once the participant is safe and is no longer in immediate jeopardy, the ADHP shall submit a corrective action plan to DHCF within one (1) business day with specific timelines for implementation.
- 9714.13 The Director of DHCF may also modify the denial of payment sanction in accordance with Section 9716.

9715 ALTERNATIVE SANCTIONS FOR ADHPs

- 9715.1 DHCF may impose alternative sanctions against an ADHP when that provider fails to meet the programmatic requirements or any requirements set forth in this Chapter, but the violation does not place an ADHP participant's health or safety in immediate jeopardy.
- 9715.2 In lieu of terminating the Medicaid provider agreement, DHCF may impose one (1) or more alternative sanctions against ADHPs as set forth below:
- (a) Denial of payments related to new admissions, as described in § 9716;

- (b) Directed Plan of Correction (DPoC), as described in § 9717;
- (c) Directed In-Service Training (DIST), as described in § 9718; or
- (d) State Monitoring, as described in § 9719.

9715.3 DHCF shall make a determination to terminate a provider from the Medicaid program, or to impose an alternative sanction based on the following factors:

- (a) Seriousness of the violation(s);
- (b) Number and nature of the violation(s);
- (c) Potential for immediate and serious threat(s) to ADHP participants;
- (d) Potential for serious harm to ADHP participants;
- (e) Any history of prior violation(s) and/or sanction(s);
- (f) Mitigating circumstances; and
- (g) Other relevant factors, including failing to achieve satisfactory scores during the annual Provider Readiness Review process.

9715.4 DHCF shall issue a written notice to each ADHP notifying the provider of the imposition of an alternative sanction. The written notice shall comply with the requirements outlined in Section 9714.

9715.5 All costs associated with the imposition of an alternative sanction against an ADHP pursuant to these rules shall be borne by the provider.

9716 DENIAL OF PAYMENT RELATING TO NEW ADMISSIONS

9716.1 In lieu of termination in situations where participants are not in immediate jeopardy, DHCF may initiate a one-time denial of payment for claims associated with new admissions at the ADHP site that fail to comply with one (1) or more of the programmatic requirements for Medicaid enrollment.

9716.2 The denial of payment term shall be eleven (11) months in duration, beginning on the first day of the month after DHCF imposes the denial of payments.

9716.3 DHCF shall notify the ADHP that it is subject to denial of payment in accordance with the notice requirements described under Section 9714.

- 9716.4 DHCF shall monitor the provider's progress in improving cited violation(s) throughout the eleven (11) month period.
- 9716.5 The Director of DHCF shall consider modifying or rescinding the denial of payment, for reasons stated under Subsection 9715.1, or if the ADHP achieves full compliance with the programmatic requirements in fewer than eleven (11) months.
- 9716.6 DHCF shall terminate the Medicaid provider agreement of an ADHP that has been unable to achieve compliance with the programmatic requirements during the full eleven (11) month period of denial of payment.
- 9716.7 An ADHP Medicaid provider agreement that is subject to denial of payment shall be automatically extended for the eleven (11) month period if the provider agreement does not lapse on or before the effective date of denial of payments.
- 9716.8 ADHP Medicaid provider agreements that are subject to denial of payment may only be renewed when the denial period expires or is rescinded.

9717 DIRECTED PLAN OF CORRECTION (DPoC)

- 9717.1 In lieu of termination in situations where the ADHP is not in compliance with the programmatic requirements, and ADHP participants are not in immediate jeopardy, DHCF may require an ADHP to take prompt, or immediate action specified by DHCF to achieve and maintain compliance with programmatic requirements and other District of Columbia Medicaid requirements. These actions specified by DHCF shall constitute a Directed Plan of Correction (DPoC).
- 9717.2 The DPoC shall be developed by DHCF's Long Term Care Administration in coordination with the quality team of DHCF's Health Care Delivery Management Administration (HCDMA) and approved by, DHCF, incorporating findings from the provider's annual Providers Readiness Review.
- 9717.3 The DPoC shall specify:
- (a) How corrective action shall be accomplished for participants found to have been affected by the deficient practice and include remedies that shall be implemented;
 - (b) How the provider shall identify other participants who may have been affected by the same deficient practice but not previously identified, and how the provider shall act to remedy the effect of the deficient practices for these participants;

- (c) What measures and actions shall be put into place to ensure that the deficient practice(s) is/are being corrected and future noncompliance prevented;
- (d) Timelines, including major milestones for completion of all corrective action in the DPoC;
- (e) How compliance shall be determined; and
- (f) How the DPoC relates to other alternative sanctions.

9717.4 A monitor from DHCF’s HCDMA shall oversee implementation of the DPoC and evaluate compliance with the plan.

9717.5 DHCF may terminate the Medicaid provider agreement of an ADHP that is unable to meet the timeline for completion of all corrective actions in the DPoC.

9718 DIRECTED IN-SERVICE TRAINING (DIST)

9718.1 In lieu of termination in situations where the ADHP is not in compliance with programmatic requirements, but participants are not in immediate jeopardy, DHCF may require an ADHP to implement Directed In-Service Training (DIST) for deficiencies determined by the District to be correctable through education. This alternative sanction shall require the staff and relevant employees of the ADHP to attend in-service trainings and demonstrate competency in the knowledge and skills presented during the trainings.

9718.2 DHCF shall develop the areas for ADHP staff and employee training by incorporating the findings from the annual Provider Readiness Review.

9718.3 Providers shall use training programs developed by well-established organizations with prior experience and expertise in training adult day providers, services. All programs and personnel used to deliver the training shall be approved by DHCF prior to their use.

9718.4 The ADHP shall bear the expense of the DIST.

9718.5 A monitor from DHCF’s HCDMA shall oversee implementation of DIST, and shall ensure compliance with the requirements.

9718.6 DHCF may terminate the provider agreement of an ADHP that is unable to meet the timeline for full and successful completion of the DIST.

9719 PROGRAM COMPLIANCE MONITORING

9719.1 Program compliance monitoring shall be the District of Columbia's oversight of efforts made by the ADHP to correct cited deficiencies. State monitoring shall be a safeguard against the ADHP provider's further noncompliance.

9719.2 The following entities may serve as the District of Columbia's Monitor:

- (a) DHCF; or
- (b) A District of Columbia contractor that meets the following requirements:
 - (1) Is not a designee or current contractor of the monitored provider;
 - (2) Does not have an immediate family member who is a participant of the provider;
 - (3) Is not a person who has been terminated for cause by the provider; and
 - (4) Is not a former contractor who has had a contract canceled, for cause, by the provider.

9719.3 Program compliance monitoring shall be discontinued under the following circumstances:

- (a) The provider's Medicaid provider agreement is terminated;
- (b) The provider has demonstrated to the satisfaction of the District of Columbia that it substantially complies with the DPoC as described in § 9717; or
- (c) The provider has demonstrated to the satisfaction of the District of Columbia that it has substantially implemented the DIST as described in § 9718.

9720 DISCHARGE AND REFERRAL

9720.1 A participant shall be discharged from the ADHP program under one (1) of the following conditions:

- (a) If the participant is found upon reassessment that his/her acuity is below the level of need described under Section 9709;
- (b) If the participant requires long term placement in an institutional setting; or
- (c) If the participant wishes to discontinue participation in the program.

- 9720.2 Upon discharge, the ADHP shall develop and maintain a participant discharge plan that shall include the following:
- (a) The reasons for discharge;
 - (b) The post-discharge goals for the participant; and
 - (c) The list of community resources including service agencies to promote continuity of care; and if follow-up services are desired.
- 9720.3 The provider shall submit the discharge plan to DHCF within one (1) week of the person's discharge from the ADHP program.
- 9720.4 If the discharge is related to a failure to meet the level of need, a beneficiary denial or change of services letter will be issued, consistent with Federal and District of Columbia law.

9721 SERVICE LIMITATIONS

- 9721.1 A person shall not receive ADHP services if they reside in an institutional setting or any setting that is not in compliance with the HCBS setting requirements consistent with 42 C.F.R. § 441.301 and 42 C.F.R. § 441.710.
- 9721.2 A provider shall not be reimbursed for ADHP services under these rules if the participant is concurrently receiving the following services:
- (a) Day Habilitation and Individualized Day Supports under the Section 1915 (c) Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD);
 - (b) Intensive day treatment or day treatment mental health rehabilitative services (MHRS);
 - (c) Personal Care Aide (PCA) services (State Plan and 1915 (c) waivers); or
 - (d) Adult day care or day services funded by the Older Americans Act of 1965, approved July 14, 1965 (Pub. L. No. 89-73, 79 Stat. 218), as amended by the Older Americans Act Amendments of 2000, approved November 13, 2000 (Pub. L. No. 106-501, 114 Stat. 2226), as amended by the Older Americans Act Amendments of 2006, approved October 17, 2006 (Pub. L. No. 109-365, 120 Stat. 2522).
- 9721.3 DHCF shall not reimburse ADHP services if the participant is also receiving or being billed for the services listed under sub-section 9721.2 at the same time the participant is in attendance at the ADHP site.

- 9721.4 A provider shall not be reimbursed for ADHP services if the participant is receiving intensive day treatment mental health rehabilitation services during a twenty-four (24) period that immediately precedes or follows the receipt of ADHP services, to ensure that the participant is receiving services in the setting most appropriate to his/her clinical needs.
- 9721.5 If a person is also receiving Personal Care Aide (PCA) services under the State Plan for Medical Assistance on the same day that ADHP services are delivered, the combination of both PCA and ADHP services shall not exceed a total of twelve (12) hours per day.
- 9721.6 ADHP services shall not be provided for more than five (5) days per week and for more than eight (8) hours per day.

9722 COST REPORTING

- 9722.1 Each ADHP site shall report direct services, treatment, and plant and capital costs on an annual basis to DHCF no later than ninety (90) business days after the end of the provider's cost reporting period, which shall correspond to the fiscal year used by the provider for all other financial reporting purposes, unless DHCF has approved an exception in writing.
- 9722.2 All costs reports shall cover a twelve (12) month cost reporting period unless the provider obtains advance written permission from DHCF to allow an alternative reporting period, for good cause.
- 9722.3 The costs described in Subsection 9722.1 shall be reported on a cost report template designed by DHCF.
- 9722.4 The cost report instructions shall include, but not be limited to, guidelines and standards for determining and reporting allowable costs.
- 9722.5 DHCF shall issue a delinquency notice to any provider who fails to submit a cost report within the required ninety (90) business day timeframe or who submits an incomplete cost report.
- 9722.6 The delinquency notice shall be issued within thirty (30) business days of the last day of the required timeframe, and shall urge the provider to submit, or amend the submitted cost report or face the risk of a withholding of provider payments.
- 9722.7 Issuance of a delinquency notice shall result in the withholding of an amount equal to seventy-five percent (75%) of the provider's total payment for the month that the cost report was due, and the same amount shall be withheld each month until the cost report is received.

- 9722.8 The amounts withheld pursuant to Subsection 9722.7 shall be refunded upon submission of complete cost reports that address all delinquencies.
- 9722.9 All cost reports are subject to audit and adjustment.
- 9722.10 All providers shall retain all accounting records for a period of not less than ten (10) years after the filing of a cost report.

9723 REIMBURSEMENT POLICY

9723.1 Reimbursement rates shall be based on a uniform per diem rate that is differentiated based on the participant's acuity level as established by the standardized need- based assessment tool and process described under Section 9709, as follows:

- (a) Acuity Level One (1) represents the health and support needs of a beneficiary whose needs based assessment reflects a minimum score of four (4) or five (5); and
- (b) Acuity Level Two (2) represents the health and support needs of a beneficiary whose needs based assessment reflects a score of six (6) or higher.

9723.2 Beginning on the effective date of these rules, the reimbursement rate for ADHP services shall be as follows:

- (a) Acuity Level One (1): The daily rate for a program serving participants with minimum acuity levels with at least one staff member during all hours shall be ninety eight dollars and seventy cents (\$98.70) per day; and
- (b) Acuity Level Two (2): The daily rate for a program serving participants with a maximum acuity level with at least one staff member shall be one hundred and twenty five dollars and seventy eight cents (\$125.78) per day.

9723.3 Effective October 1, 2015 (fiscal year 2016) and thereafter, the uniform per-diem rates, shall be inflated by the corresponding CMS Market Basket Index for Nursing Facilities for that period.

9799 DEFINITIONS

When used in this section, the following terms and phrases shall have the meanings ascribed:

Acuity level - A participant's level of health and support needs determined by the assessment tool.

ADHP plan of care - A written plan developed by the provider to implement ADHP services in accordance with the individual's person-centered service plan.

Aging and Disability Resource Center (ADRC) - The D.C. ADRC is housed at the D.C. Office on Aging, and provides a single, coordinated system of information and access for individuals seeking long-term services and supports. This is accomplished through the provision of unbiased, reliable information, counseling, and service access to older adults (60 years and older), individuals with disabilities (18 to 59 years old), and their caregivers. The ADRC facilitates the acquisition of services individualized to the unique needs and desires expressed by each person.

Body Mechanics - The field of physiology that studies muscular actions and the function of muscles in maintaining body posture.

Chronic Medical Condition - A medical condition that lasts a year or more and requires ongoing medical attention and/or limit activities of daily living.

Full-Time staff- Staff that are on-site and available to assist ADHP participants with any of the responsibilities outlined under this Chapter during all hours when ADHP participants are present at the ADHP site.

Person-centered Service Plan – A plan of care developed by the Aging and Disability Resource Center (ADRC) that meets the requirements of 42 C.F.R. § 441.725.

Provider - the individual, organization, or corporation, public or private, that provides adult day health program services and seeks reimbursement for providing those services under the Medicaid program.

Support Team - A group of people providing support to a person receiving ADHP services, who have the responsibility of performing a comprehensive person-centered evaluation to support the development, implementation and monitoring of the person's person-centered plan of care.

Site - The location of the adult day health program. If an adult day health provider operates a program in two (2) or more separate locations, each location is considered to be a separate site.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF SECOND PROPOSED RULEMAKING**Wildlife Protection**

The Director of the Department of Energy and Environment (Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Wildlife Protection Act of 2010, effective March 8, 2011 (D.C. Law 18-289; D.C. Official Code §§ 8-2201 *et seq.* (2013 Repl.)); and Mayor's Order 2014-123, dated May 27, 2014; hereby gives notice of the intention to amend Chapter 15 (Fish and Wildlife) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to license individuals and register companies performing wildlife control activities, to create qualifications and conditions for licensure and registration, to set restrictions on the capture, handling, and transport of wildlife, to set restrictions on euthanasia of wildlife, to establish control requirements for specified species, to require the compilation of service records and annual reporting, to create standards for suspension of licensure and registration, and to establish fees for licensure. The rules also clarify that certain prohibited methods of wildlife control do not apply to Norway rats, roof rats, and house mice, as well as fish.

The licensing of wildlife control operators and the registration of wildlife control service providers performing services in the District would be in line with the requirements of neighboring states. Many of the wildlife control operators and wildlife control service providers offering services in the District come from Maryland or Virginia. Both states require wildlife control operators to be licensed.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 18, 2015, at 62 DCR 12532. DOEE considered all comments received and made substantive changes to the proposed rulemaking. This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking and reflects changes made in response to comments received from the public.

Chapter 15, FISH AND WILDLIFE, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended to add new Sections 1570 to 1579, as follows:

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1570	Wildlife Protection: Wildlife Control Operator Licensing and Fees
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- 1575 Wildlife Protection: Feral Dogs and Cats
- 1576 Wildlife Protection: Acceptable Methods of Control
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- 1578 Wildlife Protection: Denial, Suspension, Modification, or Revocation of a License or Registration
- 1579 Wildlife Protection: Enforcement
- 1599 Definitions

1570 WILDLIFE PROTECTION: WILDLIFE CONTROL OPERATOR LICENSING AND FEES

1570.1 Except in accordance with § 1560, no person shall engage in wildlife control without a license from the Department of Energy and Environment (Department).

1570.2 To obtain a wildlife control operator license, an applicant shall:

- (a) Be at least eighteen (18) years of age;
- (b) Certify that he or she has not been convicted of an offense involving wildlife or animal cruelty within the previous ten (10) years;
- (c) Complete a wildlife control operator training class approved or administered by the Department;
- (d) Pass an examination approved by or administered by the Department, with a score of no less than eighty percent (80%) correct responses;
- (e) Provide proof of employment with a wildlife control services provider registered by the Department under § 1571 below;
- (f) Present a valid District or state-issued ID; and
- (g) Pay a fee in the amount of fifty dollars (\$50.00).

1570.3 The written examination shall include the following topics:

- (a) Animal life cycles;
- (b) Wildlife control methods and best practices;
- (c) Human health and safety issues; and
- (d) Laws and regulations pertaining to wildlife in the District of Columbia.

1570.4 If an applicant fails to pass the examination, he or she shall:

- (a) Wait ten (10) business days before making another attempt; and
- (b) Not take the examination more than three (3) times in a calendar year.

- 1570.5 A wildlife control operator license shall not be transferable.
- 1570.6 A wildlife control operator shall be in possession of the license while engaging in activities authorized by the license, and it shall be made available for inspection when requested by the Department.
- 1570.7 A wildlife control operator license shall be renewed every two (2) years, with payment of a fifty dollar (\$50.00) fee.
- 1570.8 It is the responsibility of the operator to initiate any license renewal by submitting a renewal application to the Department at least thirty (30) days before the expiration date on his or her license.
- 1570.9 The wildlife control operator has up to thirty (30) days after the expiration of his or her license to submit a renewal application. A twenty-five dollar (\$25.00) late fee will be assessed in addition to the renewal fees.
- 1570.10 If a license has been expired for more than thirty (30) days, the wildlife control operator shall be subject to applicable penalties for operating without a license.
- 1570.11 If a license has been expired for more than one (1) year, the wildlife control operator shall submit a new application pursuant to § 1570.2.
- 1570.12 A wildlife control operator shall perform wildlife control activities in accordance with §§ 1570 through 1579 and any terms or conditions in the license.
- 1570.13 A wildlife control operator shall perform wildlife control activities only for the species designated by the license.
- 1570.14 A wildlife control operator shall notify the Department within ten (10) business days of any changes to the information in his or her license.
- 1570.15 A wildlife control operator must comply with all federal and District laws, including those that apply to Species of Greatest Conservation Need (SGCN) and threatened or endangered species.
- 1570.16 Nothing in this subsection shall be construed to prohibit owners of private property from taking action to protect their property or person in compliance with § 1560.2.

1571 WILDLIFE PROTECTION: WILDLIFE CONTROL SERVICES PROVIDER REGISTRATION

- 1571.1 A business shall not engage in providing wildlife control services in the District unless the business is registered by the Department as a wildlife control services provider and uses the service of a licensed wildlife control operator to control wildlife.
- 1571.2 A self-employed wildlife control operator must register as a wildlife control services provider.
- 1571.3 A wildlife control services provider registration is non-transferable and continues until the registration is withdrawn by the wildlife control services provider or suspended or revoked pursuant to § 1578.
- 1571.4 A wildlife control services provider does not have to take an examination administered by the Department to register with the Department.
- 1571.5 To register, the wildlife control services provider shall submit to the Department:
- (a) Documentation showing that the entity has a valid District of Columbia basic business license;
 - (b) The business name, address, e-mail address, phone number, and a contact name; and
 - (c) Documentation of liability insurance, that shall be kept in full force and effect as long as the wildlife control services provider is engaged in wildlife control, for at least:
 - (1) \$1,000,000 for each occurrence;
 - (2) \$1,000,000 for personal injury; and
 - (3) \$2,000,000 in the aggregate.
- 1571.6 The wildlife control services provider shall notify the Department within ten (10) business days of any changes to the information in his or her registration.

1572 WILDLIFE PROTECTION: NOTICE TO CLIENTS

- 1572.1 Before undertaking any wildlife control measures, a wildlife control services provider shall provide to the client, in writing, the following:
- (a) An assessment of the wildlife problem, including possible causes;
 - (b) The methods and practices that may be used to resolve the wildlife problem, clearly specifying possible lethal and nonlethal means;

- (c) The agreed-upon disposition of the animal;
- (d) The estimated charge; and
- (e) Where applicable, the methods and practices which the client may employ to limit future problems of a similar nature.

1573 WILDLIFE PROTECTION: RECORD KEEPING AND REPORTING

1573.1 A wildlife control operator shall maintain records of all wildlife control services, documenting the following information at each service call:

- (a) Client's name and address;
- (b) Date of services;
- (c) Nature of the complaint about wildlife;
- (d) Methods employed to alleviate problem;
- (e) Number and species of wildlife handled;
- (f) Method and location of disposition of wildlife; and
- (g) Name of the licensed wildlife control operator who performed the service.

1573.2 On or before January 15th of each year, a wildlife control services provider shall submit an accurate summary of activities of the preceding calendar year to the Department for publication online. The summary shall contain the following information:

- (a) Name, phone number, and employment address of the wildlife control operator;
- (b) Total number of complaints about wildlife;
- (c) Number and kinds of wildlife handled and their disposition;
- (d) Number of wildlife euthanized and method of euthanasia employed; and
- (e) Time period covered.

1573.3 A wildlife control services provider shall keep all records required in §§ 1573.1 and 1573.2 for three (3) years, and shall make the records available for inspection by the Department, upon request.

1573.4 Wildlife control services providers shall report to the Department any potential outbreak or widespread occurrence of suspected disease.

1574 WILDLIFE PROTECTION: CONTROL OF SPECIFIC SPECIES

1574.1 A wildlife control operator and wildlife control services provider shall recommend and employ non-lethal means in preference to lethal means for the control of problem wildlife.

1574.2 The following wildlife shall be controlled using the methods outlined in this section and § 1576:

(a) Birds

Common Name	Scientific Name
Budgerigar	<i>Melopsittacus undulatus</i>
European starling	<i>Sturnus vulgaris</i>
Graylag goose	<i>Anser anser</i>
House sparrow	<i>Passer domesticus</i>
Mute swan	<i>Cygnus olor</i>
Rock pigeon	<i>Columba livia</i>

(b) Mammals

Common Name	Scientific Name
Rodents	
Deer mouse	<i>Peromyscus maniculatus</i>
Gray squirrel	<i>Sciurus carolinensis</i>
Groundhog	<i>Marmota monax</i>
White-footed mouse	<i>Peromyscus leucopus</i>
Small Mammals	
Eastern mole	<i>Scalopus aquaticus</i>
Raccoon	<i>Procyon lotor</i>
Red fox	<i>Vulpes vulpes</i>
Star-nosed mole	<i>Condylura cristata</i>
Large Mammals	
Black bear	<i>Ursus americanus</i>
Coyote	<i>Canis latrans</i>
White-tailed deer	<i>Odocoileus virginianus</i>

(c) Reptiles

Common Name	Scientific Name
Black rat snake	<i>Elaphe obsoleta obsoleta</i>

1574.3 Except as provided in § 1574.7 below, any species identified as a Species of Greatest Conservation Need (SGCN) as listed in the District’s Wildlife Action Plan, which may be found on the Department website, may not be euthanized,

killed, relocated, distressed, displaced, or otherwise harmed without written permission from the Department.

1574.4 The Department may approve the request to control a particular SGCN animal for the following reasons:

- (a) If the animal is causing damage to personal property or threatening public health or safety;
- (b) If the animal is sick or injured; or
- (c) Additional reasons on a case-by-case basis.

1574.5 A migratory bird shall be controlled only in accordance with the federal Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) and its implementing regulations, and as follows:

- (a) A nest with eggs or young may not be moved, relocated, destroyed, or altered in any way without first obtaining a federal permit.
- (b) A nest with no eggs or young may be removed from structures such as boats, docks, and construction equipment, or relocated without a federal permit.

1574.6 Bats are SGCN species and except as provided in § 1574.7, may only be controlled with written permission and guidance from the Department, including time restrictions for non-lethal exclusion of bat colonies, and decontamination protocols to prevent the spread of White-nose Syndrome.

1574.7 A wildlife control operator may humanely remove a SGCN from the interior of a residence, commercial, or government building without obtaining prior Department approval if:

- (a) The animal is trapped and unable to leave on their own;
- (b) The animal is released immediately on-site, or taken to a licensed rehabilitation facility if it is sick, injured, or orphaned; and
- (c) The Department is notified within twenty-four (24)-hours of the removal.

1574.8 Amphibians and turtles shall not be controlled by wildlife control operators.

1574.9 For each transport of wildlife out of the District, the wildlife control operator or wildlife control provider must first obtain written permission from the receiving jurisdiction and then request and receive written permission from the Department.

1574.10 For each transport of wildlife into the District, the wildlife control operator or wildlife control provider must first obtain written permission from the Department and then obtain written permission from the jurisdiction the wildlife is leaving.

1574.11 Wildlife control operators shall notify the Department prior to performing any wildlife control on black bears or coyotes.

1575 WILDLIFE PROTECTION: FERAL DOGS AND CATS

1575.1 When no other control methods have been proven to be adequate, a wildlife control services provider may control feral dogs and cats.

1575.2 The control of feral cats by a wildlife control services provider shall be consistent with the District's policy in favor of trap, neuter, or spay, and return or adoption for controlling feral cats.

1575.3 The wildlife control services provider shall:

(a) Minimize the use of euthanasia when medical treatment or adoption is possible; and

(b) Make a good faith effort to provide for adoption of trapped, tamable kittens.

1576 WILDLIFE PROTECTION: ACCEPTABLE METHODS OF WILDLIFE CONTROL

1576.1 Live traps and exclusion devices may be used to control wildlife.

1576.2 Nets may be used to capture live birds and bats for immediate release.

1576.3 Mist nets must to be checked at least once every hour.

1576.4 Mist nets and rocket nets may be used indoors to capture live birds that are trapped in a building, in accordance with additional guidelines outlined in 50 C.F.R. § 21.12.

1576.5 Wildlife control operators must obtain a federal permit to use a mist net or rocket net outdoors.

1576.6 A live trap may be used to capture a SGCN trapped in a building if they are released immediately onsite, or if sick, injured, or orphaned taken to a licensed rehabilitation facility for care.

1576.7 All live traps and exclusion devices shall be labeled with the name, address, and phone number of the wildlife control services provider.

- 1576.8 A trap shall be set in a manner designed to catch the target wildlife and in a manner likely to avoid capture of and harm to non-target wildlife.
- 1576.9 A trap which is set shall be checked at least once every twenty-four (24) hours, or more frequently if environmental conditions require it to prevent harm to any animal.
- 1576.10 Remote trap technology may be used to check traps.
- 1576.11 If the remote trap does not send a report or electronic signal to the wildlife control operator or wildlife control services provider for a period of twenty-four (24) hours, the wildlife control operator or services provider shall immediately check the trap.
- 1576.12 Captured non-target wildlife that is healthy and does not pose an unreasonable risk to the health and safety of persons or domestic animals shall be:
- (a) Released immediately at the site of capture; or
 - (b) Relocated to a suitable location where nuisance problems are unlikely to continue, with the written permission of that property owner.
- 1576.13 Captured non-target wildlife that is believed to be sick, injured, orphaned, or poses an unreasonable risk to people or domestic animals, or is otherwise unfit for release on site shall be:
- (a) Transferred to the District's Animal Care and Control Agency;
 - (b) Transferred to a licensed wildlife rehabilitator in the District; or
 - (c) Euthanized in accordance with this section, if no other options are feasible.
- 1576.14 Captured target wildlife shall be:
- (a) Released at the site of capture;
 - (b) With the written permission of that property owner relocated to a safe location where nuisance problems are unlikely to occur;
 - (c) Surrendered to the District's Animal Care and Control Agency for evaluation and assessment, if the animal is exhibiting symptoms of disease;

- (d) Transferred to a licensed wildlife rehabilitator in the District, if the animal appears to be sick, injured, or abandoned; or
 - (e) If no other options are feasible, euthanized in accordance with this section.
- 1576.15 A wildlife control services provider shall make every reasonable effort to keep dependent young with their parents by:
 - (a) Using humane eviction or displacement and reuniting strategies; and
 - (b) Not knowingly abandoning dependent young wildlife in a structure.
- 1576.16 In the case of an attempt to reunite dependent young, a wildlife control services provider may hold wildlife in captivity at a safe and secure location within the District for up to seventy-two (72) hours once authorized in writing by the Department.
- 1576.17 A wildlife services provider shall capture, handle, and transport captured wildlife in a manner that prevents or limits unnecessary discomfort, behavioral stress, or physical harm to the animal, including providing protections against weather extremes.
- 1576.18 Captured wildlife shall be kept in covered, secure safe containers in such a way as to:
 - (a) Minimize stress to the animal and its exposure to the elements by covering the trap or vehicle with appropriate material;
 - (b) Ensure that the covering is of such material that the animal has adequate air supply and to prevent overheating; and
 - (c) Minimize potential hazards to the general public.
- 1576.19 Wildlife, or parts thereof, shall not be sold, bartered, traded, given to another person, or retained for any purpose, except that an animal may be given to a wildlife rehabilitator, veterinarian, or animal control officer within the District for rehabilitation or euthanasia.
- 1576.20 If relocation of healthy wildlife or rehabilitation of sick, injured, or orphaned wildlife is not feasible, a wildlife control services provider shall use the available method of euthanasia that is the quickest, least stressful, and least painful to the animal under the circumstances.
- 1576.21 Euthanasia is acceptable only when using methods that conform to the Report of the American Veterinary Medical Association Panel on Euthanasia: 2013 Edition for Free-Ranging Wildlife and Domestic Animals (AVMA Report).

1576.22 On a case-by-case basis, the Department may approve a method of euthanasia, not published in the AVMA Report, which utilizes advancements in technology that minimizes risks to animal welfare, personnel safety, and the environment for a particular set of circumstances.

1577 WILDLIFE PROTECTION: PROHIBITED METHODS OF CONTROL

1577.1 The Department may prohibit the use of toxicants on wildlife, where it is determined that the wildlife can be reasonably controlled using less harmful methods.

1577.2 The use of any toxicant to control pigeons, European starlings, or house sparrows shall be prohibited.

1577.3 The use of sticky or glue traps to control any wildlife is prohibited.

1577.4 Leg-hold and other body-gripping traps, body-crushing traps, snares, or harpoon-type traps shall not be used to control any wildlife.

1577.5 Wildlife shall not be kept in captivity longer than thirty-six (36) hours unless specifically authorized in writing by the Department.

1578 WILDLIFE PROTECTION: DENIAL, SUSPENSION, MODIFICATION, OR REVOCATION OF A LICENSE OR REGISTRATION

1578.1 The Department may deny, suspend, modify, or revoke a license or registration issued pursuant to §§ 1570 or 1571, if applicant, registrant, or license holder has:

- (a) Threatened the public health, safety, or welfare, or the environment or engaged in cruelty to animals;
- (b) Been convicted of an offense that directly involved wildlife or cruelty to animals within the previous ten (10) years;
- (c) Violated or threatened violation of law, and the rules set forth in §§ 1570 to 1577, or the terms and conditions of the license or registration;
- (d) Been convicted of an offense for cruelty to animals, pursuant to D.C. Official Code §§ 22-1001 *et seq.*;
- (e) Engaged in fraudulent business practices;
- (f) Failed to comply with one or more federal or District wildlife statutes or regulations;

- (g) Misrepresented facts relating to wildlife or wildlife control to a client, customer, or the Department;
- (h) Made a false statement or misrepresentation material to the issuance, modification, or renewal of a license or registration;
- (i) Submitted a false or fraudulent record or report;
- (j) Had its authorization to do business in the District of Columbia revoked or suspended;
- (k) Failed to keep an active insurance policy as required by § 1571.5; or
- (l) Had an error in the terms and conditions of the registration or license that needs to be corrected.

1578.2 The notice of proposed denial, suspension, modification, or revocation shall be in writing and shall include the following:

- (a) The name and address of the applicant or the holder of the license or registration;
- (b) The legal and factual basis for the proposed action, including citations to the specific statutory or regulatory provision(s);
- (c) The effective date and duration, if any; and
- (d) How and when the applicant or license or registration holder may request an administrative hearing and the consequences of failure to appeal.

1578.3 To appeal the denial, suspension, modification, or revocation, the applicant or license or holder may request an administrative hearing before the District of Columbia Office of Administrative Hearings in accordance with the Rules of Practice and Procedure set forth in Title 1, Chapter 28, of the D.C. Municipal Regulations.

1578.4 The applicant or license or registration holder shall have fifteen (15) calendar days from the date of service of the notice to deny, suspend, modify, or revoke the license or registration, or twenty (20) days if served by mail, to request a hearing to show cause why the license or registration should not be denied, suspended, modified, or revoked.

1578.5 The Department may serve a notice of denial, suspension, modification, or revocation in addition to any other administrative or judicial penalty, sanction, or remedy authorized by law.

- 1578.6 The Department shall not reissue a license or registration to any person whose certification or license has been revoked until after at least one year following the revocation.
- 1578.7 The Department shall not reissue a license or registration to any person whose license or registration has been revoked until the applicant has submitted a new application, and complies with the requirements in §§ 1570.2 and 1571.

1579 WILDLIFE PROTECTION: ENFORCEMENT

- 1579.1 The Mayor may bring an action in the Superior Court of the District of Columbia to enjoin the violation or threatened violation of §§ 1570-1577.

Section 1599, DEFINITIONS, is amended to add the following definitions:

1599 DEFINITIONS

- 1599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Animal Care and Control Agency - the agency established by Section 3 of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code §§ 8-1802 *et seq.* (2013 Repl.)).

Commensal rodent - Norway rat, roof rat, and house mouse. A rat or mouse found within a structure or proximally located at the external base of a structure may be treated as a commensal rodent for purposes of §§ 1570 to 1579.

Complaint - a service call received by a wildlife control operator or services provider for wildlife control services.

Department - the Department of Energy and Environment.

Director - the Director of the Department of Energy and Environment.

District - the District of Columbia.

Exclusion device - a product used to prevent wildlife from entering an area.

Licensed wildlife rehabilitator - wildlife rehabilitator licensed in any state or the District or a person or agent credentialed by the District of Columbia or any State to treat sick, orphaned, or injured wildlife within the District.

Live trap - a trap that is intended to capture an animal without killing.

Migratory bird - a bird protected by the Migratory Bird Treaty Act, 16 U.S.C. §§ 703–712, as defined in the Code of Federal Regulations for the U.S. Fish and Wildlife Service in 50 C.F.R. § 10.12 and listed in 50 C.F.R. § 10.13.

Mist net - a virtually invisible nylon mesh net suspended by two poles, often used by biologist to capture birds and bats for banding and other research.

Person - an individual, partnership, corporation, trust, association, firm, joint stock company, organization, commission, or any other private entity.

Potential outbreak - an increase in the number or frequency of cases of infectious disease, or a change in disease eruption patterns, that could reasonably lead to or signify an outbreak or epidemic.

Remote trap technology - real-time trap monitoring with devices that are fail safe and that self-report.

Rocket net - a type of net that uses a projection system to capture a large number of animals at once.

Species of Greatest Conservation Need (SGCN) - an animal species that is listed in the District's Wildlife Action Plan as a species in need of conservation through targeted management actions, based on a set of criteria that are detailed in the Wildlife Action Plan. This includes animal species whose populations are imperiled, vulnerable or declining, or have their habitat at risk.

Target wildlife - the specific species of wildlife that a wildlife control operator or wildlife control service provider intended to capture.

Threatened or endangered species - species on the list established pursuant to the Endangered Species Act, 16 U.S.C. §§ 1531-1534, and set forth in the Code of Federal Regulations at 50 C.F.R. Part 17.

Widespread outbreak - occurrence of an infectious disease over a wide geographic area or affecting a large proportion of the population, also known as an epidemic.

Wildlife - includes any free-roaming wild animal, but shall not include domestic animals, commensal rodents, invertebrates, and fish.

Wildlife control - to harass, repel, evict, exclude, possess, transport, liberate, reunite, rehome, take, euthanize, kill, handle, catch, capture, release, surrender, displace, or relocate wildlife.

Wildlife control operator - person who is licensed to perform wildlife control services by the Department, but shall not include the Animal Care and

Control Agency or a property manager as defined by D.C. Official Code § 47-2853.141.

Wildlife control services provider - the operator of a business which involves the charging of a fee for services in wildlife control.

All persons desiring to comment on the proposed amendments to the District of Columbia's Fish and Wildlife regulations should file comments in writing not later than thirty (30) days after the publication of this notice in the *D.C. Register*. All comments should be labeled "Review of the Wildlife Protection Act Regulations" and filed with the Department of Energy and Environment, Fisheries and Wildlife Division, 1200 First Street, N.E., 5th Floor, Washington D.C. 20002, Attention: Wildlife Protection Act Regulations Comments, or by e-mail to wildlifeprotection.comments@dc.gov. All comments will be treated as public documents and will be made available for public viewing on the Department's website at www.doe.dc.gov. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the e-mail address will automatically be captured and included as part of the comment that is placed in the public record and made available on the Department's website.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING

Paint Stewardship Program

The Director of the Department of Energy and Environment (DOEE or Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code §§ 8-233.01 *et seq.* (2015 Supp.)); and Mayor’s Order 2015-229, dated October 7, 2015, hereby gives notice of the intent to amend Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR), by adopting a new Chapter 40 (Paint Stewardship) to establish the standards for the District’s Paint Stewardship Program.

The primary purpose of the proposed regulations is to implement the Paint Stewardship Act of 2014, which creates a producer responsibility program for postconsumer paint management, by establishing requirements for submission of a paint stewardship plan, annual reporting, collection of postconsumer paint, and paint stewardship program fees.

The Department gives notice of the intent to take final rulemaking action to adopt these amendments in no less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 20 DCMR, ENVIRONMENT, is amended by adding a new Chapter 40 as follows:

CHAPTER 40 PAINT STEWARDSHIP

- 4000 PURPOSE**
- 4001 PRODUCER PAINT STEWARDSHIP PLAN**
- 4002 ANNUAL REPORTING REQUIREMENTS**
- 4003 COLLECTION OF POSTCONSUMER PAINT**
- 4004 ENFORCEMENT**
- 4005 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW**
- 4006 FEES**
- 4099 DEFINITIONS**

4000 PURPOSE

4000.1 The purpose of this chapter is to implement the Paint Stewardship Act of 2014 (D.C. Law 20-205; D.C. Official Code §§ 8-233.01 *et seq.*) to create a producer responsibility program for paint in the District.

4001 PRODUCER PAINT STEWARDSHIP PLAN

4001.1 By April 1, 2016, a producer of paint sold at retail in the District, or a representative organization in which the producer is a member, shall submit a paint stewardship plan for the establishment of a paint stewardship program to the Department for approval that, in addition to the requirements outlined in the Act, includes:

- (a) A program budget;
- (b) A policy regarding financial reserves; and
- (c) A five-year projected budget or narrative discussion of how the paint stewardship program will seek to achieve desired financial reserves within five years of program launch.

4001.2 A producer of paint sold at retail in the District, or a representative organization in which the producer is a member, shall submit a modified paint stewardship plan if, at any time:

- (a) The producer or representative organization makes a change to the paint stewardship assessment that was approved by the Department as part of the paint stewardship plan;
- (b) The producer or representative organization makes a change to the types of postconsumer paint that will be collected by the stewardship organization under the paint stewardship plan; or
- (c) The producer or representative organization makes a change to the goals that were approved by the Department as part of the paint stewardship plan.

4001.3 Four years after the approval of the first paint stewardship plan and anytime thereafter, the Department may request an amendment to the paint stewardship plan in order to address a specific finding by the Department that:

- (a) The administrative costs to the producer or representative organization for the paint stewardship program equaled twenty-five percent (25%) or more of the organization's total annual budget for the program during the prior calendar year;
- (b) The cost per gallon of the program during the prior calendar year was ten (10) or more percent higher than the preceding calendar year;
- (c) The unallocated reserve funds held by the producer or representative organization for the program during the prior calendar year equaled more

than seventy-five percent (75%) of the total annual budget for the program during the year;

- (d) The total volume, in gallons, of postconsumer paint collected as part of the program during the prior calendar year was ten (10) or more percent lower than the preceding calendar year; or
- (e) The recycling rate for the program during the prior calendar year was ten (10) or more percent lower than the preceding calendar year.

4002**ANNUAL REPORTING REQUIREMENTS**

4002.1

On or before October 1, 2017, and annually thereafter, a producer or representative organization shall submit a paint stewardship program report to the Department that, in addition to the requirements outlined in the Act, includes:

- (a) A description of how each consumer of paint in the District had an opportunity to recycle and properly manage their postconsumer paint, including the number, location, and type of collection points located in the District;
- (b) A description of best management practices followed by service providers that are acting as collection points that shall include any training that the manufacturer or stewardship organization provided or required of service providers to ensure proper collection and management of postconsumer paint;
- (c) A description of the disposition of postconsumer paint collected, by type and by estimated volume, including:
 - (1) The name and corporate address of each processor that manages the postconsumer paint under the program;
 - (2) The name and corporate address of each transporter of postconsumer paint that is collected under the program; and
 - (3) The name and corporate address of each processor that manages paint at the end-of-life, including recycling, fuel incineration, and proper disposal;
- (d) A description of the total cost of implementing the program that includes the following:
 - (1) The assessment amount per container;

- (2) The total volume of paint sold in the District during the preceding reporting period;
 - (3) The total cost of the program;
 - (4) The total capital costs of the program;
 - (5) The cost per gallon of the program during the prior year;
 - (6) The cost of educational information provided to consumers as a percentage of the total program cost;
 - (7) The cost of end-of-life materials management as a percentage of the total program cost;
 - (8) The cost of program administration as a percentage of the total program cost; and
 - (9) The total amount of surplus funding, if any, and how it will be applied to reduce program costs;
- (e) A description of the methodology used to complete the analyses and descriptions outlined in § 4002.1(d), indicating any changes from prior years in the methodology;
 - (f) An operating budget for the program for the next calendar year;
 - (g) A description of the coordination of the paint stewardship program with existing local household hazardous waste collection programs; and
 - (h) A description of goals and activities based on the paint stewardship plan, including the baseline from which goals were measured, achievement during the reporting period, any adjustments to goals stated in the approved paint stewardship plan that may be made for the upcoming reporting period and accompanying rationale for those changes.

4003 COLLECTION OF POSTCONSUMER PAINT

4003.1 Postconsumer paint may be accepted at any collection location if all of the following conditions are met:

- (a) The collection location operates pursuant to a contract with a producer or representative organization that has submitted a paint stewardship plan approved by the Department, pursuant to the Act;

- (b) The collection location manages the postconsumer paint in accordance with District and federal laws and regulations;
- (c) Oil-based paint received at the collection location is non-RCRA hazardous waste, or otherwise exempt, or is not otherwise regulated under District and federal laws and regulations and received from either:
 - (1) A household; or
 - (2) A conditionally exempt small quantity generator; and
- (d) Oil-based paint received at the collection location is in liquid form and in its original packaging, or is in a closed container that is properly labeled.

4004 ENFORCEMENT

- 4004.1 Violation of any of the requirements of this chapter or the Paint Stewardship Act of 2014 (D.C. Law 20-205; D.C. Official Code §§ 8-233.01 *et seq.*), shall subject a person to the penalties set forth in this section.
- 4004.2 The Department may enforce a violation of this chapter by issuing one or more of the following:
- (a) Notice of violation; or
 - (b) Notice of infraction.
- 4004.3 The Department may issue a notice of infraction without first issuing a notice of violation or threatened violation.
- 4004.4 Sanctions, including civil fines and penalties, may be imposed pursuant to 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 *et seq.*).
- 4004.5 The Department may also initiate a civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, preliminary injunction, or other relief necessary for enforcement of this chapter.
- 4004.6 Each instance or day of a violation of each provision of this chapter shall be a separate violation.

4005 ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW

- 4005.1 A person adversely affected by an enforcement action of the Department shall exhaust administrative remedies by timely filing an administrative appeal with, and requesting a hearing before, the Office of Administrative Hearings (OAH), established pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code, §§ 2-1831.01 *et seq.*), or OAH's successor.
- 4005.2 The appeal to OAH shall be filed in writing within fifteen (15) calendar days of service, or twenty (20) calendar days if service is made by United States mail.
- 4005.3 The Department may toll a period for filing an administrative appeal with OAH if it does so explicitly in writing before the period expires.
- 4005.4 OAH shall:
- (a) Resolve a notice of infraction by:
 - (1) Affirming, modifying, or setting aside the Department's action complained of, in whole or in part;
 - (2) Remanding for Department action or further proceedings, consistent with OAH's order; or
 - (3) Providing such other relief as the governing statutes, regulations, and rules support;
 - (b) Act with the same jurisdiction, power, and authority as the Department may have for the matter currently before OAH; and
 - (c) Render a final decision that shall constitute a final agency action subject to judicial review.
- 4005.5 The filing of an administrative appeal shall not in itself stay enforcement of an action, except that a person may request a stay according to the rules of OAH.
- 4005.6 The burden of production in an appeal of an action of the Department shall be allocated to the person who appeals the action, except that it shall be allocated:
- (a) To the party who asserts an affirmative defense; and
 - (b) To the party who asserts an exception to the requirements or prohibitions of a statute or rule.

4005.7 The final OAH decision on an administrative appeal shall thereafter constitute the final, reviewable action of the Department, and shall be subject to the applicable statutes and rules of judicial review for OAH final orders.

4005.8 Nothing in this chapter shall be interpreted to:

- (a) Provide that a filing of a petition for judicial review stays enforcement of an action; or
- (b) Prohibit a person from requesting a stay of the OAH proceedings according to the rules of the court.

4006 FEES

4006.1 A producer or representative organization shall pay an initial fee of fifty thousand dollars (\$50,000) for submission of a proposed paint stewardship plan.

4006.2 On or before October 1, 2017 and annually thereafter, a producer or representative organization implementing a paint stewardship plan shall pay a fee of twenty six thousand dollars (\$26,000).

4006.3 Beginning in 2019, fees charged by the Department may be adjusted annually based on the change in the Consumer Price Index value published by the U.S. Department of Labor for all-urban consumers.

4099 DEFINITIONS

4099.1 When used in this chapter, the following terms shall have the meanings ascribed (some of the definitions were codified in the Act, indicated as [Statutory], and are reprinted below for regulatory efficiency):

Act - the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code §§ 8-233.01 *et seq.*).

Conditionally Exempt Small Quantity Generator – a generator defined by the RCRA regulations in 40 C.F.R. Part 261, promulgated by the United States Environmental Protection Agency.

Distributor - a company that has a contractual relationship with one or more producers to market and sell paint to retailers in the District. [Statutory]

Environmentally sound management practices - procedures for the collection, storage, transportation, reuse, recycling, and disposal of paint, to be implemented by the producer, representative organization, or their contracted partners to ensure compliance with applicable federal and District laws and regulations and to protect human health and the

environment. These procedures shall address adequate record keeping, tracking, and documenting the fate of materials, and adequate environmental liability coverage for professional services and for the contractors working on behalf of the producer or representative organization. [Statutory]

Household – a residential dwelling, including single and multiple residences.

Paint - interior and exterior architectural coatings sold in containers of five (5) gallons or less and does not mean industrial, original equipment, or specialty coatings. [Statutory]

Paint stewardship assessment - the amount added to the purchase price of paint sold in the District necessary to cover the paint stewardship program's cost of collecting, transporting, and processing the postconsumer paint District-wide. [Statutory]

Person – an individual, firm, partnership, company, corporation, nonprofit corporation, trust, association, organization, or any other private or governmental entity.

Postconsumer paint - paint not used and no longer wanted by a purchaser. [Statutory]

Producer - a manufacturer of paint who sells, offers for sale, or distributes that paint in the District under the producer's own name or brand. The term "producer" does not include a retailer that adds tint, colorant, or other additives to paint at the retail location. [Statutory]

RCRA - Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 *et seq.*

Recycling - a process by which discarded products, components, and by-products are transformed into new usable or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of incineration or combustion of discarded products, components, and by-products with or without other waste products. [Statutory]

Representative organization - a nonprofit organization created by producers to implement a paint stewardship plan required by D.C. Official Code § 8-233.02. [Statutory]

Retailer - a person or entity that offers paint for sale at retail in the District. [Statutory]

Reuse - the return of a product into the economic stream for use in the same kind of application as originally intended, without a change in the product's identity. [Statutory]

Sell or sale - any transfer of title for consideration including remote sales conducted through sales outlets, catalogs, or electronic means. [Statutory]

The proposed rules are available for viewing at: <http://doee.dc.gov/paint-stewardship>. Additionally, a copy of these proposed rules can be obtained for viewing at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, D.C. 20001, during normal business hours.

All persons desiring to comment on the proposed regulations should file comments in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should identify the commenter and be clearly marked "DOEE Paint Stewardship Comments." Comments may be (1) mailed or hand-delivered to DOEE, 1200 First Street NE, 5th Floor, Washington, D.C. 20001, Attention: DOEE Paint Stewardship Regulations, or (2) sent by e-mail to productstewardship@dc.gov, with the subject indicated as "DOEE Paint Stewardship Proposed Rule Comments."

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Stormwater Fee Discount Program**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006, as amended (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Comprehensive Stormwater Management Enhancement Amendment Act of 2008, effective March 25, 2009, as amended (D.C. Law 17-371; D.C. Official Code §§ 8-152.01 *et seq.* (2013 Repl.)); the Water Pollution Control Act of 1984, effective March 16, 1985, as amended (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl.)); Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2015-191, dated July 23, 2015, hereby gives notice of the intent to adopt the following amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), in no less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The proposed rulemaking aligns DOEE's administrative enrollment process with DC Water's existing billing practices by commencing a discount when DC Water posts it to the customer's account; provides a greater discount for green infrastructure that receives runoff from compacted cover; and allows greater flexibility in calculating discounts for rainwater harvesting practices.

Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 558, STORMWATER FEE DISCOUNT PROGRAM: ELIGIBILITY, is amended as follows:

Subsection 558.4 is amended to read as follows:

- 558.4 The Department shall calculate the discount to be applied to the customer's DC Water bill:
- (a) As a recurring subtraction from the stormwater fee billed pursuant to § 556;
 - (b) Beginning no later than the billing period that follows DC Water's processing of the discount; and
 - (c) For the stormwater fee discount period that this chapter sets.

Section 559, STORMWATER FEE DISCOUNT PROGRAM: DISCOUNT CALCULATION, is amended as follows:

Subsection 559.2 is amended to read as follows:

- 559.2 The stormwater fee discount shall be calculated as follows:
- (a) Determine, in gallons, the maximum volume of stormwater runoff retained by the eligible Best Management Practice (BMP) during a one and two-tenths-inch (1.2 in.) rainfall event;
 - (b) Divide the step “(a)” result by seven hundred ten and seventy-five hundredths gallons (710.75 gal.) per Equivalent Residential Unit (ERU) (the number of gallons of stormwater runoff per ERU that would be generated by a one and two-tenths-inch (1.2 in.) rainfall event);
 - (c) Multiply the step “(b)” result by the maximum allowable discount percentage; and
 - (d) Multiply the step “(c)” result by the stormwater fee per ERU specified in § 556;
 - (e) Except that, for a rain barrel, the Department may allow the calculation method in § 559.6(e) to be used.

Subsection 559.6 is amended to read as follows:

- 559.6 The Department shall calculate the discount eligible for use of the Simplified Application as follows:
- (a) Determine the total area that the BMP(s) manages, in square feet, after taking into consideration the runoff coefficients of this chapter for each land cover type;
 - (b) Divide the step “(a)” result by the original total area of impervious surface, and express the quotient as a percentage;
 - (c) Multiply the step “(b)” result by the maximum allowable discount;
 - (d) Multiply the percentage result from step “(c)” by the stormwater fee per ERU specified in § 556; and
 - (e) For rainwater harvesting, including a rain barrel and a cistern, add:
 - (1) The product of multiplying the stormwater fee by 0.13 ERU per rain barrel installed; or

- (2) The discount calculated using the methodology of § 559.2.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked “Stormwater Fee Discount” and filed with DOEE, Stormwater Management Division, 1200 First Street, N.E., 6th Floor, Washington, DC 20002, Attention: Emily Rice, or e-mailed to sw.discount@dc.gov. Copies of the above documents may be obtained from DOEE at the same address. More information can be found at <http://doee.dc.gov/riversmartrewardsrule>.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (2), (3), (5), (7), and (19), 14, and 20 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (2) (3), (5), (7), and (19), 50-313, and 50-319 (2014 Repl. & 2015 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2015 Repl.), hereby gives notice of its intent to adopt amendments to Chapter 5 (Taxicab Companies, Associations and Fleets) and Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend Chapters 5 and 6 for taxicabs to: (1) clarify the requirements for the display of insignias, logos, numbers, and symbols on taxicabs; (2) require that a taxicab vehicle display the public vehicle identification number (PVIN) on the rear of the vehicle, and not display a legacy taxicab number no longer tracked or used by the Office of Taxicabs; and (3) add a requirement that vehicles approved for extensions be painted in the uniform color scheme.

The Commission also hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended to read as follows:

Section 503, TAXICAB COLORINGS AND MARKINGS, is amended as follows:

Subsection 503.1 is amended as follows:

Paragraph (d) is amended to read as follows:

- (d) It is required to be repainted in whole or in part pursuant to:
 - (1) Subsection 609.7, as a condition of the Office's approval of the owner's application for an extension of the vehicle's retirement under §§ 609.2 through 609.5; or
 - (2) Any other provision of this title or other applicable law.

Subsection 503.3 is amended as follows:

Paragraph (d) is amended to read as follows:

- (d) Bear decal letters of the taxicab company, association, fleet name or the name of the owner, which shall be on the rear of the body so as to be clearly visible from the rear, on either side of and in alignment with the center of the vehicle manufacturer placed logo. The decal letters shall be the color black, in Calibri font, using capital letters that are one and one half (1-1/2) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

A new paragraph (g) is added as follows:

- (g) The PVIN shall appear on the deck-lid if the vehicle is a passenger sedan, and on the rear door as high as possible beneath the rear window, if the vehicle is a passenger van or SUV, in letters and numbers that are black in color, Gothic in style, three inches (3 in.) high, three eighths of an inch (3/8 in.) wide, and with three eighths of an inch (3/8 in.) between each digit.

Subsection 503.8 is amended to read as follows:

503.8 The following prohibitions apply to all taxicab vehicles that must be repainted under this section:

- (a) No paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering, or numbering, including any legacy taxicab number no longer tracked or used by the Office, shall be placed on any taxicab unless it is expressly authorized by and complies with this section, or is permitted by an administrative issuance.
- (b) There shall not be placed on or in any taxicab, paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, lettering, numbering, or other exterior object which has, tends to have, or may have the effect of confusing, misleading, or deceiving the public.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Section 609, TAXICAB VEHICLE RETIREMENT, is amended as follows:

Subsection 609.7 is amended as follows:

A new paragraph (g) is added as follows:

- (g) The vehicle shall be painted in the uniform color scheme in accordance with the requirements of § 503.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the D.C. Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**NOTICE OF EMERGENCY RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to authority set forth in 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.)); D.C. Official Code § 47-2851.20 (2015 Repl.); and Mayor's Order 99-68, dated April 28, 1999; hereby gives notice of the adoption, on an emergency basis, the following amendment to Chapter 32 (Civil Infractions: Schedule of Fines) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking creates a Class VI infraction to conform to the fine amounts set forth in the Sale of Synthetic Drugs Temporary Amendment Act of 2015, effective October 21, 2015 (D.C. Law 21-0034; 62 DCR 10898 (August 14, 2015)).

This emergency rulemaking is necessary to the immediate preservation of the public welfare to enable swift processing of fines prescribed in the Synthetic Drugs Emergency Amendment Act of 2015. The need for emergency action was legislatively adopted in Sale of Synthetic Drugs Emergency Declaration Resolution of 2015, effective June 30, 2015 (R21-0141; 62 DCR 9707 (July 17, 2015)). Identical language was adopted on July 10, 2015 in a Notice of Emergency and Proposed Rulemaking, published at 62 DCR 10430 (July 31, 2015).

This emergency rulemaking was adopted December 4, 2015, and became effective on that date. The emergency rulemaking shall remain in effect for up to one hundred and twenty (120) days or until April 2, 2016, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 32, CIVIL INFRACTIONS: SCHEDULE OF FINES, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3200, CLASSES OF INFRACTIONS, is amended as follows:

Subsection 3200.1 of is amended by adding a paragraph (f) to read as follows:

- (f) Class 6 – Infractions that involve synthetic drug sale, intent to sell, or possession in violation of D.C. Official Code § 47-2844(a-2)(1A).

Section 3201, FINE AMOUNTS, is amended as follows:

Subsection 3201.1 is amended by adding a new paragraph (f) to read as follows:

- (f) For Class 6 infractions, the fines are as follows:
 - (1) For the first offense \$10,000; and
 - (2) For the second and subsequent offenses \$20,000.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 4209 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 Register (DCMR).

These emergency and proposed rules amend the previously published rules governing reimbursement of providers of personal care services under the District of Columbia Home and Community-Based Waiver for persons who are elderly and individuals with physical disabilities by increasing the reimbursement rates for services rendered by a personal care aide (PCA) by eight (8) cents per hour to comply with the with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of beneficiaries who are in need of personal care aide services. Based upon current reimbursement requirements, payments to home care providers are not adequate to ensure compliance with the Living Wage Act of 2006. By taking emergency action, this rule will ensure that providers of personal care services are compensated for providing personal care services in accordance with the Living Wage Act of 2006. Therefore, in order to ensure that the beneficiaries' health, safety, and welfare are not threatened by the lapse of access to personal care services provided by qualified and equitably paid providers, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on December 31, 2015 and will become effective for services rendered beginning January 1, 2016. The emergency rules shall remain in effect for one hundred and twenty (120) days or until April 29, 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 not 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 4209, REIMBURSEMENT RATES: PERSONAL CARE AIDE SERVICES, is amended to read as follows:

4209 REIMBURSEMENT RATES: PERSONAL CARE AIDE SERVICES

- 4209.1 A home care agency seeking reimbursement for personal care aide services shall meet the conditions of participation for home health agencies set forth in 42 C.F.R. § 484, and shall comply with the requirements set forth in the Health-Care and Community Residence Facility Act, Hospice, and Home-Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*).
- 4209.2 For dates of services beginning November 3 through December 31, 2015, each Provider shall be reimbursed five dollars (\$5.00) per unit of service for allowable services in accordance with the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat. 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029) and the District of Columbia 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.*). The reimbursement rate includes administrative costs following the recent review of the FY 2013 Home Health Agencies cost reports. No less than three dollars and forty-five cents (\$3.45) shall be paid to the PCA to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).
- 4209.3 For dates of services beginning January 1, 2016, each provider shall be reimbursed five dollars and two cents (\$5.02) per unit for allowable services as authorized in the approved plan of care, of which no less than three dollars and forty-six cents (\$3.46) per fifteen (15) minutes for services rendered by a PCA, shall be paid to the PCA to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).
- 4209.4 Subsequent changes to the reimbursement rate(s) shall be posted on the Medicaid fee schedule at www.dc-medicaid.com. DHCF shall also publish a notice in the *D.C. Register* which reflects the change in the reimbursement rate (s).
- 4209.5 A unit of service for PCA services shall be fifteen (15) minutes spent performing allowable tasks.
- 4209.6 Reimbursement for personal care aide services shall not exceed sixteen (16) hours of service per day per recipient.
- 4209.7 A provider of waiver services shall not bill the recipient or any member of the recipient's family for personal care aide services.
- 4209.8 DHCF may limit of deny services, if the cost of the services in addition to other home care services exceeds the estimated cost of institutional care.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-007
January 26, 2016

SUBJECT: Reappointments and Appointments — District of Columbia Health Information Exchange Policy Board

ORIGINATING AGENCY: Office of the Mayor

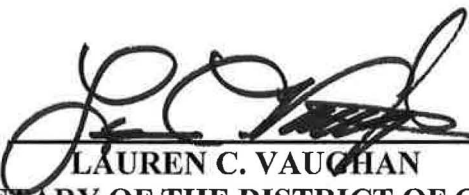
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with Mayor's Order 2012-24, dated February 15, 2012, it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the District of Columbia Health Information Exchange Policy Board (hereinafter referred to as "Board") for a term to end June 25, 2018:
 - a. **DR. ANGELA DIOP**, as a medical provider who provides primary care and specialty services;
 - b. **DR. BRIAN R. JACOBS**, as a medical provider who provides primary care and specialty services; and
 - c. **JUSTIN J. PALMER**, as the representative of the District of Columbia Hospital Association.
2. The following persons are appointed as members of the Board for a term to end June 25, 2018:
 - a. **DR. EDWIN C. CHAPMAN**, replacing Dr. Raymond K. Tu, as a medical provider who provides primary care and specialty services;
 - b. **DONNA RAMOS-JOHNSON**, replacing James K. Costello, as the representative of the Primary Care Association;
 - c. **ALLISON REIN**, replacing Douglas M. Garland, Jr., as a public member;
 - d. **JAMES TURNER**, replacing Julius W. Hobson, Jr., as a public member; and
 - e. **BRIAN SIVAK**, replacing Jamal Chappelle, as a public member.

3. The following persons are appointed as District government official members of the Board, to serve only while they are employed in their official positions, and shall serve at the pleasure of the Mayor:
- a. **SHELLY TEN NAPEL**, replacing Dr. Robert B. Vowels, as the representative of the District of Columbia Department of Health Care Finance;
 - b. **DR. LAQUANDRA NESBITT**, replacing Arturo Weldon, as the representative of the District of Columbia Department of Health; and
 - c. **DR. TANYA ROYSTER**, replacing Dr. Barbara J. Bazron, as the representative of the District of Columbia Department of Behavioral Health.
4. **EFFECTIVE DATE:** This Order shall be effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-008
January 26, 2016

SUBJECT: Reappointments and Appointments — Mayor's Advisory Committee on Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Mayor's Advisory Committee on Child Abuse and Neglect (hereafter referred to as "Committee") for a term to end September 24, 2018:
 - a. **RICHARD HARRIS** as a non-government member representing a foster, adoptive and birth parent advocacy group.
 - b. **JOYCE THOMAS** as a non-government member representing a child abuse/neglect advocacy organization.
2. The following persons are appointed as members of the Committee for a term to end September 24, 2018:
 - a. **DR. SATIRA S. STREETER** is replacing Diamond Vann Scott, as a non-government member representing a mental health organization.
 - b. **DR. LAURA G. DAUGHTERY**, replacing Dr. Philip W. Lucas, as a non-government member representing a university.
 - c. **DONNA FLENORY**, replacing Phyllis Clara McKeiver, as a non-government member representing a foster, adoptive and birth advocacy group.
 - d. **JENISE PATTERSON**, replacing Cynthia Nordone, as a non-government member representing a birth parent advocacy group.

- e. **SAMUEL TRAMEL** as a non-government member representing a prevention of child abuse/neglect advocacy group.
3. The following persons are reappointed as members of the Committee and shall serve in that capacity at the pleasure of the Mayor:
 - a. **ANDREA ALLEN** as a representative of the District of Columbia Public Schools.
 - b. **JUDGE JULIE BRESLOW** as a representative of the D.C. Superior Court Family Division.
 - c. **YULIANA DEL ARROYA** as a representative of the Office of State Superintendent of Education.
 - d. **CHARMETRA PARKER** as a representative of the Office of Attorney General/Child Protection Section II.
 - e. **ELLEN WELLS** as a representative of the D.C. Department of Human Services.
4. The following persons are appointed as members of the Committee and shall serve in this capacity at the pleasure of the Mayor:
 - a. **LISA E. ALBURY** is replacing Denise Dunbar, as a representative of the Department of Behavioral Health.
 - b. **DR. LORRAINE CHASE** is replacing Lionel Sims, as a representative of the U.S. Attorney General's Office.
 - c. **VINETTA FREEMAN** as a representative of the D.C. Department of Health.
 - d. **DANIEL GODIN**, replacing Charnette Robinson, as a representative of the Metropolitan Police Department.
 - e. **MARIA MARTINS-EVORA**, replacing Garine Dalce, as a representative of the D.C. Department of Youth Rehabilitation Services..
 - f. **DEBRA PORCHIA-USHER**, replacing Michele Rosenberg, as a representative of the D.C. Child and Family Services Agency.
 - g. **AUDREY TOWNSEND**, replacing Charlotte St. Pierre, as a representative of the D.C. Department on Disability Services.
5. **DR. SATIRA S. STREETER** is designated Chairperson of the Committee, replacing Dr. Philip W. Lucas, and shall serve in this capacity at the pleasure of the Mayor.

6. **EFFECTIVE DATE:** This Order shall be effective immediately.


MURIEL E. BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-009
January 26, 2016

SUBJECT: Appointment – District of Columbia Housing Authority Board of Commissioners

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), which established the District of Columbia Housing Authority Board of Commissioners, and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **JOSE ORTIZ** pursuant to the District of Columbia Housing Authority Board of Commissioners Jose Ortiz Confirmation Resolution of 2015, effective November 3, 2015, Resolution 21-0255, is appointed as a public commissioner of the Board of Commissioners of the District of Columbia Housing Authority, for a term to end July 12, 2017.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 3, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2016-010
January 26, 2016

SUBJECT: Appointments – District of Columbia Water and Sewer Authority Board of Directors

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 204 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; D.C. Official Code § 34-2202.04 (2012 Repl.)), and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **REV. DR. KENDRICK E. CURRY** pursuant to the District of Columbia Water and Sewer Authority Board of Directors Kendrick E. Curry Emergency Confirmation Resolution of 2015, effective July 14, 2015, Resolution 21-0200, is appointed as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, replacing Howard Gibbs, for a term to end September 12, 2018.
2. **HOWARD GIBBS** pursuant to the District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Emergency Confirmation Resolution of 2015, effective September 22, 2015, Resolution 21-0222, is appointed as an alternate member of the District of Columbia Water and Sewer Authority Board of Directors, replacing Brenda Richardson, for a term to end September 12, 2019.
3. **ANA RECIO** pursuant to the District of Columbia Water and Sewer Authority Board of Directors Ana Recio Confirmation Resolution of 2015, effective December 1, 2015, Resolution 21-0309, is appointed as a cabinet-level officer alternate member of the Water and Sewer Authority Board of Directors, replacing Matthew Brown, for a term to end September 12, 2015.
4. **MATTHEW BROWN** pursuant to the District of Columbia Water and Sewer Authority Board of Directors Matthew Brown Confirmation Resolution of 2015, effective December 1, 2015, Resolution 21-0310, is appointed as a cabinet-level officer member of the Water and Sewer Authority Board of Directors, replacing Allen Lew, for a term to end September 12, 2016.

5. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-011
January 26, 2016

SUBJECT: Appointments – District of Columbia Taxicab Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 26, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304)(2014 Supp.)), which established the District of Columbia Taxicab Commission, and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **LINWOOD JOLLY** pursuant to the District of Columbia Taxicab Commission Linwood Jolly Confirmation Resolution of 2015, effective November 3, 2015, Resolution 21-0251 is appointed as a public member of the District of Columbia Taxicab Commission, replacing Bart Lasner, for a term to end May 4, 2016.
2. **DOTTI LOVE WADE** pursuant to the District of Columbia Taxicab Commission Dotti Love Wade Confirmation Resolution of 2015, effective November 3, 2015, Resolution 21-0252, is appointed as a public member of the District of Columbia Taxicab Commission, replacing Cyril L. Crocker, for a term to end May 4, 2019.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 3, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-012
January 26, 2016

SUBJECT: Appointment and Reappointments – Alcoholic Beverage Control Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to D.C. Official Code § 25-201(a) (2012 Repl.) and D.C. Official Code § 25-206(d) (2012 Repl.), and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **DONOVAN W. ANDERSON** pursuant to the Alcoholic Beverage Control Board Donovan W. Anderson, Esq. Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0256, is appointed as Chair of the Alcoholic Beverage Control Board, replacing Donald Brooks, for a term to end May 7, 2019.
2. **MIKE SILVERSTEIN** pursuant to the Alcoholic Beverage Control Board Mike Silverstein Emergency Confirmation Resolution of 2015, effective November 2, 2015, Res. 21-0282, is reappointed as a member of the Alcoholic Beverage Control Board for a term to end May 7, 2019.
3. **NICHOLAS S. ALBERTI** pursuant to the Alcoholic Beverage Control Board Nicholas S. Alberti Emergency Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0284, is reappointed as a member of the Alcoholic Beverage Control Board for a term to end May 7, 2019.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-013
January 26, 2016

SUBJECT: Reappointment and Appointment – Police Complaints Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 5 of the Office of Citizen Complaints Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), which established the Police Complaints Board, and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **PATRICK BURKE** pursuant to the Police Complaints Board Patrick Burke Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0264, is reappointed as a member of the Police Complaints Board, for a term to end January 12, 2018.
2. **BOBBI STRANG** pursuant to the Police Complaints Board Bobbi Strang Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0265, is appointed as a member of the Police Complaints Board, replacing Karl Fraser, for a term to end January 12, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 3, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-014
January 26, 2016

SUBJECT: Appointment — Commission on the Arts and Humanities

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203 (2012 Repl.)), which established the Commission on the Arts and Humanities, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 20142; D.C. Official Code § 1-523.01 (2012 Repl. And 2014 Supp.)), it is hereby **ORDERED** that:

1. **KAY F. KENDALL** pursuant to the Commission on the Arts and Humanities Kay F. Kendall Confirmation Resolution of 2015, effective March 17, 2015, Res. 21-0051, is appointed as a member and as Chairperson of the Commission on the Arts and Humanities, replacing Judith F. Terra, for a term to end June 30, 2017.
2. **ELVI MOORE** pursuant to the Commission on the Arts and Humanities Elvi Moore Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0266, is appointed as a member of the Commission on the Arts and Humanities, replacing Philippa Hughes, for a term to end June 30, 2016.
3. **STACIE LEE BANKS** pursuant to the Commission on the Arts and Humanities Stacie Lee Banks Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0267, is appointed as a member of the Commission on the Arts and Humanities, replacing Lavinia M. Wohlfarth, for a term to end June 30, 2017.
4. **C. BRIAN WILLIAMS** pursuant to the Commission on the Arts and Humanities C. Brian Williams Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0268, is appointed as a member of the Commission on the Arts and Humanities, replacing Christopher B. Cowan, for a term to end June 30, 2017.
5. **KIM ALFONSO** pursuant to the Commission on the Arts and Humanities Kim Alfonso Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0269, is appointed as a member of the Commission on the Arts and Humanities, replacing Tendani Mpulubusi, for a term to end June 30, 2017.

6. **MARIA HALL ROONEY** pursuant to the Commission on the Arts and Humanities Maria Hall Rooney Confirmation Resolution of 2015, effective November 3, 2015, Res. 21-0270, is appointed as a member of the Commission on the Arts and Humanities, replacing Danielle M. St Germaine-Gordon, for a term to end June 30, 2017.

7. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-015
January 26, 2016

SUBJECT: Appointment – Washington Convention and Sports Authority Board of Directors

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-88; D.C. Official § 10-1202.05), which established the Washington Convention and Sports Authority Board of Directors, and 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 (2012 Repl. and 2014 Supp.)), it is hereby **ORDERED** that:

1. **MAX BROWN** pursuant to the Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2015, effective May 5, 2015, R21-0094, is appointed as Chairperson of the Washington Convention and Sports Authority Board of Directors, replacing Michele V. Hagans, for a term to end May 16, 2019.
2. **ALAN BUBES** pursuant to the Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2015, effective May 5, 2015, R21-0096, is reappointed as a public member of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2019.
3. **MIRIAM HUGER** pursuant to the Washington Convention and Sports Authority Board of Directors Miriam Huger Confirmation Resolution of 2015, effective May 5, 2015, R21-0095, is reappointed as a public member of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2019.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2016-016
January 27, 2016

SUBJECT: Delegation — Authority To Enforce An Act Providing For The Removal of Snow And Ice From The Paved Sidewalks of The District Of Columbia


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2014 Repl.), and pursuant to An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, effective March 11, 2015 (D.C. Law 20-211; D.C. Official Code § 9-601 *et seq.*) (“**the Act**”), it is hereby **ORDERED** that:

1. The Director of the Department of Public Works and the Director of the Department of Consumer and Regulatory Affairs are delegated the Mayor’s authority to enforce the Act, including the authority to issue notices of violation pursuant to 24 DCMR 1702.1.
2. The Director of the Department of Public Works and the Director of the Department of Consumer and Regulatory Affairs may further delegate this authority to subordinates under their respective jurisdictions.
3. The Director of the Department of Public Works retains the authority to promulgate rules pursuant to section 8 of the Act, as authorized by Mayor’s Order 2015-174, issued June 25, 2015.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

**DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE ON AGING**

REQUEST FOR APPLICATIONS

Fiscal Year 2016 Needs Assessment and Feasibility Study

The Government of the District of Columbia, Office on Aging is soliciting applications from nonprofit organizations for its *FY 2016 Needs Assessment and Feasibility Study* competitive grant process. A total of \$100,000 in district appropriated funds is available. This Request for Application (RFA) is to solicit submissions that will enable the DCOA to select the most qualified candidate to (1) plan and conducts a comprehensive assessment that identifies needs of the DCOA to improve overall agency efficiency, (2) plan for and implement a sustainable approach towards establishing priorities and procedures in the direction of meeting needs and programs aimed at people 60 years and older with funding implications, and (3) document in a master plan evidenced-based strategies and programs towards plan implementation that will minimize District service overlaps, identify cost savings, and increase services to more customers.

DCOA seeks an applicant who will bring extensive experience in conducting needs assessments and feasibility studies for social service agencies and or like organizations. Nonprofit organizations with places of business within the physical boundaries of the District of Columbia and evidence of sufficient staffing are eligible to apply. Because Senior Service Network (SSN) organizations are potential recipients of funds allocated as a result of the study's findings, SSN members responding to this RFA must submit a statement justifying why their selection would not present a conflict of interest.

Entities may partner to provide a single application for delivering efficient, reliable, and responsive services to the DCOA. Partnering organizations must all have nonprofit status and an identified lead entity. Partners must be identified by name in the application and budget narrative with clear distinction and justification of role and responsibility intended. A final report of findings will be due to DCOA no later than August 1, 2016.

Applicants who apply to this RFA will define DCOA core programs and programmatic needs designed to meet the complex and ever-changing needs of the city's diverse elderly population, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly.

The RFA will be released on January 29, 2016, and the deadline for submission is March 4, 2016 at 2:00 p.m. A Pre-Application Conference will be held on February 9, and 16, 2016, starting at 2:30 p.m. - 4:30 p.m. located at 500 K Street, NE, Washington, DC 20002.

Applications can be obtained from DCOA and the RFA will also be available on the DCOA website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than February 3, 2016.

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, FEBRUARY 3, 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)
Case # 16-PRO-00001; Three Brothers, LLC, t/a Rioja Market, 1824 Columbia Road NW, License #100215, Retailer B, ANC 1C
Transfer to a New Location | 9:30 AM |
| Protest Hearing (Status)
Case # 15-PRO-00124; Fernando Postigo, t/a Sol Mexican Grill, 1251 H Street NE, License #92192, Retailer CT, ANC 6A
Substantial Change (Request for a Change of Hours for Operation, Alcoholic Beverage Sales and Consumption and Live Entertainment) | 9:30 AM |
| Show Cause Hearing (Status)
Case # 15-CMP-00464; La Kazbah, LLC, t/a Aura Lounge (Formerly-Marrakech Restaurant), 2147 P Street NW, License #90204, Retailer CR, ANC 2B
Permitted Nude Dancers in the Establishment, Violation of Settlement Agreement | 9:30 AM |
| Show Cause Hearing (Status)
Case # 15-CMP-00802; Maddy's, LLC, t/a Maddy's Bar and Grill, 1726 Connecticut Ave NW, License #82036, Retailer CR, ANC 2B
No ABC Manager on Duty | 9:30 AM |
| Show Cause Hearing (Status)
Case # 15-CC-00101; Kookoovaya, Inc., t/a We, The Pizza, 306 Pennsylvania Ave SE, License #82062, Retailer CR, ANC 6B
Failed to Take Steps Necessary to Ascertain Legal Drinking Age (Two Counts), Sale to Minor Violation (Two Counts) | 9:30 AM |

Board's Calendar
February 3, 2016

Show Cause Hearing (Status) **9:30 AM**
Case # 15-CMP-00589; Café Dallul, LLC, t/a Rendezvous Lounge, 2226 18th Street NW, License #14272, Retailer CT, ANC 1C
No ABC Manager on Duty

Show Cause Hearing* **10:00 AM**
Case # 15-CMP-00584; Minnesota Store, LLC, t/a Minnesota Store, 3728 Minnesota Ave NE, License #95245, Retailer B, ANC 7F
Sold Go-Cups, No ABC Manager on Duty

Show Cause Hearing* **11:00 AM**
Case # 15-251-00155 and # 15-CMP-00155(b); RCX, LLC, t/a Stadium, 2127 Queen Chapel Road NE, License #94244, Retailer CN, ANC 5C
Interfered with an Investigation, Failed to Preserve a Crime Scene, Failed to Follow Security Plan

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Fact Finding Hearing* **1:30 PM**
Case # 15-251-00158; DC Irish, LLC, t/a Sign of the Whale, 1825 M Street NW License #85120, Retailer CT, ANC 2B
Assault Inside of the Establishment

Fact Finding Hearing* **2:30 PM**
 Pub Crawl
 Applicant: Michael Bramson and Alex Lopez
 Date of Event: March 12, 2016
 Event: Poject DC Events, LLC (The Shamrock Crawl)
 Neighborhood: Multiple Licensed Premises
 Size of Event: 2600-2900
The names of the establishments participating in the Pub Crawl are available upon request.

Show Cause Hearing* **3:30 PM**
Case # 15-CMP-00058; 1606 K, LLC, t/a Fuel Pizza & Wings, 1606 K Street NW, License #88452, Retailer CR, ANC 2B
Failed to Take Steps Necessary to Ensure Property is Free of Litter, No ABC Manager on Duty

Board's Calendar
February 3, 2016

Show Cause Hearing*

4:30 PM

Case # 15-CMP-00359; 1606 K, LLC, t/a Fuel Pizza & Wings, 1606 K Street
NW, License #88452, Retailer CR, ANC 2B

No ABC Manager on Duty

***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, FEBRUARY 3, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 3, 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-CMP-00979 Master Liquors, 1806 D ST NE Retailer A Retail - Liquor Store,
License#: ABRA-074594

2. Case#15-251-00227 Mason Inn, 2408 WISCONSIN AVE NW Retailer C Tavern, License#:
ABRA-079644

3. Case#15-CMP-00878 Sticky Rice, 1222 - 1224 H ST NW Retailer C Restaurant, License#:
ABRA-072783

4. Case#15-CMP-00873 Ritz Carlton Washington DC, 2200 M ST NW Retailer C Hotel,
License#: ABRA-060273

5. Case#15-CC-00142 Fort Drum Market, 4686 MARTIN LUTHER KING JR AVE SW
Retailer B Retail - Grocery, License#: ABRA-011202

6. Case#15-CC-00139 Alabama Convenience, 2209 Alabama AVE SE Retailer B Retail - Class
B, License#:ABRA-080896

7. Case#15-CMP-00883 Big Chair Coffee & Grill, 2122 Martin Luther King Jr. AVE SE
Retailer C Restaurant, License#:ABRA-085903

8. Case#15-CC-00141 Wheeler Liquors, 4137 WHEELER RD SE Retailer A Retail - Liquor Store, License#: ABRA-088122

9. Case#15-CMP-00871 Costco Wholesale #1120, 2441 Market ST NE Retailer A Retail - Liquor Store, License#:ABRA-089498

10. Case#15-251-00219 Echostage, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-090250

11. Case#15-251-00220 Echostage, 2135 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-090250

12. Case#15-CMP-00882 Mockingbird Hill, 1843 7TH ST NW Retailer C Tavern, License#: ABRA-091418

13. Case#15-CMP-00879 Le Pain Quotidien, 433 MASSACHUSETTS AVE NW Retailer D Restaurant, License#:ABRA-093865

14. Case#15-CC-00123 Mimosa Restaurant, 1915 18TH ST NW Retailer C Restaurant, License#: ABRA-096758

15. Case#15-CMP-00872 West Wing Cafe 7, 2400 M ST NW C Retailer C Restaurant, License#: ABRA-097022

16. Case#15-CMP-00978 Addis Ethiopian Restaurant, 707 H ST NE Retailer C Restaurant, License#: ABRA-097534

17. Case#15-251-00230 Eye Bar/Garden of Eden, 1716 I ST NW Retailer C Nightclub, License#: ABRA-083133

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, FEBRUARY 3, 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 2B. SMD 2B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Thomas Foolery**, 2029 P Street NW, Retailer CR, License No. 092250.
-

2. Review Request to Extend Safekeeping Status of License – Second Request. Original Safekeeping Date: 5/13/2013. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **To Be Determined (Formerly Bobby Lewis Saloon)**, 1815 Columbia Road NW, Retailer CR, License No. 091955.
-

3. Review Application for Class Change from Retailer CR to Retailer CT. ANC 6A. SMD 6A01. No outstanding fines/citations. Pending Enforcement Matter: 4/11/2015, Case #15-251-00081, Assault, 96 hour Chief of Police closure; 4/15/2015, Summary Suspension; 4/23/2015, Board accepted OIC of submittal of new Security Plan by 4/28/2015 requiring specific changes, case referred to OAG for Show Cause Hearing; 5/20/2015, Suspension lifted; 10/13/2015, Board scheduled a Status Hearing for 11/18/2015 and a Show Cause Hearing for 1/13/2016. No conflict with Settlement Agreement. **Da Luft Restaurant & Lounge**, 1242 H Street NE, Retailer CR, License No. 087780.
-

4. Review Request for Change of Hours. **Current Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 10pm. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 12am. ANC 2F. SMD 2F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Modern Liquors**, 901 M Street NW, Retailer A Liquor Store, License No. 084387.
-

5. Review Application for Entertainment Endorsement. Entertainment to Include live jazz music and karaoke. An entrance fee will be charged and applied to the patron's purchase of food and beverages. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Masala Art*, 1101 4th Street SW, Retailer CR, License No. 094766.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**BRIDGES PUBLIC CHARTER SCHOOL
BRIYA PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

General Contractor Services

Bridges Public Charter School and Briya Public Charter School, through the Mamie D. Lee, LLC partnership herewith invite all interested parties to submit proposals to provide general contractor services for the proposed construction of a permanent facility for its subtenant Mary's Center. The required substantial completion date for the project September 15, 2016. The complete RFP can be obtained by contacting Bob Waechter at bw@cpmfirm.com . RFP's will be distributed starting on Monday, February 1st, and are due by 5:00 p.m. on Friday, February 26th.

D.C. PREPARATORY ACADEMY**REQUEST FOR PROPOSALS****Internal Connections (eRate Category 2) and
Development and Project Management Services**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for Internal Connections related to eRate funding under category 2. For a copy of the RFP, please contact Ricardo Troncoso at erate@dcprep.org. All proposals must be submitted by **8:00 am on Monday, February 29, 2016**.

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for Development and Project Management Services for a public charter school real estate project. For a copy of the RFP, please contact Mr. Ryan Aurori at bids@dcprep.org. All proposals must be submitted by **5:00 pm on Friday, February 12th**.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D07, 4C10 and 7F07

Petition Circulation Period: **Monday, February 1, 2016 thru Monday, February 22, 2016**

Petition Challenge Period: **Thursday, February 25, 2016 thru Wednesday, March 2, 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**.

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS****Certification of Filling Vacancies**

In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancies have been filled in the following single-member districts by the individuals listed below:

Patricia L. Williams
Single-Member District 5E02

Michael B. Soderman
Single-Member District 6A03

EXCEL ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Special Education Services—Speech/Language Therapy

Excel Academy Public Charter School is soliciting proposals from qualified vendors for **Special Education Services—Speech/Language Therapy**. To obtain copies of the full RFP, please contact Mr. John Hansen. (Email: JHansen@excelpcs.org).

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, February 10, 2016 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 736 535 581. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, June 8, 2016 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 733 720 095. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine

January 27, 2016

On JANUARY 27, 2016 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Interim Executive Director for the Board – Robin Y. Jenkins

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION
CERTIFICATION AND NOTICE OF RENT ADJUSTMENT OF
GENERAL APPLICABILITY****EFFECTIVE MAY 1, 2016**

1. Pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission shall determine an adjustment of general applicability in the rent of the rental units established by Section 206(a), which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA)¹ Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items.
2. Pursuant to Section 206(b) of the Rental Housing Act of 1985, the Commission determined that the Washington-Baltimore (SMSA) CPI-W for All Items increased by 1.4% during the previous calendar year.
3. Accordingly, the Rental Housing Commission determined that the change during calendar year 2015, in the Washington-Baltimore SMSA CPI-W for All Items was 0.0%.
4. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission hereby certifies and gives notice that the rent adjustment of general applicability to become effective on May 1, 2016, shall not exceed 0.0% of the rent in effect on April 30, 2016.

1. The Rental Housing Commission and the Rent Administrator are mandated by the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE § 42-3501.01-3509.07 (2001), to annually calculate and publish in the D.C. Register the percentage change in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Items. D.C. OFFICIAL CODE §§ 42-3502.02(a)(3), 3502.04(k), 3502.06(b) (2001).

The Act does not comply with two changes in the publication by the Department of Labor (DOL), Bureau of Labor Statistics (BLS), which publishes the CPI-W statistics and determines what areas will be in the Standard Metropolitan Statistical Area. First, DOL/BLS enlarged the geographical areas included with Washington, D.C., in the local Standard Metropolitan Statistical Area and second, the name of the DOL/BLS statistical document was changed. Originally, the Standard Metropolitan Statistical Area included only three jurisdictions, which were Washington, D.C., Maryland, and Virginia. The statistical document issued by DOL/BLS, and used by both the Rent Administrator and the Rental Housing Commission was named "Consumer Price Index, Urban Wage Earners and Clerical Workers - (CPI-W), Washington, DC-MD-VA, All Items." That publication was discontinued, and now the DOL/BLS publication is the "Consumer Price Index, Urban Wage Earners and Clerical Workers - (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items." The difference is the inclusion of the state of West Virginia and the city of Baltimore, Maryland into the Standard Metropolitan Statistical Area with Washington, D.C.

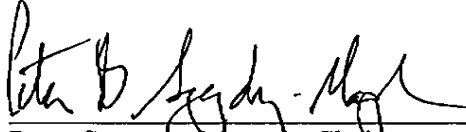
THE RENTAL HOUSING COMMISSION 2016 RESOLUTION**for****THE CHANGE IN THE CONSUMER PRICE INDEX, URBAN WAGE EARNERS AND CLERICAL WORKERS – (CPI-W), WASHINGTON-BALTIMORE, DC-MD-VA-WV, ALL ITEMS**

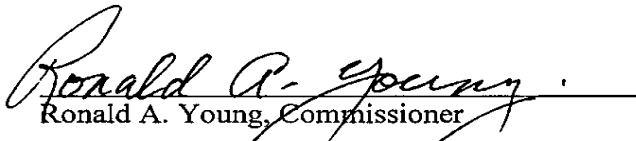
It is hereby resolved by the Rental Housing Commission this 15th day of January, 2016

1. Whereas, effective January 1998, the United States Department of Labor eliminated the “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which was published bi-monthly in odd numbered months ending with November each year, and initiated the “Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington-Baltimore, DC-MD-VA-WV, All Items,” which includes the city of Washington, D.C., and the states of Maryland, Virginia, and West Virginia, hereinafter referred to as Washington-Baltimore, that is published bi-monthly in odd numbered months ending in November each year;
2. Whereas, pursuant to Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission is mandated to determine the change, during the twelve months of calendar year 2015 in the Washington-Baltimore Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
3. Whereas, pursuant to the requirements of Section 206(b) of the Rental Housing Act of 1985, D.C. Law 6-10, the Rental Housing Commission used the reported CPI-W for calendar year 2015 in the Washington-Baltimore Standard Metropolitan Statistical Area (SMSA) Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items;
4. Be it resolved that the Commission determined the 2015 change in the CPI-W for the Washington-Baltimore SMSA was 0.0%.
5. Pursuant to the requirements of Section 202(a)(3) of the Rental Housing Act of 1985, D.C. Law 6-10:²
 - (a) The Rental Housing Commission hereby certifies that the rent adjustment of general applicability, to become effective on May 1, 2016 shall not exceed 0.0% of the rents in effect on April 30, 2016; and

² As amended by D.C. Law 16-145, the “Rent Control Reform Amendment Act of 2006.” See 53 D.C. Register 6688 (Aug. 18, 2006)

- (b) The Rental Housing Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2016, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents for publication in the District of Columbia Register.


Peter Szegedy-Maszak, Chairman


Ronald A. Young, Commissioner


Claudia L. McKoin, Commissioner

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Scanning Services**

KIPP DC is soliciting proposals from qualified vendors for Scanning Services. 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 5, 2016. Questions can be addressed to nate.schwartz@kippdc.org.

Event Venue & Catering

KIPP DC is seeking a venue capable of holding and providing all components of a seated dinner and award ceremony for approximately 720 people on Friday, June 3, 2016. Proposals will be accepted until 3:00pm EST on Wednesday, February 10, 2016. Please contact joseph.hassine@kippdc.org for a full RFP or with any questions.

PERRY STREET PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Tutoring, Technology, and Student Assessment Services**

The Perry Street Prep 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:

- Tutoring
- Technology
- Student Assessment Services

Please go to www.pspdc.org/bids 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., Tuesday, February 9, 2016.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
psp_bids@pspdc.org

Please include the bid category for which you are submitting as the subject line in your e-mail (e.g. Food Supplies). Respondents should specify in their proposal whether the services they are proposing are only for a single year or will include a renewal option.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 15, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 22, 2016. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

Effective: February 15, 2016

Page 2

Akinwande	Olufemi	Micon Industries, Inc 2027 Rhode Island Avenue, NE	20018
Aycock	David L.	Capital One Bank 336 Pennsylvania Avenue, SE	20003
Arnold	Danielle G.	MedStar Washington Hospital Center 106 Irving Street, NW, POB 121 South	20010
Bell	Darlene M.	Self 461 H Street, NW, Apartment 212	20001
Benefield	Ann C.	The Residences at City Center 920 I Street, NW	20001
Bracey	Lisa N.	Industrial Bank 4812 Georgia Avenue, NW	20011
Bradley	Julia C.	DC Office of Human Rights 441 4th Street, NW Suite 570 North	20001
Brereton	Leander	Disable Veterans National Foundation 1020 19th Street, NW, Suite 475	20036
Brochner	Rhonda Oye	Self 1273 Delaware Avenue, SW	20024
Brothers	Keisha O.	Self 1007 16th Street, NE #1	20002
Bunting-Graden	Sydeline	Center for International Private Enterprise 1211 Connecticut Avenue, NW #700	20036
Butler-Sherman	Evangela R.	Sidley Austin, LLP 1501 K Street, NW	20005
Catama	Peter de Jesus	St. Ann's Catholic Church 4001 Yuma Street, NW	20016
Connell	Matthew M.	Quinn, Racusin & Gazzola Chartered 910 17th Street, NW, Suite 200	20006
Conto Jr.	Michael Joseph	Carr Workplaces 1001 G Street, NW, Suite 800	20001

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public

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Corboy	Kristina L.	Sullivan & Barros, LLP 1990 M Street, NW, Suite 200	20036
de la Garza	Mariel Adrianna	J.A. Green & Company 426 C Street, NE	20002
Dobson-Large	Claudia	Mercer Thompson, LLC 2101 L Street, NW	20037
Dorsey	Kareem T.	Federal Deposit Insurance Corporation 550 17th Street, NW	20129
Dorsey	Monica Tabatha	Self (Dual) 4100 Georgia Avenue, NW, H41 Unit 605	20011
Eddy	Melissa A.	Population Action International DBA PAI 1300 19th Street, NW, #200	20036
Enderson	Suzanne M.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Fawcett	Jacqueline N.	Anybill 1801 Pennsylvania Avenue, NW, Suite 700	20006
Ferguson	Peggy	Montgomery Fazzone, PLLC 1775 Pennsylvania Avenue, NW, #950	20006
Ferssizdis	Constantine	TD Bank, N.A. 1611 Wisconsin Avenue, NW	20007
Fitzgerald	Grant J.	Self 770 P Street, NW, Apartment 517	20001
Franklin	Diana	House of Ruth 5 Thomas Circle, NW	20005
Franklin	Monica	Wilson Sonsini Goodrich & Rosati 1700 K Street, NW, 5th Floor	20006
Franklin	Sherry	TD Bank, N.A. 901 7th Street, NW	20001

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries PublicEffective: February 15, 2016
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Funk	Alexandra	Self (Dual) 1101 L Street, NW, Apartment 502	20005
Gaskins	Nancy J.	BFJ Childcare Services 5 Rhode Island Avenue, NW, Suite 201	20001
Gill	Dana R.	The UPS Store 611 Pennsylvania Avenue, SE	20003
Gore	Alpha	Rosier & Associates 1250 Connecticut Avenue, NW, Suite 200	20036
Hagner	John D.	Womble Carlyle Sandridge & Rice LLP 1200 19th Street, NW Suite 500	20036
Hammond	Margaret E.	Squire Patton Boggs (US), LLP 2550 M Street, NW	20037
Hancock	Thronell	Self 447 15th Street, NE	20002
Heng	Mony K.	JW Marriott Hotel 1331 Pennsylvania Avenue, NW	20004
Hertz	Bethny	McDermott Will & Emery LLP 500 North Capital Street, NW	20001
Hidalgo	Flor	UTS Corporation 1801 Columbia Road, NW, Suite 103	20009
Holmwood	Adam	North American Title Company 5301 Wisconsin Avenue, NW, Suite 500	20015
Hubal	Sarah Elizabeth	FreedomWorks 400 North Capitol Street, NW, Suite 765	20001
Hurrell	Sophia	National Securities 1701 K Street, NW, Suite 650	20005
James	Shirley	Self 2010 Pineview Court, NE	20018

**D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public**

Effective: February 15, 2016

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Johnson	Bonnie	Center on Budget and Policy Priorities 801 First Street, NE	20002
Jordan	Dion	United Bank 1667 K Street, NW	20006
Kelly	Karen R.	Katten Muchin Rosenman, LLP 2900 K Street, NW	20007
Kelsey	Karen	Presidential Bank 1660 K Street, NW	20019
Koudelka	Jonathon Chase	Society for American Archaeology 1111 14th Street, NW, Suite 800	20005
Kucik	Scott T.	Columbia Process and Investigative Services, LLC 5520 Connecticut Avenue, NW, Suite LL-3	20015
Loffelman	Katrina L.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
LoJacono	Christopher M.	Columbia Process and Investigative Services, LLC 5520 Connecticut Avenue, NW, Suite LL-3	20015
Love	Zenobia	Nelson's Welding Inc. 1101 W Street, SE	20020
Martin	Kasey K.	Universal II Mortuary Services, Inc. 411 Kennedy Street, NW	20011
Mathura	Sheila	Citibank, NA 5001 Wisconsin Avenue, NW	20016
May	Jennifer	Self (Dual) 1000 New Jersey Avenue, SE, Apt. 720	20003
McDowney	Carole	Executive Office of the Mayor 1350 Pennsylvania Avenue, NW	20004

**D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public**

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McGhee	Tamika	Center for Responsible Lending 910 17th Street, NW, Suite 5	20710
McNeil	Keyana S.	Self 4427 Hayes Street, NE, Apartment T5	20019
Ning	Joanna	Citi Bank 1717 K Street, NW	20006
Monk	Lisa	Self 2132 Young Street, SE	20020
O'Bryant	Yolanda	Duncan, Weinberg, Genzer & Pembroke, P.C. 1615 M Street, NW, Suite 800	20036
Olanrewaju	Tawa	Signet Locksmith & Consulting Company 3822 V Street, SE	20020
Owendoff	Marilyn	Shipman & Goodwin, LLP 1875 K Street, NW	20006
Parrish	Tiffany D.	Cohen Seglias Pallas Greenhall & Furman, PC 1828 L Street, NW, Suite 705	20036
Portser	Alaina	Dynamic Concepts, Inc. 1730 17th Street, NE	20002
Prachachalerm	Panya	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Pratt	Starr M.	Sidley Austin, LLP 1501 K Street, NW	20005
Ramirez	Jerome R.	Wells Fargo Bank 1804 Adams Mill Road, NW	20009
Reyes	Marisol	Wells Fargo Bank, NA 1510 K Street, NW	20005
Rolling-Ford	Nigeria	McDermott Will & Emery LLP 500 North Capital Street, NW	20001
Shipe	Ashleigh	Shapiro, Lifschitz and Schram, P.C. 1742 N Street, NW	20036

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Recommendations for appointment as DC Notaries PublicEffective: February 15, 2016
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Sidbury	Yashika	Capital One Bank 336 Pennsylvania Avenue, SE	20003
Simon	Alissa	Verstegen & Fobe 2011 Pennsylvania Avenue, NW, Suite 500	20006
Smargon	Sheri	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Smith	Janice D.	US Government Accountability Office 441 G Street, NW	20548
Smith	Stephanie V.	Holland & Knight LLP 800 17th Street, NW	20006
Sneed Jr.	Robert Wayne	District of Columbia Homeland Security and Emergency Management Agency 2740 Martin Luther King Jr. Avenue, SE, Second Floor	20032
Stevens-Lassiter	Paula M.	Self (Dual) 4117 Massachusetts Avenue, SE	20001
Stewart	Yvonne R.	US Department of Energy 1000 Independence Avenue, SW	20585
Sturges	Joseph	Cushman and Wakefield, Inc. 901 15th Street, NW	20005
Tartisel	Sandra	Arnold & Porter LLP 601 Massachusetts Avenue, NW	20001
Taylor	Cynthia	Fannie Mae 4000 Wisconsin Avenue, NW	20016
Tennant	Joan C.	Trammell Crow Company 1055 Thomas Jefferson Street, NW, Suite 600	20007
Thomas	Ruth A.	Holland & Knight LLP 800 17th Street, NW	20006
Thompson	Shayla	National Employment Law Project	

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Recommendations for appointment as DC Notaries PublicEffective: February 15, 2016
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		2040 S Street, NW, Lower Level	20002
Vallejo	Luci	American Architectural Foundation 740 15th Street, NW	20005
Vu	Nina	Charles Schwab & Company 1845 K Street, NW	20006
Walker	Susan Glenn	DC Superior Court 500 Indiana Avenue, NW, Room 5400	20001
Walker	Tyler	Same Day Process 1413 K Street, NW	20005
Wehr	Deborah	For The Record 1100 H Street, NW, Suite 1050	20005
Weiss	Walter	Self 600 Water Street, SW, Unit 2-6	20024
Yang	Haylee	McDermott Will & Emery LLP 500 North Capital Street, NW	20001
Yates	Steven C.	Bowie Gridley Architects 1010 Wisconsin Avenue, NW, Suite 400	20007
Ybarra	Manuel B.	Franciscan Monastery USA, Inc 1400 Quincy Street, NE	20017
Zemicheal	Alexander	Douglas Development Corporation 702 H Street, NW, Suite 400	20001
Zumbo	Mario A.	Charles Schwab & Company 1845 K Street, NW	20006

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXICAB COMMISSION**

**AMENDMENTS TO REQUESTS FOR APPLICATIONS
GRANTS FOR ELECTRIC TAXICABS & NEIGHBORHOOD VAN SERVICE**

The Government of the District of Columbia, Taxicab Commission (“DCTC” or “Commission”) hereby amends the two Requests for Applications (“RFAs”) that were announced in the January 8, 2016 *DCTC Register*, 62 DCR 000503 and 000504, and published to DCTC’s website. Revisions to the RFAs for Neighborhood Van Service (#NVS-2016-01-001) and Electric Taxicabs (#ELECTAXI-2016-01-002) (collectively, “both RFAs”) are as follows:

- The initial application deadline for both RFAs has been extended to February 29, 2016. Applications received on or before that date will be given first priority. Applications for both RFAs will continue to be accepted after that date until funds are exhausted or until September 30, 2016 at 3:00pm, whichever comes first.
- Grantees for both RFAs must purchase vehicles that are Model Year 2012 or newer.
- For the Electric Taxicabs RFA (ELECTAXI-2016-001-002), vehicles purchased with grant funds must have the capability of running on one hundred percent (100%) electric power at a given time. Vehicles may be powered through a collector system by electricity from off-vehicle sources, or may be self-contained with a battery or generator to convert fuel to electricity.

All other provisions of both RFAs shall remain the same. The amended RFAs will be available online at DCTC’s website and will also be available for pickup. A person may obtain a copy of both RFAs by any of the following means:

Download by visiting the DCTC website, www.dctaxi.dc.gov.

Email a request to thedford.collins@dc.gov with “Request copy of “RFA NVS-2016-01-001” or “Request copy of RFA ELECTAXI-2016-01-002” in the subject line.

In person by making an appointment to pick up a copy from the DCTC office at 2235 Shannon Place, SE, Suite 2001, Washington, DC 20020 (call Thedford Collins at (202) 645-6018 and mention these RFAs by name); or

Write DC Taxicab Commission, Office of Taxicabs at 2235 Shannon Place, SE Washington, DC 20020, Attn: “Request copy of RFA #NVS-2016-001” or “Request copy of RFA # ELECTAXI-2016-01-002” on the outside of the letter.

For additional information regarding either of these RFAs, please contact Thedford Collins at thedford.collins@dc.gov or (202) 645-6018.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, February 10, 2016 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed 2 minutes to address the Commission. To register, please call 202-645-6002 no later than 3:30 p.m. on February 9, 2016. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, February 4, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of January 7, 2016 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Sewerage Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, February 18, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. Call to Order | Committee Chairperson |
| 2. AWTP Status Updates
1. BPAWTP Performance | Assistant General Manager,
Plant Operations |
| 3. Status Updates | Chief Engineer |
| 4. Project Status Updates | Director, Engineering &
Technical Services |
| 5. Action Items
- Joint Use
- Non-Joint Use | Chief Engineer |
| 6. Emerging Items/Other Business | |
| 7. Executive Session | |
| 8. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, February 25, 2016 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

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| 1. | Call to Order | Chairman |
| 2. | January 2016 Financial Report | Director of Finance & Budget |
| 3. | Agenda for March Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, February 23, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

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| 1. | Call to Order | Committee Chairman |
| 2. | Monthly Updates | Chief Financial Officer |
| 3. | Committee Work plan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Adjournment | Chief Financial Officer |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, February 18, 2016 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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| 1. | Call to Order | Committee Chairperson |
| 2. | Water Quality Monitoring | Assistant General Manager, Consumer Ser. |
| 3. | Action Items | Assistant General Manager, Consumer Ser. |
| 4. | Emerging Issues/Other Business | Assistant General Manager, Consumer Ser |
| 5. | Executive Session | |
| 6. | Adjournment | Committee Chairperson |

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 16-02****(DC Stadium, LLC – Consolidated PUD @ Squares 603S, 605, 607, 661, and 665)****January 21, 2016****THIS CASE IS OF INTEREST TO ANC 6D**

On January 19, 2016, the Office of Zoning received an application from DC Stadium, LLC, (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lot 800 in Square 603S, Lots 7 and 802 in Square 605, Lot 13 in Square 607, part of Lots 804 and 805 in Square 661, and Lot 25 in Square 665, in southwest Washington, D.C. (Ward 6) on property that is generally bounded by R Street and Potomac Avenue (north), T Street (south), portions of existing lots (east), and 2nd Street (west). The property is zoned CG/CR.

The Applicant proposes to construct a new 19,000-seat stadium and ancillary facilities for the D.C. United professional soccer team. The project will be approximately 331,155 gross square feet, with a density of approximately 0.8 floor area ratio (“FAR”) and a maximum height of approximately 98.06 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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